LABOUR LEGISLATION

1979

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SUMMARY OF THE WIEHAHN COMMISSION REPORT AND WHITE PAPER

PART 1

KEY ISSUES

TERMS OF REFERENCE

To inquire into, report upon and make recommendations in connection with the existing labour legislation, namely the -

a. Industrial Conciliation Act, 1956 (Act 28 of 1956)
b. Bantu Labour Relations Regulation Act, 1953 (Act 48 of 1953)
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, 1944 (Act 37 of 1944)
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...

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 times;

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 bottle-necks 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.

CHAPTER 1 OF THE REPORT

INTRODUCTION

The Appointment of the Commission

The Commission was appointed against the background of varied yet closely interrelated developments ranging through the fields of economics, politics, social relations, education and religion. This Part of the Report deals only with some of the factors that necessitated the present investigation of the industrial relations system and certain of the relevant legislation, as is explained later on.

CHAPTER 2 OF THE REPORT

THE CHANGING ROLE OF THE DEPARTMENT OF LABOUR

Introduction

The Commission's recommendations which are contained in this Part of the Report imply major changes in the future role of the Department of Labour in labour matters

/ Recommendations ..

Recommendations

The Commission accordingly recommended that:

The name of the Department of Labour be changed to any one of the following, stated in order of preference:

i. Department of Manpower;

ii. Department of Manpower Development; or

iii. Department of Manpower Utilisation and Development.

A National Co-ordinating and Advisory body

The Commission wishes to make a recommendation relating to the role of the state as a monitor of developments and progress in the field of labour.

The Commission believes that the state has a particular responsibility in regard to the future planning, rationalisation and development of manpower in the country. Furthermore, the political developments in and around South Africa will involve the Department of Labour to an increasing extent in the international labour world - the newly independent and self-governing states in Southern Africa require the Department to further expand its functions into the international sphere. This would require the Department's functions to be of a more prognostic nature.

On the basis of the evidence of the majority of witnesses, the Commission is of the opinion that the state should introduce active policies and programmes in regard to the following matters, although not necessarily in the order of priority as listed:

i. The training and retraining of workers for purposes of personal, community, regional and national economic stability and growth now and in the future.

ii. The creation of employment opportunities to absorb the rapidly growing labour force.

/ iii. . . .

iii. The provision of labour market facilities and services to promote and facilitate:

a. the functioning of the labour market in ensuring the availability of the right quantity of labour of the right quality at the right place and at the right time, i.e. the co-ordination of supply and demand;

b. genuine freedom of choice by workers; and

c. the optimal utilisation of available manpower resources.

iv. Research in regard to supply and demand conditions in industries, regions and the various Black states and the provision of information in this regard.

v. The ongoing evaluation of the efficiency of labour market programmes and the review of labour policy, legislation and administrative practices in the light of such evaluations.

vi. The preservation and promotion of industrial peace by encouraging, exploiting and applying all available resources, statutory or otherwise, for the prevention or elimination of friction which could endanger labour peace.

In essence these functions amount to a more dynamic role for the state in the design and planning of future labour policy while at the same time abiding by the principle of as little intervention as possible in the relationship between employer and employee.

As a matter of priority, therefore, a National Manpower Commission should be established by Ministerial decision and that provision must be made for its statutory basis in legislation. This National Manpower Commission will be constituted by the Minister from such persons as the Minister may deem fit: provided that representatives of the state, employers and employees are included.

/ CHAPTER 3 ...

CHAPTER 3 OF THE REPORT

INDUSTRIAL RELATIONS IN SOUTH AFRICA

The Commission's interest, and the emphasis in this Part of the Report, concerns collective rather than individual relationships.

The two main points that emerged from the evidence submitted to the Commission relate to, first, the lack of effective participation by Black employees in decisions of the industrial council which affect them directly and, second, to the disrupting effect which committee agreements could have in industries where industrial council agreements apply.

Black Workers and Trade Unionism

An important issue is the future of unregistered Black trade unions.

Taking all considerations into account (both the evidence at its disposal and the historical, political, social and economic developments within our society) the Commission envisaged three possible courses to be followed - each with radically different consequences.

i. The status quo could be maintained with Black unions continuing to exist, develop and operate outside the provisions of the Industrial Conciliation Act, 1956.

ii. Black trade unions could be outlawed as illegal organisations.

iii. Black workers could be permitted to join trade unions, and trade unions with Black members could be permitted to register.

In regard to the first option the Commission is of the opinion that the status quo with regard to Black trade unions cannot be maintained.

As for the second option, the Commission is convinced that it cannot recommend an attempt at the statutory prohibition of Black trade unions. The Commission came to this conclusion on the following grounds.

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A statutory prohibition on Black workers to form or to join a trade union or to officially register a trade union of their own would not only be contrary to the official policy of moving away from discrimination on racial or colour lines but would also amount to an absolute enforcement of the present discriminatory dualistic system of industrial relations.

Such a prohibition would constitute a serious infringement of a worker's freedom of association and thus be in direct conflict with one of the fundamental principles underlying self-government in a free-enterprise economic system. The Commission also has no doubt that a statutory ban would prepare the ground for confrontation between, on one hand, employers and their employees - particularly those in multinational enterprises which have already established liaison with the existing unregistered Black trade unions - and on the other hand, the state.

After earnest and thorough reflection on the entire spectrum of considerations, the Commission has come to the conclusion that the only equitable and logical course to adopt would be that represented by the third option, namely permitting Black workers to join unions and allowing unions with Black members to be registered. In taking this view, the Commission is motivated by considerations both of practicality and morality.

Freedom of Association

In its efforts to achieve at least a large measure of agreement on the best course to adopt, the Commission examined various permutations of the suggested restriction of the freedom to associate. One possibility that was mooted was that of confining automatic eligibility to South African nationals, which would have had the effect of admitting the citizens of self-governing states within South Africa while debarring (or imposing conditions on) all foreign migrants and commuters. This course would have largely accommodated the fears about visitors from countries which might not be well disposed towards the Republic, and would have had some justification in terms of precedents in other countries, but would have

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ignored the sentiment that South Africa has a closer affinity and association with some foreign states than with others, and would have posed major questions in regard to the very large number of migrants and commuters, and particularly the latter, who come from a country such as Bophuthatswana and who are in permanent or virtually permanent employment in South Africa. If, alternatively, all foreign countries were to have been subjected to restrictions except those which formerly were part of South Africa, the untenable and unintended impression could have been conveyed that the Commission saw a distinction between their sovereign status and that of other independent countries. It was found that any of the alternative courses would create paradoxes and inequities. Their common flaw lay in their departure from the accepted norm of freedom of association.

The Commission tried its best to establish what possible advantages could be gained by imposing any suggested restrictions on the freedom to associate. In practical terms, it could find none whatsoever. But while no discernable advantage arises, many disadvantages ensue, both domestically - as has been shown - and internationally. Its endeavours to find compromise solutions in the form of less severe restrictions were unsuccessful and demonstrated to the Commission that any departure from the norm of freedom of association brings intolerable consequences in one form or another. The Commission believed that provisos surrounding the "practical implementation of freedom of association" will in all likelihood be construed as euphemisms for not conceding this freedom, and that the proposed mechanism for previous authorisation will invite the suspicion of a stratagem to avoid granting trade union rights at all. In the absence of advantage to be gained which would be worth the sacrifice, the Commission concluded that the only possible legitimate considerations favouring the suggested limitations could be those of practical politics, on which the Commission is not competent to pronounce.

/ Trade ...

Trade Union Structure

With the admission of Blacks to the statutory industrial relations system, three approaches are possible·

i. permitting Black unions to register as such alongside unions for other races, resulting in a racially segregated union structure and implying a prohibition on mixed unions;

ii. permitting the registration only of mixed unions, resulting in an integrated union structure and implying a prohibition on unions which limit their membership to particular race groups, and

iii. permitting the registration of unions irrespective of the composition of its membership in regard to race or colour (or sex).

In regard to eligibility for trade union membership and trade union structure, the Commission concludes that both trade union organisations and individuals should be afforded full freedom of association in that eligible individuals should be free to join any appropriate union of their choice, and that unions should be free to admit to or bar from their ranks any such employees, whether or not race, colour or sex is a consideration; that any trade union which meets the requirements for registration in the restructured system should, irrespective of the colour, race or sex of its members, be eligible for registration and full participation in the bargaining and dispute prevention and settlement machinery provided for in a statute common to all.

(A minority view in this regard was recorded).

Trade Union Management

The question of eligibility for election to positions of responsibility within trade unions was considered by the Commission in the light of international precept and practice and the evidence submitted to the Commission. The Commission does not, as a matter of principle, favour state regulation of eligibility for election to such positions, since this would not be in harmony with the principle of maximum self-government by employee (and employer) organisations The Commission

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was however of the opinion that for the present, the matter is not of immediate urgency and that for the foreseeable future it would suffice if the constitutions of trade unions and employers' organisations were regarded as the most appropriate means for the regulation of this matter. The state should intervene only in the last resort in the event of problems arising and to this end it is the Commission's view that the proposed National Manpower Commission should keep the matter under surveillance with a view to making appropriate and timeous recommendations when necessary. In view of the fact that freedom of association in a plural society implies the probability of trade union plurality, attention must be given to the implication of the Commission's approach to trade union organisation in aspects such as the standards against which organisations are recognised as being representative; the process by which collective decisions are arrived at and administered; and the provision of safeguards against power imbalances arising between representative organisations.

Registration of Trade Unions and Industrial Council proceedings

In order to deal with these problems and to be able to counter both unchecked proliferation of unions and excessive rigidity, criteria against which applications for registration are considered should be laid down. In a situation of union plurality, criteria such as majority representativeness or the notion of "the most representative union" cannot provide the whole answer. It seems necessary that the Industrial Registrar should have at his disposal certain broad or principle criteria. The Commission will deal with this matter more fully in subsequent Parts of its Report, but at this stage and for the interim it would appear as if the following factors should be taken into account.

i. The extent to which an organisation represents its eligible membership within the undertaking, industry, trade or occupation.

ii. The degree of organisation extant within the undertaking, industry, trade or occupation and the extent to which the various interest groups (or population groups) are adequately represented.

/ iii. ...

iii. Whether or not the organisation is a bona fide union which in composition and objectives is relevant to the legitimate needs of the employer-employee relationship in the undertaking, industry, trade or occupation concerned.

iv. The balance of representation of the various population groups within a mixed organisation.

v. Economic activity and general conditions prevailing within the undertaking, industry, trade or occupation.

vi. The viability, financial and otherwise, of the organisation seeking registration.

vii. Any other factor which would serve to maintain peace and harmony within the undertaking, industry, trade or occupation, and the national interest in general.

The Commission is also of the opinion that the Industrial Relations Act which was also proposed should make provision similar to that applying in the United Kingdom for a system of provisional and final registration of employers' organisations and trade unions, for which purpose the Industrial Registrar would maintain separate registers Under such a system, organisational activity should be permitted only if provisional registration has been effected. It would then confer a measure of representative status on the union and protect it in its organising activities, while however placing upon it certain obligations in regard to responsible behaviour. It would also confer limited negotiating and representative powers on the union. Final registration by the Industrial Registrar would follow within a prescribed, limited time conditional upon certain requirements being met. The Commission was of the opinion that existing and new employer and employee organisations should be equally subject to all measures aimed at ensuring their effective management and control, but that the registration of existing organisations should be left intact when the proposed new system of registration is introduced.

/ Closed...

Closed Shop

The danger exists that a union, particularly if it is organised on sectoral lines, could artificially achieve a position of dominance within an industry at the expense of other industry-wide organisations. It was clear to the Commission that even in a firmly regulated situation of union plurality undesirable consequences could result if a union were to be able to negotiate with employers a "closed shop" (whereby employers undertake to employ only members of that union in a particular undertaking, industry, trade or occupation and whereby trade union members undertake to work only for employers who are members of an employers' organisation which is a party to a closed shop agreement).

The closed shop practice is so firmly entrenched in South Africa that it cannot be annulled. Any attempts to do so at this particular point in time in the history of the trade union movement in South Africa would not only arouse opposition but would be viewed with a great deal of suspicion and distrust. Thus it will most certainly be averred that the practice is discontinued mainly because of the fact that Blacks are admitted to the trade union movement and that they are being denied a privilege on the basis of past events over which they had no control.

The argument that closed shop coerces workers into unions generally appears to be overstated and in practice workers can in any case be protected against such coercion in a variety of ways. Examples in this regard are statutory provisions on the following lines:

i. that closed shop provisions in agreements be allowed only in those cases where the unions who are a party to the agreement already enjoy a membership representing a certain proportion of all workers who will be covered by the agreement; and

ii. exemptions from closed shop provisions in the case of individual workers or groups of workers upon receipt of motivated applications from either workers or employers.

Basically, there are four options that can be followed in so far as the closed shop practice is concerned, namely:

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i. the maintenance of the status quo;

ii. the prohibition of present and future closed shop agreements;

iii. the prohibition only of future closed shop agreements; and

iv. the modification of the status quo through the introduction of certain safety measures to prevent the abuse of the closed shop practice.

In the light of the evidence received and after consideration of the whole issue against the background of the present and the anticipated future developments on the labour front, the Commission was of the opinion that the first alternative mentioned above, i.e. the maintenance of the status quo subject to sustained surveillance by the National Manpower Commission to prevent abuses is the only logical one.

The Commission was further of the opinion that the proposed National Manpower Commission should constantly monitor and evaluate the practical application of the closed shop practice and make recommendations for timely action to rectify any problem situations which may tend to arise. Particular attention should be paid to such matters as the infringement of rights and racial distinctions.

The Commission will accordingly recommend that the closed shop practice be maintained; that the existing provisions of the Act in regard to the representative position before a closed shop can apply be retained and that the provisions for exemptions remain in force.

(A minority view was recorded).

Deduction of Trade Union membership fees (check-off)

The matter of deduction of trade union membership fees, known popularly as the "check-off", was frequently raised in evidence before the Commission The Commission recommended therefore that:

i. The practice whereby employers deduct trade union membership fees from the earnings of employees be acknowledged as an established practice which should be perpetuated.

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ii. Registered organisations be allowed to continue to regulate the matter through collective bargaining.

iii. No deduction of trade union membership fees be allowed unless the individual employee concerned has expressly and in writing authorised such deductions.

iv. The individual employee shall at any time have the right to withdraw such authorisation.

v. The existing provisions in regard to the compulsory deduction of trade union membership fees be retained with the proviso that the element of racial distinction be removed.

vi. The deduction by employers of payments, dues or membership fees in favour of any unregistered employee organisation from the earnings of employees be prohibited.

Prohibition on Political Activities

Mention was deemed necessary of the prohibition of political activity on the part of trade unions. The majority of witnesses before the Commission were of the opinion that the existing provisions of section 8(6) of the Industrial Conciliation Act, 1956, which prohibit a union or organisation from affiliating with or granting financial assistance to or incurring expenditure in connection with a political party or any candidate for election to Parliament, a provincial council or a local authority, should not only be retained but in fact reinforced. The Commission was in agreement with this view in the belief that the prohibition is in the best interests of the country and proposes to give the possible reinforcement of the existing measures further consideration. In view of constitutional developments in the country, the Commission was of the opinion that an amendment which would be necessary at an early stage would be to substitute the words "Parliament, a provincial council or a local authority" in the Act with the words "a legislative body on a national, provincial or local level". In addition the extension of the prohibition to bodies not included in the provision should be provided for by way of proclamation.

/ Employee...

Employee Organisations at the level of the undertaking

The Commission shared the view, often expressed in evidence, that the existence of adequate organisations at the level of the undertaking to accommodate the interaction between the employer and his employees as a collectivity is perhaps the most important requirement for the maintenance of sound industrial relations. Considering among other things the fact that the majority of South Africa's workforce is in the "unorganised sector" the need for well-functioning enterprise-level organisations was accentuated; in the "organised sector", such bodies have an important role to play complementary to that of trade unions. The recommendations made in this Part of the Report in regard to the overall industrial relations system will, the Commission believes, set the national legislative framework within which incentives can be incorporated to encourage the growth and effective operation of enterprise-level organisations.

Although the majority of witnesses were of the opinion that the Committee system served a good purpose, had proved itself, and should be retained, the following points of criticism were expressed:

i. It operates too distantly from the industrial council structure.

ii. The fact that committees now have bargaining powers in the same areas of jurisdiction as those of industrial councils has given rise to a fair measure of dissatisfaction and suspicion on the part of organised labour, some employers' organisations and industrial councils.

iii. The fact that membership of these committees is restricted to Black employees was regarded by witnesses as discriminatory and is evidently a matter of concern in many undertakings. A number of employers have received requests from their non-Black employees for the establishment of similar committees for them, and it is known that a number of such committees consisting of non-Black employees or of all race groups are in existence and are functioning effectively.

/ iv. ...

iv. Trade unions and particularly Black trade unions, regard these committees as designed to be substitutes for them at plant or undertaking level, and have as a result opposed them in some instances and refused co-operation in matters of common concern.

It was suggested in evidence that the word "committee" should be removed from the nomenclature of the system as it has become somewhat stigmatised by its association with a dualistic and discriminatory system. The evidence furthermore suggested that committees are viewed with a degree of suspicion as being surrogates for trade unions, and that a change of name might dispel such suspicions. While being sympathetic to these views and not being itself particularly satisfied that the term "committee" is ideal, the Commission took cognisance of the fact that it has become well entrenched and that suitable alternatives do not readily come to mind. It was in the Commission's view desirable to achieve a clearer distinction between works committees and liaison committees, and to this end the Commission recommended that the term "works committee" be retained but that liaison committees be renamed "works councils".

It has been suggested in evidence to the Commission that the committee system should be restructured along the lines of, for example, the works council system of the Federal Republic of West Germany. From authoritative literature and research results available on the German industrial relations system it is clear that the works councils in that country are operating very successfully and are contributing effectively to industrial peace and productivity. While the Commission - as stated earlier - is not opposed to the transplantation of ideas and principles from foreign systems, it believes it to be too imprudent, if not impossible, to try and introduce or transplant models or structures from one country to another without modification. What the Commission however finds interesting as a precept in the West German system is that centralised and decentralised consultation and negotiation are not conducted in isolation, but are co-ordinated through the system of interlinkage between the two levels.

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The possibilities for such an articulated two-level structure for South Africa are very favourable, with the advantage that the committee system grew and developed out of the South African system and therefore has a strongly indigenous character. In this regard, the Commission concluded and recommended that the industrial council and the committee systems with their component parts (the employers' organisations and the trade unions on the one hand, and the works committee and works council system on the other) should be welded or integrated into one uniform system regulated by a single statute consolidating the existing industrial relations legislation and incorporating the innovations proposed in this Part of the Report The existing committees should be allowed to continue in existence, with a choice to integrate as works committees or works councils into the new system. Whatever the choice, the Commission was of the opinion that the system of works committees and works councils should be able to be utilised by employees of all population groups.

Work Reservation

Work reservation (or as it is popularly known "job reservation"), assumes three main forms: statutory work reservation (as in the Industrial Conciliation Act, 1956, and the Mines and Works Act, 1956), industrial work reservation and traditional work reservation.

Without questioning the rationale for its original introduction, the Commission shares the view that work reservation can in retrospect only be seen as an impractical and inadequate measure which in the final analysis failed to provide the desired protection.

Its existence is no longer tenable in view of developments on the labour front affecting Black workers: the provision of more training facilities for Blacks, the improvement of their educational level; their increased vertical mobility in sectors not covered by work reservation determinations, and the growing unemployment amongst Blacks, particularly educated youths.

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The Commission saw three possibilities in relation to the question of statutory work reservation:

i. The maintenance of the principle in our legislation;

ii. the modification of the principle and the statutory provisions; and

iii. its complete abolition.

The evidence with which the Commission associated itself suggests that the necessary safeguards for the interests of individuals and groups of workers could be achieved by the following measures:

i. Consultation between an employer and his employees before any changes in the established labour practices are introduced, with redress by an aggrieved party to the Industrial Court which the Commission will recommend in the next chapter.

ii. A requirement for consensus on these matters within industrial councils.

iii. The adjudication of allegations of unfair dismissals by the Industrial Court.

iv. An appropriate amendment to the provisions of section 43 of the Industrial Conciliation Act, 1956, which empowers the Minister to reinstate employees or to restore their terms and conditions of employment in the case of a "dispute" between an employer and his employees. The term "dispute" is given a particular meaning in this section and it is suggested that the definition of the term "dispute" in this section be extended to include irregular or undesirable labour practices affecting employees as one of the matters on which the Minister may act.

v. The strict application of the principle popularly known as "equal pay for work of equal value".

vi. Training and retraining opportunities at the expense of the employer or in certain instances the state with a guaranteed income during such training.

/ vii. . . .

vii. The introduction of the payment of relocation allowances to facilitate labour mobility of workers within industry.

viii. The acceleration of the introduction of training and retraining schemes in terms of the Industrial Conciliation Act, 1956, and the possible introduction of similar schemes for other sectors of commercial and industrial activity.

ix. The upgrading of semi-skilled workers by means of training or retraining within industry.

x. The development of Fair Employment Practices Legislation.

xi. As a final resort, the restoration or prevention of a disturbance of industrial peace in an undertaking, industry, trade or occupation by Ministerial order by reference to arbitration or the application of other conciliation machinery.

The Commission is convinced that the abovementioned measures, either individually or in combination, will provide better protection to employees against unfair displacement than the existing measure of statutory work reservation contained in section 77 of the Act - particularly if the National Manpower Commission remains alert to the need for such protection and if appropriate measures were incorporated in Fair Employment Practices Legislation.

(New Legislation).

The Commission was aware of the sensitivites involved in the issue of work reservation and in particular the remaining five determinations mentioned earlier. Their continued existence is owing to the reluctance of the trade unions concerned to dispense with them, and their summary removal would not only cause dissatisfaction and probably also industrial unrest, but would be a negation of the tried and tested principle of prior consultation and consensus. This principle of co-operation with the interested parties should in the Commission's view be vigorously applied in a process of phasing out the remaining determinations in the shortest possible time. For the interim, the determinations should continue to exist by virtue of a substantive provision in the new Act.

(A minority view was recorded).

/ Having...

Having established what, in its view, are the essential principles in dealing with work reservation in all industries - that of abolishing the statutory work reservation provisions and that of negotiating between parties to provide safeguards - the Commission did not deal in this Part of the Report with such measures existing in the Mines and Works Act, 1956 (Act 27 of 1956). It felt that for the present, the parties in the mining industry should be encouraged to negotiate an accommodation of this sensitive matter.

CHAPTER 4 OF THE REPORT

AN INDUSTRIAL COURT

An overwhelming majority of witnesses in their submissions and oral evidence highlighted the need for a special judicial body to deal with disputes which involve a conflict of rights or aspects of a legal nature. The interpretation of provisions of labour laws, industrial agreements, orders, awards, determinations and many other legal documents or the rights of a worker to belong to a trade union are but a few examples of the sort of matter which needs to be decided on by such a judicial body.

After consideration of all the evidence and taking into account developments which may follow on the Commission's recommendations in this Part of the Report, the Commission came to the conclusion that the need for a judicial body in the field of labour is more than justified Such an industrial court should adjudicate in the following matters.

i. The interpretation of the provisions of labour laws and regulations, industrial council agreements, wage determinations, awards, orders and other such like instruments in the field of labour.

ii. Complaints about irregular and undesirable labour practices made against employers and their organisations, employee organisations and industrial councils or other similar bodies. Of particular importance in this regard would be a change of labour patterns in an undertaking, industry, trade or occupation by the employer without consultation with his employees.

/ iii. ...

iii. Alleged unfair dismissals or changes in conditions of employment. The provisions of section 43 of the Industrial Conciliation Act, 1956 (with the amendments proposed in this Part of the Report) which provide for the powers to reinstate an employee or to restore his terms and conditions of service will be an important remedy for such a judicial body to apply.

iv. The question of the legality or otherwise of strikes, lock-outs or boycotts and other such matters.

v. Generally all other rights disputes in the field of labour - whether of a statutory or a common law nature which are ordinarily adjudicated by the general courts.

The Industrial Court would in this manner develop a body of case law which would by judicial precedent contribute to the formulation and development of fair employment guidelines.

In this regard, then, the present Industrial Tribunal, consisting of a chairman and four other members, will be redesignated "The Industrial Court", and restructured so as to consist of a president who shall be a senior jurist as the only permanent member of the Court. A senior official with a sound knowledge of labour law be appointed as "The Registrar of the Industrial Court" to administer the operations of the Court.

CHAPTER 5 OF THE REPORT

APPRENTICESHIP AND INDUSTRIAL RELATIONS TRAINING

Introduction

The Commission's terms of reference in so far as training is concerned covers a very wide field, and in fact extends over the whole spectrum of human resources development outside the formal educational system.

/ Apprenticeship. . .

Apprenticeship Training in the Republic of South Africa

The Commission recommended that:

Any person should be eligible for indentureship as an apprentice in the Republic of South Africa:

Provided that·

i. His application complies with the prescribed provisions of the Apprenticeship Act, 1944, and the relevant conditions of apprenticeship,

ii. The apprenticeship committee concerned has recommended his application; and that

iii. The protection of group interests in regard to the indenturing of apprentices be achieved through the process of negotiation, consultation and consensus between the parties concerned.

Where possible, Public Centres established in terms of the Black Employees' In-Service Training Act, 1976, be utilised for the practical and theoretical training of Black apprentices.

The Commission further recommended that·

i. Apprentices who are already indentured and who are called up for compulsory military service and who serve at their trade during such service, be granted remission for the full period that they serve as such;

ii. Apprentices who are already indentured and who are called up for compulsory military service and who do not serve at their trade during such service, be granted longer remission in respect of the period for which they have been called up, provided that an apprentice who has been granted such longer remission must complete the minimum period of basic training as prescribed in the conditions of apprenticeship and that due regard is also had to any remissions already granted for educational qualifications, and that

/ iii. ...

iii. Some form of remission also be considered in respect of those returned National Servicemen who are subsequently indentured as apprentices: provided that an apprentice who has been granted remission must nevertheless complete the minimum period of basic training as prescribed in the conditions of apprenticeship and that due regard is also had to any remissions already granted for educational qualifications.

Industrial Relations Training

As far as the actual provision of industrial relations training is concerned, the Commission found that such training was being provided as follows.

i. Within the formal educational system, comprising universities (either through faculties or specialised institutes) and technical colleges.

ii. By employers, employers' organisations and employee organisations, as well as industrial councils and enterprise-level committees.

iii. By unregistered employee organisations and private training institutions.

The Commission recommended that:

The State encourage and facilitate the industrial relations training of employees by registered trade unions, registered trade union federations, employers and registered employers' organisations and their federations, industrial councils, works committees and works councils in the following ways:

i. Through the formulation of broad guidelines for such training. (The Commission will give further consideration to such guidelines in a subsequent Part of its Report).

/ ii. . . .

ii. By ongoing research in regard to industrial relations training in South Africa and in other parts of the world by the National Manpower Commission and the dissemination of information in this regard

iii. By the expansion of adult educational programmes to improve the functional competence level of employees, particularly in so far as it relates to literacy and numeracy as a prerequisite for industrial relations training to be effective.

Legislative provision be made to the effect that the Secretary for Labour may on application of any person or institution, and after consultation with the National Manpower Commission, subject to such conditions as he may deem fit to impose, approve the Centre to which the application relates as a Training Centre.

Legislative provision be made to prohibit any person or institution from offering training in industrial relations, save at a Centre approved by the Secretary for Labour: Provided that:

i. Such legislative provision shall not apply to training given within the formal educational system or to training which takes place under the auspices of employers, registered employers' organisations and their federations , registered trade unions and trade union federations, industrial councils, registered works committees and works councils; and that

ii. The Secretary for Labour shall be empowered to grant exemptions from such legislative provision

CHAPTER 6 OF THE REPORT

SEGREGATED FACILITIES AND SOCIAL SECURITY

Introduction

Among the matters requiring early attention are certain statutory requirements in regard to the provision of facilities for persons of

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different sexes, races and classes contained in the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941) and The Shops and Offices Act, 1964 (Act 75 of 1964), and certain social security matters under the Unemployment Insurance Act, 1966 (Act 30 of 1966). It was not intended to deal with these Acts in their detail but only to isolate certain facets; consideration of the Acts as such will follow in a subsequent Part of the Report.

The Commission recommended that:

Section 51(1)(h) bis of the Factories, Machinery and Building Work Act, 1941, be repealed and that employer and employee parties be encouraged to regulate the matter of providing facilities for persons of different sexes, races or classes at industry level or at the level of the enterprise through the machinery of the proposed Industrial Relations Act, the provision of such facilities be expressly included among the matters that may be regulated by an Industrial Council Agreement. Further, that the regulations promulgated under Section 51(1)(b) of the Factories, Machinery and Building Work Act, 1941, be reviewed and where necessary brought into conformity with changes in social attitudes and practices.

In the event of agreement not being reached in regard to such matters at Industrial Council, plant level or through other conciliatory machinery,. the issue be referred to the Industrial Court for adjudication.

In respect of Section 31(1)(g) of the Shops and Offices Act, 1964, and Regulation 7 under that Act be repealed and that employer and employee parties be encouraged to regulate the matter of providing facilities for persons or different sexes, races or classes by consultation.

In so far as the general public is concerned it be left to proprietors, occupiers or managers of premises to determine the admission to facilities as they may deem fit; and that disputes in regard to such matters which cannot be resolved through the normal conciliation machinery be, in the last resort, referred to the Industrial Court for adjudication

/ The ..

The Commission recommends that consideration be given to the revision of other legislative measures falling outside the terms of reference of the Commission but which also provide for segregated facilities to be brought into line with the recommendations of the Commission in respect of the Factories, Machinery and Building Work Act, 1941, and the Shops and Offices Act, 1964.

(A minority view was recorded).

Social Security

The Commission recommended that·

The raising of the earnings ceiling in the Unemployment Insurance Act, 1966, relating to a contributor be effected by way of proclamation instead of by way of an amendment to the Act; and that Section 2(2)(d) of the

rural areas or cause of deaths' according to the Bantu Reference Bureau (Personal Communication). At least 50 000 deaths among Africans were not registered. These occur mainly in the rural areas. It is estimated that about 10% of the deaths in the main urban districts are not registered for Africans.

METHODS

UNION REGISTRATION

FM 12/11/79

Fosatu's fret

The largest predominantly black trade union alliance in SA, Fosatu, is, at the moment staying out of government's new labour dispensation But its anti-registration sentiments could soon be put to a severe test

Two prominent Fosatu unions, the registered National Union of Motor Assembly & Rubber Workers (Numeroswa) and the unregistered United Automobile & Rubber Workers Union (UAW), decided at the weekend to hold a secret ballot on the registration issue The unions will also consider whether to amalgamate in a single non-racial union

The *FM* understands there is considerable pro-registration sentiment in the two unions and the ballot could well produce a 'yes for registration although members are still troubled by the bar on mixed unions

At least one other Fosatu union has found surprisingly strong" pro-registration sentiment among its members At a meeting in Durban over the weekend, many members of the Transport & General Workers Union argued for registration

The motor union ballot will be the first formal test of grassroots sentiment in Fosatu Numeroswa general secretary Fred Sauls tells the *FM* it will take place in late October or early November Members will be asked to choose between separate unions and a merger (a move which has been on the cards for some time), and also between registration and non-registration

He adds that his union will attempt to seek clarity from the Department of Manpower Utilisation before the ballot on the prospects for mixed unions as well as the registration issue· "We fear that registration may not be easy for unions like ours and we are not sure about our status once the African union is registered. We want clarity on these points," says Sauls

He adds that many members of both unions fear that not registering will strengthen the hand of two Tucsa-affiliated trade unions who are attempting to compete with the motor unions in the Eastern Cape: "Our people are worried that these parallel-type unions will pose a greater threat to us if we don't register," says Sauls

Similar fears — of registered unions moving in to oust the unregistered unions — were expressed in Durban So the anti-registration front may be weakening, although Sauls stresses that "we won't do anything without consulting the rest of Fosatu. Unions' problems may be different in other areas of the country."

Fosatu's Alec Erwin stresses that informal soundings among members of three unions don't necessarily express the Fosatu view. There are still deep-seated objections to registration and fears that unions like those affiliated to Fosatu would not gain full registration anyway And even Sauls' members could change their minds if they don't get the "clarity" they are seeking from government

But the bulk of the unregistered union movement could be moving towards a reluctant acceptance of registration (although it still wants assurances from government) if only because it fears that unregistered unions will be put out of business soon anyway

These fears have much substance. The *FM* understands that demands from registered unions for compulsory registration are growing and that these unions are increasingly confident that their demands will be met

DISCUSSION

The crude death rates and the standardised mortality rates for whites, Asians and 'coloureds' and urban Africans are presented in Fig. 1. The interpretation of these figures is confounded by the differences in the underlying structure of the population. The population pyramids of the various

weight to deaths among the elderly, while a developed choice of standard p will reverse the position. The choice of standard p ranking of the mortality between the observed groups. answer. As the Duke of Wellington said: 'There are l and statistics'!

Infant mortality rates are summarised in Fig. 3. Once is experienced in obtaining data for Africans. Birth Africans are not published by the central government. cal officers of health[9] have estimated the infant morta their urban areas. These show considerable variation. A mean figure and the range are given in Fig. 2. These should be interpreted with caution as sick infants are o cities from rural areas. An indication of the situatio areas is given by a sample survey carried out in Cape Town, and Transkei among Xhosa-speaking Africans.[12] An increase in infant mortality was observed with decreasing urbanisation, the figure for the completely rural areas being of the same magnitude as those parts of the world devoid of medical services. Fig. 4 summarises the age specific mortality rates of

of the relative effect of that cause on the expectation of life.

The calculation of rates involves a knowledge of the base population age specific population. No official estimates of this are available for inter-censual years. For whites, Asians and 'coloureds, the 1970 population has been projected forward using the age specific survival rates from 1970 and taking into account the actual births and deaths in the 0-4 age group. Allowance was made for migration.

For Africans, a different procedure was adopted as a population figure for only part of the country was required. The 1970 age distribution[10] by magisterial district was used, the numbers being adjusted by the 1974 gross population estimates by economic region.[11]

The great Wiehahn debate

(166) FM 3/8/79

SOUTH AFRICAN JOURNAL OF LABOUR RELATIONS, JUNE 1979 *(Vol 3 No 2) Edited by D W F Bendix (Institute of Labour Relations, Unisa, 69pp)*

Though only a single edition of a periodical, the June number of this journal could well have been published in book form under the title "Everything You Wanted to Know about Wiehahn but were Afraid to Ask"

Compiled after government's white paper on the report of the Wiehahn Commission on industrial relations (but before the legislation which followed it), this issue of the journal is the first attempt to bring together in one publication a wide range of views on Wiehahn Two dozen trade unionists, employers, and academics have contributed, while the issue also contains a reprint of the white paper and an overview of Wiehahn's recommendations by the journal's editor, Unisa's Professor Willie Bendix

A wide spectrum of views is canvassed (though the "pros" outnumber the "antis" by more than two to one), and the journal performs an extremely useful service for anyone still trying to wade through the press rhetoric to discover exactly what Wiehahn said

Sympathy and fear

In the trade union section, there are four contributions from registered unionists, and four from unregistered unionists One of the latter is from Alec Erwin, general secretary of the newly-formed Federation of SA Trade Unions (Fosatu), whose umbrella covers most of SA's black trade unions (It will come as something of a surprise to those who have branded Unisa's Institute of Labour Relations as a "government think tank" to find Bendix remarking that Fosatu's principles should get "all the support they deserve")

Though the registered unionists, and Lucy Mvubelo of the National Union of Clothing Workers, are generally sympathetic to the Wiehahn Report, the unregistered unions' fears emerge clearly in the articles

Thus a contribution from the Urban Training Project argues that "freedom of association will not come" as a result of Wiehahn It also expresses fears about increased state control of unions, the role of works councils in the new system, and the role of the national manpower commission (still to be appointed) The UTP believes that the post-Wiehahn dispensation will make "the formation of a new union next to impossible"

The articles expressing employer viewpoints are all broadly sympathetic to Wiehahn FCI executive director Hennie Reynders sums up the employer stance when he argues that the Wiehahn Commission provides "an acceptable and realistic framework" for labour relations

SA Breweries personnel manager (and Wiehahn commissioner) Dick Sutton makes the point that the Wiehahn Report contains recommendations for "major intervention in the relationship between employer and employee" by the State

Pilkington's industrial relations manager, Stewart Jennings, argues that the new system may confront management with conflicts between white and black needs, and force it "to adopt a paternalistic attitude towards white employees"

Jennings says that some industries have no white union (or only a "dormant" one), leaving black unions in "powerful positions" The result, so he fears, may be representation on industrial councils for black unions only Employers in these

Willie Bendix . . support for Fosatu

industries will thus have to "encourage the white employees to organise themselves collectively"

There is one employer who is not entirely happy with Wiehahn Electrical Contractors Association director D D Cochius asks whether the commission should not have extended works and liaison committees to non-Africans, instead of extending registered union rights to Africans

The contributions by academics contain a healthy divergence of views and some interesting insights (something of a shock for those of us who believe that academics see their role as one of trying to make the straight-forward incomprehensible)

The University of Port Elizabeth's Roux van der Merwe welcomes Wiehahn as a "major shift" and argues that "at this stage the bona fides of Mr Fanie Botha should be accepted" But he is also worried that the report contains "an increased emphasis on workplace agreements," which "could be seen as a threat to industrial councils" Van der Merwe warns that "bargaining with weak worker organisations holds the greatest danger of all for industrial peace"

He is also concerned about government's restrictions on racially mixed unions, arguing that it may still be possible to persuade blacks who reject violence to work in mixed, rather than separate, bodies "If, however, they are forced into separate bodies, even for a transition period, we may lose the opportunity for all time," says Van der Merwe

Wits's Eddie Webster argues that Wiehahn is an attempt by the State "to maintain control in the future . by creating a black labour aristocracy to replace the white worker." He fears that some Wiehahn proposals could reduce registered trade unions to "mere benefit societies"

Natal University's Lawrie Schlemmer believes that a black "labour aristocracy" is "likely to try to protect its position as white workers do" In other words, will qualified urban African workers come in time to practise job reservation against their migrant "brothers"?

Unisa's Blackie Swart reacts to some of the criticisms by arguing that Wiehahn, together with the Riekert and De Kock Commissions, takes SA "a number of steps closer to a freer economic system" Though Swart concedes that "some validity does exist" in the argument that Wiehahn will make for greater state control, he believes the point has been "over-emphasised"

However, one of Swart's colleagues, Johann Piron, appears to disagree that the issue has been "over-emphasised" While he argues that Wiehahn should be acceptable to apartheid's foreign critics because it "advocates a departure from racial discrimination," he argues that the proposals for a national manpower commission contain "a large degree of state control," as do the proposals for industrial relations training

Steven Friedman

Wiehahn and Riekert on the Tucsa agenda

THE silver jubilee conference of Trade Union Council of South Africa (Tucsa) will be debating a number of hot issues this week and is likely to make strong statements on the Wiehahn and Riekert reports

The conference's agenda contains a number of hard-hitting resolutions which take the government to task for not moving fast enough to put the recommendations of the two commissions into effect

The national executive committee has a motion in its name on the agenda urging the government to introduce further amending legislation as an urgent priority during the next parliamentary session, to implement the majority recommendations of the Wiehahn Commission "in unadulterated form".

Welcoming the report, the motion also expresses the committee's "fullest confidence" in the Wiehahn Commission

Another motion in the committee's name expresses "profound disappointment" that the Riekert Commission failed to recommend the repeal of all discriminatory legislation which hinders the economic development and growth of the country

Dealing with the price of food, another motion calls on the government to immediately abolish or reduce general sales tax, implement an effective subsidy scheme, and investigate the effectiveness of the different control boards

A motion on the oil price urges the government to investigate the "alleged excessive profits" made by oil companies

The conference is also scheduled to discuss the Group Areas Act, and a motion calls on the conference to "note with alarm and distress" the recent spate of convictions of so-called disqualified families from their homes

"Any law which is unjust in concept, application and implementation must be suitably amended or repealed," the motion states

Prime minister's efforts 'deserved support'

Staff Reporter

SIGNIFICANT changes in the government's ideology were vindicating efforts made by Tucsa over the last 25 years, the outgoing president, Mr Ronnie Webb, said yesterday

Addressing Tucsa's silver jubilee congress, Mr Webb said he was convinced that meaningful change was no longer a "meaningless euphemism"

The prime minister's new approach, recognizing the gravity of South Africa's situation, deserved Tucsa's support, he said

Certain cabinet ministers had also introduced some "very necessary reforms which may well serve to prevent catastrophic racial conflict which is constantly simmering beneath the surface"

Apartheid was not dead Total equality was bedevilled by a statute book bristling with racial discriminatory provisions which are an affront to human dignity

Mr Webb said he was totally opposed to disinvestment in South Africa. He condemned "those activists" who are rendering a disservice to the underprivileged persons in this country, for whom they claimed to be fighting

These activists were scoring some victories and a lack of investment capital was compounding the unemployment problem

West Germany backs efforts

THE WEST GERMAN Government's observer at the 25th conference of Tucsa yesterday told the conference that his government supported Tucsa's efforts to get the South African Government to implement the proposals of the Wiehahn Commission

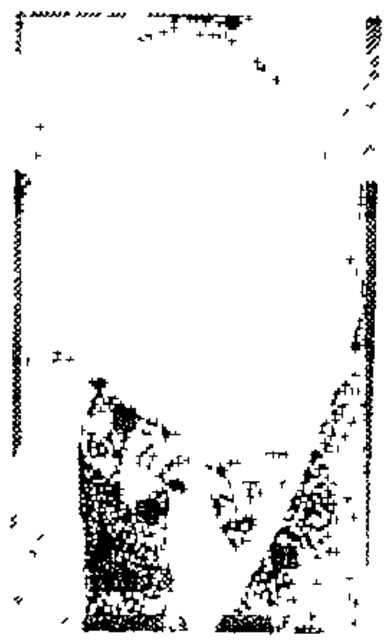
The observer, Mr W Eerof, told the conference that his government recognized that Tucsa was "one of the organizations which was working towards the upliftment of employees and more harmonious relationships" in South Africa

"I assure you of the support of my country on this, especially concerning the crucial aspects of the Wiehahn proposals," he said

Credibility as a job criterion

Star 31/7/79 (166)

Exemplary employers are being tarred with the racist brush because they lack a credible system of monitoring employment codes. Labour reporter SIEGFRIED HANNIG presents the views of an American visitor to South Africa.



Professor Joseph W Eaton . . . "South Africa needs more companies which stand out as islands of justice and forces for change."

An American academic has ended a month-long study of employment codes in South Africa with proposals of new ways in which business can deflate pressure for disinvestment

The ideas of Professor Joseph W Eaton of the School of Public and International Affairs of the University of Pittsburgh are:

- A new, "credible" system of monitoring compliance with employment codes in such a way that the views of black employees and relevant trade unions — recognised or unrecognised — are taken into account.
- The public announcement of company plans to favour customers and suppliers who make progress towards fair employment practices

"Both of these strategies are receiving serious consideration from leading management representatives whom I met during my visit," said Professor Eaton in an interview with The Star

"At least one leading multinational company already is pursuing a policy of making fair employment practices a consideration in important business deals.

"I can see other big organisations adopting similar policies to separate free enterprise from racism.

"South Africa needs more companies which stand out as islands of justice and forces for change."

Professor Eaton said the adoption of the suggested strategies would enable multinational companies in South Africa to face their critics.

Big business would switch from a defensive position to one of constructive leadership

"Some indefensible employment practices remain unexposed because of inadequate monitoring systems," he said.

"And some exemplary employers are being tarred with the same brush because they lack a monitoring system which is beyond reproach

"Between these extremes are the majority of employers who fall foul of employment codes because they 'know what is best' for the workers, including blacks

"Social change does not come overnight — nor do problems get solved when they don't surface

"What is needed is a monitoring body which has credibility

"Such a monitoring body would have to reflect the views of all concerned — not only those of management but also those of the workers

"And such a body would do well to obtain the views of unregistered black unions which may have been kept out of the bargaining process by the law and/or the managements concerned."

During his travels in South Africa, Professor Eaton found:

- that black workers and leaders generally showed "a tremendous lack of trust" in Government promises for reform,
- inadequate procedures for the airing of grievances, with some "illustrious exceptions,"
- a group of 15 black "managers" from different companies who said none of them supervised any whites because segregation was being maintained in spite of black job advancement;
- some employers who said blacks liked "different" food, while the blacks concerned said they ate the food only because they could not afford better;
- one South African-based multinational company whose top management was unable to reinstate the shop stewards of a black union after all of them had been sacked by a subsidiary in contradiction with the group's policy.

"I talked to many black and coloured people who love South Africa, who don't want violence and who have a stake in the system — but who see no hope," the professor said.

"The South African Government would be wise to consider a concrete, positive response that will capture the imagination, like Sadat's visit to Jerusalem"

Among trade unionists he found "vehement anger" at the Government's response to the Wiehahn and Riekert reports.

"Why doesn't business protest in public when the Government substitutes racial considerations for sound economic policies?" he asked

On the other hand there was a lack of awareness abroad of "an awful lot of South African heroes who are standing up against injustices in the face of harassment such as interrogations and bannings"

ECOLOGICAL MODELS OF [illegible]

Continuous Spread. Dispersal processes that give rise to continuous spreading have been linked to two variables, population growth and the existence of territories or home ranges (Emlen, 1973). A territory or home range, a site territory in archaeology (Higgs and Vita-Finzi, 1972), has a fixed carrying capacity under a specified system of exploitation. As population increases the carrying capacity is approached, population limiting factors will come into operation and movement out of the area would become more advantageous to individuals because it would increase their reproductive fitness. The group would split into two or more sub-groups, and all but one of these would move away some distance and settle. An imaginary boundary enclosing the settlements would appear to move outward (Fig.1). If population continued to grow, the boundary would continue to move outwards, and population

density would increase in the central area until all the potential site territories were being utilised. In the central area population limiting

that some of the dates are not associated with evaluated, and it is probable that some of the ranges are sensitive

spread case. As the density of settlements increased behind the frontier the

(166) FM 27/7/79

TRADE UNIONS

Shop-floor battle looms

The race to organise African workers into trade unions is on Several registered unions have begun — or are planning to begin — organising Africans They are certain to clash with the unregistered union movement in so doing.

Registered union attempts to organise Africans into parallel unions are not new — Tucsa unions, for example, have being doing it for some time But several new parallel unions are now being organised or planned

Independent unregistered unions (those which have no links with registered unions) argue that parallel unions often compete with them for members and are preferred by employers because they "control Africans, rather than represent them"

In the giant engineering industry, three registered unions have recently begun to take an interest in organising Africans Ben Nicholson, secretary of the SA Electrical Workers' Association (which decided last year to organise a parallel union) tells the *FM* "We are progressing very quickly and will apply for registration as soon as we have the numbers"

The SA Boilermakers' Society, which resolved in principle some time ago to organise a parallel union, will decide next month whether to go ahead, while the (coloured) Engineering Industrial Workers' Union has also considered organising Africans

Its general secretary, Archie Poole, tells the *FM* that his union was approached by some Port Elizabeth workers and by some Reef employers, who suggested it should organise Africans Poole approached Jane Hlongwane of the unregistered Engineering and Allied Workers' Union to suggest that her union disband and join his. But he says he has been stymied by government's bar on mixed unions. And Hlongwane complains that the registered unions "are trying to carve up our membership" She asks "Why are they only now interested in organising Africans?"

No marvellous job

Nicholson retorts that the unregistered unions "aren't organising electrical workers," while Poole rejoins "We have the infrastructure to enrol people The unregistered unions haven't exactly done a marvellous organising job"

By contrast, Boilermakers' general secretary Ike van der Watt says that his union would prefer the unregistered unions to organise Africans "We've been holding back for precisely this reason." But he adds that the unregistered unions are loath to organise higher-paid workers "because they could not give them the same benefits as other higher-category workers enjoy without pricing subscriptions out of the market for their lower-paid members"

Van der Watt insists, however, that the higher category workers be organised "to prevent employers undercutting us with non-union labour" If the unregistered unions won't go ahead, his union will, he says — though "we will concentrate on the higher categories only"

Archie Poole . . engineering a mixed union?

The trend is not restricted to engineering New parallel unions are in the offing on the mines (for clerks) and in the furniture industry (*FM* last week and June 13). Neither of these competes with existing African unions But three other new parallel unions do

In the motor repair industry, the Motor Industry Combined Workers Union has organised a parallel union which now has 600 members, general secretary Ronnie Webb estimates This has brought it into conflict with two independent black unions

The Garment Workers' Union is busy organising a liquor manufacturing workers' union, despite objections by the unregistered Sweet, Food and Allied Workers' Union And Cape Town unionist Ted Frazer, who also ran into flak from Sweet, Food when he launched an African brewery workers union, tells the *FM* he is planning another black union in the liquor and catering trade Frazer says he will disband the African union and enrol its members in the registered counterpart

It looks as if the independent union movement is facing a battle for survival. It is not going to be helped by the fact that all the registered unions which are organising parallel unions, plan to ask for government registration for them

The registered unions also seem confident of obtaining ministerial exemption from the post-Wiehahn law which bars migrant workers and commuters from union membership The existing unregistered unions, on the other hand, are not sure they will be permitted to keep their migrant and commuter members even if they were prepared to swallow their objections to the exemption system and apply for registration

But Alec Erwin, general secretary of the Federation of SA Trade Unions (Fosatu), believes unregistered unions can meet the challenge "Our unions are solid and won't be weakened by efforts like these"

with selected major categories of disease. Clearly, this is an entirely hypothetical situation. However, these competing risks life tables not only provide an indication of the relative importance of various disease categories to both the overall mortality experience and also to expectation of life of the three communities, but also, since there is an approximately linear relationship between the reduction of mortality and the percentage increase in life expectancy, any improvement will give rise to a proportional improvement in the expectation of life. Thus, if the mortality associated with any of the diseases included in Fig. 6 are reduced by 50%, then the increase in the expectation of life will be 50%

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Curbs on unions deplored

166

24/7/79 Argus

Political Staff

A MEMBER of the Wiehahn Commission, Mr Arthur Grobbelaar, said last night he was 'more than disappointed' over the Government's response to the commission's recommendations

Speaking at the University of Stellenbosch, he said aspects of the amending legislation flowing from the commission's first report were in conflict with the recommendations

A basic shortcoming was that trade unions, instead of being open to all as recommended by the commission, were being restricted.

Mr Grobbelaar, general secretary of the Trade Union Council of South Africa (Tucsa), spoke during a panel discussion by experts on the commission's report

REAL PROBLEMS

He said the restriction on trade unions would create real problems and would 'make life almost impossible' for the unions.

He was 'extremely perturbed' by the reaction of existing black trade unions to the amending legislation.

If there were to be a refusal by black organisations to become part of the law because of the exclusion of some, a serious siltuation would develop

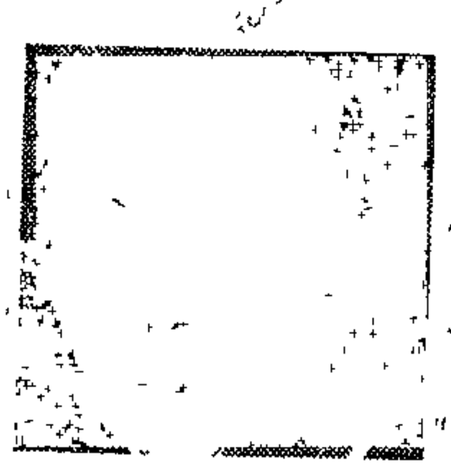
What had been written into the Government's legislation had been condemned by the international trade union movement.

DISCRIMINATION

They regarded the legislation as a perpetuation of discrimination

They saw it also as an indication that South Africa did not intend to subscribe to the internationally recognised concept of freedom of association

Sections of the amending legislation sought to maintain the status quo in regard to racial separa-



Mr Arthur Grobbelaar

serious thought would be given by the Government towards more amending legislation when further reports of the commission became available

The commission's first report had spelled out merely broad principles, and the details still had to follow.

'I think that to perpetuate this racial division ignores the reality of our interdependence on one another,' Mr Grobbelaar said.

STABILITY

The Government had an 'enormous responsibility' to ensure industrial peace and stability on which a vigorous national economy, needed for the survival of all South Africa's peoples, could be based

Because of this responsibility the Government could not provide for sectional interests only

Mr Grobbelaar said he was still optimistic enough to believe that further

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DEPARTEMENT VAN MANNEKRAG-BENUTTING

No R 2158 28 September 1979

WET OP NYWERHEIDSVERSOENING, 1956

WYSIGING VAN REGULASIES

Die Staatspresident het, kragtens artikel 81 van die Wet op Nywerheidsversoening, 1956 (Wet 28 van 1956), die regulasies in die Bylae uitgevaardig

BYLAE

1 In hierdie Bylae, tensy uit die samehang anders blyk, beteken die uitdrukking "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing R 235 van 21 Februarie 1964, soos gewysig by Goewermentskennisgewings R 2024 van 15 Desember 1966, R 443 van 22 Maart 1968, R 1334 van 21 Augustus 1970, R 1543 van 18 September 1970 en R 733 van 18 April 1975

2 Regulasie 2 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (1) na die uitdrukking "artikel 4", die uitdrukking "of artikel 4A" in te voeg,

(b) deur subregulasie (2) deur die volgende subregulasie te vervang

"(2) Die registrasiesertifikaat van 'n vakvereniging of 'n werkgewersorganisasie geregistreer kragtens artikel 4 van die Wet moet in die vorm van Aanhangsel IC 3 wees en die van 'n vakvereniging of 'n werkgewersorganisasie geregistreer kragtens artikel 4A van die Wet in die vorm van Aanhangsel IC 3A",

(c) deur subregulasie (3) deur die volgende subregulasie te vervang

"(3) Wanneer 'n geregistreerde vakvereniging of 'n werkgewersorganisasie sy naam kragtens artikel 9 (5) van die Wet verander het, moet die nuwe sertifikaat wat deur die Nywerheidsregistrateur uitgereik word, ten opsigte van vakverenigings of werkgewersorganisasies wat kragtens artikel 4 van die Wet geregistreer is, in die vorm van Aanhangsel IC 4, en ten opsigte van vakverenigings of werkgewersorganisasies wat kragtens artikel 4A van die Wet geregistreer is, in die vorm van Aanhangsel IC 4A wees Die mededeling van so 'n naamsverandering aan die Nywerheidsregistrateur moet vergesel gaan van die geldende registrasiesertifikaat van sodanige vakvereniging of werkgewersorganisasie, na gelang van die geval", en

(d) deur paragraaf (d) van subregulasie (5) deur die volgende paragraaf te vervang

"(d) in die geval van vakverenigings—

(i) die bevolkingsidentiteitsnommer van die lid,
(ii) die beroep waarin die lid gewoonlik in diens is,
(iii) die geslag van die lid,
(iv) die bevolkingsgroep van die lid volgens onderstaande indeling.

(aa) Blankes,
(ab) Gekleurdes, uitgesonderd Asiate,
(ac) Asiate,
(ad) Swartes"

3 Regulasie 3 van die Regulasies word hierby gewysig deur in subregulasie (4) die uitdrukking "artikel 17 (14) (a)" deur die uitdrukking "artikel 17 (19)" te vervang

4 Regulasie 7 van die Regulasies word hierby gewysig deur in subregulasie (7) die woord "voorsitter" deur die woord "griffier" te vervang

5 Regulasie 8 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (1) (a) die woord "vasstelling" na die woord "ooreenkoms" in te voeg,

(b) deur subregulasie (1) (b) (i) deur die volgende subparagraaf te vervang

"(i) Die bevolkingsidentiteitsnommer indien daar is, en naam van sodanige stukwerker,", en

(c) deur in subregulasie (2) (a) die woord "ras" deur die woord "bevolkingsgroep" te vervang

6 Regulasie 11 van die Regulasies word hierby gewysig deur in subregulasie (2) die woord "voorsitter" deur die woord "griffier" te vervang

(166)

DEPARTMENT OF MANPOWER UTILISATION

No R. 2158 28 September 1979

INDUSTRIAL CONCILIATION ACT, 1956

AMENDMENT OF REGULATIONS

The State President has, in terms of section 81 of the Industrial Conciliation Act, 1956 (Act 28 of 1956), enacted the regulations in the Schedule

SCHEDULE

1 In this Schedule, unless inconsistent with the context, "the Regulations" means the regulations promulgated by Government Notice R 235 of 21 February 1964, as amended by Government Notices R 2024 of 15 December 1966, R. 443 of 22 March 1968, R 1334 of 21 August 1970, R 1543 of 18 September 1970 and R 733 of 18 April 1975

2 Regulation 2 of the Regulations is hereby amended—

(a) by the insertion in subregulation (1) of the expression "or section 4A" after the expression "section 4",

(b) by the substitution for subregulation (2) of the following subregulation

"(2) The certificate of registration of a trade union or an employers' organisation registered in terms of section 4 of the Act, shall be in the form of Annexure IC 3 and that of a trade union or an employers organisation registered in terms of section 4A of the Act in the form of Annexure IC 3A",

(c) by the substitution for subregulation (3) of the following subregulation

"(3) Whenever a registered trade union or an employers' organisation has in terms of section 9 (5) of the Act changed its name, the new certificate issued by the Industrial Registrar shall be in the form of Annexure IC 4 for trade unions or employers' organisations registered in terms of section 4 of the Act and in the form of Annexure IC 4A for trade unions or employers' organisations registered in terms of section 4A of the Act The notification to the Industrial Registrar of such change of name, shall be accompanied by the current certificate of registration held by such trade union or employers' organisation, as the case may be", and

(d) by the substitution for paragraph (d) of subregulation (5) of the following paragraph

"(d) in the case of trade unions—

(i) the population identity number of the member;
(ii) the occupation in which the member is normally employed,
(iii) the sex of the member
(iv) the population group of the member according to the following classification

(aa) White persons;
(ab) Coloured persons, excluding Asiatics,
(ac) Asiatics;
(ad) Black persons"

3 Regulation 3 of the Regulations is hereby amended by the substitution in subregulation (4) for the expression "section 17 (14) (a)" of the expression "section 17 (19)"

4 Regulation 7 of the Regulations is hereby amended by the substitution in subregulation (7) for the word "chairman" of the word "registrar"

5 Regulation 8 of the Regulations is hereby amended—

(a) by the insertion in subregulation (1) (a) of the word "determination" after the word "agreement",

(b) by the substitution for subregulation (1) (b) (i) of the following subparagraph.

"(i) the population identity number, if any, and name of such piece-worker,", and

(c) by the substitution in subregulation (2) (a) for the word "race" of the words "population group"

6 Regulation 11 of the Regulations is hereby amended by the substitution in subregulation (2) for the word "chairman" of the word "registrar"

G6679

7 Aanhangsel IC 1 van die Regulasies word hierby gewysig—

(a) deur in paragraaf 1 die uitdrukking "artikel 4" deur die uitdrukking "artikel 4/artikel 4A (skrap wat nie van toepassing is nie)" te vervang, en

(b) deur in paragraaf 3 (h) 'n verdere kolom met die opskrif "Swartes" tussen die kolomme "Asiate" en "Totale" in te voeg

8 Aanhangsel IC 2 van die Regulasies word hierby gewysig deur in paragraaf 1 die uitdrukking "artikel 4" deur die uitdrukking "artikel 4/artikel 4A (skrap wat nie van toepassing is nie)" te vervang

9 Die volgende nuwe Aanhangsel word hierby na Aanhangsel IC 3 van die Regulasies in gevoeg

AANHANGSEL IC 3A

[Regulasie 2 (2)]

WET OP NYWERHEIDSVERSOENING, 1956

SERTIFIKAAT VAN VOORLOPIGE REGISTRASIE VAN 'N VAKVERENIGING OF WERKGEWERSORGANISASIE

A Hierby word gesertifiseer dat die

(Naam van vakvereniging of werkgewersorganisasie)

ingevolge artikel 4A van die Wet op Nywerheidsversoening 1956, geregistreer is as 'n vakvereniging/werkgewersorganisasie ten opsigte van

(Belange)

in

[Gebied(e)]

met ingang van tot
onderworpe aan die volgende voorwaardes

Datum Nywerheidsregistrateur

B Die tydperk van registrasie van bovermelde vakvereniging/werkgewersorganisasie is ingevolge artikel 4A van die Wet verleng vanaf tot
onderworpe aan die volgende voorwaardes

Datum Nywerheidsregistrateur

10 Die volgende nuwe Aanhangsel word hierby na Aanhangsel IC 4 van die Regulasies ingevoeg

AANHANGSEL IC 4A

[Regulasie 2 (3)]

WET OP NYWERHEIDSVERSOENING, 1956

SERTIFIKAAT VAN VOORLOPIGE REGISTRASIE VAN 'N VAKVERENIGING OF WERKGEWERSORGANISASIE

(Naamverandering)

Hierby word gesertifiseer dat die

(Nuwe naam van vakvereniging of werkgewersorganisasie)

voorheen geregistreer as

(Vorige naam van vakvereniging/werkgewersorganisasie)

ingevolge artikel 9 (5) van die Wet op Nywerheidsversoening, 1956, onder eersgenoemde naam geregistreer is as 'n vakvereniging of werkgewersorganisasie ten opsigte van

(Belange)

in

[Gebied(e)]

met ingang van tot
onderworpe aan die volgende voorwaardes

Datum Nywerheidsregistrateur

11 Aanhangsel IC 5 van die Regulasies word hierby gewysig deur in paragraaf 2 (d) 'n verdere kolom met die opskrif "Swartes" tussen die kolomme "Asiate" en "Totale" in te voeg

12 Aanhangsel IC 7 van die Regulasies word hierby gewysig deur in paragraaf (b) 'n verdere kolom met die opskrif "Swartes" na die kolom met die opskrif "Gekleurde persone" in te voeg

13 Aanhangsel IC 8 van die Regulasies word hierby gewysig deur die bestaande paragraaf (c) deur die volgende paragraaf te vervang

"

(c) President/Voorsitter/Vise-voorsitter/Sekretaris/bemiddelaar/arbiter(s) of skeidsregter/Nywerheidsregistrateur/gemagtigde amptenaar ingevolge artikel 12 (8) of artikel 17 (17) (b)/lid van Nywerheidshof "

7 Annexure IC 1 of the Regulations is hereby amended—

(a) by the substitution in paragraph 1 for the expression "section 4" of the expression "section 4/section 4A (delete whichever is not applicable)", and

(b) by the insertion in paragraph 3 (h) of an additional column headed "Black persons" between the columns "Asiatics" and "Totals"

8 Annexure IC 2 of the Regulations is hereby amended by the substitution in paragraph 1 for "section 4" of "section 4/section 4A (delete whichever is not applicable)"

9 Insert the following new Annexure after Annexure IC 3 of the Regulations

ANNEXURE IC 3A

[Regulation 2 (2)]

INDUSTRIAL CONCILIATION ACT 1956

CERTIFICATE OF PROVISIONAL REGISTRATION OF A TRADE UNION OR AN EMPLOYERS' ORGANISATION

A This is to certify that the

(Name of trade union/employers' organisation)

has in terms of section 4A of the Industrial Conciliation Act, 1956, been registered as a trade union/employers' organisation in respect of

(Interests)

in

[Area(s)]

with effect from to
subject to the following conditions

Date Industrial Registrar

B The period of registration of the abovenamed trade union/employers' organisation has in terms of section 4A of the Act been extended from to
subject to the following conditions

Date Industrial Registrar

10 Insert the following new Annexure after Annexure IC 4 of the Regulations

ANNEXURE IC 4A

[Regulation 2 (3)]

INDUSTRIAL CONCILIATION ACT, 1956

CERTIFICATE OF PROVISIONAL REGISTRATION OF A TRADE UNION OR AN EMPLOYERS' ORGANISATION

(Change of name)

This is to certify that the

(New name of trade union/employers' organisation)

formerly registered as

(Former name of trade union/employers' organisation)

has in terms of section 9 (5) of the Industrial Conciliation Act, 1956, been registered under the firstmentioned name as a trade union/an employers' organisation in respect of

(Interests)

in

[Area(s)]

with effect from to
subject to the following conditions

Date Industrial Registrar

11 Annexure IC 5 of the Regulations is hereby amended by the insertion in paragraph 2 (d) of an additional column headed "Black persons" between the columns "Asiatics" and "Totals"

12 Annexure IC 7 of the Regulations is hereby amended by the insertion in paragraph (b) of an additional column headed "Black persons" after the column headed "Coloured persons"

13 Annexure IC 8 of the Regulations is hereby amended by the substitution for the existing paragraph (c) of the following paragraph

"

(c) President / Chairman / Vice-Chairman / Secretary / member / arbitrator(s) or umpire/Industrial Registrar / authorised officer under section 12 (8) or section 17 (17) (b)/member of Court

14 Aanhangsel IC 10 van die Regulasies word hierby gewysig—

(a) deur die woord "tabel" in daardie gedeelte van die Aanhangsel met die opskrif "SLEGS VIR DEPARTEMENTELE GEBRUIK" deur die woord "tabelle" te vervang, en

(b) deur die tabel deur die volgende tabelle te vervang

IC 10

TABEL A

Gebiede (noem elke gebied afsonderlik en meld of dit plaaslike owerheid of landdrosgebied is)	Getal werkgewers wat lede van die werkgewersorganisasie is en getal persone in hul diens in die onderneming, nywerheid, bedryf of beroep, in paragraaf 1 van die aansoek gespesifiseer, wat werknemers is soos in artikel 1 van die Wet bedoel						Getal werkgewers wat lede van die werkgewersorganisasie is en getal persone in hul diens in die onderneming, nywerheid, bedryf of beroep, in paragraaf 1 van die aansoek gespesifiseer, wat nie werknemers is soos in artikel 1 van die Wet bedoel nie					
	X	Persone in diens					X	Persone in diens				
	Werkgewers	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale	Werkgewers	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale												
Getal lede uitgesluit by die totaal in kolom X wat nie volwaardig is nie												

TABEL B

IC 10

Gebiede (noem elke gebied afsonderlik; meld of dit plaaslike owerheid- of landdrosgebied is)	Geskatte totale getal werkgewers wat nie lede van die werkgewersorganisasie is nie, en die getal persone in hul diens in die onderneming, nywerheid, bedryf of beroep gespesifiseer in paragraaf 1 van die aansoek, wat werknemers is soos in artikel 1 van die Wet bedoel						Geskatte totale getal werkgewers wat nie lede van die werkgewersorganisasie is nie, en die getal persone in hul diens in die onderneming, nywerheid, bedryf of beroep gespesifiseer in paragraaf 1 van die aansoek wat nie werknemers is soos in artikel 1 van die Wet bedoel nie					
	Werkgewers	Persone in diens					Werkgewers	Persone in diens				
		Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale		Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale												

Opmerkings—'n Volwaardige lid is 'n lid wat die intreegeld (indien vereis) betaal het wat in die werkgewersorganisasie as konstitusie voorgeskryf is en wat nie meer as drie maande met sy ledegeld agterstallig is nie [sien artikel 1 (2) van die Wet]

15 Aanhangsel IC 11 van die Regulasies word hierby gewysig—

(a) deur die woord 'tabel' in daardie gedeelte van die Aanhangsel met die opskrif "SLEGS VIR DEPARTEMENTELE GEBRUIK" deur die woord 'tabelle", te vervang, en

(b) deur die tabel deur die volgende tabelle te vervang

IC 11

TABEL A

Gebiede (noem elke gebied afsonderlik en meld of dit 'n plaaslike owerheid- of landdrosgebied is)	Getal persone in diens in die onderneming, nywerheid, bedryf of beroep gespesifiseer in paragraaf 1 van die aansoek wat lede van die vakvereniging is					Geskatte getal persone in diens in die onderneming, nywerheid, bedryf of beroep gespesifiseer in paragraaf 1 van die aansoek wat nie lede van die vakvereniging is nie maar wat werknemers is soos in artikel 1 van die Wet bedoel				
	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale X	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale										
Getal lede ingesluit by die totale in kolom X wat nie volwaardig is nie										

IC 11

TABEL B

Gebiede (noem elke gebied afsonderlik, en meld of dit plaaslike owerheid- of landdrosgebied is)	Getal persone in diens in die onderneming, nywerheid, bedryf of beroep gespesifiseer in paragraaf 1 van die aansoek wat nie werknemers is soos in artikel 1 van die Wet bedoel nie				
	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale					

Opmerkings.—'n Lid wat volwaardig is, is 'n lid wat die intreegeld (indien vereis) wat in die vakvereniging se konstitusie voorgeskryf is, betaal het en wat nie meer as drie maande met sy ledegeld agterstallig is nie. [Sien artikel 1 (2) van die Wet]

16 Aanhangsel IC 15 van die Regulasies word hierby gewysig deur paragraaf 3 deur die volgende paragraaf te vervang

"3 Die Raad beveel aan dat die bepalings in klousules van die ooreenkoms vervat, ingevolge artikel 48 (3) (a) van die Wet bindend verklaar word vir alle persone wat nie werknemers is soos bedoel in artikel 1 van die Wet nie, in diens in die

(Onderneming, nywerheid, bedryf of beroep)

in die [Gebied(e)]

en vir die werkgewers van sodanige persone"

17 Aanhangsel IC 16 van die Regulasies word hierby gewysig deur die tabel deur die volgende tabelle te vervang.

IC 16

TABEL A

Gebiede (noem elke gebied afsonderlik en meld of dit plaaslike owerheid- of landdrosgebied is)	Getal werkgewers wat *lede van die organisasie/partye by die geskil is en getal persone in hul diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vasstelling van toepassing is wat werknemers is soos in artikel 1 van die Wet bedoel						Getal werkgewers wat *lede van die organisasie/partye by die geskil is en getal persone in hul diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vasstelling van toepassing is wat nie werknemers is soos in artikel 1 van die Wet bedoel nie					
	X	Persone in diens					X	Persone in diens				
	Werkgewers	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale	Werkgewers	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale												
Getal lede ingesluit by die totaal in kolom X wat nie volwaardig is op die datum waarop hierdie Aanhangsel ingevul word nie												

IC 16

TABEL B

Gebiede (noem elke gebied afsonderlik en meld of dit plaaslike owerheid- of landdrosgebied is)	Geskatte totale getal werkgewers wat nie *lede van die organisasie/partye by die geskil is nie en persone in hul diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vasstelling van toepassing is wat werknemers is soos in artikel 1 van die Wet bedoel						Geskatte totale getal werkgewers wat nie *lede van die organisasie/partye by die geskil is nie en persone in hul diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vasstelling van toepassing is wat nie werknemers is soos in artikel 1 van die Wet bedoel nie					
	Werkgewers	Persone in diens					Werkgewers	Persone in diens				
		Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale		Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale . . .												

Opmerkings:

(i) 'n Volwaardige lid is 'n lid wat die intreegeld (indien vereis) wat in die organisasie se konstitusie voorgeskryf word, betaal het en wat nie meer as drie maande met ledegeld agterstallig is nie [sien artikel 1 (2) van die Wet]

(ii) Hierdie Aanhangsel moet ingevul word op dieselfde datum as dié waarop Aanhangsels IC 15, 19, 26, 27 of 30, na gelang van die geval, ingevul word

18. Aanhangsel IC 17 van die Regulasies word hierby gewysig deur die tabel deur die volgende tabelle te vervang

TABEL A

IC 17

Gebiede (noem elke gebied afsonderlik en meld of dit 'n plaaslike owerheid- of landdrosgebied is)	Getal persone in diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vastelling van toepassing is, wat lede van die vakvereniging is					Geskatte totale getal persone in diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vastelling van toepassing is, wat nie lede van die vakvereniging is nie maar wat werknemers is soos in artikel 1 van die Wet bedoel				
	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale X	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale										

Getal lede ingesluit by die totale in kolom X wat nie volwaardig is op die datum waarop hierdie Aanhangsel ingevul word nie

IC 17

TABEL B

Gebiede (noem elke gebied afsonderlik en meld of dit 'n plaaslike owerheid- of landdrosgebied is)	Geskatte totale getal persone in diens in die onderneming, nywerheid, bedryf of beroep waarop die *ooreenkoms/toekenning/vasstelling van toepassing is, wat nie werknemers is soos in artikel 1 van die Wet bedoel nie				
	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale
Totale					

Opmerkings.

(i) 'n Volwaardige lid is 'n lid wat die intreegeld (indien vereis) wat in die vakvereniging se konstitusie voorgeskryf word, betaal het en wat nie meer as drie maande met sy ledegeld agterstallig is nie [sien artikel 1 (2) van die Wet].

(ii) Hierdie Aanhangsel moet ingevul word op dieselfde datum as die waarop Aanhangsel IC 15, 19, 26, 27 of 30, na gelang van die geval, ingevul word

19. Aanhangsel IC 18 van die Regulasies word hierby gewysig deur die tabel deur die volgende tabel te vervang

IC 18

Gebiede (noem elke gebied afsonderlik en meld of dit 'n plaaslike owerheid- of landdrosgebied is)	A Getal werknemers in diens in die beroepe en gebiede ten opsigte waarvan die geslote-geledere -bepaling in die ooreenkoms van toepassing is, by werkgewers wat partye by die ooreenkoms is of wat lede van 'n partywerkgewersorganisasie is					B Die getal werknemers in A genoem wat lede van die vakvereniging is				
	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale X
Totale										

Getal lede ingesluit by die totale in kolom X wat nie volwaardig was op die datum waarop die ooreenkoms namens die partye onderteken is nie

Opmerkings:

(i) 'n Volwaardige lid is 'n lid wat die intreegeld (indien vereis) wat in die vakvereniging se konstitusie voorgeskryf word, betaal het en wat hoogstens drie maande met sy ledegeld agterstallig is [sien artikel 1 (2) van die Wet]

(ii) Die inligting in hierdie Aanhangsel aangegee, moet verstrek word ten opsigte van die datum waarop die ooreenkoms namens die partye onderteken is

14 Annexure IC 10 of the Regulations is hereby amended—

(a) by the substitution for the word "table" of the word "tables" in that portion of the Annexure under the heading "FOR DEPARTMENTAL USE ONLY";

(b) by the substitution for the table of the following tables.

TABLE A

IC 10

Areas (state each area separately, indicating whether local authority or magisterial)	Number of employers who are members of the employers' organisation and number of persons in their employ in the undertaking, industry, trade or occupation specified in paragraph 1 of the application who are employees as contemplated by section 1 of the Act						Number of employers who are members of the employers' organisation and number of persons in their employ in the undertaking, industry, trade or occupation specified in paragraph 1 of the application who are not employees as contemplated by section 1 of the Act					
	X	Persons employed					X	Persons employed				
	Employers	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals	Employers	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals												
Number of members included in the total shown in column X who are not in good standing												

IC 10

TABLE B

Areas (state each area separately indicating whether local authority or magisterial)	Estimated total number of employers who are not members of the Employers' Organisation and the number of persons in their employ in the undertaking, industry, trade or occupation specified in paragraph 1 of the application who are employees as contemplated by section 1 of the Act						Estimated total number of employers who are not members of the Employers' Organisation and the number of persons in their employ in the undertaking, industry, trade or occupation specified in paragraph 1 of the application who are not employees as contemplated by section 1 of the Act					
	Employers	Persons employed					Employers	Persons employed				
		White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals		White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals												

Notes—A member who is in good standing is a member who has paid the entrance fee (if any) laid down in the employers' organisation's constitution and who is not more than three months in arrear with the payment of his membership fees [*vide* section 1 (2) of the Act]

[illegible]

[illegible] Annexure IC 11 of the Regulations is hereby amended—

(a) by the substitution for the word "table" of the word "tables" in that part of the Annexure [illegible]

(b) by the substitution for the table of the following tables:

15 Annexure IC 11 of the Regulations is hereby amended—

(a) by the substitution for the word "table" of the word "tables" in that part of the Annexure under the heading "FOR DEPARTMENTAL USE ONLY"

(b) by the substitution for the table of the following tables

IC 11

TABLE A

Areas (state each area separately, indicating whether local authority or magisterial)	Number of persons employed in the undertaking, industry, trade or occupation specified in paragraph 1 of the application, who are members of the trade union					Estimated number of persons employed in the undertaking, industry, trade or occupation specified in paragraph 1 of the application who are not members of the trade union but who are employees as contemplated by section 1 of the Act				
	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals X	White persons	Coloured persons excluding Asiatics	Asiatics	Black persons	Totals
Totals										
Number of members included in the totals shown in column X who are not in good standing										

IC 11

TABLE B

Areas (state each area separately, indicating whether local authority or magisterial)	Number of persons employed in the undertaking, industry, trade or occupation specified in paragraph 1 who are not employees as contemplated by section 1 of the Act				
	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals					

Notes.—A member who is in good standing is a member who has paid the entrance fee (if any) laid down in the trade union's constitution and who is not more than three months in arrear with the payment of his membership fees [*vide* section 1 (2) of the Act]

16 Annexure . 15 of the Regulations is hereby amended by the substitution for paragraph 3 of the following paragraph

"3 The Council recommends that the provisions contained in clauses of the agreement be declared binding in terms of section 48 (3) (a) of the Act upon all persons who are not employees as contemplated by section 1 of the Act employed in the

(Undertaking, industry, trade or occupation)

and upon the employers of such persons "

within the [Area(s)]

17 Annexure IC 16 of the Regulations is hereby amended by the substitution for the table of the following tables

IC 16

TABLE A

Areas (state each area separately, including whether local authority or magisterial)	Number of employers who are *members of the organisation/parties to the dispute and number of persons in their employ in the undertaking, industry, trade or occupation covered by the *agreement/award/determination who are employees as contemplated by section 1 of the Act						Number of employers who are *members of the organisation/parties to the dispute and number of persons in their employ in the undertaking, industry, trade or occupation covered by the *agreement/award/determination who are not employees as contemplated by section 1 of the Act					
	X	Persons employed					X	Persons employed				
	Employers	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals	Employers	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals												
Number of members included in the total shown in column X who are not in good standing as at the date on which this Annexure is completed.												

IC 16

TABLE B

Areas (state each area separately, indicating whether local authority or magisterial)	Estimated total number of employers who are not members of the *organisation/parties to the dispute and persons in their employ in the undertaking, industry, trade or occupation covered by the *agreement/award/determination who are employees as contemplated by section 1 of the Act						Estimated total number of employers who are not members of the *organisation/parties to the dispute and persons in their employ in the undertaking, industry, trade or occupation covered by the *agreement/award/determination who are not employees as contemplated by section 1 of the Act					
	Employers	Persons employed					Employers	Persons employed				
		White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals		White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals												

Notes:

(i) A member who is in good standing is a member who has paid the entrance fee (if any) laid down in the organisation's constitution and who is not more than three months in arrear with the payment of his membership fees [*vide* section 1 (2) of the Act].

(ii) This Annexure must be completed on the same date as Annexures IC 15, 19, 26, 27 or 30, as the case may be

LABOUR MATTERS

Who's for Fanie

FM 5/10/79

Most unregistered trade unions are still undecided about whether or not to become part of government's new labour system. But a trickle of 'parallel' African unions has begun to register.

One such, the Motor Industry Workers Union has already applied to register under the new dispensation, which began officially last Monday. Manpower department officials tell the *FM* that two other unions have applied for an exemption to admit African members.

More applications to register, as well as more for exemptions, are certainly on the cards. Lucy Mvubelo's National Union of Clothing Workers is certain to follow soon, as are a number of 'parallel' unions. Indeed, Ronnie Webb, general secretary of the parallel motor union and Tucsa's immediate past president says he is "surprised that we are the first."

Webb expects all Tucsa-affiliated parallel unions to register. "None have said they're against the idea." They are likely to be joined in the next few days by newly-formed parallel unions outside Tucsa. Ben Nicholson of the SA Electrical Workers' Association says he will apply for registration for his union's parallel African union next week, and Archie Poole of the Engineering Industrial Workers Union says his parallel union will apply for registration as soon as its constitution is finalised.

As the *FM* suggested last week, unregistered unions affiliated to the Federation of SA Trade Unions (Fosatu) as well as some unions in the Cape are almost certain to stay out unless they are forced to apply for registration although Fosatu is still stopping short of rejecting registration. Fosatu's central committee met at the week-end and decided that a decision on registration would be taken *en bloc* by its affiliated unions. It also re-iterated its objection to aspects of the new system such as the bar on mixed unions and the provisional registration system.

At the same time, Fosatu general secretary Alec Erwin was mandated to contact other unions with a view to forming a "common front" on the issue. So all eyes are now turned to the Consultative Committee of Black Trade Unions, Fosatu's major rival amongst black unions.

Some Consultative unions favour rejecting registration. But the *FM* understands that there is strong pro-registration sentiment in the body. Our chief complaint was the migrants and commuters issue. If that is cleared up most unions are likely to argue for registration, says a Consultative source.

Indeed, the source adds that, while some Consultative unions reject government's proclamation because it is not enshrined in law, others are talking of entering the new system even if the proclamation is not incorporated in the Industrial Conciliation Act. 'The fact that it is a blanket exemption has influenced a number of unions.'

So Consultative unions could be the first independent black unions to enter the system. This view could change however. The *FM*'s source says that discussions with Fosatu unions on the issue are "vital" and adds that attitudes could change as a result of these talks. 'If we are convinced that the problems they raise are important we may be forced to look at other aspects of the new system.'

Of course many observers believe that the discussions about whether to register could become academic. They believe government is likely to make registration compulsory by placing new restrictions on unregistered unions. 'It's turning into a new ball game. The issue is fast becoming who will get registration, not who will be prepared to ask for it,' says one source.

If all unions are forced to apply, it is almost certain that some will be refused registration or granted provisional registration, which does not carry any of the benefits of registration, and denied full registration. An additional headache for the independent unions is the fear that parallel unions may attempt to block the entry of independent unions on the grounds that they were first in the queue and a "duplication" of unions is unnecessary.

Fig. 6 Life Expectancy — White Female, White Male, Coloured Female — Whites and Coloureds — AT BIRTH — 80

INTRODUCTION

In South Africa the analysis of mortality data is of particular
since, apart from the notification of certain predominantly
diseases and a recently instituted collection of hospital
tics[1], (primarily for national accounts purposes), no morb
collated on a routine basis at national level.[14] The 1
mortality statistics have already been mentioned. However
limitations are accepted, and when it is appreciated that
provides only one aspect of the overall health-disease pro
community, then the analysis of routinely collected statis
deaths occurring in a defined population provides importa
the planning, implementation, surveillance and evaluation
services.

SOURCES OF DATA

Information about
cause, age and se
These reports app
was the latest av
two series, one f
country,[2] and on
comprise the main

In 1974, there we
deaths in a popul
'coloureds',[4] de
total African pop
On the basis of a
Africans for the
Since the Births,
1970,[6] the registration of deaths
In 1974, the
Bantu Administration and Development or its successors.[7] The published
Bantu Reference Bureau registered about 130 000 deaths. Thus,
report for the selected urban areas accounts for 31 410 deaths.
about 100 000 residual deaths 'are not categorically divided in urban or

JOBS: A BETTER DEAL FOR CITY DWELLERS?

A BLACK school-leaver does not have a very good chance of getting the better jobs, that are available today. But what is the general job position in the cities like? Are things getting better as the Manpower survey says?

There is no reason to believe the survey's figures are wrong and it is almost certainly true that many companies are hiring more black staff. But that doesn't mean that it is any easier to find a job

Firstly, companies who are now hiring staff again may well be giving preference to workers who lost their jobs when the economic slump was at its worst Preference is likely to be given to workers with some experience

Some time ago, the government relaxed Section 3 of the Environment Planning Act (which limits the number of Africans a company can employ in some industries outside the homelands and border areas) to allow companies to employ African teenagers But few teenagers were employed as a result of the scheme According to employers, this was because they preferred to employ trained workers

Secondly, the number of jobs employers are offering would have to grow drastically before they even began lessening the number of unemployed Africans.

UNEMPLOYMENT IN SOUTH AFRICA

South Africa's unemployment problem is not the same as that of countries like England and America. There, unemployment is caused by a slump in the economy such as South Africa has been going through recently

When less money is around the companies do not have as much work to do So they are forced to get rid of workers. When the economy improves, these workers are then able to get jobs again

But in South Africa, many experts believe that unemployment is partly caused by laws such as the pass laws, the Environment Planning Act and the laws which prevent Africans from becoming skilled workers. Even if the economy grows, there is little chance that unemployment will slow down.

The real unemployment problem is the problem of finding jobs for people who leave school. And at present, there are simply not enough jobs to go around for them. So every year the number of unemployed people grows — even if more people are being employed by businesses.

ECONOMY MUST GROW

Every year, the economy must grow if there is to be no unemployment. It must grow so that there will be new jobs for those people leaving school. If only 50 000 new jobs are created and 300 000 people leave school to look for jobs, 250 000 more people will be unemployed.

Some experts believe that South Africa's economy will have to grow by 6% every year until the year 2 000 if all school leavers are to have jobs. At the moment, it is growing by less than 3%, and is expected to grow by only 3% this year.

So the fact that more workers are getting their jobs back — or even that more school-leavers are finding jobs — still means that many school-leavers will not find jobs. The problem of youth unemployment is growing every year.

THE RIEKERT COMMISSION

The government is promising to look into this problem. But many people fear that they will try to solve it by accepting the report of the Riekert Commission, another government commission which reported this year.

The Riekert Commission suggested a number of steps which would make life easier for those Africans whose work is needed in the "white" towns and cities. But it also said that the government should make it more difficult for people who do not have work in the cities to stay in them.

Any African who does not have work or housing should not be allowed to stay in the cities, according to the Commission The recent law increasing the fines for employers who hire "illegal" workers was one of the commission's suggestions.

Men waiting and hoping for jobs outside the registration offices in Johannesburg.

NO UNEMPLOYMENT IN CITIES BUT . . .

The report, if accepted, could create a position where there are no unemployed people in the cities — because anybody who is unemployed would be sent back to the homelands. And there would be more jobs for the people already in the cities — but only because it would be more difficult for people from the homelands to come to the cities.

Some people believe that this would bring about a small, relatively privileged African group in the cities who had jobs and houses. But this would only come about because people in the countryside, such as the homelands, were not allowed to work or live in the cities

Today many people are unable to find jobs. However, we believe that if you are qualified to do a job, you stand a better chance of getting it than someone who is not qualified. Also it is important that you have the right qualifications for the job you are interested in. To help you choose a suitable career for yourself Learning Post will publish a Career Guidance Supplement next week.

DON'T MISS IT!

30/9/79

Are you a father?

IF YOU are a father you are a very special person. Only you can give your children the love and understanding they need from their father.

Do you know what your children need from you as a father? Many men think they are fulfilling their roles as fathers. But are they doing as much as they can? Could they do more for their families? Let's look at some of the things which are important for a father to do.

A father's role

Men are the heads of their families and they make final decisions with their families They decide on where their children should go to school, help them decide on careers and many other major decisions

A father's role is also to guide children to become honest, kind, hardworking people who care for others beside themselves. They teach their children things which they feel are important for a fulfilling life.

Men bring home money for their families. They provide, as well as they can, enough money for food to make their children grow strong and healthy. They buy furniture and clothing for their families and see to it that their children are educated.

A father's role is also to provide a stable home for his children. Children need security at home to cope with all the difficulties and problems they encounter in the outside world. They also need all the love and affection their fathers can give them. They need their fathers support and understanding from the time they are tiny babies until they are adult.

Boys need their fathers as a model to follow. If a boy has a strong and understanding father, chances are that he too will become a strong and understanding parent. Similarly if a boy has a neglectful and disinterested father, he will probably follow this example when he becomes a father.

Lots of families live in dangerous areas and feel safer with a father to protect them from the dangers of burglars and thugs.

Many men think they are doing a good job as fathers to their children. And some of them really are. But other men think its enough just to bring home money, provide fancy furniture and make decisions for the whole family. Then they spend the rest of their time having a good time with their buddies

Is it enough?

But is this enough? Can fathers really fulfil their roles if they do not involve themselves fully in family life?

How can a father help his children make decisions if he doesn't know and understand them well? Can he decide what career his son should follow if he hasn't involved himself fully in his son's development? Will he know what his son wants and is good at?

If a father spends more time at meetings or with his buddies than at home, can he discipline his children fairly? If he doesn't talk to his children he wont know the causes of their unhappiness which may lead to bad behaviour. And if he doesn't know the causes he cannot help his children overcome their problems.

A boy will follow his father's example. If his father is seldom at home, the son will think that fathers don't need to be at home. Then when he is a father he too will neglect his family.

Can a father provide the love and attention, support and understanding his children need if he takes little interest in them?

And finally, a father who is seldom home can't provide the protection his family need from him

Many men would like to improve their relationships with their children, but may find this difficult to do. There are a number of reasons why it is hard for men to become deeply involved with their families.

Why it's difficult

Fathers sometimes feel that they are prevented from deep involvement with their families because of their traditional role as head of the family. In the old days the families survival often depended on the leadership of the father. It was felt that to be a strong leader, fathers had to keep their distance from their families. People felt that familiarity bred contempt.

This role has been handed down over the years from father to son. Today it often means that fathers are unable to become friends with their children because children are [illegible]id to talk to their fathers.

Again it has b[illegible] a [illegible]an's role to reign over the [illegible] and children Women today of[illegible] [illegible]ect their roles and in doing so keep their husbands from becoming involved in domestic life

Some women think it's unmanly for men to show their affection for their children. But if men want a fair deal in sharing the joys of family life, they should overcome their wive's prejudice

Love wi[illegible]out nappies and dishes

Some men t[illegible] that "more involvement in fam[illegible] means changing nappies and d[illegible] the washing up. But this is not ne[illegible]ily so. There are many different [illegible]s in which you can get to know an[illegible]derstand your children better, so [illegible] can gain their respect as a re[illegible] [illegible]th family.

When childre[illegible]ny, they easily grow to love t[illegible] who play with them, help the[illegible] kind to them. So pick them u[illegible] cuddle them, comfort them whe[illegible] help them in their efforts [illegible]rstand things.

When they star[illegible]ool, give them plenty of support because little ones often find schoo[illegible] a fearful experience at first. Perhaps y[illegible] can help them with their homework. [illegible]ey'll [illegible]ainly appreciate. Perhap[illegible] gardening or maybe [illegible] can get your childr[illegible] Small children love to [illegible] hold things for their [illegible] ones are a great help.

And while you[illegible] these chores with your [illegible] them. Ask them questio[illegible] themselves and their friends. [illegible] that their interests are and w[illegible] ar.

Teenage children [illegible] and their schoolwork very diff[illegible] encourage them to struggle through difficult patches at school. They'll be more prepared to try their best if they know that you understand their problems.

Spend as much time as you can with your children. Do things with them which will interest both you and them. Perhaps you could take them with you to soccer, into town on a Saturday morning, or anything which interests you all.

When your wife is busy in the evenings, help her by taking care of the children. Read them stories, help with homework and put little ones to bed. Your wife will be grateful for your help and you'll be building strong bonds with your children.

If your wife goes away, grab the opportunity to take the kids out for the day. You could go on a picnic, or to a movie or simply take them to visit their grandparents.

Kids haven't changed

Times have changed and both mothers and fathers have to go out to work. But children's needs haven't changed. They still need love, attention, support and time spent on them. In the past, women have fulfilled these needs. But, today, women don't have the time to spend with their children. So fathers need to help their wives with their children. In doing so, fathers will reap the rewards of true love and respect from their children. And they will also have a more fulfilling relationship with their wives.

(d) Number of members shown in (c) who have signed requests such as are contemplated in section 78 (1B) of the Act

Area (insert description of area)	White persons		Coloured persons		Black persons	
	Total	In good standing	Total	In good standing	Total	In good standing

(b) by the deletion of the expression "(³)" in paragraph 3, and
(c) by the deletion of *note* (³)

No R 2167 28 September 1979

WET OP NYWERHEIDSVERSOENING, 1956

VERKLARING VAN SEKERE GROEPE OF KLASSE PERSONE TOT WERKNEMERS

Ek, Stephanus Petrus Botha, Minister van Mannekragbenutting, verklaar hierby, kragtens die bevoegdheid my verleen by artikel 1 van die Wet op Nywerheidsversoening, 1956 (Wet 28 van 1956), die klasse persone in die Bylae hieronder genoem tot werknemers met ingang vanaf 1 Oktober 1979

S P BOTHA, Minister van Mannekragbenutting

BYLAE

Enige persoon wat aan die vereistes van subparagraaf (i) van paragraaf (a) van die omskrywing van "werknemer" in artikel 1 van die Wet op Nywerheidsversoening, 1956 (Wet 28 van 1956), voldoen en wat—

(a) 'n Suid-Afrikaanse burger is of was, of

(b) 'n burger is van 'n staat waarvan die grondgebied of 'n deel daarvan, voorheen deel van die Republiek uitgemaak het

No R 2167 28 September 1979

INDUSTRIAL CONCILIATION ACT, 1956

DECLARATION OF CERTAIN GROUPS OR CLASSES OF PERSONS AS EMPLOYEES

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, under the powers vested in me by section 1 of the Industrial Conciliation Act, 1956 (Act 28 of 1956), hereby declare the classes of persons mentioned in the Schedule below to be employees with effect from 1 October 1979

S P. BOTHA, Minister of Manpower Utilisation

SCHEDULE

Any person who complies with the requirements of subparagraph (i) of paragraph (a) of the definition of "employee" in section 1 of the Industrial Conciliation Act, 1956 (Act 28 of 1956), and who—

(a) is or was a South African citizen, or

(b) is a citizen of a state the territory of which, or a part of which, formerly formed part of the Republic

NM 27/9/79 (166)

A new deal

APART from a few agonised wails from some traditionally Right-wing White unions, the Government's decision to give full trade union rights to Black workers, including commuters from the homelands, has drawn favourable reaction across most of the labour spectrum — and rightly so

Industry, commerce, union leaders and homeland spokesmen have all signalled their pleasure with the new deal, and it now remains for the Government to ensure that the legislation matches the expectations that the announcement has stirred

It is not unnatural that misgivings may arise concerning the political potential of organised Black trade unions However, it would be unwise at this stage to litter the legislation with safeguards Employers and employees at least should be given the chance to make the new dispensation work smoothly

There will, of course, be a heavy onus on Black union leaders to act responsibly Even from a cursory glance at the labour scene it must be acknowledged that there are plenty of thorny issues for unions to get their teeth into It will be up to them to avoid provocative strategies that have brought trade unionism into disrepute in certain other countries

By the same token employers might be well advised to prepare now for what lies ahead Very soon they will be faced with the reality of collective Black bargaining, and those who are unable to negotiate from a position of strength could find themselves in for a rough ride By ensuring now that wages are fair in relation to the work produced, and that minimum pay scales relate sensibly to the cost of living, employers will put themselves in a favourable position to cope with future pressures

One of the most important benefits to flow from the establishment of registered Black unions will be the demise of the present chaotic situation in which many employers seem to react to wage demands only against the troubled background of illegal strikes and attendant unrest The advantages of substituting this volatile atmosphere with an orderly negotiating process hardly need emphasis

from the Burger

CT 27/9/79 (166)

Trade Unions for all

THE government's decision to grant full trade union rights to all black workers in the country, excepting citizens of foreign countries, is one of the weightiest steps it has ever taken to ensure a modernized, peaceful labour dispensation in South Africa

It is a decision with far-reaching implications, and one therefore, which has been decided on only after careful consideration and after the Wiehahn Commission had thoroughly investigated the matter. All South African citizens as well as commuters and citizens of former parts of the Republic will now be able to belong to trade unions

Up till now the position has been that there are already 27 unregistered black trade unions with a membership of about 75 000 They are active in key industries, have liaison with international trade union organizations and receive money from abroad which, together with their subscriptions, they may use for any purpose They have already been able, especially in Durban, to cause great industrial unrest

The new arrangement places such trade unions under a legal umbrella which obliges them to reveal their activities and financial affairs Henceforth they will also not be able to participate in political activities — whereby a great evil of the trade union system in countries such as Britain can be avoided

Black trade unions which really exert themselves for their workers, will probably be eager to register in accordance with the new arrangement If they do not do so, they will be excluded from the reconciliatory machinery of the legislation which comes into operation on October 1

An important part of the new dispensation is the Industrial Court under the chairmanship of Professor Nic Wiehahn which is to develop a labour code for South Africa on the basis of our own traditions This will protect all workers and settle all labour conflicts Registration thus seems to be indicated for all trade unions — all the more so because every undertaking is encouraged to arrange its own affairs between employer and employee

From this perspective the recognition of black trade unions is a necessary step to ensure labour peace and help the country further along the road of great growth, which could make it one of the industrial giants of the world

RAND
Daily Mail
THURSDAY
September 27, 1979

Getting moving on union rights

MR FANIE BOTHA'S announcement about the extension of trade union rights is indeed welcome news What a pity that it has come three months after the passage of the "new deal" labour law in Parliament. Had the present intention been put into practice then, the Government would have spared itself many of the rocks it has received, both at home and abroad, for the gap between the promise of the Wiehahn Commission report and the limited statutory implementation of it.

In any event, the Government has acted bravely in widening trade union rights as it has flown in the face of opposition from rightists in its own ranks and in the white union movement.

But problems remain. There is still the issue of racially mixed trade unions which cannot for long be avoided. The "moderate" white unions are anxious for a green light on this so that they can organise against racially exclusive black unions. It is possible the Government will go along with them.

Transcending even this, however, is the crucial matter of the registration of unions. This has been overshadowed by the conflict over who qualifies for union rights but now assumes critical importance.

The Wiehahn report spoke in general terms about criteria for registration The inclusion of a phrase such as "the national interest" no doubt reflected (understandable) Government anxiety about the use of unions for political purposes When it came to the Industrial Conciliation Amendment Act, the Industrial Registrar was given sweeping, unlimited power to register a union or withdraw registration without giving a reason for doing so

Many black union leaders are (understandably) opposed to this. They fear that, behind the extension of trade union rights, lies a sinister scheme for Government control Given the history of the Nationalists' approach to black unionism, their fear must be a real one.

Having come so far, however, it would be tragic if the Government were now to destroy the good that is being achieved by failing to allow the freedom of association that is integral to union rights

(166) 22/12/79 (134) (154) (166)

Labour cycle: Strike '73 to Strike '79

RDM 23/12/79

By STEVEN FRIEDMAN
Labour Reporter

ON THE morning of January 9 1973, workers went on strike at Coronation Brick and Tile a brickworks on the outskirts of Durban By the end of that month, at least 30 Durban firms had been affected by strikes

On December 17, 1979, workers at the Sea Harvest factory at Saldanha Bay struck The strike followed recent similar action at the Cape Town docks and various motor plants in the Eastern Cape

For labour, the decade had ended as it begun — much of what happened in labour in the 70s was about these strikes and the response to them

Just as the First World War is said to have ushered in the 20th century because it marked an irrevocable shift from the old order to a new one, so the '73 strikes ushered in the 70s

It was these strikes which spurred the rebirth of a black trade union movement, which forced many employers to take a new look at work conditions and channels of communication with their black work-forces, which, at least in part, led to the establishment of the Wiehahn Commission

The 1970s have been a story of increased black worker militancy and a growing role for black workers in an industrialising economy It has also been the story of attempts by the Government, employers and the non-black trade unions to react to these developments

Many employers reacted to the Durban strikes by increasing wages It soon became apparent, however, that wage increases alone would not sweep potential unrest from the factory floor

A black trade union movement had begun to emerge, first in Durban and Johannesburg, then in other centres

It became apparent that black workers were beginning to demand not only a fairer share of the cake, but a share of power in the factory as well

Black unions were not entitled to registration, which meant employers did not have to deal with them or allow them to organise their workers

But the unions were not illegal and they set about trying to win recognition from employers who they hoped, could be persuaded to ignore the lack of official approval

The reaction was predictable at first Most employers responded by sacking "ringleaders" or insisting that workers make use of the weak works or liaison committee system

The Government reacted by beefing up its committee system, the only legally-recognised bargaining channel for black workers

Amendments to the Black Labour Relations Regulation Act in 1973 and 1973 caused a proliferation of officially-sanctioned works and liaison committees and ultimately resulted in their being granted the power to negotiate binding wage agreements

But the committees were becoming increasingly discredited Most of them were rejected by workers as "stooge committees" Trade unionists pointed out that committee members were employed by management and thus subject to victimisation

Meanwhile, the union movement continued to grow

The unions concentrated their efforts on attempting to win recognition from individual companies This strategy had some successes

Most companies, however resisted the unions furiously

The 1976 dispute at Heinemann Electric, in which 600 workers lost their jobs and the police baton-charged a worker meeting was merely a starker example of what happened at other plants when black workers demanded union rights

But there were signs of increased worker commitment to strike action too Later the same year workers at Armour plate Safety Glass, a Springs factory, struck for nine weeks

The Government's reaction was, at first, equally predictable In 1977, nearly 30 people associated with the black union movement were banned

However, it continued to grow despite the bannings and employers and the Government began to realise more strongly the growing importance of black workers in the workforce

As the economy grew and became geared more towards industry it became apparent that there were simply not enough white hands to go round Black workers would have to be allowed to do semi-skilled and skilled work

This would obviously increase their bargaining power

It thus became evident that the black union movement could not be ignored forever, and in this climate the Wiehahn Commission was appointed in 1977

In May 1979, the commission's first report was published

It recommended the end of statutory job reservation (although other measures protecting white workers are still in force), the training of black apprentices in white areas and a number of other measures designed to make it easier for employers to use black workers in positions vacated by whites

Its most important recommendation was that black unions be registered

It was impossible, the commission argued to simply ignore black unions Instead, they should be brought into the official system — a move which, while it would make their lives easier, would also bring them firmly under official control

The commission also recommended increasing the control over existing registered trade unions, and — in a move which evoked protest from some non-black unions — that the committee system be retained and extended to non-black workers

But black unionists complained that the control over unions in the system would weaken them leaving the factory-level committees to do much of the work of representing union members

These complaints increased when, first the Government's response to the report and then the legislation which followed it, watered down some of the commission's recommendations welcomed by the unions, and tightened up some of those the unions feared would introduce new control

Most of the unions began by declining to register As the Government introduced new concessions, bringing it more into line with the Wiehahn report the unions began moving towards registration — most of them because they felt they had no choice

Only the Cape unions have steadfastly refused to contemplate registration

Much of the reluctant pro-registration sentiment has been prompted by the dramatic growth of "parallel" unions — blacks-only unions organised by non-black registered unions — after the Wiehahn report

The registered unions who started these organisations argued they were merely providing representation to workers who had not been unionised

But the black unions saw the growth of parallel unions as an attempt to destroy them and create a "tame" black union movement under the firm control of the registered unions

They pointed to the fact that many parallels focused recruiting efforts on plants where black unions were active And, they charged managements were helping the parallels by giving them facilities denied black unions

In exchange for this help, they claimed, the parallels were agreeing to give over large chunks of factory decision-making to employers In particular, they were agreeing to the retention of the liaison committee system

As the decade drew to a close, black unions were beginning to argue that the old system, from which blacks were simply excluded, was being replaced by one in which black workers would be channeled into weak unions, firmly controlled by the Government, management and non-black workers

But something else was happening at the end of the 70s

Black workers in Port Elizabeth struck in support of a black community leader and the strikes mushroomed

Three plants were affected — the Ford Motor Company three times And it was at Ford that it all began

Then stevedores at Cape Town docks struck, then fishery workers at Saldanha Bay A new rash of strikes could well be in the offing

A common lesson appeared to emerge from all these strikes Not only was black militancy on the increase, but employers who did not deal with a strong democratic union in their plants faced the risk of strike action

Even the Ford strike began partly because workers felt that their union, which Ford recognises, was not responsive enough to their demands

So labour in the 70s has turned full circle

The search for means of communication which would prevent strikes has, in the opinion of many, produced only a system which is streamlined, but still unable to prevent unrest

Only one in which employers and the Government recognise the need for strong black trade unions will prevent factory-floor unrest, observers argue

A key question for the 80s will be whether the Government, employers and the non-black unions realise that attempts to weaken the black union movement are likely to open the way for more militant, more political forms of black worker action

ty, accounted for by specific conditions.

This was calculated both at birth (e_o) for both males and females. It expresses the years an individual would be expected to live beyond birth and 45 years.

(iv) Proportional Mortality, indicating that the whites had

(v) Expectation of Life. (e_{45}) for both males and females. It expresses the average number of additional years an individual would be expected to live beyond birth and 45 years.

For Africans, the pr

RESULTS

The infant mortality for whites and 'colo the whites have expe since 1929, the 'col static IMR since 195

From 1941 to 1970, t an improvement of 57 decreased from 164,8 This is of particula IMR, the more easily in SMRs between 1941 'coloureds' respectiv

Industrial court to be opened

Post 29/11/79

THE president of South Africa's new industrial court, Dr Nic Wiehahn, said yesterday that the court will assume its new functions from Monday.

He said complaints could be submitted in writing to the registrar of the court at Private Bag X227, Pretoria 0001.

"Matters of fair employment practice will be given priority," Dr Wiehahn said.

"Since we are only starting out now, we shall have to concentrate on cases with far-reaching implications at first, leaving petty matters for later.

"Naturally well-prepared cases submitted by trade unions and employer organisations will have to come before individual grievances.

"But in time we intend to get round to everybody '

At this stage, Dr Wiehahn said, the court's rules and procedures were still being worked out.

"This means that the court will have to use its powers carefully at the outset," he said.

The court would rely largely on principles of equity and on the principles and premises spelled out in Part 1 of the Wiehahn Report.

Dr Wiehahn said he was looking forward to the development of a code of fair labour practices which would allow many conflicts of right and interests to be settled out of court.

'coloureds' has improved ... of 5 and 64. However, for children less than 5 years of age, the gap between whites and 'coloureds' is widening. In 1941, white children under one year old experienced 28,0% of the mortality of 'coloured' children;

by 1970, this figure had decreased to 15,7%, indicating that the whites had improved disproportionately to the 'coloureds'. Similarly, for children 1 to 4 years of age, during the period 1941 to 1970, the white mortality experience as a percentage of the 'coloureds' had decreased from 15,2% to 7,1%. It should be noted that the 0 year age specific death rates are higher than the corresponding IMRs. This is because the denominator for the former is the number of live births whilst for the latter it is the mid-year populations under one year of age.

Fig. 4 provides an indication of the proportional contribution of selected causes of death to the overall mortality experience of the white, 'coloured' and African communities.

During the period 1929 to 1970, the whites have shown a changing spectrum of mortality which is classically associated with an improving health status. Infectious diseases have become less important and the major causes of death are increasingly related to Cardiovascular and Neoplastic diseases. The 'coloureds' and Africans, however, have a persistently high proportion of deaths caused by infectious diseases. The Africans exhibit a spectrum of mortality which is characteristically associated with developing communities, whilst the 'coloureds' appear to occupy an intermediate position between the whites and Africans, although it is clearly much more similar to the Africans than it is to the whites

What is of particular concern about the 'intermediate' position of the 'coloureds' is that it would appear to incorporate the worst of both the developed and the developing experiences. This becomes apparent from Table II which provides a more detailed analysis of the different diseases contributing to the overall mortality of the whites and 'coloureds' in the form of cause specific mortality rates for defined age groups. Thus, although cardiovascular diseases are consistently responsible for a fairly small proportion of the overall mortality of the 'coloureds', Table I indicates that the actual rates for cardiovascular diseases have been fairly similar for both whites and 'coloureds' since 1941.

Clearly, the broad diagnostic categories used in this analysis conceal a certain amount of information. However, because of the changes in disease classification which have taken place since 1929, it is not possible to examine the temporal changes of mortality rates in greater detail. Disease categories with rates greater than 5/1 000 appear in italics in Table II. It will be noted that the mortality experiences of the 'coloureds'

the South African population from all causes of death. The proportional contribution of the seventeen major disease categories of the International Classification of Disease (8th revision) to the overall mortality of the various communities is summarised in Fig. 5. The whites show a typical 'developed' country spectrum of mortality with Infectious and Parasitic Diseases being of minor importance (2,0%) and Neoplasrs (15,6%) and Diseases of the Circulatory system (50,5%) being of major importance. For urban Africans and 'coloureds', Infectious and Parasitic Diseases make an important contribution to the overall mortality (19,5% and 23,5% respectively),

Mortality rates greater than 5/1 000 appear in italics in Table I. For all of these major causes of mortality, the Asian and 'coloured' mortality rates exceed those of the whites

However, in this context, what requires emphasis is that by using the major disease classification a certain amount of detail is lost. For example, despite the fact that the overall rates for diseases of the circulatory system are comparable for whites, Asians and 'coloureds', within this broad category the mortality rates for diseases vary markedly. Table II provides the proportion

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The Star

WEDNESDAY, NOVEMBER 28, 1979

LABOUR TAKES OFF

THE INAUGURATION on Saturday of the new Industrial Court will mark another important development in what promises to be a dynamic and possibly hectic era in the development of South Africa s industrial and labour relations during the 1980s

The Industrial Court, with the National Manpower Commission, has a key role to play in phasing out racially discriminatory practices, as recommended in the reports of the Wiehahn and Riekert commissions The president of the new court is none other than Professor Nic Wiehahn, who saw some of his recommendations watered down but is now well placed to give effect to the spirit of his widely praised report, the final stage of which is due to be released soon

"The court," says Professor Wiehahn, "will play a significant role in the development of fair labour practices which will rapidly have to develop into a labour code"

Professor Wiehahn's appointment is a good omen, as is the announcement by the Minister of Manpower Utilisation, Mr Fanie Botha, that the protection the court will give to workers is one of the reasons for the scrapping this week of three job reservation determinations in the motor industry

The court is also likely to have to decide which unions qualify for registration And this brings us to the more hectic side of the story, down in the newly liberalised atmosphere of the shop floor where dozens of unions and associations are already engaged in a scramble to recruit members

The Government's reversal of its previous decision to deny trade-union rights to workers from the Black homelands has greatly increased the numbers eligible to join registered or registerable unions. But restrictions on the right of free association severely inhibit the formation of non-racial unions, and this is leading to a disturbing Black/White polarisation.

In Durban more than 40 Black unions have decided not to affiliated with the Trade Union Council of S A (Tucsa) or the Federation of S A Trade Unions (Fosatu) on the grounds that leadership should rest with the Black majority, and have formed their own federation

This sort of apartheid in reverse is not only contrary to the spirit of trade unionism but it also leaves the door open for militants to further political aspirations through the trade unions The Government should be doing all it can to prevent polarisation of the work force

Fig. 7 summarises the percentage improvement in the expectation of life at birth subsequent to the total elimination of the mortality associated

(2) 68

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F.M 16/11/79

MANPOWER COMMISSION (166)

Critics' field day FM 16/11/79

Trade unionists are not exactly delighted at the composition of the National Manpower Commission The commission will play a crucial role in the post-Wiehahn labour dispensation

The unions are unhappy with the fact that only eight of their number are represented among the 42-strong commission And black unionists jib at the fact that only one of their number, Lucy Mvubelo, who is solidly in the conservative camp, is in

Doubts have also been expressed — by Tucsa president Andre Malherbe, for one — about the heavy public sector representation There are 13 public sector men, five educationists, 10 businessmen, and five others from business-related organisations

Unregistered unionists like Fosatu's Alec Erwin argue that the commission is "badly balanced It is made up of the business, government and trade union establishment African workers — the majority of the country's workforce — have no effective voice at all"

Erwin adds that "it is difficult to see how workers can have confidence in a body which will make crucial decisions about their future but in which they have no effective say"

The unregistered unionists are not the only ones who are worried Boilermarkers' Association general secretary Ike van der Watt is also concerned at the lack of union representation and adds that unionists were given to understand that the commission would be divided equally between them, business and the State "The Minister indicated to us that all parties would be equally represented He must have meant all labour organisations"

Not even labour organisations have been equally represented, argues Van der Watt He points out that while Tucsa has three representatives and the Confederation of Labour two, the Confederation of Metal and Building Unions has none, although the industries it covers employ about 750 000 workers One CMBU man, Tom Neethling, of the Amalgamated Engineering Union, is on the commission but Van der Watt says he regards himself as a union, rather than a CMBU, representative SA Electrical Workers' Association general secretary Ben Nicholson complains that "many commissioners seem to have no labour background and little working knowledge of the subject"

Van der Watt, Erwin and Nicholson are all unhappy about the size of the commission They argue that it will be difficult for a 42-man commission to operate effectively "How are they going to get consensus on decisions?" asks Van der Watt He says he would like the unions to take the matter up with government "if only to get clarification"

Organised business, however, appears to be happy with the commission's composition Seifsa and the Building Industries Federation are both represented While no official Assocom or FCI representative has been chosen, both organisations say that men nominated by them have been appointed, but have been listed as representatives of individual companies rather than their employer federations

Women are also unhappy about the commission — Mvubelo and UCT Business School's Kate Jowell are the only women on the commission So the commission has more than its fair share of critics even before its work begins

The Cape Times

THURSDAY, NOVEMBER 15, 1979

Fear of catastrophe

THE BLACK SASH is in daily contact with blacks through its advice office For 16 years it has sought to solve their myriad problems, caused largely by the pass laws — of breadwinners ordered to leave their city jobs and return to homeland unemployment, of wives barred from staying with their husbands, of children separated from their parents. Inevitably the women who run the office have become sensitive to black moods and feelings in a way that ordinary white South Africans, isolated from their black compatriots, could never hope to be So when the office goes to the length of issuing an emergency report to warn the country that in 16 years it has never experienced as much anger among blacks as now or such a "sense of impending catastrophe", then it is time to pay serious heed. Similar warnings, though less extreme, were issued a few weeks before the 1976 Soweto riots. They were spectacularly ignored.

In 1976 the conflagration was sparked by the official insistence on Afrikaans as a medium of school instruction. This time the trigger issue, according to the Black Sash, is the end of the three-month moratorium on the imposition of R500 fines on the employers of unregistered black workers It is more fundamental than mediums of instruction. It could have the effect of frightening thousands of employers into dismissing their so-called illegal employees, thus putting a huge number of blacks, unemployed, hungry and desperate, out on to urban streets. The consequences are incalculable. In fact, in this respect, the Riekert commission, enlightened in other ways but which recommended the drastic penalization of employers, is responsible for a degree of seething unrest never achieved by the existing pass laws Their very inefficiency in controlling the movement of workers in response to economic demand helped to ease tension These laws often sent workers to prison, but as statistics released by the Black Sash show, even prison sentences did not prevent significant improvements in these workers' living standards, compared to the legal alternative of sitting jobless in some homeland A Ciskeian employed illegally in Maritzburg, for instance, gained a mammoth 702,7 percent improvement in spite of spending three months of the year in prison The risk of prison was therefore taken, because it was more than worth it

A R500 fine is less of a threat than prison. But white employers stand to lose far more, in risking it, than a black worker risking a prison sentence. Dr Riekert was right in recognizing this as a more effective method of discouraging illegal employment But he failed to appreciate the dangerous sociological effect it would have on the black community, an effect that the Black Sash have rightly noted with the gravest alarm.

Sash warns of 'catastrophe'

JOHANNESBURG — This year's legislation which introduced a R500 fine for employing an unregistered Black worker has been criticised by the Black Sash in an 'emergency report'

The report said the legislation had been obscured by the three-month moratorium and the general delusion that the Riekert report was to be welcomed as a tremendous step forward"

The fine was a direct result of Dr Riekert's recommendations and went hand-in-hand with the implementation of another of his recommendations that labour bureaux should exercise strict control over the admission of contract workers'

Never in the 16 years since the Black Sash had opened an office in Johannesburg had it experienced such anger expressed by Black people or such a sense of impending catastrophe Never have we felt more urgently the need to try to communicate to White South Africans the realities of what is happening'

Up to now the only saving factor for the people controlled by the pass laws had been the total inefficiency of the system

All the vast ponderous and expensive structure of influx control and enforcement has not been able to prevent people from moving to places where they could find work They have been impelled by the necessity of earning a living for themselves and for the survival of their children and illegal jobs have been readily available

The new fine meant there would now be no more illegal work available, the report said

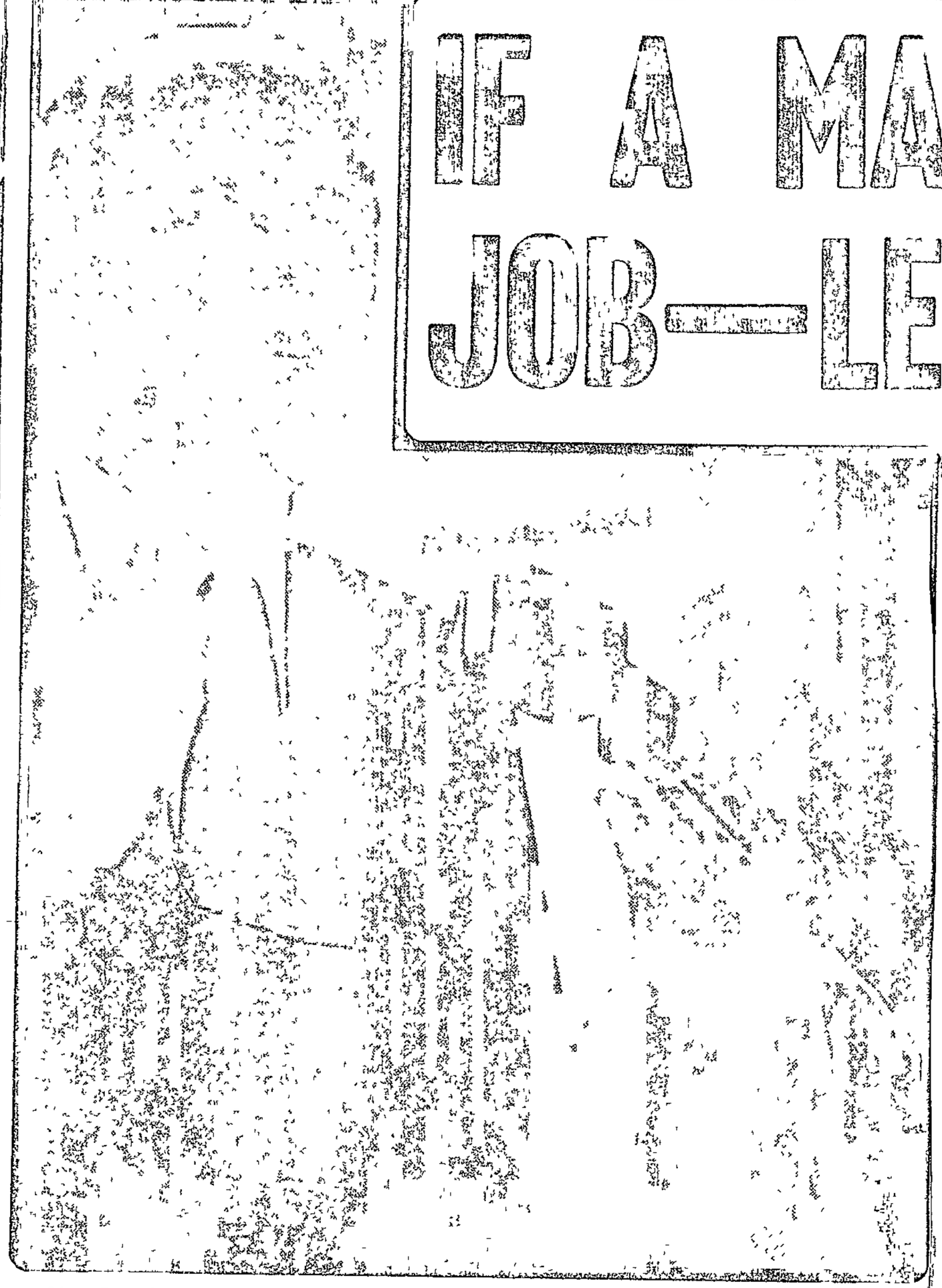
'Always before we and they have known that they would be able to go on somehow even if it meant arrest and imprisonment from time to time All hope has now been removed and

(166)

4/11/79

Sun. Trib. 4/11/79

IF A MAN HAS HIS JOB—LET HIM WORK!



Alex Boraine, Progressive Federal Party MP for Pinelands, is the Official Opposition's chief spokesman on labour.

EARLIER this year the Government introduced legislation which drastically increased the fine on employers who were found guilty of employing so-called illegal blacks. Employers of illegals face a maximum of R500 or three months in jail for a first offence and a fine of not less than R500 or three months in jail for a second conviction within two years.

This led to large-scale disruption and after representation by employers the Government declared a three month moratorium which enabled employers to register "illegal" employees.

The moratorium expired on October 31 and employers again face the prospect of severe fines or imprisonment if they hire unregistered labour.

During the three-month moratorium, more than 50 000 black workers registered, which is an indication of how many blacks are working illegally in the urban areas.

It is highly probable that many blacks either because they were afraid, or because they did not know of or understand the procedure did not take advantage of this reprieve.

It is also clear that many who attempted to register, were for one reason or another, refused. This means that the already alarming unemployment figures will continue to spiral.

It is, in fact criminal to label people who are employed as "illegal". Against the background of wide scale unemployment and all the misery which this brings in its wake, those that have jobs should not be hounded in this way.

There are three positive steps the Government could and should take if it wants to limit unemployment and to encourage those who are working.

First the moratorium should be reintroduced immediately and it should be for an indefinite period. This will enable those who are in employment to register and to have the security which is denied them. If a man has a job, why drive him into the ranks of the unemployed because of a technicality?

The moratorium should also be extended to the Western Cape which did not enjoy the three month breathing space despite my pleas to Dr Koornhof.

Second, the R500 fine should be repealed as soon as possible. It is reported in the Press that many employers will dismiss their workers rather than face the exorbitant fines. This will further exacerbate the employment situation.

Third, the Government should give notice of its intention to repeal the Physical Planning Act which restricts the numbers of blacks employed in urban areas.

Even if a business expands and needs more workers, the owner is not allowed to add to his quota of black employees without special permission. Under any circumstances this is indefensible, but in our present situation with more than a million unemployed it is sheer lunacy.

Unemployment is a social phenomenon which brings the stress to the individual and to the family concerned. Hunger and cold are often constant companions. And worse, a sense of hopelessness and despair covers them like a blanket.

In South Africa, because the vast majority of the unemployed are black, there is an added dimension. We simply cannot afford large-scale, long-term unemployment if we want to maintain security and peace.

In a racially-tense atmosphere the Government should do everything possible to create more jobs by means of a growth economy.

This is no easy task and requires the total support of the private sector as well. In giving its energies in this direction it should stop persecuting and prosecuting those who have jobs but are regarded as illegal because they fall foul of ideological and radical policies pursued by the Government. If a man has a job — let him work!

NEOPLASMS

W		A		C		B	
M	F	M	F	M	F	M	F
0,17	0,13	0,00	0,21	0,06	0,16	0,04	0,06
0,03	0,07	0,07	0,00	0,07	0,05	0,03	0,04
0,09	0,05	0,07	0,05	0,06	0,04	0,05	0,04
0,26	0,33	0,21	0,26	0,54	0,56	0,34	0,36
3,01	2,58	1,47	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	M	F	M	F
[illegible]	[illegible]	[illegible]	[illegible]	2,27	1,68	2,31	1,96

TABLE I

MORTALITY RATES FOR THE 17 MAJOR DIVISIONS OF THE ICD (8th REVISION)

(Note· There are no tables for divisions V, XI, XII, XIII because of the small numbers in each of these categories).

I INFECTIVE AND PARASITIC DISEASES

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	1,99	2,2	9,81	6,60	55,55	51,04	29,36	27,05
1-4	0,16	0,13	0,76	0,79	8,27	7,48	3,56	3,42
5-24	0,02	0,02	0,07	0,08	0,21	0,21	0,20	0,22
25-44	0,06	0,03	0,17	0,20	1,14	0,78	0,36	0,45
45-64	0,25	0,13	0,75	0,45	3,30	1,37	2,15	1,27
65+	1,04	0,72	1,61	1,98	5,48	2,78	5,45	2,93
ALL	0,19	0,15	0,56	0,45	3,33	2,69	1,66	1,61
NO.	399	315	198	159	3792	3146	3472	2593

UNION REGISTRATION

No common front?

FM 26/10/79

Attempts by unregistered trade unions to forge a common stand on whether to enter government's new labour dispensation have run into serious difficulties.

Following a meeting of its central committee earlier this month, the Federation of SA Trade Unions (Fosatu) decided to sound out other union groups with a view to a common stand on whether to register under government's new Industrial Conciliation Amendment Act.

Meetings are scheduled with the Cape unregistered unions towards the end of this week. But attempts to arrange a meeting with the largest non-Fosatu union bloc, the Consultative Committee of Black Trade Unions, have been unsuccessful.

A meeting between the two groups appears to be out of the question for the next few months. Consultative spokesmen Skakes Sikhakhane tells the *FM* that his committee is against such a meeting until Consultative unions have met, probably in December, to form (see p367) the Association of SA Black Trade Unions (Sablatu).

"At the moment we are only a loose grouping. We would prefer to wait until we have a formal executive which can discuss the issue," says Sikhakhane.

But Fosatu is unlikely to be prepared to wait until December. A number of its unions are under pressure from rival "parallel" unions and Fosatu believes that a decision on registration must be made in the next few weeks.

The absence of a common front could nudge Fosatu thinking toward agreeing to register. Another factor which may make Fosatu unions better disposed toward registering is the clarification this week of an important "grey area" in the new dispensation.

Fosatu unions have been strongly opposed to the system of provisional registration under the new Act. They argue that provisionally registered unions are

Wiehahn report a 'setback' — prof

(166) 26/7/79 CT

By GORDON KLING

AN AMERICAN ACADEMIC, in South Africa to evaluate implementation of the Sullivan code of fair employment practice applicable to United States firms doing business in the Republic, yesterday said he did not believe satisfactory progress was being made in the abolition of racial discimination.

Professor Joseph W Eaton, of the University of Pittsburg, who will report back to the United States International Communication Administration, said the Wiehahn report had turned into a setback rather than a meaningful advance of race relations. He had noticed little improvement in race relations, or easing of apartheid, since his visit here last year.

Professor Eaton said he would be surprised if Professor Nic Wiehahn, head of the commission responsible for the report, had not had a hand in framing the White Paper which squashed major recommendations.

"It is a situation of calculated ambiguity which allows the authorities to give the impression of reform without significant changes".

There were "tremendous discrepancies between intent and reality" when it came to implementation of the Sullivan code principles.

Implementation of the strategy to use corporations to bring about social change would require innovations including:

- Management bonuses for leadership in racial equity policy
- Improvement of wages and salaries for black workers
- Involvement of employees with management in determing priorities for change.

Professor Wiehahn yesterday said it was "unfortunate" that Professor Eaton should suggest he had participated in the drawing up of the White Paper on his commission's proposals. He said the White Paper simply set out the government's attitude to the report, as decided by the Cabinet, and he did not have any hand in it

Follow-up to Wiehahn 'is disappointing'

13/2/79 Star 166

The Star Bureau

LONDON — Governments and trade union leaders in Europe and North America have told Professor Nick Wiehahn they were disappointed by the legislation which followed his commission's first report on industrial reform in South Africa

The "expectation gap' between the report's recommendations, the Government's white Paper and the legislation had produced criticism, said Professor Wiehahn here yesterday

TOUR

He was speaking at a Press conference near the end of a two-month tour which has taken him from Israel to the west coast of the United States and during which he met Government ministers, trade unionists (except in Britain), bankers, industrialists and church leaders

"All governments I have seen are necessarily wary (about the report and legislation) They gave reserved approval but said they were disappointed at the legislation," he said

"The report's recommendations and the Government's reaction to them in the White Paper created great expectations," said Professor Wiehahn

"It was the gap between these and the legislation which led to the criticisms"

APPEAL

And he appealed to governments to withhold final judgment until the commission had finished its work and the process of change was completed over the next three to four years It was "unreasonable" to criticise the Government which had pushed through legislation within six weeks of completion of the first Wiehahn Commission report

Professor Wiehahn said he expected further legislation to be put to Parliament in the current session.

He said the criticism he met was over four main points

● The exclusion of migrant and commuter workers — 'but we shall look at this in the report which deals with the mining industry It is a crucial area which requires investigation"

● Mixed trade unions — but South Africa had 41 racially mixed unions and the "Freedom of association" principle in the report gave the minister wider discretionary powers in the recognition of trade unions of all kinds

● The five remaining job reservation determinations — the principle of job reservation had been removed from the law and the remaining determinations "will be removed" after consultations by the minister with the interests involved

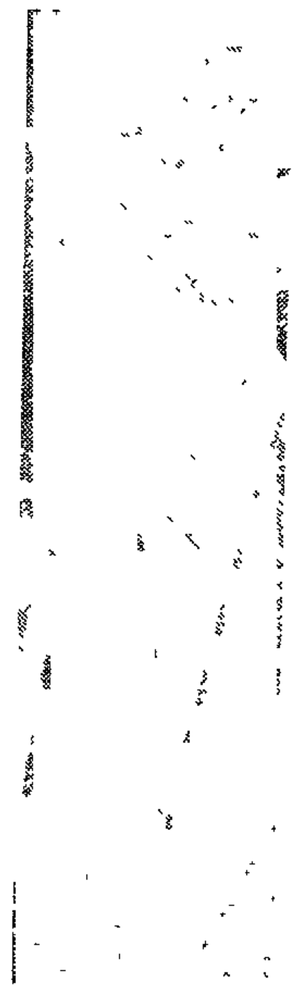
● Veto rights in the industrial councils — these were not there for white unions to "use or exploit" he said In fact, with his expectation that black trade unions would be in a minority on the councils, the veto right would benefit their interests And there was appeal machinery

BACK-TRACK

"It is not the case that the legislation represented back-tracking by the Government," said Professor Wiehahn.

"These are drastic recommendations and the Government must be given credit for what it has done

"It was quite an achievement in five and a half weeks," he said



Prof Nick Wiehahn

TUC keeps door closed

The Star Bureau

LONDON — Britain's trade union leaders have given no reason for not wanting to meet Professor Nick Wiehahn to discuss changes in South Africa's industrial labour relations

Professor Wiehahn, who has been meeting British Cabinet Ministers, industrialists, bankers and even church leaders, said Britain was the only country in his eight-week tour in which he will not have briefed trade union leaders

NO REASON

'I know of no reason why the Trades Union Council would not see me" said Professor Wiehahn

The British TUC had simply left a message with the South African Embassy saying a meeting was not possible

Govt wants rest of report quickly

The Star Bureau

LONDON — Professor Nic Wiehahn has been instructed by the South African Government that his commission must complete work on the six remaining parts of its report as soon as possible

At a Press conference in London yesterday Professor Wiehahn said he would return to South Africa next Wednesday to start work

"I hope we will have completed the remaining six parts of the report by the end of June next year," he said

Professor Wiehahn admitted that the commission faced a "difficult road" in its report on the mining industry

Professor Wiehahn listed the six reports as

● Covering "microme chanisms' and details of industrial relations development up to the year 2000 plus the question of the public sector

● Training in industry

● The mining industry

● Social Security

● The role of manpower development

● Other matters not covered in the first six parts

Suzman tells US she's optimistic about change

Star 24/10/79

By John D'Oliviera

WASHINGTON — Helen Suzman told an impressive American audience in Washington yesterday of her optimism about change in South Africa

Speaking at a discussion group organised by Georgetown University's Centre for Strategic and International Studies, the Progressive Federal Party MP for Houghton stressed that the process of change was still confined within the basic separate development policy parameters

"But there has been significant change change that goes further than mere cosmetics and more change is on the way"

She said, for instance, that Prime Minister P W Botha was talking in terms that no National Party Prime Minister had ever used before and that he appeared to be prepared to face loss of parliamentary seats to the ultra-conservatives like the Herstigte Nasionale Party

The issue of black trade union rights had been a watershed and had significantly strengthened the ultra-conservatives in recent by-elections

Apart from the benefits these rights would bring blacks Mrs Suzman said, she welcomed the fact that this action on the Government's part might "winkle out of the National Party caucus certain Members of Parliament who rightly belong with the HNP and who currently inhibit change."

She said one of the reasons the Government had originally chickened out of the full implementation of the Wiehahn Commission's recommendations on trade union rights for blacks was fear of an electoral setback

But now it appeared that the Prime Minister had the bit between his teeth and was apparently prepared to risk losing seats in the process — "and let us all note he is the first Afrikaner Prime Minister to do this"

During her address, Mrs Suzman said that while she did not share Dr Piet Koornhof's belief that apartheid was dead and dying, she did believe the climate for change in South Africa was more favourable now than it had been for some years

However, there was no sign that some of the "cornerstones" of apartheid would be changed — the Population Registration Act, the Group Areas Act, measures which enforced separation in schools, universities and elsewhere and measures which prevented blacks from effectively participating in the political system

In answer to a question, she said that much more stringent criticism of the Government was being voiced by the Afrikaans Press and that, despite restrictions, the freedom of the South African Press still "surprised and interested" many visitors to South Africa

Cut the fowl through the back bone, and open out flat. Brush with melted butter. Sprinkle with salt and pepper, chopped onion and chopped parsley on both sides. Sprinkle with mixed herbs. Grill till 1/2 done, then cover with breadcrumbs and continue cooking till well done. Serve with a sharp sauce.

---oOo---

PLUM PUDDING

May Bennett, Ridgeworth

2 cups flour
1 t baking powder
1 large cup brown sugar
1 cup currants
3 beaten eggs
1/4 t ground spice
1 small cup chopped raisins
1/2 grated beef suet
1/2 pt milk
1/2 t salt
a little mixed peel finely cut

Mix all ingredients together well. Tie in a pudding cloth, and boil for three hours. Serve with hot nutmeg sauce. This recipe was used for Christmas dinner in 1916 by my mother and gran, who says "we used 1 cup of flour and 1 cup of stale breadcrumbs instead of 2 cups of flour. Very successful".

---oOo---

MUTTON, ROAST SHOULDER OF 1900

shoulder of mutton
dripping
salt
flour

Put the joint to a bright clear fire, floured well. Baste contin-

RIEKERT

How the State plans to divide black workers — UCT report

By ZWELAKHE SISULU

THE recommendations of the Riekert Commission are part of a co-ordinated and self-conscious State strategy for dividing the black working class

This is stated in a document on the Riekert Commission published this week by the Wages Commission of the University of Cape Town

The Riekert report, like the Wiehahn recommendations before it, the document says, is a result of international pressure on South Africa's system of labour control and also foreign capital pressure on the Government to secure favourable conditions for continued investment

Far from moving away from apartheid, the recommendations of the report will result in a tighter and more efficient form of labour control, says the wages document

The document suggests that the recommendations, while urging the modification of the existing labour structure, retain all measures necessary for the perpetuation of the system.

Aspects which are embarrassing to the Government in the labour structure have been "reformulated in a manner they hope will make them more acceptable to the outside world"

"Riekert has clearly acknowledged the need for the co-option of a stable labour force Taken together with Wiehahn, the report represents a co-ordinated and self-conscious state strategy," the document states.

This strategy, it says, is achieved through increased control of some workers and co-option of others.

"A distinction has been made between those workers who have some permanent status in the urban areas and those who have no recognised permanency."

The document concentrates on the Riekert recommendations in relation to the control of contract workers and does not deal with other aspects of the report in regard to housing, education and training.

Other points made by the document are.

● The Riekert report is as notable for what it leaves out as for what it covers It gives absolutely no attention to conditions in the Bantustan areas

● While evidence was taken from employers and State representatives, evidence of workers about their sufferings and hardships is absent.

● While employers criticised the bureaucracy, they saw it as vital that workers should remain tightly controlled, manipulable and exploitable

In regard to labour bureaux, the document further states, the Riekert report accepted the status quo, it accepted the continued operations of the existing labour bureaux and was "concerned only to perfect the functioning of the bodies within that system"

The Wages document also deals with recruitment of labour, foreign workers and citizenship

On citizenship, the document says: "As the Riekert report makes clear, the State recognises the need for a stable urban workforce. The citizenship provision is a useful mechanism of control in that it makes permanency in individual cases dependent on whether a person is useful or not"

And here's how rent hike fit in

THE recent widespread rent and services hike in black townships was one of the recommendations of the Riekert Commission, writes Zwelakhe Sisulu.

Under the heading "Work Choosiness", the recently published evaluation by the Wages Commission of the University of Cape Town on the Riekert Report says township rent hikes were one of the commission's recommendations.

The Wages document, quoting from the Riekert Report, states that witnesses to the commission recommended that the State increase the financial burden of urban blacks so that they could hardly afford to stay unemployed.

"This was approved by Riekert and is being pursued at the moment in the form of widespread hikes in the cost of rents and services in the townships," the document said

The increase of the financial burden on urban blacks could be done through the revision of the present subsidies and the revision of the conditions for the payment of unemployment insurance benefits, said Riekert.

If this were done, the Riekert Report says, the necessity for a regular monthly wage income would be heightened and persons could hardly afford to stay unemployed.

The document claims that some of the Riekert recommendations are already being implemented

UNION REGISTRATION

Hedging at control

The past few weeks have seen the bulk of the unregistered trade union movement drifting reluctantly to an acceptance of registration under government's new labour dispensation. But the anti-registration forces have begun to fight back.

At a meeting of unregistered unions over the weekend the Western Province General Workers Union delivered a paper calling for a united anti-registration stance by the unregistered trade unions. The WPGWU argued that it has only by refusing registration that the unions could secure changes in the new dispensation and perhaps ward off the introduction of compulsory registration.

Officials of the major black union umbrella body Fosatu have doubts about this. They fear it could overstate the disadvantages of registration and underestimate the dangers of refusing to register. But they are obviously giving the argument serious attention — another meeting with the Cape unions is scheduled for the coming weekend.

The WPGWU argues that the unions have lost sight of their objections to the new system as a package and have allowed their attention to be deflected by Manpower Minister Fanie Botha's concession on migrant workers and commuters which it says has divided the unregistered union movement.

Indeed, it suggests that government's move was designed at least in part, to break up the anti registration front among the unregistered unions. This strategy, according to the WPGWU, has been largely successful and many unregistered unions are now inclining towards registration. It is this division which is making the introduction of compulsory registration possible, says the WPGWU. It believes government would not force unregistered unions to register if all were against it.

It thus suggests that unions who do register are hastening the introduction of compulsory registration and making it easier for punitive measures to be introduced against those who refuse registration.

Violating principles

The WPGWU stresses its belief that registration would mean the weakening of the unregistered union movement. The new system, it says, does not recognise the principle of freedom of association, or allow workers to control their own unions and thus, it argues, violates the two "non-negotiable principles" of the union movement.

On the freedom of association issue, it cites passages in the Wiehahn report which suggest that unions will have to exclude migrants in order to be sufficiently representative to gain registration, as well as suggestions that control would be exerted to prevent migrant "domination" of the unions. It also cites the present bar on mixed unions. "In these heady days of so-called movement away from apartheid it would ill befit worker organisations to accept clear segregation."

The new system will also prevent workers from controlling their own unions, according to the WPGWU. It cites controls over union finances, the possibility of "surveillance" of union elections, and stricter registration criteria as evidence of this. It also fears the veto on new entrants to the industrial councils, the "law-making" role of the industrial court, and the introduction of works councils which, it fears, will cause the unions to lose contact with their rank and file.

The union wants labour relations to be governed in the same way as they were before Wiehahn, with all racial bars dropped. Until this happens unions should not register, it says, arguing that they can withstand the pressures of employers and "parallel" unions while remaining unregistered.

Only by rejecting registration *en bloc* can the unions hope to see the elimination of the controls they reject, says the WPGWU. If they enter the new system, they will be too weak to secure changes. If they say they will register if compelled to, they make measures to compel them inevitable, it fears. This weekend may tell whether the united front the WPGWU seeks will materialise — even at this late stage.

Pass laws: Black Sash warns of 'catastrophe'

Own Correspondent

IN the wake of the moratorium for "illegal" black workers, the Black Sash yesterday made a scathing attack on the pass system, saying it had never felt such a sense of "impending catastrophe"

In an emergency report released yesterday, the Sash said the anger and bitterness of black workers, and the feeling of hopelessness of those who wanted to help them, had reached a peak never before experienced since its advice office opened

"Never in the 16 years since this office was opened have we experienced such anger expressed by black people or such a sense of impending catastrophe," the report said

"Never have we felt more urgently the need to try to communicate to white South Africans the realities of what is happening "

For the first time in all its experience, the Sash had no hope and no comfort to offer to the unregistered and the endorsed-out, the report said

The report opened with the words "The Prime Minister said that a reckless or careless government could turn South Africa into a powder keg within a matter of days We are now watching the fuse to that powder keg burn shorter by the day "

The final straw to precipitate a disaster might well prove to be this year's legislation introducing the fine of R500 on the employer of an unregistered worker The significance of this legislation had been obscured by the three-month moratorium and by the general delusion that the Riekert report had to be welcomed as a major step forward.

"The R500 fine is a direct result of Dr Riekert's recommendations and goes hand in hand with the implementation of stricter control over the admission of contract workers by the labour bureaux," the report said

To date the only saving factor for the people controlled by the pass laws had been the total inefficiency of the system. The vast, ponderous and expensive structure of influx control had not been able to prevent people from moving to places where they could find work

The necessity of earning a living for themselves and for the survival of their children compelled workers to take on "illegal" jobs Workers benefitted from urban work even if they had to go to prison as a consequence

"There is a 702,7 percent improvement in living standards for a worker from the Ciskei who works illegally in Pietermaritzburg for nine months and spends three months in prison, and a 170 percent improvement for someone from Lebowa who works six months in Johannesburg and spends six months in prison," the Black Sash said

The report stressed the serious implications of the latest legislation

- The new fine meant that there would now be no more "illegal" work available
- About 50 000 black workers had been registered on one-year contracts in terms of the moratorium
- Many of them would not be in the same job at the end of the contract period and so would not be able to register again
- Thousands had not fulfilled the necessary conditions or had not found a job or lawful accommodation in time to be registered
- Thousands of new "homeland" job seekers would be thrown into the labour market at the end of this school year
- Many labour tenants, who are currently being removed from land in Natal, would be rendered entirely dependent on jobs which they were not allowed to take

"Poverty, hunger and the disease of malnutrition have been a way of life for thousands of South African families for many years" Work-seekers in the homelands are not allowed to move to the cities to seek for work If they do so, they are not allowed to register in jobs they have found," the report added

The Cape Times

THURSDAY, NOVEMBER 22, 1979

Meeting the PM

SPEAKING in Johannesburg, the chief minister of KwaZulu has sounded a note of caution about Mr P W Botha's proposed constellation of states Separate development is part of the problem in South Africa, as he sees it, not part of the solution And the apartheid system is inimical to private enterprise, being rooted in the whites' reluctance to face open competition with blacks Chief Buthelezi said he would not assist the South African government to manipulate the black areas of the country out of the mainstream of politics So we may take it that Chief Buthelezi will oppose a constellation policy that is based on separate development His remarks should be noted — particularly his contention that it is no longer possible to foist grandiose political systems on the blacks

On the eve of the prime minister's meeting with business leaders, Chief Buthelezi's remarks were pretty pointed Mr P W Botha, with great courage and energy, has committed his government to the free enterprise philosophy But it is by no means clear that he has faced the logical consequences You cannot profess to be promoting a free market when, in the same breath, you insist on retaining influx control and hamstringing black workers In spite of initial appearances to the contrary, the Riekert commission in fact recommended intensified influx control This has already been carried into effect, and is hardly likely to be accepted with equanimity by Chief Buthelezi, let alone the militants who dismiss him as a "stooge" of the system And no doubt the business leaders will point out further anomalies when they meet the prime minister today

For many blacks, what the free enterprise system means in practice is the pervasive reality of white power — a system for restricting blacks and discriminating against blacks in favour of whites at all levels of the economy So it is hardly surprising that some young blacks are turning to Marxism The urgent task is to convince them that a Western-style mixed economy, conceived on pragmatic lines, is the best option for all concerned, blacks included The first step should be to scrap the irksome and costly maze of restrictions on the free movement of job-seeking blacks, which prevents workers from offering their labour in the best market to the highest bidder As Mr Harry Oppenheimer told the Institute of Race Relations in June, whites cannot count on black support against communism unless blacks are free to share fully in the benefits of the private enterprise system The basis of sharing needs to be political, as well as economic, and if it is to secure the peace and to last, it will need to be established in *negotiation* between equals As Chief Buthelezi has noted, there is no future any more in trying to fob off the blacks with a *fait accompli* Let us hope that his message is heeded

(166) ~~205~~ ~~206~~

WORKERS BOUND TO BOSSES

Shock awaits blacks changing jobs

By Bruce Page

THOUSANDS who registered under the Government's moratorium for "illegal" workers are in for a shock if they decide to change jobs.

They are entitled to work only for the employer with whom they have a contract in terms of their registration — which is valid for a year

This means a worker who is registered under the moratorium cannot simply switch jobs if he or she is offered better pay or better working conditions — otherwise the new employer faces a R500 fine

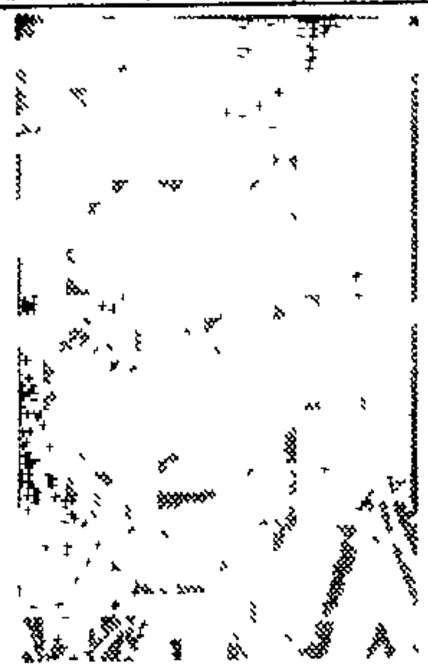
In any case, the worker is not allowed to be in an urban area longer than 72 hours unless he is under contract there

Ostensibly, the three-month moratorium — which expired at the end of October — gave migrants from self-governing and independent homelands a chance to "legalise" their positions by registering for a year.

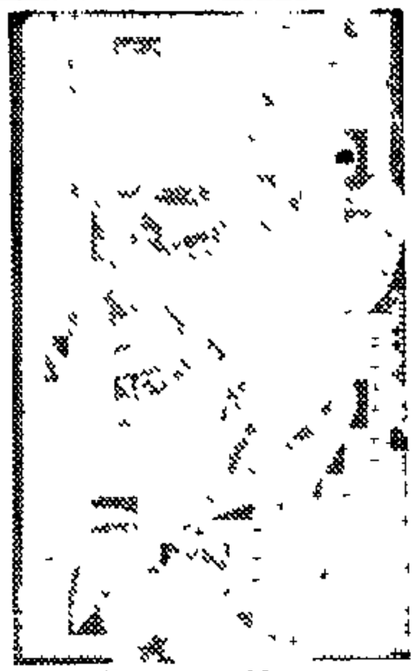
At the end of the year, the worker may renew his registration by returning to the homeland with a "call-in card" issued by the administration board in the area where he is employed

In effect, the card guarantees his district labour bureau that the employer will give him work. Thus the bureau has the employer's power of attorney to put the worker on contract for another year

If the worker wants to change jobs, he may break the contract by mutual agreement with his employer, but the call-in card (his ticket to legality) becomes invalid Then all he can do is take his case to the labour bureau and risk competition with other work-seekers



Solveigh Piper . employer is in a situation where he can hold a sword of Damocles over worker



Dr Piet Koornhof . . . doesn't deserve any praise for the moratorium

Durban Black Sash advisory office director Solveigh Piper says this "frightening" aspect of the moratorium is wide open to exploitation

"The employer is in a situation where he can hold a sword of Damocles over the worker," she told the Sunday Tribune this week

"It has put workers in a position where they won't complain for fear of losing their jobs People used to come to us with grievances at the risk of being fired, but now they know that if they lose their jobs they have little chance of being re-employed"

Mrs Piper said she did not think Minister of Co-operation and Development Piet Koornhof deserved any praise for the moratorium.

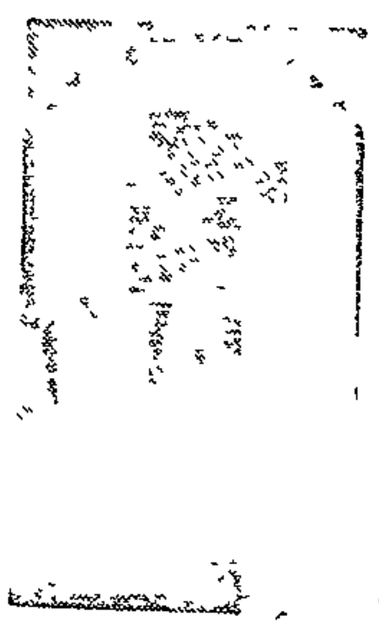
While it gave employers a chance to avoid heavy fines, it also enabled administration boards to trace many thousands of "illegal" workers without having to look for them.

Johannesburg's West Rand Administration Board alone registered more than 46 000 workers under the moratorium.

Tutu calls for resistance to 'injustice'

Star 10/12/79

John Allen reports from Grahamstown



BISHOP TUTU

Bishop Desmond Tutu called at the weekend for a massive church campaign to support "positive non-cooperation with immoral, unchristian and unjust laws"

He was addressing a meeting of the Anglican Provincial Synod as General Secretary of the SA Council of Churches

"Is it being emotional or melodramatic to say that it is becoming increasingly criminal to be a Christian in South Africa?" he asked

"Try employing a so-called illegal black — you are told it is better to increase the unemployment figures and to consign people to the scrapheap in the resettlement camps or the homelands"

Bishop Tutu commended the Prime Minister, Mr P W Botha, for his courage But he said Mr Botha had, in a reply to a letter he had written about removals of people from their homes, basically said resettlement was legally carried out

"One of the things wrong with this country is that people think legal and moral are the same thing"

Bishop Tutu was given a standing ovation before and after his address He also promoted a standing ovation for the Rev David Russell, the banned Cape Town priest who attended the synod in defiance of the law

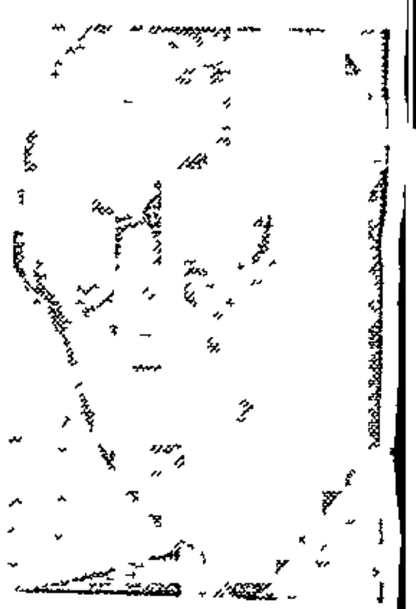
Earlier, moves at the synod to get Bishop Tutu declared a fully recognised Anglican bishop again were ruled out of order Attempts by Johannesburg Anglicans to have him at the synod failed

Bishop Tutu said his calls for economic pressure were prompted by the "untold, unnecessary and utterly diabolical" suffering caused by resettlement and removal schemes

He said he would rejoice if he could get whites to respond to removals with "only a fraction" of the feeling with which they responded to his Danish coal statement

"It has been a horrible pain to experience the hatred and vituperation and hostility of whites because of my Denmark coal statement"

He said the aim of bringing economic pressure to bear on South Africa, or even the threat of economic pressure, was to get people to the negotiation table



MR P W BOTHA

Star 11/12/79 (166) (136)

Mines, unions talks planned

By Sieg Hannig,
Labour Reporter

Mine bosses and unions are planning to get together to discuss tensions between them

The Chamber of Mines has invited the unions to a meeting which it hopes will dispel fears aggravated by the Mineworkers' Union strikes in March and by the Wiehahn reforms

The Council of Mining Unions yesterday accepted the invitation in principle

"We all accept the principle of detente and harmony in the working situation," commented a council member Mr J E "Tubby" Faure, national chairman of the Amalgamated Engineering Union

Mr P J 'Arrie" Paulus, leader of the Mineworkers' Union, declined to comment

nefit,

pure economic decisions are clouded by accounting pressure.

2.3.4 Balance sheet problems

Hendriksen argues that one of the principle objections to LIFO is that inventories are consistently being understated.[14] After the application of LIFO for many years, the inventory valuation, assuming a trend of rising prices, tends to become meaningless as it grossly misstates the current inventory valuation.

The apparent effect of LIFO on working capital reveals a weakening structure whereas in real terms there is actually a strengthening of the working capital position.

Example 6

LIFO is applied for the first time during the current year and the LIFO adjustment (being the difference between the FIFO valuation and LIFO valuation of end of year inventory) is R10. The tax rate is 40%. Assume a bank balance of R20 and that tax is paid therefrom.

The Cape Times, Thursday 27/9/79

3 unions have reservations over govt move

By RICHARD WICKSTEED

THREE trade unions, two of them unregistered, representing a combined total of 20 000 workers, yesterday expressed strong reservations at the government's decision to open trade unions to contract workers and migrant labourers

Spokesmen for the General Workers' Union, which represents 10 000 workers, the Food and Canning Workers' Union and the African Food and Canning Workers' Union said in separate statements that the concessions increased State control of a registered union's finances, the election of office-bearers and a union's educational activities

An executive member of the General Worker's Union said although the decision to allow contract workers to join a registered union had brought the government into line with an important aspect of the Wiehahn Commission, his union opposed the commission itself

"In fact, the criteria for registration are not yet clearly specified and if the system envisaged by Wiehahn is implemented, it will still remain extremely difficult for those unions which attempt to organize contract workers to apply for registration

In other words, the ministerial 'concession' only means that unions seeking registration will have to police themselves by constitutionally excluding contract workers from the scope of their organizational activities This is completely unacceptable" he said

Moreover he said, it was clear that racially-mixed registered trade unions are to remain prohibited

This is also unacceptable Furthermore the unions are still being invited to register under a system of rigid control and surveillance over their affairs

18 Annexure IC 17 of the Regulations is hereby amended by the substitution for the table of the following tables:

IC 17

TABLE A

Areas (state each area separately indicating whether local authority or magisterial)	Number of persons employed in the undertaking, industry, trade or occupation covered by the *agreement/award/determination, who are members of the trade union					Estimated total number of persons employed in the undertaking, industry, trade or occupation covered by the *agreement/award/determination, who are not members of the trade union but who are employees as contemplated by section 1 of the Act				
	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals X	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals										

Number of members included in the totals shown in column X who are not in good standing as at the date on which this Annexure is completed.

TABLE B

IC 17

Areas (state each area separately, indicating whether local authority or magisterial)	Estimated total number of persons employed in the undertaking, industry, trade or occupation covered by the *agreement/award/determination who are not employees as contemplated by section 1 of the Act				
	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals
Totals ..					

Notes:

(i) A member who is in good standing is a member who has paid the entrance fee (if any) prescribed in the trade union's constitution and who is not more than three months in arrear with the payment of his membership fees [*vide* section 1 (2) of the Act]

(ii) This Annexure must be completed on the same date as Annexures IC 15, 19, 26, 27 or 30, as the case may be.

19 Annexure IC 18 of the Regulations is hereby amended by the substitution for the table of the following table

IC 18

Areas (state each area separately, indicating whether local authority or magisterial)	A Number of employees employed in the occupation and area in respect of which the closed shop provisions in the agreement applies, by employers who are parties to the agreement or who are members of a party employers' organisation					B The number of employees referred to in A who are members of the trade union				
	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals X
Totals										

Number of members included in the totals shown in column X who were not in good standing at the date on which the agreement was signed on behalf of the parties . . . . .

Notes·

(i) A member in good standing is a member who has paid the entrance fee (if any) prescribed in the trade union's constitution and who is not more than three months in arrear with the payment of his membership fees [*vide* section 1 (2) of the Act]

(ii) The information reflected on this Annexure must be given as at the date on which the agreement was signed on behalf of the parties

20 Aanhangsel IC 20 van die Regulasies word hierby gewysig deur die bestaande paragraaf 2 deur die volgende paragraaf te vervang

"2 'n Geslote-geledere-bepaling is bindend vir die lede van daardie *vakvereniging/werkgewersorganisasie en is vervat in die *ooreenkoms/toekenning/vasstelling vir die

(Onderneming, nywerheid, bedryf of beroep)

gepubliseer by Goewermentskennisgewing

van 19 "

21 Aanhangsel IC 23 van die Regulasies word hierby gewysig—

(a) deur die bestaande paragraaf (c) in daardie gedeelte van die Aanhangsel met die opskrif "SLEGS VIR DEPARTEMENTELE GEBRUIK" deur die volgende paragraaf te vervang

' (c) Persone wat nie werknemers is soos in artikel 1 van die Wet bedoel nie, *word deur die geskil geraak/word nie deur die geskil geraak nie", en

(b) deur opmerking (iii) deur die volgende opmerking te vervang.

"(iii) Indien persone wat nie werknemers is, soos in artikel 1 van die Wet, bedoel nie, deur die geskil geraak word, moet die getal van sulke persone en die mate waarin hulle geraak word onder (d) aangedui word "

22 Aanhangsel IC 25 van die Regulasies word hierby gewysig—

(a) deur in paragraaf 2 die volgende subparagrawe in te voeg

"* (e) 'n beweerde onbehoorlike arbeidspraktyk ingevoer,

* (f) kennis aan hom/hulle gegee van die werkgewer se voorstel/besluit om 'n beweerde onbehoorlike arbeidspraktyk in te voer ",

(b) deur paragraaf 3 deur die volgende paragraaf te vervang

"3 Die uitwerking van die verandering of voorgestelde verandering soos in 2 hierbo aangedui, is soos volg

,,

(c) deur die bestaande opmerking (iii) deur die volgende opmerking te vervang

"(iii) Ingevolge die Wet moet hierdie aansoek gedoen word binne sewe dae vanaf die datum waarop die geskil na 'n nywerheidsraad verwys is of waarop aansoek om die aanstelling van 'n versoeningsraad gedoen is, en tensy die werkgewer 'n plaaslike owerheid is binne 30 dae vanaf die datum waarop die skorsing, beëindiging, verandering of beweerde onbehoorlike arbeidspraktyk plaasgevind het of waarop kennis van die voorgestelde skorsing, beëindiging, verandering of invoer van 'n beweerde onbehoorlike arbeidspraktyk gegee is "

23 Aanhangsel IC 26 van die Regulasies word hierby gewysig deur die bestaande paragraaf 3 deur die volgende paragraaf te vervang

'3 Ons beveel aan dat die bepalings in klousules van die ooreenkoms vervat ingevolge subartikel 3 (a) soos toegepas by subartikel (9), van artikel 48 van die Wet bindend verklaar word vir alle persone wat nie werknemers is soos in artikel 1 van die Wet, bedoel nie, in diens in die

(Onderneming, nywerheid, bedryf of beroep)

in die

[Gebied(e)]

en vir die werkgewers van sodanige persone

20 Annexure IC 20 of the Regulation is hereby amended by the substitution for the existing paragraph 2 of the following paragraph

"2 A closed shop provision is binding upon the members of that *trade union/employers' organisation and is contained in the *agreement/award/determination for the

(Undertaking, industry, trade or occupation)

published under Government Notice

of the 19 "

21 Annexure IC 23 of the Regulation is hereby amended—

(a) by the substitution for the existing paragraph (c) of that part of the Annexure under the heading "FOR DEPARTMENTAL USE ONLY" of the following paragraph

"(c) persons who are not employees as contemplated by section 1 of the Act (*) are/are not affected by the dispute ", and

(b) by the substitution for note (iii) of the following note

"(iii) If persons who are not employees as contemplated by section 1 of the Act are affected by the dispute, the number of such persons and the extent to which they are affected should be indicated under (d) ".

22 Annexure IC 25 of the Regulations is hereby amended—

(a) by the insertion in paragraph 2 of the following subparagraphs after subparagraph (d)

"*(e) an alleged unfair labour practice was introduced;

*(f) notice was given to him/them of the employer's proposal/decision to introduce an alleged unfair labour practice ",

(b) by the substitution for paragraph 3 of the following paragraph'

"3. The effect of the change or proposed change as in 2 above is as follows.

"

(c) by the substitution for the existing note (iii) of the following note

"(iii) This application must in terms of the Act be made within seven days of the date on which the dispute was referred to an industrial council or on which application was made for the appointment of a conciliation board and unless the employer is a local authority, within 30 days of the date on which the suspension, termination, change or alleged unfair labour practice took place or on which notice of the proposed suspension, termination, change or introduction of an alleged unfair labour practice was given."

23 Annexure IC 26 of the Regulations is hereby amended by the substitution for the existing paragraph 3 of the following paragraph

"3 We recommend that the provisions contained in clauses of the agreement be declared binding in terms of subsection (3) (a), as applied by subsection (9) of section 48 of the Act upon all persons who are not employees as contemplated by section 1 of the Act employed in the

(Undertaking, industry, trade or occupation)

within the

[Area(s)]

and upon the employers of such persons "

24 Aanhangsel IC 28 van die Regulasies word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang

"AANSOEK OM VRYSTELLING VAN DIE VERSOENINGSRAADOOREENKOMS, -TOLKENNING OF -VASSTELLING", en

(b) deur die uitdrukking "vasstelling" na die woord "toekenning" in paragraaf 1 in te voeg

25 Aanhangsel IC 29 van die Regulasies word hierby gewysig—

(a) deur in paragraaf 2 die volgende subparagrawe in te voeg.

"* (e) 'n beweerde onbehoorlike arbeidspraktyk ingevoer;

* (f) kennis aan hom/hulle gegee van die werkgewer se voorstel/besluit om 'n beweerde onbehoorlike arbeidspraktyk in te voer ",

(b) deur paragraaf 3 deur die volgende paragraaf te vervang.

"3 Die uitwerking van die verandering of voorgestelde verandering, soos in 2 hierbo aangedui, is soos volg.

"

(c) deur opmerking (ii) deur die volgende opmerking te vervang

"(ii) Die aansoek moet gedoen word binne sewe dae vanaf die datum van aansoek om 'n versoeningsraad of vanaf die datum waarop die partye by die geskil ingevolge artikel 46 (6) (a) van die Wet aan die Minister verslag gedoen het dat 'n versoeningsraad wat ingestel mag word, nie die geskil sal kan besleg nie en, tensy die werkgewer 'n plaaslike owerheid is, binne 30 dae vanaf die datum waarop die beëindiging, skorsing, verandering of beweerde onbehoorlike arbeidspraktyk plaasgevind het of waarop kennis van die voorgestelde skorsing, beëindiging, verandering of invoer van 'n beweerde onbehoorlike arbeidspraktyk gegee is "

26 Aanhangsel IC 30 van die Regulasies word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang

"AANSOEK OM PUBLIKASIE VAN TOEKENNING/VASSTELLING",

(b) deur paragraaf 2 deur die volgende paragraaf te vervang

"2 Ons beveel aan dat die bepalings in klousules van die toekenning/vasstelling vervat kragtens artikel 48 (3) (a), soos toegepas by artikel 49 (12), van die Wet, bindend verklaar word vir alle persone wat nie werknemers is, soos in artikel 1 van die Wet bedoel nie, in diens in die

(Onderneming, nywerheid, bedryf of beroep)

in die

[Gebied(e)]

en vir die werkgewers van sodanige persone ", en

(c) deur die woorde "of vasstelling" na die woord "toekenning" in die opmerking in te voeg

24 Annexure IC 28 of the Regulations is hereby amended—

(a) by the substitution for the heading of the following heading:

"APPLICATION FOR EXEMPTION FROM CONCILIATION BOARD AGREEMENT, AWARD OR DETERMINATION", and

(b) by the insertion in paragraph 1 of the expression "/determination" after the word "award"

25 Annexure IC 29 of the Regulations is hereby amended—

(a) by the insertion in paragraph 2 of the following subparagraphs

"*(e) an alleged unfair labour practice was introduced,

*(f) notice was given to him/them of the employer's proposal/decision to introduce an alleged unfair labour practice ",

(b) by the substitution for paragraph 3 of the following paragraph

"3 The effect of the change or proposed change as in 2 above is as follows:

"

(c) by the substitution for note (ii) of the following note:

"(ii) The application must be made within seven days of the date of the application for a conciliation board or the date on which the parties to the dispute have reported to the Minister in terms of section 46 (6) (a) of the Act that a conciliation board which may be established will not be able to settle the dispute and, unless the employer is a local authority, within 30 days of the date on which the termination, suspension, change or alleged unfair labour practice took place or on which notice of the proposed termination, suspension, change or introduction of an alleged unfair labour practice was given "

26. Annexure IC 30 of the Regulations is hereby amended—

(a) by the substitution for the heading of the following heading:

"APPLICATION FOR PUBLICATION OF AWARD/DETERMINATION",

(b) by the substitution for paragraph 2 of the following paragraph.

"2. We recommend that the provisions contained in clause of the award/determination be declared binding in terms of section 48 (3) (a), as applied by section 49 (12), of the Act upon all persons who are not employers contemplated by section 1 of the Act, employed in the

(Undertaking, industry, trade or occupation)

within the

[Area(s)]

and upon the employers of such persons ", and

(c) by the insertion in the note of the words "or determination" after the word "award "

27. Aanhangsel IC 31 van die Regulasies word hierby gewysig deur die tabel deur die volgende tabel te vervang.

IC 31

TABEL

Gebied (noem elke gebied afsonderlik en meld of dit 'n plaaslike owerheid- of 'n landdrosgebied is)	A. Getal werknemers in diens in die beroepe en gebied ten opsigte waarvan die geslote-geledere-bepaling in die toekenning / vasstelling van toepassing is, by werkgewers vir wie die toekenning/vasstelling ingevolge artikel 49 (1) van die Wet bindend is en wat werknemers is soos in artikel 1 van die Wet bedoel					B. Die getal werknemers in A genoem wat lede van die vakvereniging is				
	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale	Blankes	Gekleurdes, uitgesonderd Asiate	Asiate	Swartes	Totale X
Totale										
Getal lede ingesluit by die totale in kolom X wat nie volwaardig was op die datum waarop die toekenning/vasstelling gemaak is nie										

Opmerkings

(i) 'n Volwaardige lid is 'n lid wat die intreegeld (indien vereis) wat in die vakvereniging se konstitusie voorgeskryf word, betaal het en wat nie meer as drie maande met sy ledegeld agterstallig is nie [sien artikel 1 (2) van die Wet]

(ii) Die inligting in hierdie Aanhangsel aangegee, moet verstrek word ten opsigte van die datum waarop die toekenning of vasstelling gedoen is.

27. Annexure IC 31 of the Regulations is hereby amended by the substitution for the table of the following table·

TABLE

IC 31

Areas (state each area separately, indicating whether local authority or magisterial)	A Number of persons employed in the occupations and area in respect of which the closed shop provision in the award/determination applies, by employers upon whom the award/determination is binding in terms of section 49 (1) of the Act and who are employees as contemplated by section 1 of the Act					B The number of persons referred to in A who are members of the trade union				
	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals	White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	Totals X
Totals										
Number of members included in the totals shown in column X who were not in good standing at the date on which the award/determination was made										

Notes.

(i) A member in good standing is a member who has paid the entrance fee (if any) prescribed in the trade union s constitution and who is not more than three months in arrear with the payment of his membership fees [*vide* section 1 (2) of the Act]

(ii) The information reflected on this Annexure must be given as at the date on which the award or determination was made

28 Aanhangsel IC 32 van die Regulasies word hierby gewysig—

(a) deur die bestaande *opmerking* tot "(i)" te nommer,
(b) deur die volgende verdere *opmerkings* in te voeg

"(ii) As 'n werker nie 'n werknemer is soos in artikel 1 van die Wet bedoel nie, dui aan met 'n X langsaan sy naam

(iii) Die bevolkingsidentiteitsnommer van elke werker moet in kolom 1 aangedui word "

29 Aanhangsel IC 34 van die Regulasies word hierby gewysig deur die uitdrukking "/vasstelling" na die woord "toekenning" oral waar dit voorkom, in te voeg

30 Aanhangsel IC 36 van die Regulasies word hierby gewysig—

(a) deur in paragraaf 5 na die woord "toekenning" die uitdrukking "/vasstelling" in te voeg, en
(b) deur *opmerking* (ii) te skrap

31 Aanhangsel IC 37 van die Regulasies word hierby gewysig deur in paragraaf 5 na die woord "toekenning" die uitdrukking "/vasstelling" in te voeg

32 Aanhangsel IC 46 van die Regulasies word hierby gewysig—

(a) deur paragraaf 2 deur die volgende paragraaf te vervang

"2 Die volgende besonderhede word verstrek

(a) Die (²) onderneming, nywerheid, bedryf of beroep ten opsigte waarvan die vakvereniging verlang dat die kennisgewing gepubliseer moet word en ten opsigte waarvan hy geregistreer is, is
in die
(Gebied—meld of dit landdrosdistrikte, munisipale gebiede, ens. is)

(b) Getal persone in diens in die onderneming, nywerheid, bedryf of beroep en gebied(e) in (a) uiteengesit, wat soos op die datum van hierdie aansoek tot lidmaatskap van die vakvereniging toegelaat kan word

28. Annexure IC 32 of the Regulations is hereby amended—

(a) by numbering the existing *note* as "(i)", and
(b) by the insertion of the following *notes*

"(ii) If a worker is not an employee as contemplated by section 1 of the Act, indicate with X next to name

(iii) The population identity number of every worker shall be indicated in column 1.".

29 Annexure IC 34 of the Regulations is hereby amended by the insertion of the expression "/determination" after the word "award" wherever it may occur

30 Annexure IC 36 of the Regulations is hereby amended—

(a) by the insertion in paragraph 5 of the expression "/determination" after the word "award", and
(b) by the deletion of *note* (ii)

31 Annexure IC 37 of the Regulations is hereby amended by the insertion in paragraph 5 of the expression "/determination" after the word "award"

32 Annexure IC 46 of the Regulations is hereby amended—

(a) by the substitution for paragraph 2 of the following paragraph:

"2 The following particulars are submitted

(a) The (²) undertaking, industry, trade or occupation in respect of which the trade union desires the notice to be published and in respect of which it holds registration is
in the
(Area—state whether magisterial districts, municipal areas, etc.)

(b) Number of persons employed in the undertaking, industry, trade or occupation and area(s) specified in (a) as at date of this application who are eligible for membership of the trade union.

Gebied (gee beskrywing van gebied)	Blankes	Gekleurdes	Swartes

(c) Getal persone in (b) genoem wat lede is van die vakvereniging:

Gebied (gee beskrywing van gebied)	Blankes		Gekleurdes		Swartes	
	Totaal	Volwaardig	Totaal	Volwaardig	Totaal	Volwaardig

(d) Getal lede in (c) genoem wat versoeke, soos in artikel 78 (1B) van die Wet beoog, onderteken het

Gebied (gee beskrywing van gebied)	Blankes		Gekleurdes		Swartes	
	Totaal	Volwaardig	Totaal	Volwaardig	Totaal	Volwaardig

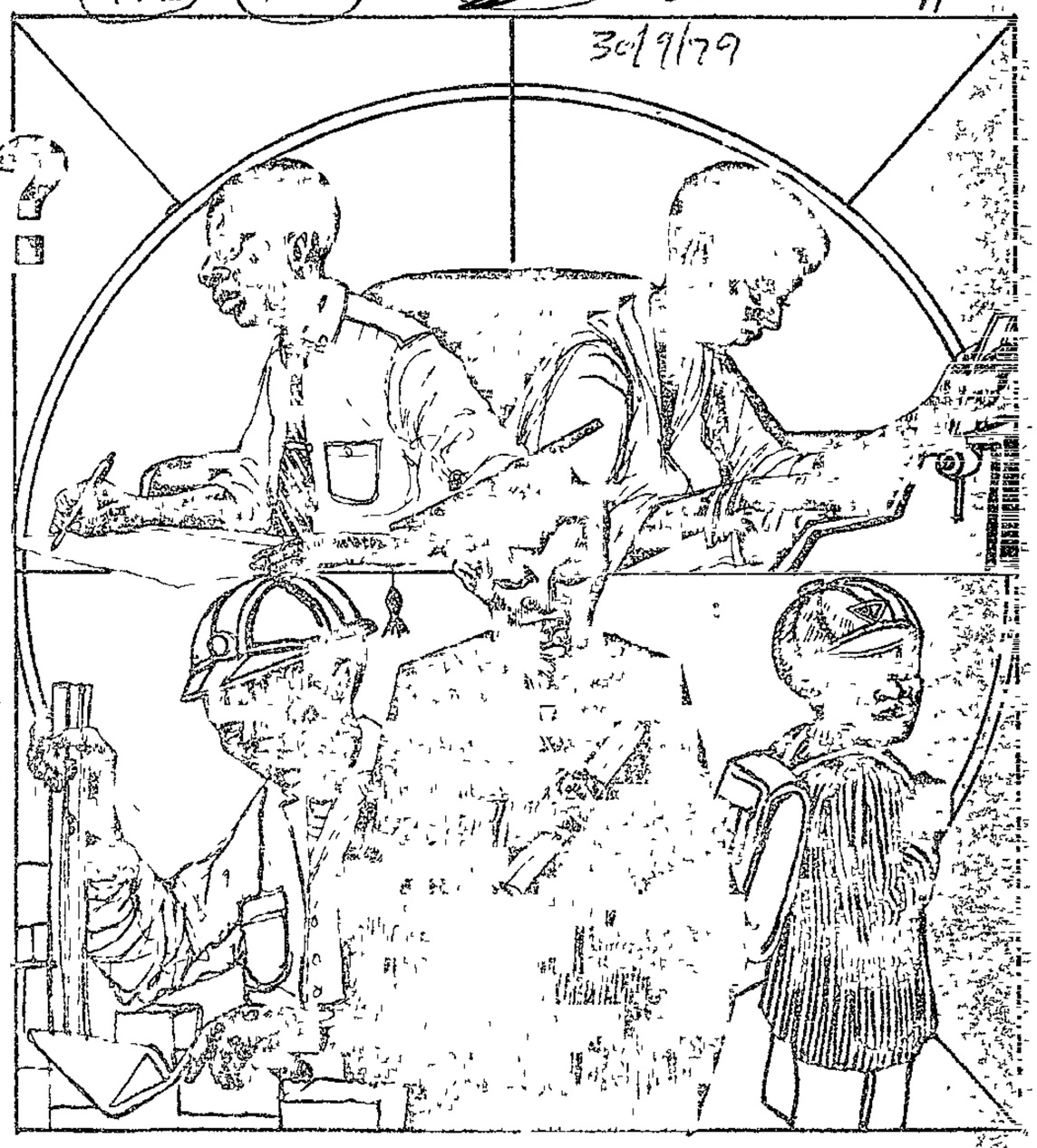
(b) deur in paragraaf 3 die uitdrukking "(³)" te skrap; en
(c) deur *opmerking* (³) te skrap

Area (insert description of area)	White persons	Coloured persons	Black persons

(c) Number of persons shown in (b) who are members of the trade union:

Area (insert description of area)	White persons		Coloured persons		Black persons	
	Total	In good standing	Total	In good standing	Total	In good standing

What jobs for school leavers?



WHAT job prospects do black school leavers in the cities have?

If we read some newspapers, we are told that job opportunities for black people with a matric certificate are improving all the time. But we are also told that many black people throughout the country are unemployed, and that unemployment is growing especially among young people.

Can both reports be true In a sense, they are. There are more jobs available to black people with some education than there were a few years ago The black matriculant of today is certainly less likely to end up as a scooter driver than he was 10 years ago.

South Africa is desperately short of skilled workers, particularly in manual jobs in the factories Although there is still a recession in South Africa, which means that business have less work available, many employers still complain that they are short of skilled labour.

The reason for this, of course, is that there are not enough whites to do the work Most skilled jobs have been reserved for whites only (in the factories they have been open to whites, coloured people and Asians only) So many businessmen are realising that they are going to have to hire black people to do these jobs if the economy — and their businesses — are going to grow.

For some years now, Africans have had jobs opened to them which they were not allowed to do previously. The government has also realised that the economy will not grow unless Africans are allowed to do some of the higher jobs.

This is why the Wiehahn Commission recently said that job reservation should go and that the government should not try to stop black people moving into higher jobs A law has been passed getting rid of some job reservation At the same time, many white, coloured and Indian trade unions are agreeing to let Africans do higher jobs because there is no non-African labour applying for these jobs

Ever since the Wiehahn Commission reported in May this year, there has been talk of Africans being allowed into jobs they have not previously been allowed to do, including skilled artisan jobs which have always been for non-Africans only (outside the homelands)

In some industries, such as the furniture and engineering industries, Africans are now officially allowed to do all jobs. Other industries are likely to follow suit

Office jobs

But what about office and management jobs? Here, too, there has been some improvement. Many companies are now saying that there is a need to employ Africans in management jobs, and some are doing so. One of the reasons for this is pressure on the companies from overseas, but many companies say that they do not want to be accused of discriminating against black people

So more top jobs than before seem to be available to black people. And now that the economy is improving, more companies are hiring black workers in all jobs, according to a recent report by Manpower who conduct surveys into the job market.

DIM PROSPECTS

Unfortuately, this does not mean that the job prospects for black people leaving school are bright.

As far as artisan jobs are concerned, the promised "opening up" of these jobs is not likely to affect young Africans for many years.

Firstly, the job reservation the government has abolished affected only 1% of all jobs Other jobs are closed to Africans by other laws or by agreements between the non-African trade unions and employers. These remain for the moment and, although some non-African trade unions are allowing Africans into higher jobs, it is still up to them to decide whether this will happen.

Secondly these jobs are only opened up to Africans when there are no people of other races available to do them Thirdly, there are no colleges yet where black people can learn to become artisans (skilled workers), and it is impossible to become an artisan without this college training. The government has said it will agree to these colleges being set up, but is not yet clear whether Africans who qualify in them will be able to work outside the homelands

So it is the more skilled jobs below that of the artisan which are becoming available to Africans.

But even here there is little cheer for the school-leaver. Almost all the better manual jobs which are being opened to Africans are going to these people already doing the lower-level jobs in the factories. In the furniture industry any African who gets promoted to a higher job must have worked in the industry for at least four years

A LOW START

So most school-leavers applying for manual jobs will have to start in the lower level jobs Only after a time will they be able to become semi-skilled workers.

But of course most people with a J C or matric would prefer not to do manual jobs in the factories. They would rather work as clerks, managers, accountants and so on Here the position is just as bad

There is less of a shortage of white labour in these jobs Indeed, one of the reasons why more manual jobs are being opened to Africans is that most whites now prefer to work in these better jobs.

SLOW PROGRESS

While many companies are employing black people as personnel officers, wage clerks and so on, the progress in most office jobs is very slow And in the top management and financial jobs, there is virtually no progress at all. Even at the Anglo American Corporation, which has said it is prepared to promote Africans to any job on merit, black staff complained last year that they were not being promoted to higher jobs

Some companies say they are not willing to employ Africans in better office jobs because their customers will complain. Others say their white office staff will complain.

Still others say that the quality of black education is so poor that very few black people are able to get the training to do these jobs. But whatever the reason, very few black people are moving into these jobs.

FIGURE DROP

Indeed, last year a survey by the government's Department of Labour found that there were less Africans in the better office jobs than there were in 1976. In administrative, management and executive jobs the African figure has dropped from 2,9% to 0,4%.

Among professional and technical workers the figure had dropped from 29% to 26% and among clerks it had stayed about the same While these figures are over a year out of date, there is no evidence that the position has changed much since then

TO PAGE 3

Inside today

MIXED UNIONS (166) (187) Fm 5/10/73

Testing the water

SA's new labour dispensation is only a few days old — but government attitudes to racially mixed trade unions are already being put to the test

According to Manpower Utilisation officials two unions have applied for exemptions to open their doors to Africans The *FM* has been unable to trace them but at least two others are likely soon to ask for exemptions and another two registered unions are planning to admit Africans, believing that mixed (white and coloured) registered unions don't need permission before opening their ranks

Archie Poole, general secretary of the Engineering Industrial Workers' Union, says his union is planning to apply for mixed status soon And the SA Boilermakers' Society has decided to apply for mixed status, pending discussions with unregistered unions

Boilermakers' general secretary Ike van der Watt says he expects government to grant permission for a mixed union 'only if a limited number of blacks (Africans) are enrolled They might give us permission to recruit black welders but they are hardly likely to let us enrol all black engineering workers " His union has thus decided to consider forming a parallel union to cater for African workers who would not be allowed to join a mixed union

All this will wait on the conclusion of talks between the Boilermakers and unregistered unions But Van der Watt is optimistic "I'm hoping that they will agree to us enrolling skilled workers while not competing with them I'm optimistic about reaching agreement "

A source in one of the unregistered engineering unions confirms that talks have been held but says no decision has been reached "We are appreciative of the fact that they have consulted us, but there are still long-standing reservations about parallel unions " The talks are due to resume toward the end of this month If agreement is reached, the Boilermakers will apply for mixed status

Meanwhile, Ted Frazer, general secretary of two Cape unions which represent both white and coloured workers, says the unions are planning to admit Africans without asking for exemptions He argues that exemptions are not necessary for registered unions that are already mixed

Frazer says the two unions — Jewellers and Goldsmiths and Brewery Employees — are registered to represent all "employees" in their industries As Africans are now "employees", the unions are entitled to enrol them without asking for an exemption, says Frazer "Nobody has challenged me on this, so I assume I'm correct " In terms of existing legislation, however, the unions will have to have a separate African branch, he says

A number of registered unions known to favour mixed unions are not applying for exemptions, however Instead, they are seeking to have unregistered parallel unions registered One is the Motor Industry Combined Workers' Union, whose general secretary, Ronnie Webb, says "Our membership has already accepted the principle of a mixed union, but we decided that obtaining permission will take a long time — it might even involve Cabinet approval So we decided to register the parallel union as a first step " He adds that he does not want "to force a mixed union on the African union membership "

Ben Nicholson of the SA Electrical Workers' Association says his union has decided to press ahead with a parallel union for the time being "We believe it's the best way for black workers to get union experience When that happens, we may put the idea of a mixed union to them "

Unregistered unions that have mixed membership are unlikely to register at this stage and are thus not interested in exemptions to remain mixed They are, at any rate, opposed to the exemption system

SANDTON REPORT

In our issue next week the *FM* publishes a Special Report on Sandton In the 10 years since people in the area formed their own municipality, north of Johannesburg, Sandtonians have had to change radically their country-style of living

The Special Report outlines the changes and developments that have taken place.

This decade of rapid adaptation has resulted in a garden city that successfully combines rural settings with city sophistication

				0,00	0,07	0,05	0,03	0,04
				0,05	0,06	0,04	0,05	0,04
	25-44	0,26	0,33	0,21	0,26	0,54	0,56	0,34	0,36

because of the small numbers in each of these Categories

I INFECTIVE AND PARASITIC DISEASES

C		B	
M	F	M	F
55,55	51,04	29,36	27,05
8,27	7,48	3,56	3,42
0,21	0,21	0,20	0,22
1,14	0,78	0,36	0,45
3,30	1,37	2,15	1,27
5,48	2,78	5,45	2,93
3,33	2,69	1,66	1,61
3792	3146	3472	2593

Arbeidswette behoort NP nie te kwes

166 7/10/79 RAPPORT

Deur MARISSA VAN NIEKERK

DAAR behoort geen teenkanting van die nuwe arbeidsbedeling te wees nie, sê min. Fanie Botha. Mense wat dit opponeer, het geen benul waarom dit gaan nie, of hulle dra nie die belange van die land en sy werkers op die hart nie.

RAPPORT het die Minister van Mannekrag-benutting gevra of hy verwyt kan word dat die wetgewing wat uit die Wiehahn-verslag voortspruit, die NP stemme gekos het in die tussenverkiesing van die afgelope week.

Sy antwoord: Daar is baie moeite gedoen om die situasie breedvoerig te verduidelik. Daar is veral verlede Sondag se televisieonderhoud wat na raming deur sowat anderhalf miljoen mense gesien is. Die koerante het 'n besondere rol gespeel om die situasie duidelik te maak. Die HNP is egter besig om goedkoop propaganda te maak deur wanvoorstellings.

Min. Botha sê hy het verwag om verwyt te word dat daar tot nou toe in die arbeidsopset teen die blanke gediskrimineer is omdat swart vakbonde dusver nie onder die dissipline van die wet was nie.

Nou moet vakbonde hulle registreer om sekere belangrike voordele te kan geniet, bv om 'n afdwingbare ooreenkoms te kan aangaan.

Min. Botha sê hy het begrip vir die vrees by blanke werkers dat hulle deur goedkoper arbeid vervang sal word. Daarom is hy dankbaar en wetlik beskermingsaksies en wetlike maatreels aan die gang gesit is wat juis in belang van die blanke werker is. Daar hoef geen vrese in die werkplek te wees nie, want werkers sal nou in hulle tradisionele werkopset beskerm word.

So word o m bepaal dat waar werkgewers 'n verandering in die werkpatroon wil aanbring, daar eers met die werknemers onderhandel moet word. As die werknemer dan voel dat hy bedreig word, kan hy hom wend tot die Nywerheidshof, wat voortaan goedkoper en onmiddelliker tot die beskikking van die werker sal wees.

Die Nywerheidshof, waarvan prof Nic Wiehahn president is, begin sy werk op 1 Desember.

Werkers word voorts beskerm deur die Nasionale Mannekragkommissie, wie se opdrag dit is om knelpunte te ondersoek, navorsing te doen, te adviseer en te konsulteer. Die Mannekragkommissie, onder voorsitterskap van dr Hennie Reynders, sal die staat bystaan in beleidsformulering om dinamiek in die mannekragsituasie te bring.

In die plek van statutêre werkafbakening gaan sinvolle beskerming aan die werker gebied word deur hom seggenskap te gee in die uitoefening van beheer oor sy belange.

Voorts sal ook van swart vakbonde verwag word om hulle te registreer.

Die Suid-Afrikaanse werker is bekommerd oor werkloosheid en is onseker oor die werksituasie in die toekoms, sê min. Botha.

Die aksies wat nou aan die gang gesit is, mik om aan almal werk te verskaf, opleiding sover moontlik, en om die handhawing van arbeidsvrede te verseker.

STUFFED CABBAGE SALAD — May Bennett, Ridgeworth

1 fresh green medium size cabbage
onions
carrots
tomatoes
fresh pineapple
radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage "bowl". Garnish with radish roses and a small bowl of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them in iced water until the radishes open up.

---oOo---

GERMAN

boiled
cooked
mayonna

Cube th
with th
salt an

EGG SALA

hard boi
salanais

paprika and parsley

Cut eggs in half and lay on a flat salad platter; cut side down. Pour over salanaise.

---oOo---

CHICKEN AND CUCUMBER SALAD — S. Drury, East London

1 cup cooked chicken, diced
4 T finely chopped walnuts
French dressing/mayonnaise
lettuce
1 cup cucumber, peeled and diced
1 cup cooked green peas

Marinade chicken, cucumber, nuts and peas with French dressing. Serve on lettuce with mayonnaise. Cover with greaseproof paper and refridgerate until ready for use.

French dressing:
Blend together 6 T salad oil and 2 T lemon juice.

---oOo---

SPRING GREEN

1 medium size
2 onions
parsley

Wash and shred
keep a few piec
Wash scallions,
green left on.
scallions togeth
dressing and ser
of mint and pars

Young blacks were better qualified than their parents and were finding it hard to get jobs suited to their qualifications because of Government policy

LABOUR NEEDS

Furthermore, the labour needs of commerce and industry had cancelled out the effectiveness of the policy and the number of black people in the Cape had not decreased, he said

Professor Cilliers said the inability of black people to own their own houses was a major frustration to them

It was inexplicable to them why the recent decision to grant leasehold titles to black people in other urban areas would not be applicable in the Western Cape.

CURRIED GREEN BEAN SALAD — Mrs Futter, East

State urged to scrap policy on coloured

Argus 5/10/79 (116)

Professor S P Cilliers

From a Staff Reporter

PRETORIA. — The Government should scrap the policy of coloured preference for the Western Cape and extend home ownership rights and privileges of leasehold to Cape blacks, Professor S P Cilliers, told delegates to a symposium at Unisa here today

Delivering a paper which evaluated the Riekert and Theron Reports Professor Cilliers, Professor of Sociology at Stellenbosch University said economic as well as sociological studies showed conclusively that the policy had an idealogical political base with no relevance to human or economic reality

BITTERNESS

He said black people had lived here for at least six generations and it was a source of deep bitterness to them that they were prevented from reaching their full potential

APPLE TUNA TOSS SALAD

1 medium head lettuce, torn in bite-size pieces (4 cups)
2 cups diced apple
1 11 oz can (1 1/3 cups) mandarin orange sections, drained
1 6 1/2 or 7 oz can tuna, drained and broken in large chunks
1/3 cup coarsely chopped walnuts
1/2 cup mayonnaise or salad dressing
2 t soya sauce
1 t lemon juice

In a large salad bowl, combine lettuce, apple, orange sections, tuna and nuts; toss together. Combine mayonnaise, soya sauce and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 - 6 servings.

---oOo---

A new black union deal is born . . . but will the Government strangle the baby?

7/10/79

Sunday Times 7/10/79

By Dick Usher

WITH a terse announcement in last week's Government Gazette trade union rights were extended to all South African black workers, reversing one of the worst aspects of the new industrial legislation arising from the Wiehahn Commission.

The Industrial Conciliation Act, as amended by Parliament this year, would have excluded large groups of workers who, although working in the Republic, were officially regarded as residents of "self-governing" or "independent" territories, or residents of black trusts lands.

With Government policy aimed at creating a series of "independent" black homelands within South Africa's borders — with the dream that all black workers will commute or be part-time migrants to the industrial centres — larger and larger groups would eventually have been excluded from the right to industrial organisation within trade unions

This has now been reversed All South African workers not only South African citizens but also citizens of territories "which previously had been part of the Republic" — will be allowed trade union rights.

While the move has been generally welcomed — Mr Arthur Grobbelaar, general secretary of the Trade Union Council of South Africa, said it was the most progressive and dramatic step ever taken by any South African government — there are still many critics who view it as a threat to the non-racial trade union movement in South Africa while the legislation still conflicts with a basic tenet of unionism, the right to free association

The right of free association is restricted by provisions in the Act proscribing registration of a union by the registrar if membership is open to "employees of more than one population group."

Freedom of association according to the International Labour Organisation convention, means workers and employers, "without distinction whatsoever, shall have the right to establish and, subject only to the rule of the organisation concerned, to join organisations of their own choosing without previous authorisation '

The fact that the Industrial Conciliation Act specifically excludes the formation of further "mixed" unions and restricts the geographical expansion of existing "mixed" unions, unless the Minister sanctions registration or expansion, is clearly a denial of this basic right.

Critics fear this provision can lead only to confusion on the shop floor If unions are precluded from having mixed membership then any new unions formed within industries will have to have separate organisations for white, coloured, Indian and African workers

With possibly four bodies — or more depending on the number of categories of workers involved — participating in

negotiations the possibilities for confusion appear enormous

Apart from being inefficient the sytem also enshrines discrimination

In fact, unregistered unions with mixed membership, whose constitutions enshrine non-racialism, will be forced to expel members if they wish to register as unions.

The latest announcement has created much confusion. Unregistered unions were previously considering maintaining their status but are now rethinking their position

QUOTE

● Instead of acting as midwife to a lusty young union movement, the Government is acting as an authoritarian father
Alex Boraine, MP

The Federation of South African Trade Unions (Fosatu), a grouping of 14 registered and unregistered non-racial unions serving mainly black workers, has so far stopped short of rejecting registraton under the new dispensation

Afer a meeting of its central committee last weekend Fosatu announced that affiliates would take a joint stand on registration and would also consult with other unregistered unions outside Fosatu "with a view to taking a common stand"

Meanwhile African unions organised in "parallel" with Tucsa unions are starting to apply for registration

The Motor Industry Workers Union has already applied to register and it is expected that all Tucsa "parallel" unions will eventually apply as well as other parallel unions outside Tucsa

But the critics' objections go much deeper than denial of trade union rights.

One of the most outspoken among them is Dr Alex Boraine, PFP spokesman on labour affairs, who sees the extension as part of the Government's total strategy against what it sees as a total onslaught facing South Africa

He points out that although Prime Minister P W. Botha has made some exceedingly enlightened noises in the area of race relations since he took office the "total strategy" approach implies increasing authoritarianism in many fields as the Government relaxes in others.

"As the Government relaxes controls in the social and economic sectors, it is clamping down on possible areas of dissent," he said

Other critics share his fears. They point to the ever-increasing restrictions on the Press, specially through legislation passed during the previous parliamentary session, and the gathering of teachers into controlled professional bodies as two examples of this expanding control.

They also fear the Government, while attempting to put a face acceptable to the international community on its industrial legislation also realised that excluding many black workers from this legislation could lead to the growth of the unregistered union movement outside the controls laid down in the Act.

Hence the forestalling of this through the opening of unions to nearly all black workers.

But, they foresee this could be merely a prelude to compulsory registration of unions

Compulsory registration could include further measures which would make it difficult for an unregistered union to exist — a ban on receipt of overseas funds or refusing to allow unions to collect subscriptions via employers' stop orders

Registration would involve the unions submitting to the controls laid down in the act, with the possibility of arbitrary deregistration on "a wide spectrum of considerations" including "the prevailing circumstances in the particular industry . . and the implications as a whole in social, economic and political aspects"

As Dr Boraine says "Instead of acting as midwife to a lusty young union movement, the Government is acting as an authoritarian father"

WHERE WORK AND FAMILY LIFE ARE SINS...

THE Government's coloured labour preference policy in the Western Cape is a rationalisation for maintaining 'the last white homeland', according to the annual report of the Athlone Advice Office.

The report describes the policy, rigorously applied in spite of coloured opposition, as economically, socially and morally harmful

'It is dangerous and unhealthy to protect one group at the expense of another for the benefit of a third.'

The policy is the cause, says the report, of unemployment, starvation, despair and misery for blacks despatched to the Eastern Cape where they cannot make a living.

NO RIGHT

To blacks who have lived in the Western Cape for generations, but have no right to freehold or to ownership of houses or land, it is a source of bitterness.

Since the introduction in July of a new maximum fine of R500 for illegally employing a black worker, the Advice Office has been inundated with requests for help in legalising black domestic servants.

'It is violent to hunt a woman down, to have the right to search her out, to put her in a van, keep her in cells and put her in court, then fine her or keep her in jail — for working.'

In the rest of the country employers have been allowed to register their employees of one year or more.

'There is nothing we can do except hope that the change in the 'air everywhere else comes to the Western Cape,' the report says.

Wives wishing to live with their husbands are a perennial problem encountered by the Advice Office.

'It would seem that if you are black and living in the Western Cape it is sinful to want to live with your husband,' the report says

'This stems partly from the apalling lack of housing. There has been no significant building of homes for black people in the Western Cape since 1968. Not even the natural increase of those legally resident has been catered for.

'NO HOPE'

Men legally resident under section 10(1)(a) or 10(1)(b) of the Urban Areas Act have the right to have their wives with them.

But, the report points out, the authorities insist the men have accommodation — and houses are only given to men with families already living with them

Contract labourers have 'no hope whatsoever' of being able to bring their wives to join them legally

The contract worker is part of the rigid control of black labour for white use in South Africa — switched on or off as it suits the employer.

LOWEST PRICE

'The contract labourer is a victim He cannot withhold his labour or bargain with it It is his means of survival,' the report says.

'If we cannot abandon the contract labour system, we must see that it is not abused We ask for a contract which is a valid agreement of employment offered and accept under statutory regulations, not the present contract where white capital acquires black labour at the lowest possible price'

● The Cape Western region of the Black Sash yesterday condemned the intensified application of the white and coloured labour preference area policy in the Western Cape.

It resolved to expose the 'harsh injustice of the policy' in the coming year and to campaign against it

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hard boiled eggs
salanaise
salt and pepper
paprika and parsley

Cut eggs in half and lay on a flat salad platter; cut side down. Pour over salanaise.

---oOo---

CHICKEN AND CUCUMBER SALAD

S. Drury, East London

1 cup cooked chicken, diced
4 T finely chopped walnuts
French dressing/mayonnaise
lettuce
1 cup cucumber, peeled and diced
1 cup cooked green peas

Marinade chicken, cucumber, nuts and peas with French dressing. Serve on lettuce with mayonnaise. Cover with greaseproof paper and refridgerate until ready for use.

French dressing:
Blend together 6 T salad oil and 2 T lemon juice.

---oOo---

APPLE TUNA TOSS SALAD

1 medium head lettuce, torn in bite-size pieces (4 cups)
2 cups diced apple
1 11 oz can (1 1/3 cups) mandarin orange sections, drained
1 6 1/2 or 7 oz can tuna, drained and broken in large chunks
1/3 cup coarsely chopped walnu
1/2 cup mayonnaise or salad dressing
2 t soya sauce
1 t lemon juice

In a large salad bowl, combine lettuce, apple, orange sections, tuna and nuts; toss together. Combine mayonnaise, soya sauce and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 - 6 servings.

---oOo---

'Low-cost housing helped recession'

CAPE TOWN — Investment in low-cost housing in South Africa was competing for scarce capital and in this sense could be said to have a negative on the economy, the chief economist of the Bureau for Economic Research at Stellenbosch University, Mr W F Kilian, said in Cape Town yesterday

Addressing a housing congress at the Good Hope Centre, Mr Kilian said, however, that the positive effects of such investment far outweighed the negative effects

The congress was organised by the South African Institute of Housing Management and is being attended by about 200 delegates including Cabinet Ministers

Mr Kilian said investment in low-cost housing had played a significant role in the economy during the recent recession

"By providing job opportunities for many workers with few skills, unemployment was combatted to a certain extent

"Its greatest virtue was that public expenditure could be increased with little negative effect on the country's sensitive balance of payments" — Sapa

Koornhof to enlist help on homes

RDM 16/10/79

CAPE TOWN. — The Government intended introducing legislation enabling the private sector to undertake township development for black people outside the national states, the Minister of Co-operation and Development, Dr Piet Koornhof, said in Cape Town yesterday

Dr Koornhof was speaking at the International Housing Conference of the SA Institute of Housing Management in the Good Hope Centre

Dr Koornhof said it would be necessary to build another 4,1-million housing units for black people in the cities before the end of the century

South Africa had tried to contain the forces of urbanisation by preventing the uncontrolled influx of unemployed people into metropolitan areas

"The Government has recently accepted the recommendations of the Riekert Commission that influx control measures should largely rely on the availability of housing and employment.

"However, in both these fields there has been a tendency to fall behind the rate of urban growth, with the result that the volume of unemployment and inadequate housing has increased in our cities.

"We have, in recent years, seen the culmination of this process in a number of informal settlements on the edges of our metropolitan areas"

Given the dimensions of the problem, it was no wonder the State had not been able to provide the necessary housing.

It would be impossible for the Government to continue to undertake more in the field of housing without increasing taxes to the extent where it could harm the enterprising spirit of the individual.

"It is therefore to this enterprise that we wish to turn to provide the necessary housing for the people."

Another factor which had a considerable effect on the State's ability to provide housing at the required rate was the exceptionally high standards laid down for housing

"These standards are not so high, given the environments of a developed Western economy, but when we take into consideration that South Africa is, for a large part, still experiencing Third World conditions, it becomes obvious that it is folly to impose the unaltered standards of the developed world on our situation

"Furthermore, cultural factors such as our black people's dislike of high-rise developments cannot be ignored.

"What we want to develop in South Africa is differentiated housing — housing which is attuned to the needs and the resources of every community and every individual

"To a large degree, this has been achieved as far as the White community is concerned.

"Unfortunately the generally lower levels of income of our black people have not yet allowed such a development in the black cities

"Until recently, there were also restrictions on the acquisition of housing in the urban residential areas of the black peoples.

"I believe the recent introduction of the 99-year leasehold system, which has followed a decade of rapid economic advancement by black people, may lead to the erection of many houses by the private sector and that this may contribute to greater differentiation in housing on social and economic lines"

Dr Koornhof said this could be an important factor in the creation of a middle class in the black residential areas, and could be both a stabilising influence and an encouragement to further development — Sapa

RDM
16/10/79

Backlog in housing will be 'wiped out'

CAPE TOWN. — The coloured housing backlog in Cape Town should be wiped out in the next five years, Mr Louis Fouche, Secretary for the Department of Community Development, said at an international housing conference yesterday

The Department of Community Development and the local authorities had the knowledge, experience machinery and the will to eliminate chronic housing problems and provide sufficient housing for all those who qualified for State assistance

"This can happen because the close contact between the Department of Community Development and the local authorities has resulted in integrated action. In this way it is possible to achieve the most effective planning and best utilisation of existing and new services and to procure new sources and materials "

Mr Fouche said housing agencies had to ensure that the planning and provision of housing was carried out under control of local authorities

"With the exception of rented accommodation the private sector is providing sufficient housing to meet the demand from the higher income groups as far as the white group is concerned in certain centres

"The position in respect of the other population groups is that the private sector has still not come into its own and the Minister of Community Development has already invited deposit-receiving institutions to participate in providing housing, particularly in coloured and Indian areas

'The growing success of the past few years and an unshakeable confidence in the future offers the assurance that the important task of providing housing, affecting as it does everyone from cradle to grave, is an ideal which is not unattainable "

He added: "One of the things that the partnership between the Department and local authorities cannot countenance, however, is the various instant solutions offered or proposed for housing the growing population of South Africa."

Mr Fouche said loans for the purchase of building materials in these schemes had inherent problems relating to the standard of dwellings and the use to which the loan funds were put. These dwellings were not very durable and slum conditions occurred within a short time

'Similarly, the upgrading of squatter camps around cities is unacceptable because of the costs involved, the temporary nature of such action and, above all, because no improvement really results " — Sapa

Star 18/10/79

A plan to meet challenges over jobs, education

166

Among a number of special papers delivered at the 1979 annual congress of the Associaciation of Chambers of Commerce in Bloemfontein yesterday was one prepared by Mr Gavin Relly, deputy chairman of the Anglo American Corporation, under the title of "The Human Resources Outlook."

Because Mr Relly had been called away overseas on urgent business, the paper was read for him by co-director Mr Doug Hoff. But it held delegates spellbound. The Star's Financial Editor Michael Chester heard the speech. Here is his report of it.

MR GAVIN RELLY

When we examine the outlook for South Africa, whether politically or in terms of economics or sociology, it is very necessary to do so within the whole context of the southern African region Here, independent nations and homelands are inextricably dependent on one another

Even when the politicians tend to draw apart, they are driven together again by the strong magnetic forces of economics, which constantly remind us that progress and prosperity will be more easily achieved if the economy of the whole region is developed in harmony and unison

South Africa itself offers a paradoxical contrast of economic forces We have an economy of a distinctly dual nature It is highly complex technologically advanced by international standards on one hand, with elements of a simple subsistence economy on the other There are haves and have-nots

A few of the indicators that illustrate the dichotomy in our economic and social system are

● — In South Africa, only about ten percent of the working population pays any income tax In the rest of the developed world, it is between 30 — 40 percent

● — A tremendous burden is placed on a tiny section of the population to provide our management needs In the United States in 1973, more than 10 percent of the economically active population was in management positions In South Africa it is 1,1 percent

These figures illustrate the speed with which we will have to educate and build up the human resources reservoir here

The largest gaps in the framework of our human resources occur in education In the 1976 — 77 financial year, the Government spent R1 239-million on education, allocated as follows Whites 66 percent, black 19 percent, Asians 5 percent, Coloured people, 10 percent

Per capita it works out at whites R551 blacks R54 39, Asians R310 coloured people, R363

In 1976, there were 1 25 million people with a matric level education in South Africa 89 percent were white, 5 percent black, 3 3 percent Asian, 2.2 percent coloured people

There were 167 000 university graduates 93 percent white 2 2 percent black, 2,2 percent Asian, 1.8 percent coloured people

The depressing fact is that there is an abysmally small proportion of black graduates in most technical professions

A parallel challenge is the need to find jobs for the huge numbers coming on to the labour market

What is disturbing is that our economic growth is being outstripped by our population growth And it is daunting that our population is growing, on an annual percentage, faster than India's

We have to create new jobs at the rate of over 200 000 a year It will require massive confidence in the future and a massive dedication to set things in motion now to enable the future to evolve on stable lines

It will require huge new injections of direct foreign investment and capital And it certainly won't help to have people calling for disinvestment and for boycotts of South African coal or other commodities

I look forward to the day when we will be spending as much money each year on training and education as we do on defence

To achieve acceptable targets, current annual expenditure on education and manpower training would probably have to be multiplied three or four times

It would be a great step towards the principle of equal opportunity if, in South Africa our four separate educational systems for the four major race groups were combined into one — with one State department under one Cabinet Minister instead of four, as now

The spirit which should characterise a co-ordinated strategy is one of voluntary association among people or communities or states This could apply in a constellation of states

It could also apply in our factories and offices, our trade unions and works councils, shops and markets universities and technical colleges

The idea of voluntary association would allow a natural separation where groups so desire — and also a natural mixing

Internal developments along these lines would make it easier for South Africa's neighbours and friends further afield to develop their relationships with us

The present underlying strength of our economy, generated largely by mineral exports and the growing benefits of the industrial infrastructure developed in previous years, gives this country a sound base on which to act with courage and vision

The Wiehahn and Riekert Commission recommendations, the appointment of a national manpower commission, and other indications of policy changes from the authorities, have created a new climate of expectation in the management of human resources

The outlook for progress seems to be more promising than for many years The challenge is to grasp the opportunity offered by the changing political thinking of our time

Motlana backs business freedom, but...

DR NTHATHO MOTLANA

The chairman of the Soweto Committee of Ten, Dr Nthatho Motlana, says he agrees fully with the call to allow black businessmen to compete outside their group areas

He was commenting on a statement to the annual congress of the Association of Chambers of Commerce Assocom) in Bloemfontein by Mr Gavin Relly deputy chairman of the Anglo American Corporation

Mr Relly said black businessmen should also be allowed to employ whites

"This is what we have been saying all along," said Dr Motlana "Separate development must be dismantled, and blacks allowed into the free enterprise system as shopkeepers — not only as consumers

"These are beautiful sentiments, but I am afraid they may be only that They talk and drink tea and don't do anyting about it"

Mr Nigel Mandy, chairman of the Central Business District Association, in Johannesburg, said the CBD has always made it quite clear that businessmen of all races were welcome

"This is one economy, a free economy" he said "There is a good case for protecting black traders in black areas, but there is no reason why blacks can't own and run businesses in the CBD

"The Riekert Commission has recommended that CBDs should be opened where local authorities ask for it, but the Government still wants us to follow the Group Areas Act However, I feel a change is coming"

Mr Richard Maponya of Soweto, a founder of the National African Federated Chambers of Commerce, said the white man had a debt, which he must pay by helping black business to become economically viable.

He agreed with Mr Relly's statement.

"If black businessmen had to rely entirely on their own expertise it would retard development"

He saw the bar on the employment of whites by black businessmen as a "big obstacle

"We haven't got the skills Therefore we must be allowed to buy them," he said.

"If the white man wants to safeguard the free enterprise system, he has no option but to remove the existing restrictions and give the black man the chance to compete on an equal basis"

Mr Gibson Thula, chairman of the Inkatha movement's projects committee, said overwhelming financial obstacles would remain even if the political barriers to black competition in CBDs were removed.

Finance would be needed to establish black businessmen in these areas — and this was not readily available

"Once a man is in business, all he requires is money and expertise," he said "With the money he could buy expertise"

the cost of raising the necessary funds has to be taken into account. The funds themselves are already justified by comparison with the alternative methods of provision, but there are additional costs involved in raising them: interest on loans, or administrative and incentive costs of raising taxation. These are normally insignificant for any given project, but may affect the overall amounts available for the health budget.

Where the methods of providing a given service use the same kinds of resources in different proportions, the decision-making can be simplified by means of Linear Programming, though health service choices cannot usually be presented in the simplified way required by this method

2. CHOICE OF PROGRAMMES

So far, we have discussed methods of choosing means to obtain a given objective. But what tools are available to aid the choice of objectives themselves? Can anything be said on the question of the priority to be given to particular diseases or age groups, whether to allocate more to child welfare clinics or care of the aged?

Overall criteria are needed, and they have to be expressed in such a way that they can guide these detailed questions. Essentially, the problem is not only to relate resources used to objectives achieved, but to relate the various objectives to each other.

There are various means of doing this; but all of them require that expenditure be accounted for by the ends it is expected to achieve.

2.1 Programme Budgeting

Programme budgeting, also known as budgeting by objectives, involves the presentation of expenditure data according to the objectives to which it is directed. Thus, projects to combat TB would be grouped together, geriatric problems, sanitation programmes, etc.

This is necessary:

(a) to know the cost of pursuing each objective;

(b) to group together activities with the same objectives which can be compared by cost-effectiveness analysis;

Wiehahn, Riekert 'only a framework'

(76)

By Sieg Hannig, Labour Reporter

The Wiehahn and Riekert reports have not provided answers to South Africa's manpower problems, Mr B V Sutton, a member of the Wiehahn Commission, said today.

The commissions only provided the framework for reforms, he told a conference held in Johannesburg by the Free Market Foundation and Merchabank.

The actions of employers and labour leaders would determine the course of change

And short-sightedness could lead to "unpalatable consequences" such as the employment codes forced on South Africa by its previous failure to take corrective action

Mr Sutton said South African expenditure on training ranked among the lowest in the industrialised world.

He held out prospects of more effective training efforts by way of:

● Creation of a national body to prepare a national training plan to co-ordinate training programmes, ensure the availability of resources and provide research and advice

● Centralisation of all training under one authority and a single law to guide and develop a national training programme.

Other factors to bring about effective use of manpower included full implementation of the Riekert recommendations, a massive educational overhaul plus 'bridging' education provided by employers, a competitive labour market and labour peace

● A plan to meet challenges over jobs, education — Page 23.

drug therapy

would want the activities to be within a particular programme This distinction ties up with an economic jargon of slightly older vintage - that of cost-benefit and cost-effectiveness, and through that to the main stream of neoclassical welfare economics, which attempts to make a distinction between the choice of the composition of the basket of outputs and the choice of the set of resources from which each output is to be produced. The former is, in a broad sense, a question of tastes, values, or utilities, the latter is a question of techniques".

He adds.

> "In practice, it is not an easy matter to make a hard and fast distinction between technical matters and matters of values or utilities in the health services. From one point of view, the question whether to treat schizophrenics in hospital or in the community is a technical one Which is the cheaper way to fulfil whatever are the society's requirements for the treatment of this group? But community care originally became fashionable as a good thing in itself. The practitioners are very apt to muddle the medical and economic arguments when it suits them, and the politicians and administrators equally so when it suits them, but the economist's concern is to keep them separate". [9]

Programme budgeting, then, entails the attempt at this separation, sorting out from the multiplicity of decisions those which can be made on the basis of administrative or economic, together with medical-technical criteria, and those in which the role of the public through political

STUFFED CABBAGE SALAD

May Bennett, Ridgeworth

1 fresh green medium size cabbage
onions
carrots
tomatoes
fresh pineapple
radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage bowl in fresh form.

Bold new strategy needed to cut jobless rate

(166)

CT 18/10/79

BY PAUL DOLD
Financial Editor

A bold and imaginative strategy by the private sector and government to check black unemployment is vital if social unrest is to be avoided.

This is clear from details of the latest 10-year economic development programme published yesterday which underscores that unemployment has become a serious problem and notes there are indicatiaons that, especially over the shorter or even medium term a rapid reduction in the jobless rate is unlikely

And against this background it makes sense to encourage labour intensive industries wherever possible rather than capital intensive schemes

There is little doubt that the major challenge of the next decade facing the country is job creation and even with a far higher growth rate than has been the case in recent years, unemployment will remain a pressing problem Clearly the maximum concerted effort by both private business and Government is required

Fewer immigrants

Looking at the 1970s the EDP says because of the slower natural population growth and the fact there were fewer immigrants and a smaller number of temporary foreign workers than before the rate of growth of the work force declined But the annual growth rate of the work force is still at a high level

In addition, the low growth rate of the economy over the past few years has led to a far lower rate of growth in employment than in the work force "A considerably higher rate of growth in economic activities than is being experienced at present is needed to stimulate employment and reduce unemployment"

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others grew more rapidly

"The important economic implications of this trend more specifically its employment implications, are at present being investigated in depth by the government The implications it might have for employment if these trends could be reversed can therefore not yet be taken into consideration but should not be underestimated" And the growing challenge posed by unemployment was underscored by Mr G Relly, Anglo American's deputy chairman, at the Assocom congress in Bloemfontein yesterday

"It is a disturbing fact that our economic growth is being oustripped by our population growth which has an annual percentage growth now higher than that of India

"We need to create new jobs for 7,2m new entrants to the labour market in South Africa within the next 20 years

"The complexity of the issues confronting us emphasizes the need to develop a strategy embracing not only our own national aspects but the economic welfare of the whole Southern African region

The challenge

Today's challenge was to grasp the opportunity offered by the changing political thinking of our time, he said in the speech delivered on his behalf by Mr D B Hotte also a director of Anglo

Mr Relly said a year ago he would have given his address with some reluctance

"But October 1979 presents us with a very different picture While there should be a good deal of discussion about the details of this picture, it is at least evident that the philosophical change in our affairs has opened the door to, and has indeed invited, the prospect of being able to deal with the pressing matters of human affairs and resources in a realistic and practical manner"

He believed it was more realistic today to talk about our human resources outlook with a degree of confidence and anticipation, "which a year ago would have amounted to no more than wishful thinking"

The present underlying strength of our economy, "generated largely by mineral exports" gave this country a sound base on which to act with courage and vision he said

"The private enterprise sector has been enthusiastic about the important reforms in the country's labour structure and the new attitudes to industrial relations which have recently been announced by government

The Wiehahn and Riekert recommendations, the appointment of a national manpower commission and other indications of policy changes from the authorities have created a new climate of expectation in the management of human resources The outlook for continued progress in these and other spheres seems to me to be more promising than it has been for many years"

People in rural areas (especially the black states) where the prospects of finding work are poorer and wages are generally lower tend to migrate to the urban areas to find work at higher wages

Apart from the additional urgency given to the creation of employment opportunities in general by this urbanization process it is essential that the creation of employment opportunities in rural areas should not be neglected

The social implications of unemployment stresses the urgency for this problem to be solved the report said And significantly the EDP stresses that more than half of the unemployed black and Coloured people are younger than 30 years

Unemployment

Preliminary studies indicate that the increasing use of capital intensive, rather than labour intensive, production methods restrict the growth of employment and increase unemploymnet

The changes in the sectoral production structure undergone by the South African economy were also partly responsible for the unemployment problem, because those sectors that were less labour intensive than the

Star 18/10/79

'Strong ties key to SA change'

While South Africa is in the process of massive internal social and political changes, the basis of change will largely depend not only on South Africans' willingness to make concessions to one another, but also on the world's businessmen to strengthen economic ties with the country.

This was the message which Dr H J J Reynders, chairman of the National Manpower Commission and formerly executive director of the South African Federated Chamber of Industries, took to a meeting of the Belgian-South African Chamber of Commerce.

Dr Reynders said a GDP growth target should reach 3 to 4 percent during the year with manufacturing growth about 5 percent. But to create future job opportunities — 1 000 new jobs a day (75 to 80 percent for blacks) — an average growth rate of 5,5 percent to 6,5 percent a year was required.

"I believe we have the potential for this growth," said Dr Reynders, "but to attain these targets we must rely to a great extent on foreign investment."

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2.3 Looking

Basically, one is looking for inconsistencies. It was noted that a logical axiom, basic to economics, is that a rand should yield approximately the same value in whichever programme it is spent. If the net social benefit from the marginal expenditure on one programme much exceeds that on another, one can do better by withdrawing funds from the second programme and increasing expenditure on the first. By simply looking at a breakdown of the budget between programmes, the amounts spent on each may be compared with our intuitive notions of how much 'ought' to be spent on these things. Our judgement will depend on what we consider the benefits of expenditure under each programme to be, a process which cost-benefit analysis seeks to formalise (see below). For example, if it can be shown that expenditure on preventive medicine constitutes approximately 2% of all expenditure on health,[11] it may be felt that the benefits from this kind of provision warrant an increase in the share of the budget allocated to it.

Unfortunately, such intuitive processes can pick out only the grossest incongruities which are recognised by all, whatever criteria of 'value' are used. The optimum level of expenditure on a particular objective is, from the point of view of intuitive judgement, highly uncertain, because of the wide variation in benefits attributable to a particular type of spending. This is partly due to a deficiency in information on the results of the programmes which can be resolved by recourse to appropriate data. Nevertheless, there will also be differences of judgement which cannot be resolved without prior agreement on the relative valuation of different benefits which have to be fed into the analysis, and in the intuitive process, these two factors may not be differentiated.

A very large proportion of decisions are now taken with no further analysis than this. Any further steps involve a way of systematically valuing the benefits of different programmes to render them comparable to one another.

2.4 An Informal Method for Setting Objectives

The following method for guiding the choice of priorities has been described by John Bryant.[12] It has been used by medical and nursing students in Thailand, and one of its advantages is that it can be used where no numerical data is available. It, therefore, lends itself to discussion, to draw on the experience of a group of people.

Potential health problems are first listed, and then given a score (from one to four pluses) under each of four headings:

Diagram 1: A method of ranking health problems

Problem	Prevalence	Severity	Community concern	Vulnerability to management	Total
Large & poorly spaced families	++++	++++	+++	++	96
Inadequate antenatal & obstetric care	++++	++	++	+++	48
Malnutrition	+++	+++	++	++	36
Need for medical care	++	++	++++	++	32
Specific diseases:					
V.D.	++	++	++	++	16
Dental problems	++++	+	++	++	16
TB	+++	+++	+++	++	54
Common cold*	++++	+	+	-	0
Yaws*	-	++	+++	++++	0

* Added to test scoring method

'Drop race bar in unions'

RDM 19/10/79

166

BLOEMFONTEIN — The Government was urged this week by business leaders to dismantle all forms of the colour bar in the trade union movement to advert the risk of increased racial tensions and industrial unrest.

The move was spearheaded by the Johannesburg Chamber of Commerce which has set aim on applying pressure to win the removal of "all obstacles to the best use of our manpower"

Johannesburg is asking the whole Association of Chambers of Commerce at its 1979 annual congress here to demand that the Government press ahead with all of the key recommnedations of the Wiehahn and Riekert commissions on labour issues

CONCERN

Its main concern is that the Government has not accepted recommendations to allow "freedom of association to join or form trade unions on an industry rather than a racial basis"

It argued today "Organised commerce strongly urges the government to reconsider its stand and to allow freedom of association, without making it compulsory

"From the point of view of employers it is more satisfactory to deal with trade unions on an industry or occupation basis than to negotiate with multiple unions on a racial basis

"Another concern is that the formation of exclusively black trade unions will provide political platforms for which already funds have been provided from overseas

"Furthermore, the formation of separate unions for different colours entrenches apartheid, contrary to the present trend in all other spheres of labour, and could prove counter-productive in the overall strategy of manpower utilisation in South Africa today

FRAGMENTED

"From the employers' point of view, negotiation with fragmented unions, separated on racial basis, can only lead to increased racial tension and industrial unrest This has already happened in several key industries."

Johannesburg also wants Assocom to reaffirm its support for the abolition of any closed shop provisions, which it sees as a potential means to enforce unfair discrimination and the cause of unrest

The chamber states it is imperative that parliament acts swiftly at its next session to translate key recommendations of the Wiehahn and Riekert Commissions into legislation

the cost of raising the necessary funds has to be taken into account. The funds themselves are already justified by comparison with the alternative methods of provision, but there are additional costs involved in raising them. Interest on loans, or administrative and incentive costs of raising taxation. These are normally insignificant for any given project, but may affect the overall amount available for the health

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Workers 'need assurance'

star 22/10/79

(166)

By Frank Jeans

While welcoming the recommendations of the Wiehahn and Riekert reports, white, coloured and Asian building workers will have to be reassured that their interests will be looked after.

This was one of three main points which Mr David Mitchell touched on in his presidential address at the opening of the 75th anniversary congress of the Building Industries Federation (Bifsa) in Johannesburg today.

"It is apparent there is a noticeable degree of uncertainty among the white, coloured and Asian workers," said Mr Mitchell. "The industry must take a lead in reassuring these people that it is not the intention to flood the industry with a surplus of black skilled labour once effective use can be made of the Wiehahn principle concerning the training of black apprentices"

ONE BODY

Mr Mitchell said that with the advent of black trade unions, it would be necessary to develop and maintain a healthy negotiating mechanism.

He called for an end to the "fragmentation of industrial boards" and urged the setting up of one national body for all the industry's workers.

"The creation and development of black trade unions cannot be seen in isolation," said Mr Mitchell.

Mr Mitchell believes the most encouraging feature for the industry is the fact that investment in building in the private sector was "well on its way towards returning to normal levels."

Hopefully, this particular investment would soon reach the stage where it would represent the bulk of the national building programme.

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"Unless this is achieved," said Mr Mitchell, "the declared policy of Government to foster and stimulate private enterprise will continue to be in jeopardy

"The matter will have to receive serious attention if one of the main branches of private enterprise is not to be allowed to die off to the detriment of the whole system."

Referring to the controversial issue of 99-year leasehold, Mr Mitchell said it did not seem to be making much headway

"The industry is perplexed by the apparent lack of progress in this regard," he said.

Bifsa 75

Building plans hit a new high mark

Bifsa's 75th anniversary congress opening could not have had a better send-off than the latest figures on building activity from the Department of Statistics

These show, that for the eight-month period of January to August, the value of plans passed hit the R837m mark — R191m up on the same period last year

And with the big Government-backed boost in sub-economic housing announced recently — a R42m programme is earmarked for the Johannesburg area alone — the value of new work for the building industry in the coming months is certain to break the R1 000m target

Again, the latest figures reveal the plus factor in all main sectors of the industry, and the improving trend in new home-building is being maintained.

the cost of raising the necessary funds has to be taken into account. The funds themselves are already justified by comparison with the alternative methods of provision, but there are additional costs involved in raising them. Interest on loans, or administrative and incentive costs of raising taxation. These are normally insignificant for any given project, but may affect the overall amounts available for the health budget.

Revitalise Riekert

Star 22/10/79

(166)

AFTER all the fanfare which greeted the Riekert and Wiehahn reports earlier this year, it is disappointing to hear from a well-placed source how slowly their recommendations are being implemented

The source is none other than Dr P J Riekert, author of the first report Speaking to a symposium last week, he noted that the report had been in the hands of the Government for nearly 14 months, that a White Paper had been issued only nine months after its receipt, and "since then, very few of the recommendations have been implemented"

The Riekert Commission conducted a comprehensive study on how to make better use of South Africa's manpower resources It urged radical moves away from colour discrimination, including a major relaxation of the pass laws This is one of the changes which the Government, in its White Paper, jibbed at making Others were accepted in principle but subject to reservations. All in all the Government's reaction, at the time and since, has fallen far short of even modest black aspirations

The tardiness, as Dr Riekert notes, is partly due to happenstance· big changes in the Cabinet coincided with some key changes in the civil service Also, there is no specific Minister responsible for implementing the report. But the Government ought to make a firm resolve to pick up at least some of the momentum It should not allow these two important reports to become merely further examples of fine words unmatched by action

This

(a) to know the cost of pursuing each objective;

(b) to group together activities with the same objectives which can be compared by cost-effectiveness analysis,

(c) to know the effectiveness of a given amount of money when spent on different objectives, so that choices can be formulated in terms of the alternatives we might afford - so many geriatric day care centres, so many child welfare clinics, etc.

Financial statistics are not traditionally arranged on this basis but in categories such as 'salaries', 'transport', 'medicines', etc. A separation, e.g. between expenditure on different disease groups or age groups cannot be made.

The grouping of expenditure into programmes is an art Pole, an economist in the U.K. Department of Health, writes·

"Programme structure should, in my view, be mainly determined by the decisions to the taking of which one wishes it to contribute... One right suggest that where decisions are primarily a matter of political or moral judgement - of determining basic priorities - one would want the activities to be compared to reside in different programmes - the mentally handicapped against the alcoholics, but where it is a more technical question of how particular objectives can best be achieved - drug therapy against behavioural therapy - one would want the activities to be compared to be within a particular programme. This distinction ties up with an economic jargon of slightly older vintage - that of cost-benefit and cost-effectiveness, and through that to the main stream of neoclassical welfare economics, which attempts to make a distinction between the choice of the composition of the basket of outputs and the choice of the set of resources from which each output is to be produced. The former is, in a broad sense, a question of tastes, values, or utilities; the latter is a question of techniques"

He adds:

"In practice, it is not an easy matter to make a hard and fast distinction between technical matters and matters of values or utilities in the health services. From one point of view, the question whether to treat schizophrenics in hospital or in the community is a technical one. Which is the cheaper way to fulfil whatever are the society's requirements for the treatment of this group? But community care originally became fashionable as a good thing in itself. The practitioners are very apt to muddle the medical and economic arguments when it suits them, and the politicians and administrators equally so when it suits them, and the but the economist's concern is to keep them separate". 9

Programme budgeting, then, entails the attempt at this separation, sorting out from the multiplicity of decisions those which can be made on the basis of administrative or economic, together with medical-technical criteria, and those in which the role of the public through political

South African Press Clips is produced by : Barry Streek P O Box 07, Houghaal, 7872, South Africa

TRADE UNIONS

More rivalry

The rush to organise African workers continues, as do the conflicts it causes (*FM* last week) The latest battle-ground is the Natal liquor and catering industry

The rivalry has been occasioned by the establishment of a Natal branch of the Commercial, Catering and Allied Workers' Union (Ccawusa) which has been organising in Natal for some time

Ccawusa's move evoked protest from A C Reddy, general secretary of the Natal Liquor and Catering Trades Employees' Union, who says he is planning to organise an African 'parallel' union in licensed hotels in Natal He had hoped simply to integrate Africans into the registered union, but will form a separate union to conform with the law

Reddy adds "Employers have already agreed in principle" He is unhappy about the prospect of Ccawusa's organising potential members of his "parallel" union "They should stick to shops and tea rooms, they are newcomers to catering," he argues

Ccawusa replies that it has been established for some years and that the new parallel union is an attempt to keep it out of Natal hotels

Meanwhile, unregistered unionists on the Reef are puzzled by a letter they have received announcing the formation of a new African union, the SA General Building Workers' Union, in the Cape The letter is signed by M D Arendse, who describes himself as a former artisan, foreman, and consultant in the building industry

The letter asks for assistance from other unions (including the unregistered Building, Construction and Allied Workers Union!) in establishing the new union

But unregistered unionists attached to the Consultative Committee of Black Trade Unions are not overjoyed by the new move "If they really want to help African workers, why don't they offer to assist the existing black Building Workers Union?" asks unionist Skakes Sikhakhane

A further feature of Arendse's letter is that he claims to be working closely with Tucsa However Tucsa general secretary Arthur Grobbelaar tells the *FM* that his organisation has not promised support to the new union "They have contacted us and we have asked them for more information, which has just been sent to us, but we have taken no decision"

Grobbelaar adds "My personal view is that we will not help them, it doesn't look like a viable proposition"

Sun. Tribune
5/8/79

(166)

Firms 'dangerously complacent'

Correspondent
Financial

BUSINESSMEN in South Africa were living in an "unbelievably dangerous period" in the sense that their complacency about labour relations would be shaken and they would face a new world where improved relations would become a daily issue says Anglo American's divisional industrial relations manager, Mr R Godsell

He was a guest speaker at a dinner organised by the University of Port Elizabeth branch of the International Association of Commerce and Economics students

He said a kind of inertia had developed in the private sector as a result of the Wiehahn and Riekert Commissions.

"Businessmen are sitting back and looking to Wiehahn and Riekert to solve their industrial problems.

"But the initiative must come from the business community, otherwise there is the danger of doing too little too late."

He said five challenges faced the South African businessman. The first was that of normalising relations between black and white workers, because the State was not in a position to be able to do it

"The second is that of getting industrial relations right at the plant level, which is the grass roots level;

"The third challenge is to train blacks to assume more important and skilled jobs

"They must be trained as managers, computer programmers, public relations officers and so on

"This will not be done overnight, and it will require a period of anything from five to 10 years or more." The fourth challenge was that of influx control.

"I believe South Africa needs a form of influx control, but it must be done in a more practical way, with allowances made for the permanent urban black rural poverty.

"The fifth challenge is that of improving the quality of life for both urban and rural blacks.

"The businessman has got to be concerned with rural poverty.

"Only 30 percent of blacks live in urban areas "The 70 percent who live in rural areas must not be overlooked.

"Iran is an example of what happens when you do overlook rural workers — large numbers of people in rural areas did not find their lives improving at the speed of those living in cities, and this was a major reason for the Iranian upheaval," said Godsell.

JAARVERSLAG

1978

SENTRUM VIR INTERGROEPSTUDIES

(Geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie))

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INLEIDING

Gedurende die eerste nege jaar van sy bestaan het die Sentrum vir Intergroepstudies gereeld 'n jaarverslag oor sy werksaamhede gepubliseer. Om die Sentrum se 10de verjaarsdag op 1 April 1978 te vier is die jaarverslag in 1977 vervang deur 'n Oorsig oor die Eerste Tien Jaar.

DIE OORSPRONG EN DOELSTELLINGS VAN DIE SENTRUM

Die Sentrum word grootliks gefinansier deur die Abe Bailey-Trust wat ingevolge die testament van Sir Abe Bailey gestig is. Dit is geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie) - 'n maatskappy beperk deur garansie en sonder 'n aandele-kapitaal kragtens die Maatskappywet 1973 (Wet Nr. 61 van 1973).

UNEMPLOYMENT Financial Mail

The faces behind the statistics

0 6 APR 1979

There is black unemployment more today than four or five years ago but I've never felt that unemployment as such in SA, even in this slack period we've been through, has been all that serious — Finance Minister Owen Horwood in an interview with *Management* in January

Perhaps not. But try telling that to the sullen faces of work-seekers crowding the pavements near the labour bureau in Johannesburg's Albert Street. Or look into the Black Sash advice office, jam-packed with jobless and illegals, and test all the dreary stories on Senator Horwood's words that "we must keep a sense of perspective."

Unemployment means inevitably no money. Unemployment insurance pays 45% of pre-retrenchment earnings but it only lasts six months and does not apply to domestics, agricultural workers or miners. Employers often fail to issue workers with the relevant cards so that UIF cannot be claimed. Only people who have been in employment are eligible, which cuts out school leavers who have never worked.

At the end of February there were over 52 000 people registered as work-seekers with the West Rand Board alone — and this excludes all those who no longer bother to register and those who are illegally in town. Yet under 8 000 jobs were found by the West Rand Board in February.

The longer people are unemployed the less employable they become. Soon, like Patrick Dlamlenzi, they run out of money for transport to town to seek work. Dlamlenzi tells the *FM* that he spends most days in his hostel dormitory while his wife and three children in Bergville wait anxiously for a pay packet.

Then, for those with houses, the rent slides into arrears. The next step is eviction. The Dean of Johannesburg, Simeon Nkoane, has files and files of people seeking help. James Dladla is a typical example. With his wife and five children he was evicted in August 1978, three months after losing his job. Until he pays his arrears he has little chance of another house. Meanwhile the family is crammed into the already overcrowded house of his parents.

Once the house has gone, the downhill slide is unchecked. Wives and children are farmed out to relatives, and older children are taken out of school to find work. Men often sleep in town, on golf courses, in parks and alleyways.

Poor conditions are breeding grounds for disease, and medication is difficult to come by. In one family asking the Institute of Race Relations for help all six members were suffering from tuberculosis.

Hardest hit by unemployment are the "illegals" — those who have come to the city without permission, those who cannot establish their rights although they have lived in the area for many years, and the foreigners who have no legal rights in SA however long they have worked here. In good times unregistered work is easy to come by. But when work is at a premium, employers would rather take on someone who can easily be registered than risk an "illegal."

Take Patrick Mazibuko who, despite having found a desperately needed job, was forced to give it up because he was refused registration. He first came to Johannesburg in 1966 on a contract with Premier Milling. When he lost the job after six years he managed to find other unregistered work, living with his wife who works as a domestic servant in the northern suburbs. Mazibuko has been out of work for seven months and his father in Ladysmith can no longer provide for his six children. "Now they tell me to go back to Ladysmith," he tells the *FM*. "But there is no chance of finding work outside Johannesburg."

He is right. In the cities there is at least a slim chance of work; in the rural areas there is almost none. Yet, as Sheena Duncan put it at the recent Black Sash conference: "The government's solution to the unemployment crisis is to deport the unemployed to the bantustans and then to pretend that unemployment is under control, as if the people living in the rural areas are no longer the responsibility of the state.

"The myth that all black people who live in rural areas have cattle and land and only seek jobs to pay for luxuries is still believed by whites," continued Duncan. "The reality is that people are resettled into overcrowded rural slums, forbidden to keep goats or cows, entirely dependent upon jobs for survival, yet forbidden to find work for themselves or to take work if they find it."

Unemployment and crime go hand in hand. While white parents buy guns to protect themselves and their children, black parents like Agnes Dladla try anxiously for parole for sons in jail for theft. "He was only trying to help me because there was no food for the children," Dladla told the Black Sash.

One doesn't like to see any serious unemployment since it obviously creates individual hardships. But in the US 8m were unemployed. Today it's still about 7m. Our unemployment problem is not all that serious — Horwood

Labour

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0 6 APR 1979

MINE LABOUR Financial Mail

The pot and the kettle

... visiting coloured labour instead of hard-working Africans? Africans are used less because they are migrants, says Philip, "and we have the usual problems associated with migrant labour." Coloured people are in the area and "it makes more sense to offer jobs to them."

Wiehahn asked to speed up report

Star 6/3/79

166

The Government has asked the Wiehahn Commission to complete its work as soon as possible.

The first part of the commission's report on [illegible] to South Africa's labour legislation was released in [illegible] and was seen to [illegible] a new deal for black labour.

But opposition politicians have since discovered that legislation flowing from the first report on the industrial conciliation act largely negated the commission's recommendations on "free association."

The commission decided early on to issue its reports in parts so as to simplify its order of work. This method it was felt would also help the authorities to phase in the recommendations that were accepted.

The commission is expected to issue two or three more reports.

Abattoir gets tough over dispute

Rand Daily Mail, 5 April

By RIAAN DE VILLIERS
Labour Correspondent

CHANCES of a settlement in the Transvaal abattoir dispute have receded with a statement by the chairman of the South African Abattoir Corporation, Mr Fanie van Rensburg, that the corporation would not renew any contracts with the Slaughtering Services Co-operative.

His hard-line statement has come at a time of growing controversy about the effects of the work stoppage by about 1 000 slaughtermen at the five Reef and Pretoria abattoirs. It enters its fourth day today.

Spokesmen for the corporation, which runs the abattoirs and is now undertaking the slaughtering itself, yesterday confirmed claims that the situation was improving and that the abattoirs would fill the quotas allocated to them by the Meat Board this week.

But other sources in the beef trade claim that production was down by about 50% and fears grew yesterday that the situation was heading for a massive crisis.

In an interview Mr Van Rensburg said the corporation had had an extremely frustrating time with the Slaughtering Services Co-operative, [illegible] in [illegible] regulations on contracts in recent months.

But the co-operative had now displayed the height of irresponsibility by causing a crisis involving livestock.

"To award new contracts to striking people is out of the question," he said.

The corporation was still prepared to employ co-operative men but he warned that the corporation was employing more and more staff to undertake slaughtering and the longer the stoppage continued the fewer former slaughtermen it would eventually employ.

"I believe the co-operative thought we would crawl back to it — but this will not happen," he said.

Meanwhile Mr Andries Zaayman, chairman of the co-operative, indicated yesterday that its members may be willing to make a [illegible] concession to end the [illegible] work.

He said there was a good chance that co-operative members might agree to negotiate new contracts for three of the five abattoirs — which had been the corporation's original intention.

The co-operative was prepared to negotiate with the corporation on the issue but had not been contacted since Monday when the [illegible] started.

He was still hopeful that [illegible] could be reached.

"The corporation does not have a lot of slaughterers and everybody is suffering," he said.

He said the co-operative members' action was prompted by fears that they would eventually be replaced by black workers.

Mr Van Rensburg could not be contacted for comment on Mr Zaayman's offer last night.

Meanwhile a spokesman for the Meat Board said yesterday beef prices at Pretoria and Johannesburg had risen by up to 25% compared to last week, with super lamb at City Deep 16c higher.

He warned the Meat Board had only 2 000 frozen beef carcases left in stock, which was enough to make up shortfalls for another two days only. Lamb stocks had run out completely.

Mr Len Kruger, managing director of the corporation, said in a statement yesterday the situation at all five abattoirs was as near normal as possible and the weekly quota set by the Meat Board was expected to be met.

The quota had been reduced by 10% last [illegible] after it had been increased by [illegible] last week, which meant normal demand for meat should be satisfied this week.

Other sources claimed slaughtering was still 50% down on the reduced quotas.

Some wholesalers are importing large quantities of meat from other centres.

LABOUR COMMISSIONS

New deals for old?

Financial Mail 6 April

The suspense of those eager hordes of labour commission watchers is almost at an end. Official sources tell the *FM* that "the Wiehahn and Riekert reports should soon see the light of day. Translation of the Wiehahn report has been completed and both reports will be released within six weeks."

Apart from anything else, according to one source, the Department of Labour fears that "reactionary forces" may be strengthened if publication is further delayed.

The Department of Labour is keen to see legislation on the two main issues dealt with by Wiehahn — African trade unions and job reservation — presented to Parliament this session.

However, this does not mean that a new labour dispensation will be introduced overnight. The new legislation will be "enabling legislation, to be followed by regulations drawn up after full consultation with employers and employees" — inevitably a fairly lengthy process.

Meanwhile, speculation about the Wiehahn report continues. A new tip is that the multiracial works councils which the commission is expected to recommend will have representation on industrial councils — in addition to trade unions. Many labour watchers believe that one of Wiehahn's key thrusts will be to strengthen plant-level committees (like African liaison committees) and extend them to other races.

There is also talk that presently registered trade unions which are not party to industrial council agreements will be compelled to apply for re-registration. Two examples would be the shopworker and mining unions.

Contd Overleaf.

c) Ander lede

Mnr K. Bosman
Professor A. Cupido
Mnr N. Daniels
Mnr Achmat Davids
Professor R.J. Davies
Professor J.J Degenaar
Mnr René de Villiers
Mnr H W Middelmann
Eerw. M T L. Moletsane
Professor A.D. Muller
Sheik A Najaar
Mnr Victor Norton
Professor N.J J Olivier
Mnr I [illegible]llips
[illegible] H.P. Pollak
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[illegible]ias
[illegible] R.E van der Ross
[illegible] J H. van Rooyen
[illegible]alters
[illegible] F.A.H Wilson

Star 7/8/79 (166)

Hopes for new deal must be fulfilled'

The South African Government has created great expectations at home and abroad which if not fulfilled might have serious results, Mr Harry Oppenheimer said in his annual statement as chairman of the Anglo American Corporation yesterday

Legislation following the Wiehahn and Riekert reports was "inadequate and a disappointment to many," Mr Oppenheimer said

"It must be taken into account that the reports proposed changes which unexceptional though they may be elsewhere, are radical in the South African context, he added

The Government itself appeared to regard its response to the Riekert and Wiehahn reports as only a beginning, he said

"The De Kock, Wiehahn and Riekert reports, together with the Government's initiatives in the political sphere, may mark the beginning of new and more realistic policies on which it may be hoped that a stable and peaceful future for the country could be built," he said.

Mr Oppenheimer revealed details of a university training scheme for blacks in his statement It will cover R3-million over the next five years

The "undergraduate cadet scheme" financed jointly by Anglo American and De Beers, will be carried out in conjunction with the University of the Witwatersrand

It will be designed to overcome the "inadequate preparations of most black undergraduates and graduates for business careers," Mr Oppenheimer said

The scheme aims at recruiting and training "high-quality black matriculants" as potential managers in financial and engineering fields.

A Mobiliteit en Politieke Verandering in Suid-Afrika

Hierdie projek is 'n paar jaar gelede aangepak. 'n Ondersoek onder die kleurling bevolking van die Kaapse Skiereiland is onderneem. 'n Aantal tydelike navorsings-

Friends (Quakers) en van die American Friends Service Committee deurgebring Hy het 'n aantal konferensies in verskillende dele van die land bygewoon, baie vergaderings toegespreek en senior beamptes van die Carnegie Corporation, van Community Relations Services van die Departement van Justisie van die Amerikaanse regering, van die American Friends Service Committee en kollegas verbonde aan verskeie universiteite besoek.

Gedurende Augustus en September het die Direkteur Engeland, Nederland, Switzerland, Swede, Israel en Zambie besoek Hy het vooraanstaande joernaliste, Suid-Afrikaanse diplomate, senior amptenare van die Suid-Afrika-Stigting en verskeie regerings betrokke by Suid-Afrikaanse belange ontmoet Hy het besprekings gevoer met stigtings, trusts en opvoedkundige verenigings As gevolg van sy besoek aan Nederland het hy 'n toelae vir die Konstruktiewe Program ontvang van die Algemeen Diakonaal Bureau van die Gereformeerde Kerken in Holland.

Professor J.L Boshoff, ere-Fellow van die Konstruktiewe [illegible]

Negende Wêreldkongres van Sosiologie, Uppsala, Swede. Verhandeling voorgelê in Werkgroep 6 en vergaderings bygewoon van die Raad van die Internasionale Sosiologiese Vereniging as die amptelike afgevaardigde van Suid-Afrika (Augustus).

Plea for Govt to go ahead with labour reforms

Star 15/8/79 (166)

By Sieg Hannig,
Labour Reporter

The Johannesburg Chamber of Commerce is looking to the next session of Parliament for the implementation of the labour changes to which the Government is now committed.

Irrespective of whether apartheid was considered dead, South Africa was certainly nearer to the solution of some of these problems, Mr H C Ballingall said in his presidential address at the chamber's annual meeting yesterday.

"Seldom does a chamber of commerce throw a bouquet to the Government, but I think that on this occasion it is deserved," he said.

He urged the Government to enact as many of the Wiehahn and Riekert reforms as it was prepared to accept, in the next session of Parliament.

The two commissions had proposed unprecedented changes which would not have been considered possible only a few years ago Mr Ballingall said.

He welcomed progress in tenure for black housing, the easing of restrictions on black businessmen and the imminent electrification of Soweto.

Even more significant was the policy of the new Minister of Co-operation and Development to take into account the wishes and needs of Soweto's inhabitants instead of making decisions on their behalf in isolation

He called on the chamber's members to ensure that they did not lag behind in improving the quality of life of their employees and training workers for advancement into higher posts

c) Ander lede

Mnr K. Bosman

Mnr H.W. Muddelmann

Professor F.A.H. Wilson

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ty Relations Services van die van die Amerikaanse regering, Service Committee en kollegas iversiteite besoek.

ptember het die Direkteur Engeland, Swede, Israel en Zambie besoek. ernaliste, Suid-Afrikaanse dip- van die Suid-Afrika-Stigting trokke by Suid-Afrikaanse belange ings gevoer met stigtings, trusts ings As gevolg van sy besoek oelae vir die Konstruktiewe Pro- gemeen Diakonaal Bureau van die Holland.

rgadering van die Maat- rie jaar 'n verteenwoordiger g is in 1978 gehou en die . Habelgaarn. Terwyl geen rd nie, word hulle geraad- he Sentrum se program raak.

rst

die navorsing van die

randering in Suid-Afrika

gelede aangepak. 'n Onder- king van die Kaapse Skier- tydelike navorsings-

Professor J.L. Boshoff, ere-Fellow van die Konstruktiewe Program, het met 'n aantal instansies, wat universiteite in Natal en Transvaal insluit, en met verskeie handels- en industriele firmas in Natal, kontak opgebou.

) Konferensies

durende 1978 het die Direkteur die volgende konferensies gewoon:

Jaarlikse Konferensie, Nasionale Uitvoerende Komitee- en Raadsvergadering van die Suid-Afrikaanse Instituut vir Rasseverhoudinge, Kaapstad (Januarie).

Suid-Afrikaanse Jaarlikse Vergadering van die Religious Society of Friends, Stutterheim (April).

Negende Wêreldkongres van Sosiologie, Uppsala, Swede. Verhandeling voorgelê in Werkgroep 6 en vergaderings bygewoon van die Raad van die Internasionale Sosiologiese Vereniging as die amptelike afgevaardigde van Suid-Afrika (Augustus).

A confused picture

IT WOULD be helpful if the Government would be more precise about its policy of barring migrant Black workers from joining registered trade unions Ministerial explanations and union criticisms are tending to throw more confusion than light on the subject

Originally this controversial provision of the Industrial Consolidation Amendment Bill was seen as a major deviation from the Wiehahn Commission's recommendations, for it effectively cut adrift workers in homeland townships such as Kwa Mashu and Umlazi from any trade union rights

Subsequently an amendment was accepted that would enable workers in these "frontier" areas to have a "relationship" with a registered trade union This would entitle them to benefits provided for members, although they could not be parties to any bargaining process

Opposition spokesmen branded the Bill as unfair and unrealistic, and one trade union official has described as "absurd" proposed new powers for the Minister, which would enable him to exempt certain workers from the rule Certainly the idea of the Government being able to determine who may join a union is unlikely to find acceptance anywhere in labour circles Moreover it makes nonsense of the spirit of the Wiehahn recommendations

However, the Minister of Labour is on record as saying that it would be only a matter of a year or two before full union rights were extended to commuters from Black States Their exclusion, he said, was only temporary and arose from administrative and technical problems The matter would be resolved after "negotiations."

If the Government is sincere in that intention, then much of the criticism of the provision falls away However, a great deal depends on whether it is intended eventually to grant union rights to all migrant workers or only to those living in selected areas

What exactly are the administrative and technical problems involved? Government policy in this matter in the long term could have far-reaching effects on labour relations in the country, yet too much is being left to surmise and speculation

EDITORIAL

JAARVERSLAG

1978

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Gedurende die eerste nege jaar van sy bestaan het die Sentrum vir Intergroepstudies gereeld 'n jaarverslag oor sy werksaamhede gepubliseer. Om die Sentrum se 10de verjaarsdag op 1 April 1978 te vier is die jaarverslag in 1977 vervang deur 'n Oorsig oor die Eerste Tien Jaar.

DIE OORSPRONG EN DOELSTELLINGS VAN DIE SENTRUM

Die Sentrum word grootliks gefinansier deur die Abe Bailey-Trust wat ingevolge die testament van Sir Abe Bailey gestig is. Dit is geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie) - 'n maatskappy beperk deur garansie en sonder 'n aandele-kapitaal kragtens die Maatskappywet 1973 (Wet Nr 61 van 1973).

New law on labour 'absolute disaster'

Star 22/8/79

(166)

Own Correspondent

MARITZBURG — Legislation following the report of the Wiehahn Commission was an "absolute disaster" entailing greater Government involvement in labour affairs than ever before, the general secretary of the Federation of South African Trade Unions, Mr Alec Irwin, said today.

"I believe the State is attempting to play what is in the long term a destructive role in labour relations by wishing to control events rather than facilitate them," he said

Mr Irwin was addressing a Nusas-organised lunchtime meeting as part of this week's focus on labour at the University of Natal.

RECOGNITION

The Government suffered from a "blueprint mentality" by trying to create a labour movement by administrative means This was impossible, as one of the essential conditions of such a movement was that it should be independent of both management and the Government, he said.

While white, coloured, and Indian workers had won the right to organise in this respect, black workers had been hindered from doing so both by employers and by legislation

"What they want is the same recognition as other workers," he said

However the Government, instead of allowing blacks into the existing structure, had chosen to change things, thereby making it worse

Moreover at no stage were black workers or their representatives consulted over the legislation that was enacted.

"If stable industrial relations are to exist in South Africa it is essential that black trade unions are consulted over new legislation," Mr Irwin said He warned there was a growing black power movement emerging from within the ranks of the black work force.

FRUSTRATION

"This movement is growing out of a sense of frustration with their lot"

He pointed out that the movement was destructive of union organisation as it obscured real union issues, focusing instead on more general problems.

For labour there were serious tasks of uniting itself and in particular of overcoming the "very serious" racial divisions that existed.

There were differences of interest among workers of different races that had been created by employers who persistently divided the work force along racial lines

A way must be found to overcome this problem, he said

verjaarsdag op 1 April 1978 te vier is die jaarverslag in 1977 vervang deur 'n Oorsig oor die Eerste Tien Jaar.

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In the wake of Wiehahn

Star 23/8/79 (166)

Labour reporter SIEGFRIED HANNIG writes about a multiracial assessment of the situation after the Wiehahn Report on labour legislation.

Industrial relations will be the main issue of concern to South African commerce and industry over the next five years, says Dr G F Jacobs, director of the Witwatersrand University's Graduate School of Business Administration

He is reflecting the "general view" expressed at a conference of leading businessmen, trade unionists of all races and academics held in Johannesburg under the auspices of his school

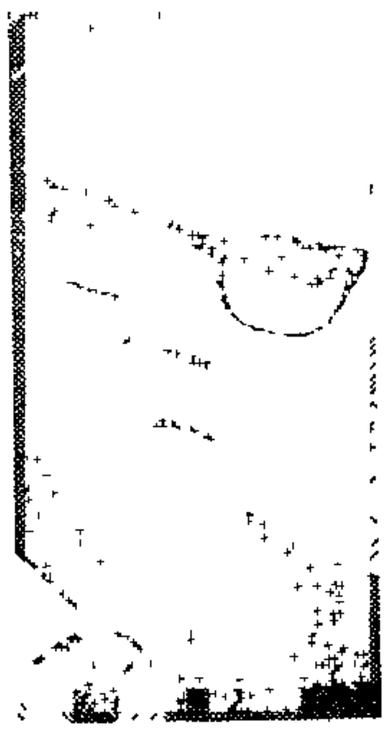
The other dominating feature of the conference was general disappointment over the Government's response to the Wiehahn recommendations, and concern over the resulting confusion and uncertainty, he said.

The prime cause for concern was the Government's failure to include migrant workers and frontier commuters in its extension of trade union rights to blacks.

"This makes it virtually impossible for some of the existing unregistered (black) trade unions to apply for registration," Dr Jacobs said.

"However, the view emerged that the Government may not have realised the full consequences of its new labour legislation

"Further developments are expected in what is generally seen as a first step in an evolutionary strategy"



Dr G F Jacobs . . . general disappointment.

The conference identified an "immense educational task" in which both the authorities and the employers had to take action

In particular it saw a need for the indenturing of black apprentices in areas where skilled manpower shortages existed.

"We emphasised that the old Bantu Education Act was totally inadequate," Dr Jacobs said.

"Education should not be split and needs to be revamped to allay trade unionists' fears that standards of training and workmanship might be diluted, the delegates felt."

The conference of 33 people — 11 black labour leaders, seven leaders of registered unions, about five academics and a majority of employers — decided to:

- Draw the attention of the authorities to the shortcomings identified.
- Hold follow-up workshops to seek solutions to the problems
- Reaffirm its conviction that South Africa needs a single set of industrial laws and equal rights and opportunities for all workers

No. R 181, 1979

WYSIGING VAN DIE BENAMING VAN DIE DEPARTEMENT VAN ARBEID EN DIE SEKRETARIS VAN ARBEID

Kragtens die bevoegdheid my verleen by artikel 27 van die Staatsdienswet, 1957 (Wet 54 van 1957), soos gewysig, wysig ek hierby, ooreenkomstig die aanbeveling van die Staatsdienskommissie, die Eerste Bylae by genoemde Wet met ingang van 20 Junie 1979 deur die vervanging van die woorde "Departement van Arbeid" en die "Sekretaris van Arbeid" deur die woorde "Departement van Mannekragbenutting" en "Sekretaris van Mannekragbenutting" waar hulle onderskeidelik in kolomme I en II van die Eerste Bylae voorkom

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

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

A L SCHLEBUSCH.

No R 181, 1979 (166) GG 6630

AMENDMENT OF THE DESIGNATION OF THE DEPARTMENT OF LABOUR AND THE SECRETARY FOR LABOUR

Under the powers vested in me by section 27 of the Public Service Act, 1957 (Act 54 of 1957), as amended, I hereby amend in accordance with the recommendation of the Public Service Commission, the First Schedule to the said Act with effect from 20 June 1979 by the substitution of the words "Department of Labour" and the "Secretary for Labour" for the words "Department of Manpower Utilisation" and "Secretary for Manpower Utilisation" where they appear in columns I and II respectively, of the First Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this Third day of August, One thousand Nine hundred and Seventy nine

M VILJOEN, State President

By Order of the State President-in-Council·

A L SCHLEBUSCH

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required. Raw material properties are recorded for each artefact.

6. Second Microscopic Examination

Records are made on the working diagrams of edges and surfaces which exhibit wear traces and detailed notes and drawings made of the different characteristics, including nature, position, orientation, development and severity of wear on each implement. Simple activities are relatively easy to identify, whereas complex or multiple use presents a number of problems in both recognition and interpretation. Observation at higher magnifications, up to 600X, are made at this stage and it is possible to continue to more detailed study using a Scanning Electron Microscope. Its main advantages being a high resolving power, extended range of magnification and a facility to determine details of surface topography, structure and composition, (Grimstone A.V. 1976). Photographs provide a permanent record of the observed characteristics, in addition to being a convenient method of communicating these to other researchers.

7. Experiments and Reference Collections

Simulating a range of tasks to create a reliable and extensive reference collection of implements provides a valuable, although somewhat limited, means by which the function of prehistoric artefacts may be tested and inferred. Information obtained from the microscopic examination combined with ethnographic and other archaeological evidence are useful indicators, which may help to suggest what experiments should be undertaken. However, it is important to realise that in order to produce a fully comprehensive reference collection it would require prior knowledge of precisely the information we are trying to derive. Other weaknesses of the experimental approach are given in (Semenov S.A. 1964). Despite the limitations, many experimental studies have been undertaken, (Tringham R. 1974;Kemmings J. 1977; Keeley L. 1977; Kay M. 1977; Brink J. 1978) mainly using one kind of raw material covering a wide range of simple tasks; some authors acknowledge the possibility of complex use but little experimental work has been done in this area. To be of value experiments must be controlled, systematic and repeatable and the implements cleaned, recorded and examined in the same manner as the prehistoric material.

8. Interpretation

Often the most difficult, but most rewarding stage of the process. The basic guideline offered is that interpretations based on an examination of prehistoric material itself must be the prime consideration. Secondary evidence from comparative studies, other site evidence and ethnographic

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(166) FM 28/9/79

BLACK UNION RIGHTS

An invitation from the Minister

Contrary to popular belief, Manpower Minister Fanie Botha's announcement that all SA African workers will be granted union rights is unlikely to spark off a "rush to register" by black unions. But it will send important ripples through the African union movement.

The move marks an important reversal of government policy. It has been welcomed by business and slammed by the white union movement (see box). But the reaction of the black trade unions is crucial, for government's move is aimed at bringing them into its new labour system and its success will depend on the extent to which it wins converts among these unions.

Besides Lucy Mvubelo of the National Union of Clothing Workers and a number of "parallel" unions, no unregistered unionists were this week prepared to commit themselves to registering. Many are reiterating that their objections to government's "new deal" go further than the migrants and commuters issue.

They are also uncertain about the precise implications of the Minister's announcement. Unionists attached to both the Federation of SA Trade Unions (Fosatu) and the Consultative Committee of Black Trade Unions tell the *FM* they want to study the precise wording of Botha's proclamation, which will appear in the *Government Gazette* on Friday. And most unions remain opposed in principle to exemptions.

is consistently worse than that of the whites. The 'coloureds' have higher mortality rates for all the major causes of death apart from cardiovascular diseases and neoplastic diseases in men over 65 years of age, neoplastic diseases in women in this group, and cardiovascular diseases in men 45-64 years of age during 1960 and 1970. Clearly the rate of 5/1 000 which has been chosen is entirely arbitrary but a similar pattern of mortality emerges if lower or higher levels are selected.

Two aspects of these age-cause specific mortality rates require emphasis. Firstly, whilst being affected by the incidence of the diseases in question, these rates are also influenced by their fatality rates, for example, a decrease in the mortality related to Tuberculosis will not only be influenced by a decreasing incidence of this disease but also by improved prevention at primary, secondary and tertiary levels of intervention which will consequently decrease the fatality rate and, therefore, the associated mortality.

Secondly, it should be appreciated that although the calculation of rates is important for comparative purposes since they take into consideration the underlying population, for the providers of health care the actual numbers are also of importance. This is particularly true for those groups which contribute a comparatively large proportion to the total population, for example 'coloured' children 0-4 years old. The different demographic profiles of the two communities for 1951 are presented in Fig. 1, and this provides an indication of the age distribution of whites and 'coloureds'. The changes in this distribution which occurred between 1941 and 1970 are, for the purposes of the present study, of relative unimportance.

The expectations of life for 'coloureds' and whites are presented in Fig. 6. Although data has been published for Africans[5], this is speculative and is not considered to be of sufficient reliability to warrant inclusion. Two different expectations of life have been included: (1) e_o - the expectation of life at birth, and (2) e_{45} - the expectation of life at 45 years of age. Characteristically women have a better expectation of life than men, and Fig. 6 indicates that this is so for both whites and 'coloureds'. In fact, so marked is this difference that at e_{45} 'coloured' females have a better expectation of life than white males. What is perhaps of some concern is that the gap between the expectation of life for males and females is widening. This trend is apparent in both the whites and the 'coloured' communities, although it is particularly marked in the latter for whom Male:Female deficit of 1,0 years in 1941 at e_o has become 6,9 years in 1970. For whites a deficit of 3,7 years in 1929 has increased to 7,0 years in 1970.

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SENTRUM VIR INTERGROEPSTUDIES

(Geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited
(Beperk deur Garansie))

Sentrum ...
sy werksaamhede gepubliseer Om die Sentrum se 10de verjaarsdag op 1 April 1978 te vier is die jaarverslag in 1977 vervang deur 'n Oorsig oor die Eerste Tien Jaar.

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31/8/79

31 000 member boost for Tucsa?

By Sieg Hannig
Labour Reporter

The multiracial Trade Union Council of South Africa may boost its membership by 31 000 to a total of 270 000 workers with the possible reaffiliation of a leading engineering union

At its three-yearly conference this week, the South African Boilermakers' Society instructed its executive committee to fully investigate whether a reaffiliation to Tucsa is in its best interests

"We have made arrangements to attend Tucsa's annual conference," the union's secretary, Mr A J "Ike" van der Watt, revealed today

The conference will be held in Cape Town from September 10.

ROLE

It was at a previous annual conference of Tucsa, three years ago, when the union announced its decision to leave Tucsa after having played a leading role in the organisation

The reason for the disaffiliation appeared to be the fear of cheap labour — a fear which has been countered by the recommendations of the Wiehahn Commission and South Africa's general movement in the direction of the labour policies advocated by Tucsa

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VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
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VOL 170] PRETORIA, 31 AUGUSTUS / AUGUST 1979 166 [No. 6643

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No R 193, 1979

DATUM VAN INWERKINGTREDING VAN DIE WYSIGINGSWET OP NYWERHEIDSVERSOENING, 1979 (WET 94 VAN 1979)

Kragtens die bevoegdheid my verleen by artikel 21 van die Wysigingswet op Nywerheidsversoening, 1979 (Wet 94 van 1979), verklaar ek hierby dat die bepalings van ondergenoemde Wet op die eerste dag van Oktober 1979 in werking tree

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Een-en-twintigste dag van Augustus Eenduisend Negehonderd Negeen-sewentig

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade:

S P BOTHA

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 193, 1979

DATE OF COMING INTO OPERATION OF THE INDUSTRIAL CONCILIATION AMENDMENT ACT, 1979 (ACT 94 OF 1979)

Under the powers vested in me by section 21 of the Industrial Conciliation Amendment Act, 1979 (Act 94 of 1979), I do hereby declare that the said Act shall come into operation on the first day of October 1979.

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

M VILJOEN, State President

By Order of the State President-in-Council:

S P BOTHA

the cost of raising the necessary funds has to be taken into account. The funds themselves are already justified by comparison with the alternative methods of provision, but there are additional costs involved in raising them: interest on loans, or administrative costs of raising taxation. These are normally insignificant for any given project, but may affect the overall amounts available for the health budget.

(c) to know the effectiveness of a given amount of money when spent on different objectives, so that choices can be formulated in terms of the alternatives we might afford - so many geriatric day care centres, so many child welfare clinics, etc.

There are various means of doing this; but all of them require that expenditure be accounted for by the ends it is expected to achieve.

2.1 Programme Budgeting

Programme budgeting, also known as budgeting by objectives, involves the presentation of expenditure data according to the objectives to which it is directed. Thus, projects to combat TB would be grouped together, geriatric problems, sanitation programmes, etc.

This is necessary:

(a) to know the cost of pursuing each objective;

(b) to group together activities with the same objectives which can be compared by cost-effectiveness analysis;

He adds:

"In practice, it is not an easy matter to make a hard and fast distinction between technical matters and matters of values or utilities in the health services. From one point of view, the question whether to treat schizophrenics in hospital or in the community is a technical one. Which is the cheaper way to fulfil whatever are the society's requirements for the treatment of this group? But community care originally became fashionable as a good thing in itself. The practitioners are very apt to muddle the medical and economic arguments when it suits them, and the politicians and administrators equally so when it suits them, but the economist's concern is to keep them separate". 9

Programme budgeting, then, entails the attempt at this separation, sorting out from the multiplicity of decisions those which can be made on the basis of administrative or economic, together with medical-technical criteria, and those in which the role of the public through political

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LABOUR BILL (166) FM 7/9/79

In Wiehahn's steps

Government's controversial Industrial Conciliation Amendment Bill, which implements some of the Wiehahn Commission's recommendations, will become law on October 1, according to a proclamation in Friday's *Government Gazette*

The proclamation contains no exemptions allowing migrant workers or "frontier commuters" to enjoy trade union rights A major announcement on this issue is expected from Manpower Utilisation Minister Fanie Botha soon

Most observers had expected government to gazette exemptions at the

Financial Mail September 7 1979

same time as it brought the Bill into force But this issue will now be dealt with separately by Botha, who has said that he will make an announcement before the end of this month

Some believe he may make this announcement next week, when he addresses Tucsa's annual conference in Cape Town What is certain is that government will grant exemptions to allow some commuters and migrants to exercise union rights

Some sources believe that all commuters and all migrants who are not citizens of foreign states, such as Lesotho and Mozambique, will be given union rights Others believe that the concession will be more limited

What is clear, however, is that not all Africans working in SA will get union rights "There will always be blacks who are excluded," says one source Most African unions are refusing to register with government under its new dispensation, partly because it excludes migrants and "commuters"

The exemptions may change some minds, but a large portion of the independent African union movement is likely to stay outside the new system First because their objections to it go beyond the migrants issue, and also because they are not prepared to accept exemptions which could be withdrawn by proclamation

The *FM* understands that regulations to accompany the new Bill will be gazetted later this year, but they will be of a *pro forma* nature only The finer details of government's new labour deal will thus only be spelled out when the Industrial Conciliation Act is merged with the Black Labour Relations Act at the next parliamentary session

● Government's In-Service Training Bill, which allows employers to claim tax concessions for training non-Africans, will also come into force on October 1

Financial statistics are not traditionally arranged on this basis but in categories such as 'salaries', 'transport', 'medicines', etc. A separa-

Sun. Times 9/9/79

Influx control powers will be in black hands — Govt

(166)

THE black community councils are to take over influx control and in time the administration boards that now run African townships will be phased out completely, says Dr G Morrison, Deputy Minister of Co-operation and Development

Dr Morrison was interviewed soon after he had told hostile questioners at the Free State National Party Congress

"We can't bluff these people any more. We can't

By FLEUR DE VILLIERS

have a local authority and when it has developed tell them that it must remain a child or dependent of the administration boards'

He saw a continuing role for the boards as agents of the councils until the black local authorities had developed sufficient skills and know-how

Eventually — and he stressed that in certain circumstances it could be a long time - even the agency function would disappear

Dr Morrison also revealed that the black (Urban Areas) Act would be drastically amended next year to allow blacks nationwide mobility

Another amendment would enable black homeowners to bequeath property bought under the 99-year-old lease hold provisions

The amendments, which are in line with the Rieckert report recommendations are central to the Government's final acceptance of the permanence of the urban black man in white South Africa

Meanwhile, informed Nationalist sources have revealed that the Government is considering proposals to establish a 'relations committee' for the urban blacks similar to those which have already been established for coloureds

The committees would include representatives of the private sector, black and white local authorities and, it is hoped, even non-elected black leaders such as representatives of the Committee of 10

Their function would be to act as a link between black opinion, industry and commerce and local government

'Curbs on unofficial unions'

(166) Argus 10/9/79

Labour Reporter

THE recommendations of the Wiehahn Commission will bring unregistered trade unions under Government control and make it difficult for some to operate effectively, says the latest issue of the South African Labour Bulletin.

Editors of the Bulletin say the commission is concerned at the increase in size and importance of unregistered African unions. These unions could undermine the statutory collective bargaining system and should be brought under the control of the law, they believe.

INCORPORATED

However, it is not the intention of the commission that large numbers of black workers should join registered unions or that all unregistered unions should be registered, the editors say.

'Certain unions, probably weak parallel unions, will be incorporated into the official system and others will face difficulties,' they write.

'Unions with migrant labourers among their members will face problems in securing or retaining registration

'If they do secure registration on officially sanctioned terms, they will be condemned to impotence on the shop floor because migrants working there are formally excluded.

'UNDESIRABLES'

'In situations where an existing mixed union needs to unionise migrants it might be encouraged to alter its constitution to maintain a bureaucratic leadership and exclude "undesirables" from executive roles'

The new industrial council provisions, the editors say, are aimed at the disorganisation of the labour movement by splitting it up into unions contained by the formal system and those controlled outside it

'Previously, once registered, a union was entitled to admission subject to the constitutional requirements of the industrial council concerned, provided a council existed in the industry.

'MUST AGREE'

'Under the Wiehahn recommendations this will no longer be the case. All existing parties to the council must agree before a new party is admitted

'The implications of this veto when read in conjunction with the provisions on the closed shop are serious In terms of the commission's recommendations and the White Paper, closed shop agreements already in existence are to continue'

Minister asks for speed up of Wiehahn's work

109/Ketc STAR 19/4/79

By Sieg Hannig
Labour Reporter

CAPE TOWN — The Minister of Manpower Utilisation, Mr S P Botha, has asked the chairman of the Wiehahn Commission to complete his work by November so that many of the succeeding steps to the first report can be implemented next year

He had told Professor Wiehahn that he could not wait another two to three years, Mr Botha told the multiracial Trade Union Council of South Africa in Cape Town today

He was the first Minister of Labour to address an annual conference of Tucsa in the body's 25 year history

Mr Botha said he was not aware of any previous occasion when the Government had acted before the work of a commission of inquiry had been completed — as was the case with the Wiehahn Commission

However, it appeared that these good intentions had caused some trouble He stressed that shortcomings in the existing dispensation were under consideration

He said he was in the process of consultation on the subject of phasing out statutory job reservation as well, adding "You can expect that there will be an announcement on this very soon"

MR FANIE BOTHA

Wiehahn may head tribunal

(166)

14/9/79

Argus Correspondent

PRETORIA. — Professor Nic Wiehahn will be offered the post of president of a new industrial tribunal.

Another major appointment announced by the Minister of Manpower Utilisation, Mr Fanie Botha, yesterday, was that of the executive director of the South African Federated Chamber of Industries, Dr Hennie Reynders, as chairman of the National Manpower Commission, from October 1

He will be assisted by Professor Piet van der Merwe of the department of economics at Pretoria University from November 1

COMMISSION REPORT

Mr Botha said he had asked the Wiehahn Commission, to complete its final report by November to enable the Government to appoint the professor as president of the tribunal

If Professor Wiehahn accepts the post, he will work in close collaboration with the Manpower Commission to ensure the smooth introduction of new labour reforms.

JAARVERSLAG

1978

SENTRUM VIR INTERGROEPSTUDIES

(Geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie))

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INLEIDING

Gedurende die eerste nege jaar van sy bestaan het die Sentrum vir Intergroepstudies gereeld 'n jaarverslag oor sy werksaamhede gepubliseer. Om die Sentrum se 10de verjaarsdag op 1 April 1978 te vier is die jaarverslag in 1977 vervang deur 'n Oorsig oor die Eerste Tien Jaar.

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Argus 14/9/79

Tucsa hits at labour legislation

(166)

SOUTH AFRICA'S new labour legislation emerged badly discredited from the annual conference of the Trade Union Council of South Africa yesterday.

A personal appeal from Minister of Manpower, Mr Fanie Botha, for understanding of the 'difficulties a Government has to face' when it comes to drastic reform, failed to close the floodgates of criticism against the 'over-hasty' legislation.

Even the Deputy Secretary for Manpower, Mr Mike van Noordwyk, had to admit that 'there are mistakes in this legislation'.

'BAD ACT'

Mr Robbie Botha, seen as representing the right wing of Tucsa, called the new law 'a bad Act — both technically and in its effects.'

And Senator Anna Scheepers delivered the crushing blow: 'If they keep this Act as it is, I can see that most of the black unions will not register.

'So what is this window dressing all about?' she asked.

She objected particularly to trade union rights given by exemptions at the Minister's discretion.

EXEMPTIONS

'We are sick and tired of exemptions. We want to be governed by law,' she said.

The 240 000-strong organisation expressed 'profound disappointment in, and total condemnation of the exclusion of frontier commuters and migrants from union membership.'

This would 'certainly not promote industrial peace,' said the unanimously adopted resolution.

The conference also deplored the fact that the Government ignored the Wiehahn recommendations to permit open unions (for all races).

CLOSED SHOP

Other highlights of the debate included.

- Strong pleas for the retention of closed shop rights, with provisions against racial abuses.

'We should call a general strike to show the Government we are not going to accept the fact that our closed shop is going to be done away with,' said Senator Scheepers.

- Warnings that in-company committees could undermine trade unions,

- A call for new efforts by Tucsa to reach consensus on further labour reforms with the conservative Confederation of Labour and the Confederation of Metal and Building Unions.

JAARVERSLAG
1978
SENTRUM VIR INTERGROEPSTUDIES
The Abe Bailey Institute of

LEIDING

ge jaar van sy bestaan het die tudies gereeld 'n jaarverslag oor seer. Om die Sentrum se 10de 1978 te vier is die jaarverslag Oorsig oor die Eerste Tien Jaar

ELSTELLINGS VAN DIE SENTRUM

iks gefinansier deur die Abe
lige die testament van Sir Abe

Bailey-Trust wat ...
Bailey gestig is. Dit is geregistreer as The Abe Bailey Institute of Inter-Racial Studies Limited (Beperk deur Garansie) - 'n maatskappy beperk deur garansie en sonder 'n aandele-kapitaal kragtens die Maatskappywet 1973 (Wet Nr. 61 van 1973).

the cost of raising the necessary funds has to be taken into account. The funds themselves are already justified by comparison with the alternative methods of provision, but there are additional costs involved in raising them: interest on loans, or administrative and incentive costs of raising taxation. These are normally insignificant for any given project, but may affect the overall amounts available for the health budget.

Where the methods of providing a given service use the same kinds of resources in different proportions, the decision-making can be simplified by means of Linear Programming, though health service usually be presented in the simplified way required by

2. CHOICE OF PROGRAMMES

So far, we have discussed methods of choosing means to objective. But what tools are available to aid the ch ives themselves? Can anything be said on the questior to be given to particular diseases or age groups, wheth more to child welfare clinics or care of the aged?

Overall criteria are needed, and they have to be expres way that they can guide these detailed questions. F problem is not only to relate resources used to objectives to relate the various objectives to each other.

There are various means of doing this; but all of them require that expenditure be accounted for by the ends it is expected to achieve

2.1 Programme Budgeting

Programme budgeting, also known as budgeting by objectives, involves the presentation of expenditure data according to the objectives to which it is directed. Thus, projects to combat TB would be grouped together, geriatric problems, sanitation programmes, etc.

This is necessary:

(a) to know the cost of pursuing each objective;

(b) to group together activities with the same objectives which can be compared by cost-effectiveness analysis;

(c) to know the effectiveness of a given amount of money when spent on different objectives, so that choices can be formulated in terms of the alternatives we might afford - so many geriatric day care centres, so many child welfare clinics, etc.

Financial statistics are not traditionally arranged on this basis but in categories such as 'salaries', 'transport', 'medicines', etc. A separation, e.g. between expenditure on different disease groups or age groups cannot be made

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WIEHAHN COMMISSION

Another wait

The future of migrant workers and commuters in government's new labour deal may be known soon But decisions on other contentious points (such as mixed unions) will only be known after the Wiehahn Commission finishes its work — "hopefully within the next few months." Thus Manpower Utilisation Minister Fanie Botha at this week's Tucsa conference

"Until such time as the commission has finished all the remaining parts of its report, the government dare not move ahead of (it)," he said Further commission reports will deal, not only with the mines, but also with further recommendations on union rights," separate and integrated unions, trade union administration and many other aspects "

So many of the key aspects of the new dispensation are still to be resolved, according to Botha, and it would appear that the commission is taking a new look at ground it has already covered Most labour observers have been under the impression that many of the areas Botha outlined were fully dealt with in Wiehahn's initial report

Government also appears to have asked Wiehahn to speed up work so that the issue can be resolved by the end of the next parliamentary session

But some concessions to migrants and commuters in the near future seem certain — although this issue is apparently being negotiated with homeland governments Botha told Tucsa that the position would be clarified "in the near future after further consultations with the various governments concerned "

Reacting to some specific criticisms of the new dispensation, Botha said he could "foresee situations in practice where mixed unions would in all probability be in the best interests of the workers concerned," but that he could also see a "place" for unracial unions The government, he said, would decide on the issue after Wiehahn's final report He defended the much-maligned industrial council veto, but said that the new National Manpower Commission would intervene if the veto was used to discriminate

As the *FM* was going to press, it was not yet clear whether Botha would announce the composition of the Manpower Commission, which will play a crucial role in the new system, at the Tucsa meeting Rumour had it he was planning to

Most sources expect the commission's composition to contain at least one surprise — Nic Wiehahn, they say, will not chair it as he was widely expected to Instead, they predict, Wiehahn may become president of the new industrial court, a body which will have more influence than the commission

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(166)

Reynders's new job heralds big labour changes

By FLEUR DE VILLIERS

FURTHER major developments on the South African labour scene were heralded this week by the appointment of Dr Hennie Reynders as chairman of the National Manpower Commission.

The announcement of Dr Reynders's appointment and that of Professor Nic Wiehahn as president of the new Industrial Court are seen in political circles as clear evidence of the Government's determination to give immediate and verligte shape to its new labour policy — despite a growing right-wing backlash within its own ranks

Meanwhile, the Minister of Labour, Mr Fanie Botha, hinted broadly at a Press conference this week that it would be only a matter of time and consultation before black commuters and certain contract workers would be involved in the new dispensation.

In an interview with the Sunday Times this week, Dr Reynders disclosed that the commission would "look again" at certain controversial recommendations of the Riekert and Wiehahn reports which had not yet been implemented by government

These could include

- That the 72-hour curfew for black visitors to white urban areas be lifted
- The trade unions be allowed to decide for themselves whether they should be segregated or mixed
- The extension of trade union membership to contract workers from neighbouring states

Dr Reynders also stressed the importance of a "centrally co-ordinated education and training policy" for all South African population groups if South Africa was to combat its central problem of unemployment

The verligte former University of Pretoria professor, who for the past five years has been executive director of the Federated Chamber of Industries, said he could not at this point anticipate the work of the commission

He was simply expressing the views of the FCI, he said

Nevertheless it is known that, after his 1973 appointment to the FCI, the chamber produced a widely circulated document on South Africa's manpower needs which helped to set the scene for the Wiehahn and Riekert reports.

The Industrial Conciliation Amendment Act had endowed the National Manpower Commission with extremely wide functions including monitoring the effectiveness of labour legislation and practice, Dr Reynder said.

One of the aspects which the commission could monitor was whether the Minister of Labour should decide whether a trade union could be mixed or not

Central to both the Wiehahn and Riekert reports was that decisions such as this should be left to the communities themselves

"This is in line not only with democratic principles but also with the present official policy of limited government"

The commission would be intimately involved with policy formulation on labour matters and it might yet prove necessary to give it executive powers, he said It was "absolutely necessary" that blacks representing both employees and employers sit on the tripartite commission.

"A great deal of what we do will obviously depend on other government policy

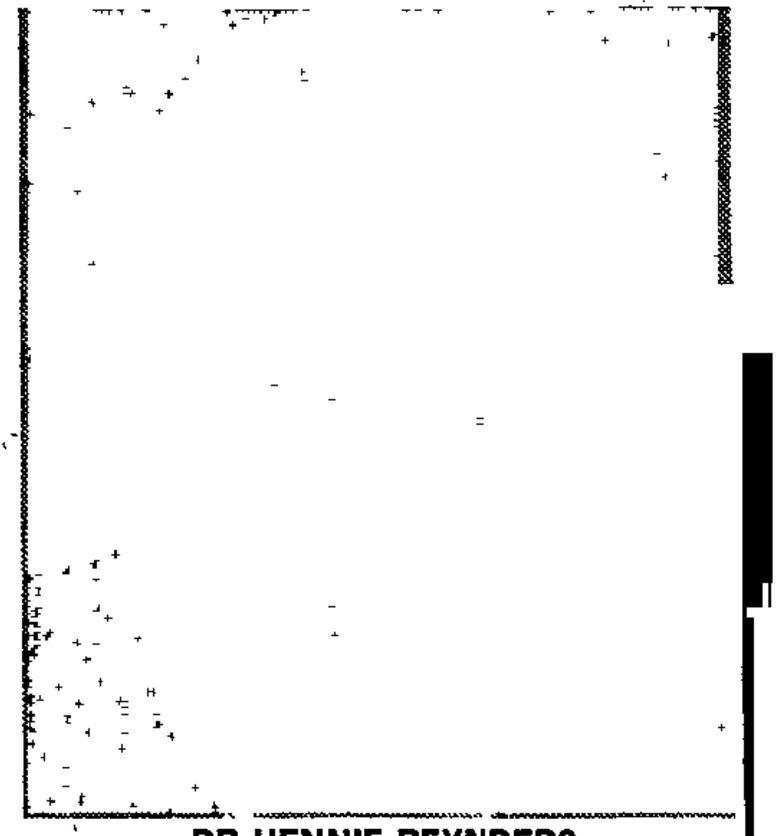
"I can't ignore what Piet Koornhof is doing but neither can he ignore what we do"

Because of the structure of South African society its labour policy would have to be flexible, Dr Reynders said

"I can't say that it has now been fixed for all time, instead the Industrial Conciliation Amendment Act has made it dynamic and open-ended."

Referring to right-wing reaction, he said. "The Wiehahn and Riekert reports and the government's response have provided a framework for the future.

"If we can't do anything within that framework, we might as well stop now. We are no longer looking at sectional interests but the needs of South Africa I am optimistic that common sense will prevail"



DR HENNIE REYNDERS
"Dynamic and open-ended"

STUFFED CABBAGE SALAD — May Bennett, Ridgeworth

1 fresh green medium size cabbage
onions
carrots
tomatoes
fresh pineapple
radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage "bowl". Garnish with radish roses and a small bowl of mayonnaise for those who like it. To make the radish

A step further

IN NAMING the men who will head the National Manpower Commission and the Industrial Court — the establishment of both organisations was recommended by the Wiehahn Commission — the Minister of Labour, Mr. Fanie Botha, has given some welcome impetus to the Government's new labour laws, and hopefully these appointments will open a new chapter in labour relations.

The Manpower Commission, which will be representative of the Government, employers, employees, organised commerce and industry and training schools, will have the important task of advising the Government on the changes to the labour laws, while the Industrial Court will replace the Industrial Tribunal and have improved powers.

In announcing the appointments last week at the annual conference of the Trade Union Council of South Africa in Cape Town, the Minister also indicated that the present legislation which bars Black migrants and commuters from joining registered trade unions was under review and that the position would be clarified "within the next few days or weeks".

This reinforced his statement earlier this year that it would be only a matter of a year or two before full union rights were extended to commuters from Black States. However, there is still the misgiving that the Minister may be considering using his powers of exemption embodied in the legislation to grant these rights.

That, of course, would be wholly unacceptable to a large body of the Black trade union movement — and understandably so. It would mean that union rights could be granted to some migrant workers and not to others, and the very idea of the Government being in a position to determine who may join a trade union would be anathema to the workers and hardly in the spirit of the Wiehahn recommendations.

Mr Botha has said that he is committed to negotiating with neighbouring States on this issue and on the matter of whether all Black unions should be compelled to register. One hopes that he has not overlooked the importance of consulting the unions too. Their co-operation is essential to stability, and it will not be gained by Ministerial decrees.

SPRING GREEN SALAD — May Bennett, Ridgeworth

1 medium size lettuce
2 onions
parsley
1 cucumber
mint (fresh)
scallions

Wash and shred the lettuce, chop onions finely and parsley; keep a few pieces for garnishing. Wash cucumber peel and cube. Wash scallions, and cut tops off leaving a short piece of the green left on. Toss the lettuce, parsley, cucumber, onion and scallions together, salt and pepper. Pour over a little French dressing and serve in a glass bowl. Garnish with a few sprigs of mint and parsley.

---oOo---

CURRIED GREEN BEAN SALAD — Mrs Futter, East London

2 lbs sliced green beans
2 chopped onions
1 d salt, level
2 cups water

Boil the beans (sliced) with salt and onions till cooked, then pour off the water.

Sauce:
1 1/2 cups sugar
1 d curry powder
1 heaped T flour
1/2 bottle vinegar

Mix the curry powder, flour with a little water. Mix well, so that no lumps form, and then add the sugar and vinegar, boil up and stir all the time, then add the cooked beans and onions, bring to boil again. Bottle.

---oOo---

APPLE TUNA TOSS SALAD

1 medium head lettuce, torn in bite-size pieces (4 cups)
2 cups diced apple
1 11 oz can (1 1/3 cups) mandarin orange sections, drained
1 6 1/2 or 7 oz can tuna, drained and broken in large chunks
1/3 cup coarsely chopped walnuts
1/2 cup mayonnaise or salad dressing
2 t soya sauce
1 t lemon juice

In a large salad bowl, combine lettuce, apple, orange sections, tuna and nuts; toss together. Combine mayonnaise, soya sauce and lemon juice; mix well. To serve, add dressing to salad; toss gently. Makes 4 - 6 servings.

---oOo---

STUFFED CABBAGE SALAD — May Bennett, Ridgeworth

1 fresh green medium size cabbage
onions
carrots
tomatoes
fresh pineapple
radishes

Cut the centre from the cabbage, leaving the outer leaves to form a bowl. Wash well. Chop onion. Peel and cube the carrots and pineapple. Cube tomatoes. Thinly slice some of the inner leaves of the cabbage leaving the stalks. Place the carrots, pineapple, tomatoes, sliced cabbage and the finely chopped onion in a bowl adding any juice from the tomatoes, pineapple and add salt and black pepper to taste. Toss well, then pile the salad into the cabbage "bowl". Garnish with radish roses and a small bowl of mayonnaise for those who like it. To make the radish roses, cut across the tops in a double cross, then put them in iced water until the radishes open up.

---oOo---

GERMAN POTATO SALAD — Ethne Beard, Port Elizabeth

boiled potatoes
cooked bacon
mayonnaise
chopped onion
salt and pepper

Cube the potatoes while still hot. Chop up the bacon, mix with the potatoes, onion and mayonnaise. Season with a little salt and pepper. Use hot or cold.

---oOo---

EGG SALAD — May Bennett, Ridgeworth

hard boiled eggs
salad
salt and pepper

Durban says Mayor

NM 20/9/79

Mercury Reporter

JOB reservation was fast becoming extinct and the economic world was looking for the "best man for the job" irrespective of race, colour or creed, Durban's Mayor, Councillor Haydn Bradfield, said when he opened the M L Sultan Technikon Founders Day celebration yesterday

He said the Wiehahn Commission's initial report had far-reaching consequences and because of the number of Indians living in and around Durban, the city would be able to benefit more readily from these changes.

"Durban without its Indian population would be like Durban without a sea," he said

High standard

Praising the high standard of education at the Technikon, especially in the hotel and catering division, he said "In all my travels, I have yet to meet more alert, more efficient and generally more courteous waiters than those of the Indian community Many a visitor to Durban has made this comment"

He said the Technikon was also enabling the Indian community to prepare itself to enter into the fields of commerce and industry, thereby overcoming the shortage of suitable manpower

The mayor said he was pleased at the racial harmony among citizens of Durban.

Serv... and refridgerate until ready for use.

French dressing:
Blend together 6 T salad oil and 2 T lemon juice.

---oOo---

SPRING GREEN SALAD — May Bennett, Ridgeworth

1 medium size lettuce
2 onions
parsley
1 cucumber
mint (fresh)
scallions

Wash and shred the lettuce, chop onions finely and parsley; keep a few pieces for garnishing. Wash cucumber peel and cube. Wash scallions, and cut tops off leaving a short piece of the green left on. Toss the lettuce, parsley, cucumber, onion and scallions together, salt and pepper. Pour over a little French dressing and serve in a glass bowl. Garnish with a few sprigs of mint and parsley.

---oOo---

CURRIED GREEN BEAN SALAD — Mrs Futter, East London

2 lbs sliced green beans
2 chopped onions
1 d salt, level
2 cups water

Boil the beans (sliced) with salt and onions till cooked, then pour off the water.

Sauce:
1 1/2 cups sugar
1 d curry powder
1 heaped T flour
1/2 bottle vinegar

Mix the curry powder, flour with a little water. Mix well, so that no lumps form, and then add the sugar and vinegar, boil up and stir all the time, then add the cooked beans and onions, bring to boil again. Bottle.

---oOo---

APPLE TUNA TOSS SALAD

p coarsely chopped walnuts
p mayonnaise or salad
sing
ya sauce
non juice

ple, orange sections,
onnaise, soya sauce
dressing to salad;

the trend to capital intensity is greater in the public sector than manufacturing We also found that it will be difficult to try and turn the clock back in industry "

On industrial relations issues, Reynders is likely to take much the same line as the Wiehahn Commission He was quick to welcome the report when it appeared, and believes that Wiehahn has "eliminated discrimination from our labour system " The FCI argued for "many of the things Wiehahn recommended, such as registering black unions and scrapping job reservation," he says

He rejects suggestions that the NMC's establishment is a sign of greater government control over labour relations

"Government is increasingly committed to the free enterprise system — this commission is further evidence of that "He says that he favours minimal government intervention in labour, but adds "When you're faced with two large monopsonies — organised employers and organised labour — the state has to set ground rules, otherwise you have chaos " Procedures in the Industrial Conciliation Act in the past "have ensured labour peace," he says

The NMC will largely comprise representatives of various employer and union bodies, some have already been asked to submit nominations, although government men stress they are not bound by these Reynders stresses however, that he would like commission members to play down their organisational affiliations and "work in the national interest rather than their organisations' sectional interests " He says the NMC "will have to have black representatives — both employers and unionists "

Although Reynders was briefly in government service in the early Forties, his appointment has been seen by many as further evidence of government's willingness to involve private sector men in official planning He has been FCI executive director since 1973, and was dean of Tukkies' economics faculty prior to that

Could his history as an employer spokesman hinder co-operation with the unionists on the NMC? No, says Reynders "I've had close contact with both Tucsa and the Confederation of Labour We've built up a mutual respect over the last few years "

INDUSTRIAL RELATIONS

Looking ahead

As a start, government's new National Manpower Commission (NMC) must streamline industrial training and advise on the implementation of SA's post-Wiehahn and Riekert labour dispensation So says FCI executive director Hennie Reynders, who takes up the post of NMC chairman from October 1 on a full-time basis SA's new industrial relations system officially gets off the ground then

Reynders (who has been seconded by the FCI for five years), together with Nic Wiehahn, who will preside over the new industrial court, will bear much of the responsibility for ushering in change on the labour front He will be assisted at the NMC by Tukkies' Professor Piet (PJ) van der Merwe, who has also been appointed full-time, and been seconded by the university for three years

Reynders is loth to say much at this stage about the commission's work, pointing out that the NMC's members have yet to be appointed But government's Wiehahn white paper has already presented the NMC with a lengthy agenda

In addition, Reynders expects to be looking at some of the unresolved recommendations of the Riekert Commission "We will have to look at anything which affects manpower We're not restricted to labour legislation in the narrow sense," he says

So issues like the controversial exclusion of migrants and commuters from unions, mixed unions, the closed shop, and trade union structure will receive early attention But so too will long-term manpower planning, industrial training (which Reynders regards as "a priority issue"), and unemployment

Reynders sees the NMC's major task as "suggesting manpower policies which will make growth easier "

On the unemployment issue, Manpower Utilisation Minister Fanie Botha told pressmen last week that the NMC would take an early look at the establishment of labour intensive industries as a counter to unemployment Reynders confirms this, but adds "A lot of misconceptions surround it An FCI study has revealed that

Reynders . . facing a lengthy agenda

WIEHAHN (166) FM 21/9/79

Botha spells it out

Those years of "waiting for Wiehahn" will be finally over around mid-1980 By then government's new labour deal should be finally enshrined in legislation This emerged from a seminar held by Manpower Utilisation Minister Fanie Botha and top officials of his department last week

Botha confirmed that he had asked the commission to speed up its work (*FM* last week) Instead of producing a series of reports into 1981, it will hand all outstanding reports in soon — "hopefully in December" Publication, however, will almost certainly have to wait until early 1980

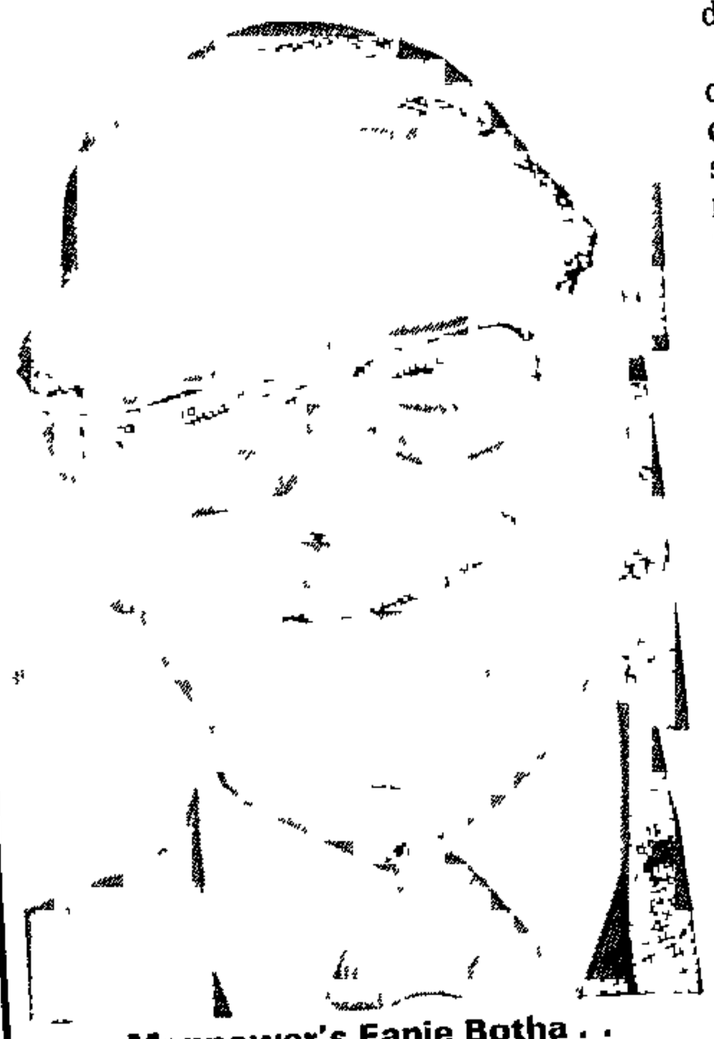
Government is also planning to pilot all its post-Wiehahn legislation through the 1980 parliamentary session, instead of phasing in legislative changes over a fairly lengthy period "We can't play around with this thing for a long period We must complete the work soon," Botha said

Besides dealing with the mines and issues like social security, Wiehahn's remaining reports will include a detailed fresh look at some controversial issues in the first report — mixed unions, trade union structure, and so on Meanwhile, the seminar also clarified the position regarding controversial "grey areas" in the Wiehahn report

As the *FM* suggested last week, an announcement on migrants and commuters is expected "very soon" Botha is currently talking to homeland leaders on this issue and, while some of them, such as Transkei's Kaiser Matanzima and BophuthaTswana's Lucas Mangope have doubts about unions, Manpower Utilisation officials seem happy with progress Botha said last week that homeland governments unhappy over unions would not have the right to veto them for their citizens in SA

Fairly wide exemptions for migrants and commuters to join unions are certainly on the cards Botha was unwilling to commit himself to enshrining these exemptions in law, but said a change in the law is "foreseeable" Union rights for Africans from foreign states such as Mozambique are apparently out of the question, however

Government is keen to resolve this issue, because it wants to bring the unregistered unions into the new system A slide-show which was shown to delegates at the NP OFS congress argued that remaining outside the system gave unregistered unions greater freedom than registered unions and enabled them to take aid from "foreign sources"



Manpower's Fanie Botha . . reluctant to use big stick

Manpower department officials tell the *FM* that 'a number of black unions" have made enquiries about registration, but these are likely to be black unions attached to existing registered unions rather than any of the independent unions Wiehahn Commission men don't expect any of the independent unions to register at least until the entire system is clarified next year

The independent unions say that they won't register — at least until migrants and commuters are given legally guaranteed rights or "we are forced to" Botha told last week's Tucsa meeting that he would consider making registration compulsory, but he also told pressmen at the seminar that he was reluctant "to use a big stick to beat them into the new system We would prefer to lead them in" Compulsory registration may be on the cards, however Government men point out that such a system was part of labour law before 1956

On the closed shop, Botha confirmed that unions that already have this facility will be allowed to keep it, while new unions will not be allowed to conclude closed shop agreements Black unions complain that this means that they will be denied a facility which white unions enjoy, and that white unions will still be able to exclude them from negotiations using the closed shop Botha stressed, however, that this issue will be looked at by the National Manpower Commission The department stresses that any prohibition would apply to those white and coloured unions that don't have the closed shop

On the five remaining job reservation determinations Botha repeated his commitment to phase them out after consultation with the unions involved He implied that these unions would not have the right to veto the scrapping of these determinations

(c) to know the effectiveness of a given amount of money when spent on different objectives, so that choices can be formulated in terms of the alternatives we might afford - so many geriatric day care centres, so many child welfare clinics, etc.

Financial statistics are not traditionally arranged on this basis but in categories such as 'salaries', 'transport', 'medicines', etc. A separation, e.g. between expenditure on different disease groups or age groups cannot be made.

The grouping of expenditure into programmes is an art rather than an easy matter to make a hard and fast technical matters and matters of values or services. From one point of view, the at schizophrenics in hospital or in the one. Which is the cheaper way to fulfil y's requirements for the treatment of this care originally became fashionable as a The practitioners are very apt to muddle c arguments when it suits them, and the trators equally so when it suits them, and the cern is to keep them separate".

Pole, an economist, entails the attempt at this separation, sorty of decisions those which can be made on or economic, together with medical-technical h the role of the public through political

Wiehahn news drew R600-m to SA in just one week

166

STAR

60

22/9/79

By Sieg Hannig, Labour Reporter

About R600-million in capital investment flowed into South Africa within a week of the publication of the Wiehahn Report and the Government's acceptance of some of its proposals.

This was revealed in Johannesburg last night by Dr Errol Drummond, director of the Steel and Engineering Industries Federation and member of the Wiehahn Commission on labour reform

But he warned against attempts to bring about change merely to accommodate vociferous critics

South Africa was moving into a "new dawn" but until full-scale change could be implemented, employers needed to ensure a high level of communication with workers and consultation in the workplace.

Referring to the skilled labour shortage, Dr Drummond said it would take three to four years before people could acquire skills "Our planning and our efforts should start immediately"

Delegates predict swing to HNP

AD 22/9/79 (166)

JOHANNESBURG — Delegates at the HNP congress in Pretoria yesterday urged the government to speed up the opening of facilities to all races

"We are the only people that will benefit from it The Prime Minister is our best recruiting agent," a delegate said to applause from about 120 people at the congress

Repeated racial slurs and support for Mr Arrie Paulus' comparison of blacks with baboons set the tone for the congress

One delegate said the only problem with Mr Botha was that he was not implementing his new policy direction quickly enough

The more facilities were opened to all races, the faster the HNP would grow, he said

Mr Willie Marais, one of the MPs that broke away from the National Party in 1969 to form the HNP, said the government was following a blueprint to pressure whites into accepting first economic integration, which would head to social, political and finally biological integration

Speakers condemned

- The appointment of commissions of inquiry These were described as a smokescreen designed to give the government the excuse to do exactly what it liked behind the facade of a scientific inquiry
- The policy of financial assistance to black African countries Several speakers said millions of rands of taxpayers money was being used to "bribe" black leaders.
- Consolidation of the homelands.
- The government's sport policy
- The Wiehahn report which had "sold out the white man"

Speaking to about 100 people at congress last night, Mr Jaap Marais, leader of the HNP, predicted a general election in April or May next year

The swing towards the HNP had become a groundswell which could no longer be stopped and the party was irreversibly on the road to becoming the official opposition, Mr Marais said

Focusing on the recent National Party congress in Pretoria, Mr Marais said it was clear that Dr Treurnicht was the target of the Prime Minister's warning that he would throw out a Cabinet Minister who was not prepared to abide by the new policy direction.

This meant Dr Treurnicht had a choice of two no-win options

If he failed to repudiate Dr Piet Koornhof, Minister of Co-operation and Development, and Mr Pik Botha, Minister of Foreign Affairs, he would lose all credibility with his conservative supporters.

If he dared to criticise them in public, the Prime Minister would have a golden opportunity to kick him out because he had disobeyed an order — not on an issue of principle — DDC

Talks will focus on black labour

166
STAR
25/9/79

Political Staff

Attention will be focused on the implications of the Wiehahn and Riekert reports concerning black labour at a Pretoria symposium on October 9

Leading figures in the labour relations and political fields will speak

The organisers, the Study Group on Internal Relations, have said the symposium was structured to provide delegates with an insight into future planning by both the private and Government sectors in the light of the economic, social and political implications of the two reports

Participants in the symposium will include representatives of TUCSA, NAFCOC, Inkatha and the Institute of Industrial Relations Professor P J van der Merwe, a member of both commissions, will attend

The organisers include two members of Parliament, Mr Ray Swart and Mr J J Lloyd and Soweto community leaders Mr David Thebehali and Dr Ntatho Motlana as well as academics and industrialists.

The Study Group is a non-party political association which functions on an academic basis to avoid propagation of specific political policies.

People interested in attending should telephone the Conference Secretary at 74-6619.

New union move gets mixed reception

(166) STAR 26/9/79

By Siegfried Hannig

Until yesterday morning most black trade unions were reluctant to seek registration and thus enjoy the benefits of trade union rights given them under the new labour legislation.

Those of the 10 unregistered unions affiliated to the Federation of South African Trade Unions who had considered the matter had decided against registration.

Many black unions which desperately wanted to register feared the R500 fine they would face if any of their members did not have permanent residence rights in "white" South Africa.

The new legislation seemed destined to be a failure until the Minister of Manpower Utilisation, Mr Fanie Botha, spoke to the Federated Chamber of Industries this week.

CHANGED

The entire picture has been changed by his announcement that trade union rights were being extended, by virtue of his powers of exemption, to all South Africans and citizens of territories which were formerly part of South Africa.

A spokesman for the Department of Manpower Utilisation confirmed that only blacks from foreign countries which had never been part of South Africa would be excluded from trade union rights.

The only possible arguments against the registration of trade unions now would seem to be:

- The fact that racially mixed trade unions require a special exemption from the Minister before qualifying for registration.
- The unlikely possibility that the Minister could reconsider his decision to extend trade union rights to all blacks other than foreigners.

NO CHANCE

But it is thought likely that trade unions will not have a choice of non-registration for long.

The reason is that registration of all trade unions, and particularly of black unions, is a key consideration in the extension of trade union rights to blacks.

To ensure that trade union rights are not abused all unions must subject themselves to control and surveillance, the argument goes.

"In time, unions that refuse to register are expected to suffer from serious disabilities which could jeopardise their existence," said Professor Willy Bendix of the Institute of Labour Relations at the University of South Africa.

He described the Minister's decision as "a statesmanlike gesture at a most welcome time."

"This move was urgently needed to repair some of the damage done by the legislative prohibitions on trade union membership.

"The 'new deal,' which would have been a dismal failure, now holds out the prospect of a fair measure of success," the professor said.

"TREASON"

Mr Arrie Paulus, leader of the white Mineworkers' Union, described the Minister's decision as "further treason against the white worker of South Africa.

"I want to predict that, within a short period, the Government will also allow mixed trade unions," Mr Paulus said.

Mr Wessel Bornman, secretary of the exclusively white Confederation of Labour, said the "dangerous" weapon of trade union rights constituted a vast risk. He feared, that the safeguards required would seriously impair the freedom registered unions had enjoyed hitherto.

But comments from employers and trade unions outside the purely white labour movement were positive although some blacks were cautious.

RESERVATIONS

Among those who had reservations was Mr Oscar Dhlomo, secretary-general of the Zulu cultural/political movement, Inkatha.

The movement would co-operate in the formation of black unions provided the decision was enshrined in acceptable legislation, Mr Dhlomo said.

Mrs Lucy Mvubelo, a black deputy vice-president of Tucsa, commented "I am sure it will be legislated in a year or two."

Her black National Union of Clothing Workers would seek provisional registration as soon as it had considered the Minister's move.

Trade union rights for all

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STAR

25/9/79

By Sieg Hannig, Liz Wilson and Pieter de Vos

Trade union rights are being extended to all black South Africans and citizens of territories which once were part of South Africa, the Minister of Manpower Utilisation, Mr Fanie Botha, announced today.

The announcement was greeted with applause at the annual convention of the Federated Chamber of Industries (FCI) in Johannesburg, where the Minister spoke

After thorough [illegible] and deliberation, he had decided to use the powers (of exemption) conferred on him by the new labour legislation to declare all workers who were citizens of the Republic and of territories which formerly were part of the Republic "employees" in terms of the Act, Mr Botha said

He was doing so by way of a notice in the Government Gazette this Friday — the last working day before the new legislation comes into effect he said

The announcement sweeps away the worst criticism of South Africa's 'new deal' for black labour — its denial of trade union rights to migrant workers and frontier commuters

Previously many black unions were expected to make a farce of the new legislation by refusing to register

There was some initial confusion caused by the Minister's exclusion of "contract workers from foreign countries and persons who enter the country only temporarily to carry out a specific task, after which they return again to their countries of origin"

Vast risk

However, a spokesman for the Department of Manpower Utilisation confirmed that migrant workers and commuters would be part of the new deal

'The only workers excluded from trade union rights will be workers from foreign countries which never formed part of South Africa," the spokesman said

"Contract workers, or migrants, even from newly independent states such as Transkei, Bophuthatswana and Venda, will get trade union rights."

The far-reaching nature of the Minister's announcement is apparent from a warning expressed afterwards by the secretary of the conservative white Confederation of

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Vast risk

Union rights for all blacks

~~124~~/166

STAR 25/9/74

From page 4

Labour, Mr Wessel Bornman

He said the move constituted a "vast risk" and added that "considerable damage could be done" with the dangerous weapon of a trade union

He feared this would require safeguards in labour legislation which would seriously impair the freedom that unions have enjoyed until now

'As far as my knowledge goes it is unheard of in countries where migrant labour is being used that these people should have unlimited and uncontrolled trade union rights

'I am fully aware of the pressure and criticism exercised against the Government on this issue

'But I am convinced that there has been a great misjudgement on the part of the Government to agree unconditionally to trade unions for all blacks," Mr Bornman said

Outside the exclusively white labour movement, the decision has been roundly welcomed — though some black labour leaders were cautious for fear of raising hopes which might be dashed again

The main reservations that remained dealt with the fact that the extension of trade union rights is being done by ministerial exemption, not through the law as yet

REALISTIC

Mr Arthur Grobbelaar, general secretary of the multiracial Trade Union Council of South Africa, said "All intelligent and concerned South Africans will heartily welcome this realistic decision which makes South Africa's labour legislation as good as in any other country"

Mr Leo Borman, FCI president, said "This is excellent"

Mr Alex Erwin, general secretary of the Federation of South African Trade Unions (Fosatu) said the announcement was "important" if it really amounted to a blanket exemption for blacks

---oOo---

Ellie Lotter, Bellville

MOCK CRAB

1 large tomato
1/2 cup grated cheese
2 beaten eggs
1 T butter
1 t grated onion
salt and pepper to taste

Peel and slice the tomato. Melt butter in a pan and fry tomato to a pulp. Stir in the grated cheese and onion, then the beaten eggs and seasoning. Cook until thickened, and serve on toast. Excellent sandwich filling too!

---oOo---

LALLIMALA (Cape Malay/ Cape)

Mrs A. Schroeder

Coconut Ice

2 cups coconut
4 cups sugar
1 cup milk (rose colouring or green colouring as desired)
2 cups water to taste
6 cardamom seeds (ground in a pestle and mortar)

Place the sugar, water and cardamom seeds in a large saucepan.

Maureen Johnston, East London

BULLY BEEF BRAUN

1 tin corned beef
2 cups boiling water
Worcester sauce
2 T gelatine
1 hard boiled egg

Remove corned beef from tin and cut up into small pieces. Place in a pot with boiling water. Bring to the boil for 7 minutes. Season with Worcester sauce. Add gelatine to meat. Slice hard boiled egg and place in bottom of dish. Pour meat mixture on top and set in fridge.

---oOo---

SAVOURY CAULIFLOWER PLATTER

Sara Poke, Brackenfell

1 large cauliflower
salt and pepper
2 onions
75 g butter
parsley
100 g grated Gruyère cheese
1 t paprika
1 t garlic seasoning
1 red pepper
2 tomatoes
75 g soft breadcrumbs

Cook the cauliflower in salted water till just tender. Drain and return to pan. Chop onions, fry in 50 g butter till soft, add paprika and garlic seasoning. Add to cauliflower and mix carefully. Put in a dish, top with diced pepper and tomato. Cover with crumbs, cheese and rest of butter. Heat under grill till golden brown. Garnish with parsley.

---oOo---

Millions gain union rights

26/9/79

RDM

166

By RIAAN DE VILLIERS
Labour Correspondent

IN A major reversal of Government policy, Mr Fanie Botha, Minister of Manpower Utilisation, announced yesterday that statutory trade union rights would be extended to all citizens of South Africa and countries which previously formed part of South Africa

The move grants formal union rights to millions of black "frontier commuters" and migrant workers who were to have been excluded from registered unions in terms of the Industrial Conciliation Amendment Act, which comes into effect on Monday next week

Contract workers from neighbouring states including Lesotho, Botswana, Swaziland and Mozambique remain excluded

With this concession the Government has moved towards full implementation of one of the most crucial recommendations of the Wiehahn Commission of Inquiry into Labour Laws

Its initial decision earlier this year to restrict union rights to urban blacks permanently in white areas was harshly condemned in South Africa and abroad

The concession comes at a time of major policy adaptations in other fields, including homelands consolidation, constitutional changes and even suggestions that the Government may be prepared to scrap the Mixed Marriages Act and the Immorality Act

Addressing a conference of the Federated Chamber of Industries in Johannesburg yesterday, Mr Botha said the restriction of union rights to permanent residents would have excluded a large section of the SA work force

"I have decided in terms of the powers given to me in terms of the amended legislation to permit all persons engaged in SA and who are citizens of SA as well as those who are citizens of countries which previously formed part of SA, to become eligible for trade union membership"

Amid applause, he said the result was that all workers with the exception of contract workers from foreign countries and persons who entered the Republic temporarily to undertake specific tasks and then return to their countries would be subject to the provisions of the Industrial Conciliation Act

A notice to this effect would be published in the Government Gazette on Friday

He added "I trust this decision will be seen as a

To Page 2

Trade union rights for all

manifestation of the Government's goodwill and determination to ensure equitable treatment for all

The move was acclaimed by a wide spectrum of employers and trade unionists but provoked strong reaction from Rightwing white union leaders

Also it was not clear yesterday whether the concession would change the attitude of black unions who have decided not to register in terms of the Act one of the main reasons up to now being the exclusion of migrants and commuters from union rights

Welcoming the announcement Mr R J Wood president of the Associated Chambers of Commerce said the exclusion of commuters in particular had been a cause of 'grave concern' to members

It was hoped black unions would now come forward to register in terms of the Act

Mrs Lucy Mvubelo general secretary of the National Union of Clothing Workers — the largest black union in SA — was overjoyed by the news yesterday

'All we have asked for has became a reality and our aspirations have been fulfilled It's unbelievable The concessions removed suspicions that the granting of union rights to blacks was only "window dressing"

"I appeal to black unions to respond and apply for provisional registration as soon as possible," she said

Spokesmen of two major black union groupings whose affiliates have decided not to register would not commit themselves on the effects of the concession yesterday

Mr Alec Erwin general secretary of the Federation of South African Trade Unions said the announcement was important but affiliates still had substantial reservations about the new dispensation

The concession would be considered along with other issues affiliates were unhappy about he said

Mr Dan Tau secretary of the Consultative Committee of Black Trade Unions, would not comment yesterday The committee may issue a statement today

Mrs Emma Mashinini, a leading member of the committee said the concession would be appreciated more if it was written into the law instead of being an exemption

'I cannot commit myself on registration — it's up to my union's executive to decide'

With one objection cleared away the union would investigate other aspects of the new dispensation she said

Dr Alex Boraine PFP spokesman on labour affairs said last night the Minister's belated acceptance of the original Wiehahn commission recommendation granting trade union rights to all workers was very good news'

The Cape Times, Thursday 27/9/79

3 unions have reservations over govt move

By RICHARD WICKSTEED

THREE trade unions two of them unregistered representing a combined total of 20 000 workers yesterday expressed strong reservations at the government's decision to open trade unions to contract workers and migrant labourers

Spokesmen for the General Workers Union which represents 10 000 workers the Food and Canning Workers' Union and the African Food and Canning Workers Union said in separate statements that the concessions increased State control of a registered union's finances the election of office bearers and a union's educational activities

An executive member of the General Worker's Union said although the decision to allow contract workers to join a registered union had brought the government into line with an important aspect of the Wiehahn Commission his union opposed the commission itself

"In fact the criteria for registration are not yet clearly specified, and if the system envisaged by Wiehahn is implemented it will still remain extremely difficult for those unions which attempt to organize contract workers to apply for registration

In other words the ministerial concession only means that unions seeking registration will have to police themselves by constitutionally excluding contract workers from the scope of their organizational activities This is completely unacceptable he said

Moreover he said, it was clear that racially-mixed registered trade unions are to remain prohibited

This is also unacceptable Furthermore the unions are still being invited to register under a system of rigid control and surveillance over their affairs

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Wiehahn: trail of shattered hopes

The Wiehahn report raised hopes of labour reform, the Government's White Paper weakened them and the Industrial Conciliation Amendment Bill shattered them entirely RIAAN DE VILLIERS analyses the Government's "new dispensation" blueprint and black trade union reaction to it

For a brief period, the report of the Weihahn Commission raised hopes of real labour reform in South Africa

If the Government's White Paper soon largely dispelled this illusion, the Industrial Conciliation Amendment Bill shattered it entirely

Reflecting the widespread anger and disillusionment in the labour movement, one trade unionist said recently the Bill deviated so far from the commission's report that its recommendations were now virtually irrelevant

The Bill provoked a storm of protest and resulted in intense behind-the-scenes pressure on the Minister of Labour by dismayed unionists and employers

The Government has introduced amendments which have watered down some of the Bill's most controversial provisions — but it will soon pass into law with its worst features unchanged

This is now the state of play

● The Bill's basic ban on mixed unions remains But the Minister has given himself a slightly larger loophole to authorise mixed unions

Originally, he could only authorise the registration of a mixed union if there weren't enough members of one population group to form an effective union

Now, he may also authorise a mixed union "if deemed expedient" on the grounds of the ratio between members of different population groups

● The veto right given to existing members of industrial councils to keep out new parties has also been slightly watered down The veto gives any right-wing white union or employer the power to bar a newly-registered black union indefinitely from formal collective bargaining

Now, at least, victims of the veto will have the right of appeal to the industrial court

● The Bill shook confidence in the new industrial court by granting it the power to determine itself what "unfair labour practices" were and by restricting appeals to points of law only

The right of appeal against court decisions has now been restored

● To enforce the exclusion of migrants and frontier commuters from trade unions and cut them off completely from any union influence, the Bill declared it an offence for registered unions to have "non-employees" as members or have "any relationship" with them — with a R500 penalty for every single offence

The "relationship" clause has been scrapped following representations on the potentially absurd implications it would have had in practice

But these changes are dwarfed into insignificance by the fact that the Bill continues to bar migrant workers and so-called "frontier commuters" — blacks who commute to work from homeland areas — from membership of registered trade unions

The Wiehahn report had serious weaknesses and many aspects of its proposed new dispensation are open to severe criticism

But its main strength, and its major saving grace, was its key recommendation that all South African workers — including migrants and commuters — should be able to join trade unions of their choice

The effects of the Government's rejection of this fundamental principle are far-reaching

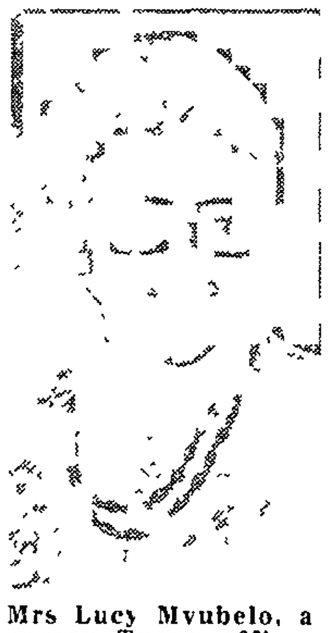
The Wiehahn Commission itself estimated black migrants and commuters working in South Africa at 2 100 000, of whom the vast majority work in urban areas It put the total urban black labour force in 1970 at 2 500 000 of whom 1 400 000 were migrants and commuters and 1 100 000 non-migrants

On the commission's own admission, therefore, migrants and commuters form the majority of the urban black workforce

The majority of members of existing black trade unions are migrants and commuters Some Transvaal unions have a migrant membership of up to 75% and Durban unions have "commuter" memberships of up to 90%

Migrants also serve as union officials and office-bearers

So instead of giving black workers a "new deal", the legislation denies union rights to the majority of the urban black workforce — and could effectively destroy black trade unions



Mrs Lucy Mvubelo, a senior Tucsa office-bearer "we're not the pass office."

In the process, the Government has created severe problems for itself, both internally and abroad

The Bill has provoked the united resistance of the entire black trade union movement

Black unions have completely rejected it, and are threatening to take a joint stand and refuse to apply for registration

If they don't, it will effectively cripple the whole new dispensation

Also, the Government has mounted a vast public relations campaign overseas to sell its new deal to international labour and foreign governments

The campaign has already run into serious trouble A united stand by the black union movement will probably destroy any remaining chances of international support

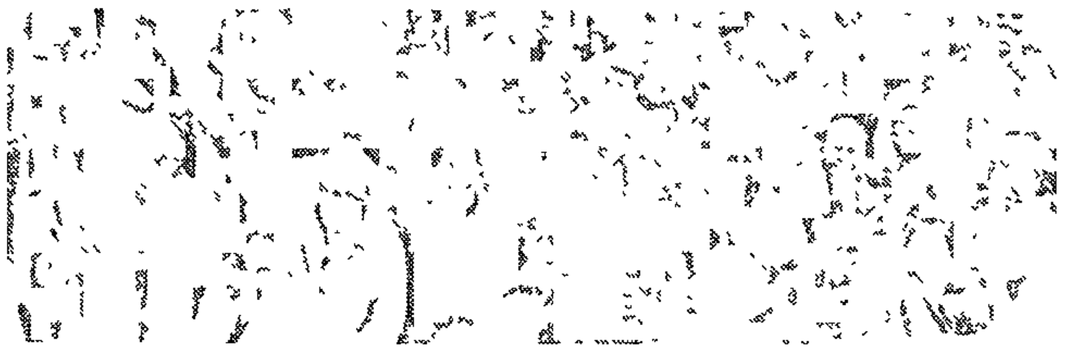
Final decisions on whether to register or not will be taken by individual unions over the next few weeks But initiatives are under way to unite all unions under a "no ways" banner

And unions who are relatively unaffected by the ban on migrants or commuters say they will act in solidarity with the others

Black unionists are unanimous in their condemnation of the Bill They say they refuse to participate in a dispensation which will cut off the majority of black workers from trade union rights They point out that in terms of separate development policy, the number of blacks eligible for trade union rights will continue to decline

They object fundamentally to the division of the black workforce and have warned it would lead to friction and industrial unrest

They refuse to shed the majority of their members and push out officials and office-bearers



As Mrs Helen Suzman, MP for Houghton, said in Parliament, to expect executives to vote their unions out of existence is absurd

Added to this, unionists point out that they would face near impossible practical problems if they chose to register

They say it will be virtually impossible to check the status of every member — and the fine of R500 for every "illegal" could cripple the unions

As Mrs Lucy Mvubelo, general secretary of the 20 000-strong National Union of Clothing Workers (NUCW) and a senior Tucsa office-bearer, snapped recently "How are we supposed to know? We're not the pass office"

Under the circumstances it is hardly surprising that the legislation is viewed as a deliberate attempt to smash black unions — or, as Mrs Emma Mashinini of the Commercial, Catering and Allied Workers' Union said recently, 'a polite way of bleeding black unions to death"

Was the Government aware of the full implications of its actions?

The Wiehahn Commission certainly was In its majority argument in favour of union rights for all black workers, the commission noted that all black workers were free at present to join unregistered unions and the exclusion of migrants and commuters would revoke a freedom which already existed

It added It is a matter for speculation how many workers would have their membership of trade unions revoked and what the effect would be

Up to now the Minister of Labour, Mr Fanie Botha, has said nothing about the situation of existing black unions and managed to pilot the Bill through Parliament without replying to strong Opposition challenges on the issue

However he has said the position of commuters would be reviewed

Speaking in Durban recently, he was reported as saying there were no "ulterior motives" for their exclusion, which was simply because of technical and administrative problems'

But the matter will only be cleared up in a "year or two" And migrants appear to be permanently out

The Minister has also pointed out that the Bill empowers him to declare any South African workers to be 'employees" — leading to speculation that he may grant exemption to existing migrant and commuter members of black unions

But black unionists firmly reject this as a solution As one leading unionist put it "Ministerial exemptions offer no lasting guarantee No one will be willing to register on the basis of a temporary favour by the Minister"

They also find it unacceptable that they would presumably be barred from recruiting additional migrant workers

The situation has an ominous potential for confrontation Sooner or later, all black unions are going to be forced to register — or forced out of existence

For as the Government has made abundantly clear, the underlying idea behind the whole exercise of granting registration rights to black unions is to bring the black labour movement under State control

This strange motivation for supposed labour reform is the product of the Wiehahn report itself, and has been built into its recommendations

The commission argued that unregistered black unions formed a dangerous "fourth component in industrial relations which threatened to undermine the statutory system and posed a 'grave danger to industrial peace"

The recognition of unregistered unions by employers was "dissonant with the ideal of orderly unionism acting within the law"

And in a key phrase, it said bluntly "Black trade unions can no longer be permitted to operate outside the law"

Mr Fanie Botha has repeatedly stated that black unions enjoy too much freedom and should be brought under State control

Addressing businessmen in Johannesburg recently, he said "The whole idea has been to bring black unions under control" And he told others "Unions will all have to register — and we will tighten up control"

The commission made three recommendations aimed at coercing black unions into registering

It proposed that employers should be prohibited from deducting trade union dues for members of unregistered unions, that all agreements between unregistered unions and employers should be declared invalid, and all industrial relations training by unregistered unions without special approval be prohibited

The Bill bans deductions for unregistered unions But by accident or design, the invalidation of agreements has been omitted Anyway, there is some doubt that such an infringement on common law contractual rights would ever be legally valid

Industrial relations training has not yet been dealt with in the legislation

The ban on deductions will hit some unions hard — but most say they will be able to continue without registering at this stage

The outcome of the situation is unclear Some commissioners believe the Government will eventually be forced into fully implementing their proposals by the sheer unworkability of the situation created by the Bill and the disruptive forces it will unleash

The whole problem may be dumped in the lap of the National Manpower Commission, which will be charged with the future implementation of the report

But it is unlikely that the Government will tolerate the non-registration of unions for any length of time

If it takes further steps to force black unions into registering, without restoring trade union rights to all black workers, the Government's so-called "new deal" for labour will have finally turned into one of the ugliest episodes in South Africa's labour history

Star 21/6/79 (166)

Riekert's move on illegal blacks rejected

Political Reporter

THE ASSEMBLY — The Government has rejected the Riekert Commission recommendation that penalties against blacks who work unlawfully in a particular area should be abolished

It has also rejected the commission's recommendation that it should drop the provision that no blacks, except those with permanent residence rights in a white urban area, may remain in such an area for more than 72 hours

The Government however, has agreed to abolish the night permit curfew regulations The commission had found little justification for this and pointed out it harmed race relations

This emerges from a Government White Paper on the commission's report in which the Government reiterates its commitment to a policy of controlling the influx of blacks to white urban areas

There are three elements to this policy control at the place of employment, control at the place of residence in the black and other urban residential areas, and control over the time limit in which blacks, not entitled to live in urban areas may remain in such areas

SOCIAL

The Government says it agrees with the commission's conclusion that there would be serious social problems in urban areas if a large-scale influx of black workers should take place uncontrolled

The question was not whether there should be influx control, but what would be the right mechanism for influx control

The Government accepts the recommendations that penalties applicable to employers who unlawfully employ blacks should not only be strictly applied, but made considerably higher and the terms of imprisonment be in proportion to the increased fines

It also believes that employers should also be held liable for the costs of repatriating black workers unlawfully employed

PENALTIES

Reacting to the recommendation that penalties against black workers who are unlawfully employed in a prescribed area should be abolished, the White Paper says "The Government is of the opinion that the offence such cases, is committed by both the employee and the employer and that there should therefore be a penalty applicable to both"

Basic aims are acceptable — Govt

By Hugh Leggatt
Political Correspondent

THE ASSEMBLY — The basic aims of the Riekert Commission, including the removal of unjustifiable race discrimination, are accepted by the Government, says a White Paper tabled in Parliament by the Prime Minister, Mr P W Botha.

It sums up the commission's underlying objectives as being to simplify legislation and administration, to eliminate unjustifiable discrimination, to maintain internal security and industrial peace, to retain and extend a free market system and to use resources, including labour, more efficiently

These aims are wholeheartedly supported by the Government and are objectives to which the government repeatedly committed itself, the White Paper says

Reactions in the White Paper to the Riekert Commission's main recommendations are

- Influx control be relaxed although control of migration to the cities was still essential — Accepted, but it appears easing of existing controls will be slight
- Discriminatory practices be eliminated as far as possible from laws — Accepted
- A new Development Act to strengthen the position of black communities in the white area — Accepted
- Trading rights be given to blacks in central city areas — Accepted, subject to controls
- A new Training Act for the more effective use, training, and development of all manpower — Accepted
- Tougher penalties for employers of "illegal" blacks, but abolition of penalties on the blacks themselves — The former accepted, the latter rejected
- Blacks with residence rights be allowed to have their families with Accepted
- Residence rights be transferable from one urban area to another — them in white areas — Accepted
- Employers be encouraged to use labour already in white areas instead of migrant labour — Accepted
- White by night curfews be scrapped — Accepted
- Provisions in the Development Trust and Land Act dealing with the labour tenant system be repealed — Accepted
- Labour control boards and labour quotas for farmers be abolished — rejected, subject to further investigation
- Black scholars and students be permitted holiday work in white areas without labour bureau authorisation — Accepted

'Yes' to non-racial CBDs—with reservations

Political Staff

THE ASSEMBLY — The Government has accepted the principle of non-racial central business districts but will retain control over any relaxation

In a White Paper tabled in Parliament today the Government accepted the recommendation of the Riekert Commission report on manpower covering central business districts — with reservations

The Government has also accepted the principle that "non-blacks" should with certain restrictions be allowed to run businesses in black areas

The commission recommended that the Group Areas Act should be amended to allow the purchase, ownership and occupation of certain areas in central business districts by all race groups for commercial purposes

The Government commented that there was already provision in the Act which allowed permits to be granted to have business areas proclaimed for use by all population groups

The commission "really goes further" only in that once an area had been set aside no permit was required

The Government now intended to amend the Group Areas Act to allow for occupation by all race groups in certain areas but only after investigation by the Group Areas Board and with the agreement of the Ministers of Planning and of Community Development

Worker control needed

olitical Staff

THE ASSEMBLY — The Government accepts that there is a common economic system in South Africa and the need to deal collectively with some labour and manpower matters for all population groups outside the black states

This is stated in the White Paper on the Government's attitude to the Riekert Commission on the use of manpower which has been tabled in Parliament

It says the measures and regulations that hamper the effective functioning of the economic system without contributing to the achievement of other objectives cannot be justified

Employment and training should therefore be dealt with on a common basis as far as possible

Separate provisions should, however, be made for community development functions for the various population groups

The White Paper says an extremely important point made by the commission was that some form of control should remain over the movement of workers in the urban areas.

The Government agreed with the commission's contention that serious social problems would arise in the urban areas affecting both the established urban populations and the new entrants if a large-scale black influx of black workers should take place uncontrolled

The question was not whether there should be influx control, but what the right mechanism for influx control should be

RIEKERT WHITE PAPER

A rose by any other name . . .

Government has accepted some of the key recommendations of the Riekert Commission is adopting a wait-and-see attitude on others and has rejected at least one major proposal This is the import of a white paper released in Cape Town as the *FM* went to press

The guts of Riekert's proposals is that influx control should be retained but linked to the availability of jobs and housing At the same time statutory provisions against unlawful employment and unlawful occupation of housing should be applied on a non-racial basis

This has been agreed to by government with the proviso that the extension to other races will be done gradually

Government has also accepted in principle Riekert's proposal that labour legislation should be streamlined and consolidated and that discriminatory measures should be eliminated but that where it is necessary to retain discriminatory provisions reasons should be furnished

One of Riekert's key proposals was thus that the residence of Africans in urban areas should continue to be subject to the Section 10 provisions of the Urban Areas Act Riekert argued that this provision would be the only one that should continue to apply to Africans only, on the grounds that the urbanisation process among Africans was not complete, unlike that of other races Influx control was therefore still necessary to protect the interests of established township residents 'since it is mainly blacks who are streaming into the cities in large numbers

Says the white paper 'The government finds this line of thinking convincing and therefore accepts this recommendation

Family rights

Government has also accepted Riekert's proposal that Africans with Section 10(1)(a) or (b) permanent urban residence qualifications be allowed to have their families join them if housing is available Also accepted is Riekert's recommendation that Section 10 qualifications should be transferable from one prescribed area to another, again subject to the availability of work and housing, and the approval of the local labour bureau

Riekert advocated repealing the present Section 10 proviso to the effect that Africans may not stay longer than 72 hours in prescribed areas without fulfilling the Section 10 residence qualifications He wanted the 72-hour prohibition to be linked only to the availability of jobs and housing arguing that if this were strictly applied it would be more effective than the existing system (see box, next page)

Piet Riekert accepted, rejected, left pending

Says the white paper 'The government has taken note of the evidence submitted to the commission that the 72-hour provision discriminates against blacks, leads to large-scale arrests and short-term imprisonment, creates considerable human relations problems, and comes nowhere near completely effective control of the unlawful entry of blacks into the urban areas'

It adds "On the other hand, the government wishes to point out that repealing this provision will place the burden of influx control entirely on control at the place of employment and the place of residence Achieving the same degree of control without the 72-hour provision may, therefore, require exceptionally strict application" of these other controls

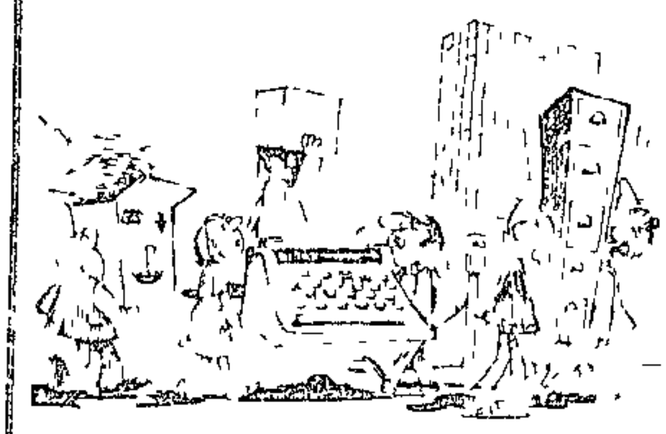
Government thus intends to wait and see how effectively Riekert's other proposed controls work retaining the 72-hour provision as a 'third element" for the time being If Riekert's other two controls do work as well as he hopes, "the repeal of the 72-hour provision may be considered again'

Riekert advocated much tougher action against employers caught with people illegally on their payrolls and legislation to this effect is already in its final stages of enactment (*FM* June 8 15)

But Riekert's recommendation that workers be no longer prosecuted for being in illegal employment has been rejected. Says the white paper 'The government is of the opinion that the offence in such cases is committed by both the employee and the employer, and that there should therefore be a penalty applicable to both

Penalties applicable to the worker also have a preventive effect in that they may deter the worker from entering the urban area unlawfully'

NOW HEAR THIS!



By the time this issue of the *FM* appears on the streets, our move from Carlton Centre to the Saan building will have begun From *Monday June 25* our phone number will be 29-2081, while from *Thursday July 4* our telex number will be 8-8921 Our box number (9959, Johannesburg 2000) remains unchanged

The new street address is 171 Main Street (corner Mooi Street), Johannesburg 2001

Riekert: Major aspects rejected

CT 21/6/79 (166)

Political Staff

THE GOVERNMENT yesterday dimmed hopes for rapid progress toward a new labour dispensation in South Africa by rejecting many key recommendations of the Riekert Commission on manpower utilization, and failing to establish a timetable for implementation of others.

In a White Paper on its attitude toward the commission proposals, the government said it wholeheartedly supported the underlying objectives

However, the chief opposition spokesman on black affairs, Mrs Helen Suzman, (PFP Houghton), said the crux of the pass-law system had been preserved with the retention of a 72-hour time limit for "unauthorized" blacks to be in urban areas

The White Paper, which came a few days after the Minister of Co-operation and Development, Dr Piet Koornhof, told a conference in the United States that he had "declared war" on the pass laws, made it clear that the government has decided to continue penalizing blacks illegally employed in urban areas, although the commission recommended that employers bear the full burden

Mrs Suzman said this would "tighten up" influx control, as it would increase the penalties on employers while retaining those on employees

The controversial Section Three of the Planning Act, which precludes industrialists from expanding staff or premises without a permit, is to be repealed New, as yet undefined, control measures are planned in its place

Those recommendations accepted by the government will improve life for blacks who fulfil the stringent requirements to be in urban areas Birth in the area, 10 years' service with the same employer or continuous lawful residence for 15 years

Free-trade areas would be permitted only with the approval of group-area boards, who will ensure that this does not result in residential mixing or the "under-utilization" of trading facilities provided by the State in new group areas

The government has also stalled at approving the commission's call for the removal of Section Three of the Environment Planning Act, which fixes quotas for the employment of blacks in industry

Dr Piet Koornhof

Mrs Helen Suzman

However, the most important response of the government related to the recommendations on influx control, described by black leaders as the single greatest cause of discontent amongst blacks The commission's approach was based on finding a new system of influx control, theoretically applicable to all races, and linked to approved housing and job opportunities

It recommended that employers of illegal workers carried the full burden of penalties, and that the 72-hour limit on "unauthorized blacks" in urban areas be lifted

The government White Paper commented that a repeal of the 72-hour time limit would place the burden of influx control entirely on the availability of housing and jobs, requiring "exceptionally strict control" at these points

On the commission's call that the employer carry the burden of steep fines for employing illegal workers, the government said

"The government is of the opinion that the offence in such cases is committed by both the employee and the employer, and that there should therefore be a penalty applicable to both

"Penalties applicable to the worker also have a preventive effect in that they may deter the worker from entering the urban area unlawfully The government does therefore not accept this recommendation"

The government has also blocked a recommendation that old people on farms who were once employed by white landowners, or who are dependent on farm employees, be allowed to stay on the farm if the owner agrees

● The chairman of the Riekert Commission, Dr Piet Riekert, telephoned at his Pretoria home, said last night he was "naturally very disappointed" at the White Paper

Dr Riekert said he had put his views "quite clearly" in the report

"It is obvious that the government and I disagree on these key matters, but I can say no more"

● **Black leaders' ire at Riekert paper, page 2**

Star 21/6/79

(166)

Riekert turned down on influx control proposal

The Government has for the present rejected two crucial recommendations of the Riekert Commission's report which were aimed at keeping tens of thousands of "illegal" blacks out of jail

The Government rejected the Commission's proposal that employers of illegal labour and not workers, be prosecuted It also delayed accepting the abolition of the 72-hour time limit for "illegal" blacks in prescribed areas

This dilution of the Riekert proposals could further widen the verligte-verkrampte rift in the National Party and coincides with an attack by Dr A P Treurnicht, the NP's Transvaal leader, on reported statements by Dr Piet Koornhof in the United States.

Dr P J Riekert, chairman of the commission, said today that although he was disappointed, the Government White Paper had not differed "in principle" from his recommendations but only "in practice"

Mrs Helen Suzman, Opposition spokesman on black affairs, said expectations raised by the Riekert Commission had been dashed. The Government had decided to retain the essence of pass laws and influx control and to possibly tighten the whole system.

"A SHAM"

Dr Nthato Motlana, chairman of the Soweto Committee of 10, said that promises by the Government to do away with discrimination had been revealed as a sham

The Chief Minister of kwaZulu and Inkatha president, Chief Gatsha Buthelezi, said the rejection of key provisions had strengthened his conviction that there would be no meaningful change in South Africa unless it was forced on the government by black people.

● **Riekert's move on illegal blacks rejected — Page 5.**

THE SOUTHERN CROSS

Sponsored by the Southern African Hierarchy
Editor: the Rev. Donald de Beer, Cathedral Place, 12 Bouquet Street
Box 2372, 8000 Cape Town. Telephone (021) 45-5007

Mennonite Central Committee se Konferensie oor 'Die Rol van Geskiedkundige Vredeskerke' Gaborone Botswana

Breakthrough for South African workers

THE South African government's general acceptance of the Wiehahn and Riekert commissions is the best news in years, not only for most of the country's labour force, but for all who have worked and prayed for a change of heart and policy among the nation's firmly entrenched ruling establishment.

It is evidence that more enlightened views have gained acceptance to the point that the government is prepared to act on them.

In one respect at least — by deciding against closed shop agreements — the government has gone further towards abolishing job reservation than did most members of the Wiehahn commission

All this, of course, is still a long way from the ultimate ideal of abolishing racial discrimination in politics. But there are things people need more urgently than an effective vote; the present government has opted for greater freedom in the labour market, which can only encourage economic recovery and so provide more jobs and better salaries in the long run.

Moreover, the new labour dispensation is bound to have an educative effect on those who still see nothing wrong in regarding most South Africans as an impersonal labour pool at the service of white-controlled industry.

There will no doubt be a growing reaction from that ugly minority within a minority who resort to anonymous phone calls, tar, feathers and bullets to vent their frustration. South Africa has long provided a fertile soil for rightist prejudice, which may in time come to be seen as a more serious threat to public security and social progress in South Africa than genuine leftists have ever managed to be.

Let such reactionaries have their irrational say, but let us not meet hatred with hatred; and let those who resort to violence or terrorist tactics to promote any kind of social change be prosecuted in open court.

navorsings-Fellows het aansienlik tot die Sentrum se program bygedra dr Sheila T. van der Horst, afgetrede mede-professor van Ekonomie, U.K., en professor J.L Boshoff, gewese Rektor van die Universiteit van die Noorde.

LIDMAATSKAP

Soos voorheen gemeld, is die Sentrum vir Intergroepstudies geregistreer as 'n maatskappy In die Memorandum en Statute van Vennootskap word voorsiening gemaak vir die benoeming van eenhonderd lede. Tans is daar 57 lede en hulle sluit die volgende in·

a) Drie stigterslede:

Mnr J.G. Benfield
Mnr H.L. Kennedy
Mnr P.G.T. Watson

b) Sewentien persone wat gedurende die afgelope 10 jaar lede van die Beheerraad was (* dui stigterslede aan):

Professor E.V. Axelson
Professor J.F. Beekman
Professor J.F. Brock
Mnr C.S. Corder*
Professor W.H.B. Dean
Dr J.P. Duminy*
Professor G.F.R. Ellis
Biskop A.W. Habelgaarn
Mnr E V.E. Howes*
Professor M.F.Kaplan
Ds. W.A. Landman
Mnr G.K. Lindsay
Sir Richard Luyt
Professor S.J. Saunders
Professor H.W. van der Merwe
Mede-professor D.J. Welsh
Professor Monica Wilson

Hansard 6 QuesA Col: 461 16/3/79

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Commission of Inquiry into Labour Legislation

*13 Mr H H SCHWARZ asked the Minister of Labour

Whether he has received a report of the Commission of Inquiry into Labour Legislation, if so, (a) when and (b) when will this report be laid upon the Table

The MINISTER OF LABOUR

(a) and (b) I received a copy of the English version of Part I of the report on 19 February 1979 This version is now being printed by the Government Printer The Afrikaans translation which is nearly completed, will be submitted shortly to the Language Services Bureau and thereafter to the Government Printer It is anticipated that the Report will be laid upon the Table soon after the Easter recess

Guardian leader 3/5/79

South Africa trims before the wind

(166)

South Africans often complain, or used to when they were more obviously sensitive to foreign criticism, that they are never given credit for the improvements they try to bring about but only condemned for the lack of them It is an ingratitude which authoritarian governments face at home too, for once the grip starts to be loosened those inside it become rapidly more impatient to have it removed altogether Both risks are run by the Wiehahn Commission which has reported (with what small print is not yet known) in favour of a reduction in colour discrimination at places of work The intention is not to usher in an era of political liberalism but to remove obstacles to the better working of the economy No doubt it is also to placate foreign governments, particularly those in the EEC, whose guidelines require companies operating in South Africa to further African advancement by recognition of trade unions and other means The South African Government, under the National Party, has always feared that black trade unions would become a vehicle of political protest as well as industrial bargaining That may well happen, although the registrar of trade unions will no doubt be careful whom he admits to official recognition But the Government has been quick to accept the Wiehahn report in outline, rather than slow to reject it as it rejected the Theron report on the assimilation of Coloureds It may feel an urgency about the removal of industrial anomalies which it did not feel, for example, about allowing mixed marriages There are sound economic reasons for changing a system which has become a serious impediment to economic growth, and growth is urgently needed if a population twice the present size is to be sustained, as present trends show it will have to be, by the year 2,000

The legal recognition of black unions, which Wiehahn recommends, has been one of the main objects of the British and other EEC governments in advising firms to follow their code of practice At present black unions, though not illegal, have no official standing and hence are weak both numerically and in bargaining power White unions, by contrast, may officially register their agreements and enforce them Some overseas employers—Smith and Nephew were the pioneers—already do business with black unions as with white, and the practice is growing It is in any case often in employers' interests, for without black trade unions there is no channel of communication, other than the inevitably suspect works liaison committees, so that managers often have their first inkling of a dispute when a crowd of workers goes on the rampage (which happened three weeks ago at the country's newest gold mine) To have to deal with similar groups of workers in totally different ways is an ideological burden on industry which employers no longer want to bear.

Statutory job reservation, which Wiehahn wants to abolish, has already been eroded by nods and winks, although a non-white doing a job theoretically reserved for whites will usually not get the same pay for it because it will be called by another name But the serious examples of job reservation are conventional rather than statutory, and there are few signs that the white trade unions will cooperate in any scheme to eliminate them It is simply not in their interests to do so What Wiehahn may symbolise, especially after the Government's acceptance is a shift of government influence In the past that influence has been used to encourage reservation The collapse in March of a strike of white miners against the admission of Coloureds to their ranks happened against a background of government indifference the vital expression of support for the miners from the Ministry of Labour never came

The Wiehahn report, nevertheless, is rooted in the peculiar interpretation of apartheid which it purports to relax Apartheid applies only at the political level, not at the economic It is a misnomer, because the white economy is entirely dependent on black labour To admit blacks to that part of the mansion where they are deemed useful, and to exclude them from those parts where they are deemed not, is not a policy of separate development but of continued black subservience.

Prof J.F. Beekman
Prof J.F. Brock *
Mr F. Corder *
Prof W.H B Dean
Dr Duminy *
Prof G.F R Ellis
Mr W. Habelgaarn *
Mr E Howes *
Prof M F Kaplan
Landman
Lindsay
Mr Luyt
Prof S J Saunders
Prof H W van der Merwe
Professor D.J. Welsh
Prof Monica Wilson

die Sentrum se
Prof Horst, afgetrede
professor J.L.
Universiteit van die Noorde.

Mr Intergroepstudies
Memorandum en
ing gemaak vir die
s daar 57 lede en

die afgelope 10
s (* dui stigters-

Mennonite Central Committee se Konferensie oor: 'Die Rol van Geskiedkundige Vredeskerke', Gaborone, Botswana Verhandeling voorgelê oor 'The Role of Churches in Promoting Justice in Southern Africa' (Oktober).

Konferensie van die Afrikaanse Calvinistiese Beweging, Potchefstroom (Oktober).

(c) Deelname aan Welsyns- Professionele en Openbare Organisasies

Die Direkteur het aktief ...

... deelgeneem en belang in die aangeleenthede van die Sentrum.

Die Universiteit van Kaapstad het benewens 'n bydrae tot die bedryfskoste van die Sentrum, ook vir die Sentrum sedert sy stigting in kantoorruimte voorsien. Met die uitbreiding van personeel het ons die huisie op die laer

navor...
progr...
mede-...
Boshof...

Soos v...
geregi...
Statut...
benoeming van eenhonderd lede. ... word voorsiening gemaak vir die hulle sluit ...

Mr S P Botha No to migrant workers

Sir Richard Luyt
Professor S J Saunders
Professor H W. van der Merwe
Mede-professor D.J. Welsh
Professor Monica Wilson

Pretoria News 8/3/79

Protests to PM on job law changes

From Steven Friedman in Johannesburg

THE SOUTH African Government has accepted the report of the Wiehahn Commission of Inquiry into labour legislation, which recommends changes to the country's racially divided labour system

This acceptance, however, comes with an apparent Government rejection of a crucial point in the commission's proposals The commission recommended that migrant black workers be allowed to join trade unions, but the Government appears to have rejected it

The Minister of Labour, Mr S. P Botha, said yesterday that African workers who were settled in the urban areas and had regular employment would be entitled to join trade unions soon But migrants would be excluded "at this stage."

This leaves out the majority of African workers from trade union rights for the moment, and also means that black workers in the mining industry, all of whom are migrants, will not be entitled to union rights Mr Botha also announced that the Government was immediately acting on the commission's

Leader comment, page 14

recommendation that statutory job discrimination 'be abolished, that blacks be trained to become artisans

While he told journalists that the closed shop provisions which often bar Africans from skilled jobs would not be removed, he said that an "embargo" would be placed on further closed shop agreements

Reuter adds from Cape Town The proposals got a mixed reception from black labour leaders and opinion formers today.

The Writers' Association of South Africa, which represents black journalists, commented. "We know from past experience that certain proposed reforms which could have made a tenable change in the structure of South Africa have been ignored by the Government"

But the general secretary of the National Union of Clothing Workers, Mrs Lucy Mvubelo, said: "We are jubilant at this development. We feel our dream has come true"

The Post, an influential newspaper for blacks, said in an editorial it was unlikely the Government would make sweeping changes because of the danger of splitting the ruling National Party "It would, of course, be nonsen-

Black majority may have no trade unions

NM 9/5/79 (NM) (166)

African Affairs Correspondent

THE Government's promise of trade union rights for Blacks might well turn out to be "pie in the sky" for the vast majority of Africans because it is linked to permanent residence in South Africa

In Durban this would mean that the 300 000 Zulus of Umlazi and nearly 200 000 in Kwa Mashu would not enjoy the right of collective industrial bargaining

Those towns — and almost every Black town in Natal — is in KwaZulu

Permanent

Although the Wiehahn Commission did not qualify its recommendations, the Minister of Labour, Mr Fanie Botha, confirmed in Durban yesterday that only Africans who were "permanent residents," with a "permanent job" in the country, would be allowed to form or join legal trade unions "at this stage".

Even those Zulus with permanent jobs in Durban would not qualify because they are not permanent residents

Not only would Pretoria's definition disqualify all citizens of homelands, but it might disqualify most urban Blacks as well

Unlikely

In terms of the legislation demanding that all Africans — including those in Reef townships — apply for and carry travel documents, it seems unlikely that many Africans will qualify as permanent residents

The travel document makes it clear, by tying Africans to a homeland, that urban Blacks are actually not citizens of South Africa, and therefore hardly "permanent residents"

Conceding that there were "difficulties" in Natal because of its geopolitical situation, Mr Botha said "We will have to look at future developments here"

In the meantime, nobody in the trade union movement nor in government seemed to know what the future held for unregistered Black unions in operation in the Durban metropolitan area

Several trade unionists felt yesterday that the jubilation at the weekend over the Wiehahn recommendations was premature

"There is even the possibility that unregistered unions will become illegal in spite of the recognition we have won from industry," said a Black union official

Mr Botha did promise to abolish job reservation in five spheres, but then added the rider "We will replace this with something else"

He did not specify what the "something else" might be

(Report by T Muil, 12 Devonshire Place, Durban)

qualms about certain key clauses. At the same time they stress their confidence that the problems will be cleared up.

Says Transvaal Chamber of Industries president Jack Halloran: "We have certain misgivings but we recognise that this is only the first stage of a parcel of labour legislation."

The exclusion of migrant workers and frontier commuters is causing particular concern, says Natal Chamber of Industries director Rodney Peates. He thus points out that men from only two homelands towns (Ghoyerville and Lamontville) would be entitled to unions. But he does note that commuters can be included at the Minister's discretion, and he has been told that they will be included.

The Midland Chamber of Industries is also concerned about the commuter. Says director Peter Matthews: "For all practical purposes they are settled urban workers." The chamber is also unhappy about the veto right which all parties to an industrial council will have, and Matthews notes that there is no appeal against this veto.

He adds that certain aspects of the proposed industrial court are worrying the Vaal Chamber — for example the proposed right of appeal from that court to a higher one.

Cape Employers' Association director Frank Lighton is more concerned about the bar on race-based unions. He says that government's white paper on Wiehahn raised hopes but the bill actually makes matters worse in some instances.

Like Matthews, Lighton is worried about the veto which existing industrial council parties will have to bar new entrants. He fears this could lead simply to another form of obstruction, particularly if the closed shop is allowed to lay. Lighton adds that the bill disappointingly leaves many minor issues over to the National Manpower Commission.

Building Industries Federation director Johan Grotsius is also concerned about possible delay implications, pointing out that the Black Building Workers Act is still on the statute book. He tells the Bill

BUSINESS AND WIEHAHN

Hopes and qualms

Business response to the Industrial Conciliation Amendment Bill is somewhat less enthusiastic than reaction to the Wiehahn Report which preceded it.

Two of the big three employer organisations, the FCI and Assocom, are concentrating publicly and relying mainly on private submissions to the Minister of Labour, Fanie Botha. The third, the Afrikaanse Handelsinstituut, may only comment after its labour committee has discussed the bill later this month (president Martin van den Bergh).

But most of the employer bodies who are prepared to discuss the bill have

Friends (Quakers) en van die American Friends Service Committee deurgebring. Hy het 'n aantal konferensies in verskillende dele van die land bygewoon, baie vergaderings toegespreek en senior beamptes van die Carnegie Corporation, van Community Relations Services van die Departement van Justisie van die Amerikaanse regering, van die American Friends Service Committee en kollegas verbonde aan verskeie universiteite besoek.

Gedurende Augustus en September het die Direkteur Engeland, Nederland, Switzerland, Swede, Israel en Zambië besoek. Hy het vooraanstaande joernaliste, Suid-Afrikaanse diplomate, senior amptenare van die Suid-Afrika-Stigting en verskeie regerings betrokke by Suid-Afrikaanse belange besoek, trusts van die Prof. J.E. Bosman Dr Sheila T. van der Horst

Lede word na die Algemene Jaarvergadering van die skappy uitgenoot en kies elke drie jaar 'n vertee op die Beheerraad. 'n Verkiesing is in 1978 geho huidige ampsdraer is Biskop A.W. Habelgaarn. Te verpligtinge aan lede opgelê word nie, word hull pleeg in verband met sake wat die Sentrum se pro

NAVORSING

Gedurende die verslagjaar het die navorsing van Sentrum die volgende behels:

A. Mobiliteit en Politieke Verandering in Suid-

Hierdie projek is 'n paar jaar geleden aangepak. soek onder die kleurling bevolking van die Kaaps eiland is onderneem. 'n Aantal tydelike navorsing

We can't even avail ourselves of the black training which the Minister has endorsed until it goes. But Grotsius notes that commission chairman Nic Wiehahn has said that the act will probably be scrapped.

Although Grotsius welcomes both the National Manpower Commission and the Industrial Court, he is unhappy that the court will not be bound by the same rules as the Supreme Court. "We just hope it will apply the principle of equity with an eye to economic reality."

On the other hand, Grotsius has few problems with the trade union provisions, arguing that "we need a slow change from works and liaison committees to unions together with a union education process for blacks."

Verhandeling voorgelê in-Werkgroep 6 en vergaderings bygewoon van die Raad van die Internasionale Sosiologiese Vereniging as die amptelike afgevaardigde van Suid-Afrika (Augustus).

LABOUR LEGISLATION

(166) FM 1/6/79

Promises, promises

The idea that change is best achieved by restricting people's rights and then promising faithfully to extend them is peculiar But that is precisely what government is asking SA to believe about its new labour dispensation

For two years, employers and trade unions have been waiting on tenterhooks for the "new deal" Professor Wiehahn was expected to usher in One month, one white paper and one new bill after the report, and all SA has to show for this is wide union condemnation, a welter of official promise — and immense confusion

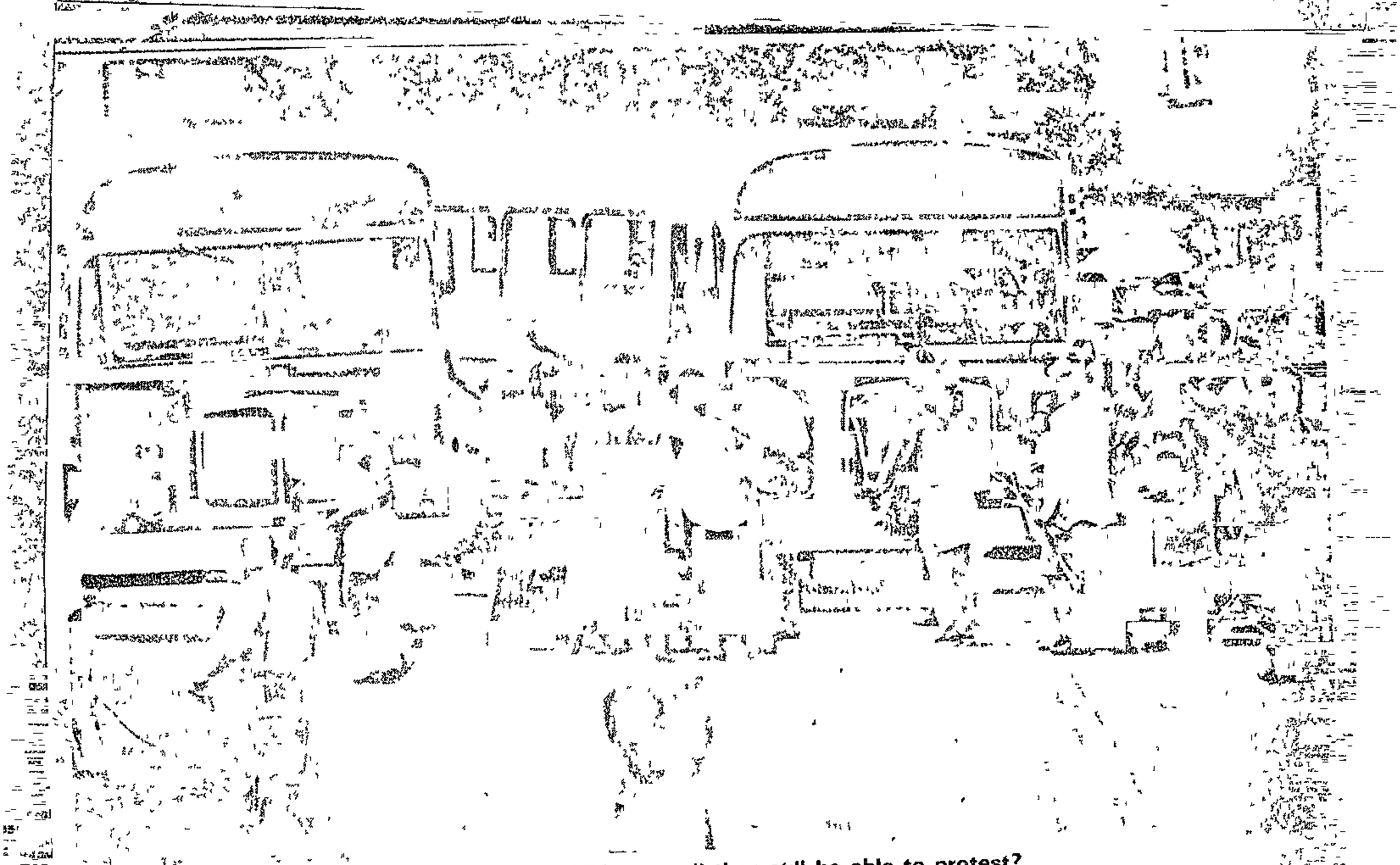
The bill itself has as much in common with free industrial relations as Arrie Paulus has with Helen Suzman Mixed unions are out — unless the minister allows them Migrants and commuters are out — unless the minister decrees otherwise The Industrial Court has awesome powers The minister's right to intervene is widened as are the powers of the industrial registrar And much of the tricky nitty-gritty is simply left over to the National Manpower Commission

The black trade union movement believes it faces ruin and some employers are worried that job reservation is far from dead while even relatively conservative registered unions predict chaos

Officialdom's reaction has been — to promise Fanie Botha promises that commuters will receive union rights within a year or two Wiehahn in Geneva promises that the industrial council veto won't be used on racial grounds Botha again promises that the remaining job reservation determinations will go

But the bill (*FM* last week) remains and if it becomes law it will matter little

Financial Mail June 1 1979



Black strikers in 1974 will they still be able to protest?

what the officials promise Although some people (*Politics and labour*) are hopeful that the bill will be changed it will have to be changed drastically to meet all the criticisms

The authorities argue that their approach is vital As one senior official puts it to the *FM* We've been trying to win consensus from employer and union organisations The bill was the most we could get consensus on We handed over large parts of the system to ministerial discretion so that we can negotiate them with the parties We need time

This view is endorsed by many employers who argue that government is walking a tight-rope and needs time to negotiate the minefields of caucus and white union resistance

There are two problems with this argument The first is that the union backlash has probably been exaggerated Indeed government appears to have won its battle [illegible] union already Some [illegible] official told the *FM* that government hoped to win over the bulk of the union movement and 'isolate' right wingers like Paulus That strategy has worked beyond government's wildest expectations

In the wilderness

Paulus is now in the wilderness isolated as the HNP was in the early Seventies The Confederation of Labour's collective mind has been set at rest — to such an extent that Botha is now able to say that only two individuals — Paulus and Gert Beetge presumably — are unhappy So what do the bureaucrats need more time for?

Secondly the Wiehahn Commission has had two years to consider what is sellable to the Labour movement The minister had the report for quite a while too Surely he must have given some thought then to this issue? Yet only now are we beginning to negotiate something which should have been cut-and-dried ages ago

Whatever the reasons (or excuses) we are now left with a situation in which large sections of the workforce will depend on ministerial decree for their rights Employers and unions who want to argue about job changes will hand over large segments of decision-making to the industrial court while the new Manpower Commission hasn't even been set up yet.

So while confusion will reign for a long time yet some changes will certainly be made (such as including commuters) But one crucial fact remains commission member Dick Sutton hit the nail on the head when he argued (*FM* April 27) that the new system will herald "a more prominent role for official bodies," and a diminished role for employers and unions

The officials who administer the system may all be well-meaning The minister's promises may well be sincere But that is no substitute for legally-guaranteed rights The bill implies that there will be less of these around than there were before May 1

c) Ander lede:

Mnr K. Bosman	Mnr H.W. Middelmann
Professor A. Cupido	Eerw. M.T.L. Moletsane
Mnr N. Daniels	Professor A.D. Muller
Mnr Achmat Davids	Sheik A. Najaar
Professor R.J. Davies	Mnr Victor Norton
Professor J.J. Degenaar	Professor N.J.J. Olivier
Mnr René de Villiers	Mnr L. Phillips
Dr I.D. du Plessis	Professor H.P. Pollak
Professor J.J.F. Durand	Mnr W.J. September
Professor J.B. du Toit	Mnr Franklin Sonn
Mnr A. Flederman	Mnr P.M. Sonn
Professor H.F. Fuggle	Regter J.H. Steyn
Mnr G.J. Gerwel	Mnr R. Tobias
Eerw D Guma	Professor R.E. van der Ross
Professor A. Paul Hare	Professor J H. van Rooyen
Dr Gertrud Heydorn	Mev. S. Walters
Mnr F.A. Jacobs	Professor F.A.H. Wilson
Mnr H.M. Jimba	

d) Twee Ere-Fellows.

Professor J.L. Boshoff
Dr Sheila T. van der Horst

Lede word na die Algemene Jaarvergadering van die Maatskappy en kies elke drie jaar 'n verteenwoordiger [illegible] raad. 'n Verkiesing is in 1978 gehou en die [illegible] draer is Biskop A.W. Habelgaarn. Terwyl geen [illegible] aan lede opgelê word nie, word hulle geraadband met sake wat die Sentrum se program raak.

CLOSED SHOPS

Anti-union move?

Government's decision in the Wiehahn White Paper to place an embargo on future closed shop arrangements has been seen as an attempt to remove racial job bars But many trade unionists see it as simply an anti-union move

Financial Mail June 1 1979

[illegible]

Friends (Quakers) en van die American Friends Service Committee deurgebring. Hy het 'n aantal konferensies in verskillende dele van die land bygewoon, baie vergaderings toegespreek en senior beamptes van die Carnegie Corporation, van Community Relations Services van die Departement van Justisie van die Amerikaanse regering, van die American Friends Service Committee en kollegas verbonde aan verskeie universiteite besoek.

Gedurende Augustus en September het die Direkteur Engeland, Nederland, Switzerland, Swede, Israel en Zambië besoek. Hy het vooraanstaande joernaliste, Suid-Afrikaanse diplomate, senior amptenare van die Suid-Afrika-Stigting en verskeie regerings betrokke by Suid-Afrikaanse belange ontmoet. Hy het besprekings gevoer met stigtings, trusts en opvoedkundige verenigings. As gevolg van sy besoek aan Nederland het hy 'n toelae vir die Konstruktiewe Program ontvang van die Algemeen Diakonaal Bureau van die Gereformeerde Kerken in Holland.

Professor J.L Boshoff, ere-Fellow van die Konstruktiewe Program, het met 'n aantal instansies, wat universiteite in Natal en Transvaal insluit, en met verskeie handels- en industriele firmas in Natal, kontak opgebou.

(b) Konferensies

Gedurende 1978 het die Direkteur die volgende konferensies bygewoon:

- Jaarlikse Konferensie, Nasionale Uitvoerende Komitee- [illegible] Suid-Afrikaanse Insti- [illegible] aapstad (Januarie).
- [illegible] adering van die Religious [illegible] eim (April)
- [illegible] ologie, Uppsala, Swede [illegible] groep 6 en vergaderings [illegible] e Internasionale Sosio- [illegible] telike afgevaardigde

c) Ander lede:

Mnr K. Bosman
Professor A. Cupido
Mnr N. Daniels
Mnr Achmat Davids

Mnr H.W. Maddelmann
Eerw. M.T.L. Moletsane
Professor A.D. Muller

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unity Relations Services van die sie van die Amerikaanse regering, nds Service Committee en kollegas universiteite besoek.

September het die Direkteur Engeland, d, Swede, Israel en Zambie besoek. Joernaliste, Suid-Afrikaanse diplare van die Suid-Afrika-Stigting betrokke by Suid-Afrikaanse belange rekings gevoer met stigtings, trusts nigings. As gevolg van sy besoek n toelae vir die Konstruktiewe Pro- Algemeen Diakonaal Bureau van die n Holland.

f, ere-Fellow van die Konstruktiewe ntal instansies, wat universiteite insluit, en met verskeie handels- in Natal, kontak opgebou.

(144) (166)

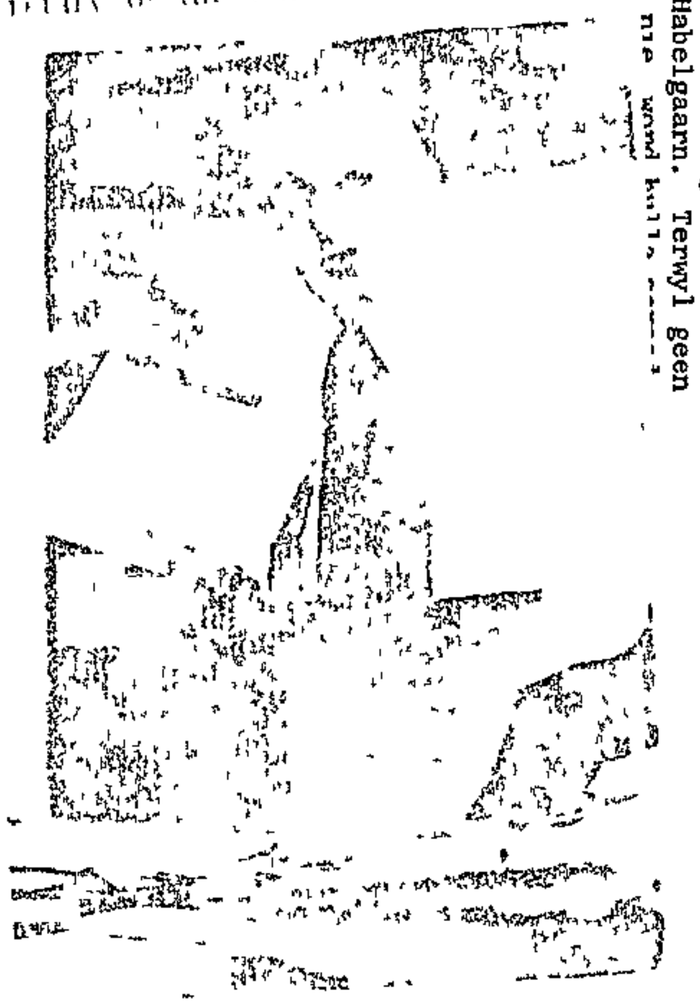
FACTORY COMMITTEES

The bosses stay boss

The Wiehahn Commission's recommendations have been [illegible] in the [illegible] under [illegible] publication. But they were [illegible] last week at a Unisa Institute of Labour Relations seminar.

The commission wanted a set level [illegible] works councils and [illegible] proposed [illegible] works councils [illegible] both be allowed [illegible] bargaining powers [illegible] industrial sectors where there are no industrial councils only.

But three speakers at the Unisa seminar criticised the proposals for councils. Secretary of the Confederation of Metal



Ben Nicholson fears for the future of trade unions

and Building Unions, Ben Nicholson, argued that they "will tend to provide a vehicle for the breakdown of the industrial council system, with a consequent weakening of the strong centralised bargaining system which has served the country well"

Like other unionists, Nicholson is worried that the councils can be used by employers to weaken trade unions on the shop-floor by shutting them out on issues like unfair dismissal and safety requirements

Nicholson further contends that the veto right which all parties on an industrial council would have on new applications to join may also strengthen the works councils Members of unions which are not admitted will be "unorganised", and will thus use works councils and committees to negotiate binding agreements, Nicholson fears. This could result in "fragmentation of industrial councils and the formation of breakaway organisations"

Nicholson's view was endorsed by Henry Chipeya, president of the unregistered Commercial, Catering and Allied Workers' Union Chipeya fears that managements could use works councils "to hinder trade union organisation at the plant level," and that unions could lose contact with their members as a result He maintains that workers should be represented at plant level by union committees only

Unionists' criticisms of the proposed system were given academic backing by Unisa's Professor Willie Bendix, who argued that it will "lead to a dead end in time to come" Bendix says that works committees "will once again appear as the company union — the union by and for the boss"

Bendix argues that bodies with statutory bargaining powers and 50 50 management worker composition "will necessarily and always be directed against the formation of a union free from management influences", and will also be "counter-productive to the formation of industrial councils" in sectors which now lack them

Contrary to Wiehahn's claims, Bendix adds that SA will not have a proper German-type two-tier labour relations system unless works councils consist only of workers, and are set up only "if workers so desire" and as complements to, rather than competitors with, their trade unions

huidige ampsdraer is Biskop A.W. Habelgaarn, Terwyl geen verpligtinge aan lede opgelê word nie word [illegible]

[illegible] 1978 net die Direkteur die volgende konferensies bewoon:

Jaarlikse Konferensie, Nasionale Uitvoerende Komitee- en Raadsvergadering van die Suid-Afrikaanse Instituut vir Rasseverhoudinge, Kaapstad (Januarie).

Suid-Afrikaanse Jaarlikse Vergadering van die Religious Society of Friends, Stutterheim (April).

Vegende Wêreldkongres van Sosiologie, Uppsala, Swede. Verhandeling voorgelê in Werkgroep 6 en vergaderings bygewoon van die Raad van die Internasionale Sosiologiese Vereniging as die amptelike afgevaardigde van Suid-Afrika (Augustus).

ciation should be freedom of association as recommended by the Wiehahn Commission We believe it is for the trade union members themselves to decide who should belong to their trade union, although there is one reservation to that. We recognize the difficulty one has in the case of migrant or contract workers from countries outside South Africa—and I use "outside South Africa" in the broadest sense In other words, in the case of people who take up employment here and who come from Malawi, Botswana or perhaps even as far away as Angola—I do not know how many Angolans are still working here—we can recognize the need not to include in the definition a right being granted those people to join trade unions However, we in this party cannot see the justification for excluding any Black employee who is or was a South African citizen

Mr R J LORIMER Perhaps you will then vote against the Bill at Second Reading

Mr R B MILLER I believe that freedom of association and the right of the trade union to decide on its own membership should be paramount here We will, of course, in the Committee Stage by moving amendments to this particular provision

Although my time is very limited, there is a further provision I want to deal with this afternoon

Mr R J LORIMER Mr Speaker, may I ask the hon member whether he considers that the clause he has just been discussing contains one of the principles of the Bill?

Mr R B MILLER Mr Speaker, I believe it is a very important principle I believe it is of paramount importance in deciding one's attitude towards this Bill and what one is going to do as far as the Second Reading is concerned I do not know what the hon member had in mind by asking that particular question, but we in these benches believe it is of paramount importance in one's attitude towards the whole Bill I hope my answer has satisfied him.

Mr R J LORIMER I am very pleased with that answer

Mr R B MILLER I can unfortunately this afternoon only deal with the things with which we are to a very large extent unhappy I would like to say that it is extremely important to us that we do maintain industrial peace in South Africa If the definition of employee as contained in the Bill at the moment is adopted by the Government, I believe they are creating a situation of greater industrial unrest than we have at the moment. I believe it is going to require an act of faith by the hon the Minister to leave trade unions free to regulate membership of their own unions themselves I think the hon the Minister should think very seriously about this Members on the Government side have placed notices of two instructions on the Order Paper and the hon the Minister has indicated that he will have the power to grant exemptions, but the manner in which this definition has been approached through the legislation suggests to us that the hon the Minister is taking an ultra-conservative approach We want to make a serious appeal to the hon the Minister to look at the amendment to the definition which we will place on the Order Paper before finally deciding that he is going to go ahead with this particular provision

A further aspect which causes us a considerable amount of concern is that the Bill now leaves the onus on the trade unions and on the employer organizations to find out who is eligible and fulfils the definition of an employee If they inadvertently, willingly or negligently take on people who do not qualify under this definition they are liable to exceptionally stiff penalties, viz. R500 for each member that has been included in the trade union, even if this has been done by accident. We believe that this is totally unfair, in the first place, that one should leave it to the trade unions or the employer organizations to try to find out who is and who is not eligible in this sense, and then, if they transgress, to hit them with these terribly high penalties In this respect we will probably also be moving certain amendments during the Committee Stage

We are also concerned about the change

which is being made in respect of the majority required for decisions of the council As the Bill stands at the moment, the change in principle which is being introduced is the change from a two-third majority vote to a unanimous decision When this comes to dealings with, for instance, unfair practices, the hon the Minister will appreciate that in many cases the unfair practice is perpetrated by the employer, and he is then reported to the industrial council concerned to sort out the problem If one is going to require an unanimous decision, then one is asking the aggrieved or the accused person to agree with the people who are accusing him I do not think this is going to work, and therefore we will be moving amendments in this respect as well, in order to allow the present situation to remain, where a two-third majority decision is a carrying decision. We do so because of the practical difficulty that if an employer stands accused of unfair practice, then in order to get a decision he has to vote for the people that are accusing him

Lastly, we welcome to a very large extent the provision for compulsory arbitration This is something which has caused considerable difficulty in the past, where one party could keep the other party away from arbitration and therefore from a satisfactory settlement, and of course from all the benefits which go with arbitration or the disadvantages of not going to arbitration

In the last minute or two available to me I would like to summarize the position of my party We believe that although there are serious difficulties involved in certain aspects of this Bill, we genuinely believe that it is a tremendous step forward in the South African context. We will attempt to bring about even greater improvements through the amendments which we will be moving during the Committee Stage To my friends in the PFP I say that I cannot understand the attitude which they have adopted towards this legislation Far be it for me to defend the hon the Minister, his department and the Government against the PFP, but I should like to say to the hon members of the PFP that when an opportunity such as this for change presents itself in South Africa—heaven knows that is not very often—I believe it is incumbent upon a responsible Opposition to maximize the good which can come out of that change

Mrs H SUZMAN Our amendment is in line with parliamentary procedure

Mr R B MILLER The attitude now adopted by the PFP, as the hon member for Houghton has adopted with her amendment, suggests to us that they are not really concerned about the good that can stem from this amending legislation They are not really concerned about that. I think they are more concerned about publicity for their own party They are more concerned about encouraging radical change in South Africa and I think they are not sufficiently concerned about maintaining industrial peace while we bring about evolutionary change in South Africa. Alternatively we can only come to one conclusion as far as the PFP is concerned and that is that they have no appreciation really of the complexity of our industrial and sociological society in South Africa. That is the only alternative conclusion we can come to

Mr B W B PAGE They have lost their heads as well as their deposit

Mr R. B MILLER As the hon member for Umhlanga says, they have been losing a lot of things lately and we certainly hope they will during the next few days gain in wisdom what they have lacked in their speeches this afternoon

On behalf of the NRP I should like to tell the hon. the Minister that we shall be taking issue with him on the matters which I have raised here, but at the same time we shall support the Second Reading of the Bill since we believe that considerable improvement is being brought about with it. We certainly hope to be able during the Committee Stage to encourage the hon the Minister to bring about further and greater changes to the benefit of the whole industrial sector of South Africa.

Mr J. J. LLOYD Mr Speaker, unlike the hon. member for Houghton the hon. member for Durban North has made a very objective and a very reasonable speech. I want to congratulate him on that

*I shall not react now to the points to which the hon member referred and which should really be dealt with during the Committee Stage Permit me, however, to associate myself with the words expressed by the hon member to the hon the Minister and the Wiehahn Commission I agree with the congratulations, and one wishes them well for the major task that lies ahead

I want to comment on one aspect of the Wiehahn Commission's terms of reference I am referring to the approximately 15 Acts which the Commission had to examine I wonder whether it would not be appropriate if at some stage the commission could also look at the relevant provincial ordinances dealing with labour matters At the moment I have in mind the following example If one looks at local authorities in South Africa, one finds that there are six different ordinances in respect of the important condition of service that there has to be a pension fund Each one deals with its own small investments, conditions and stop-order facilities, but there are differences between all of them Is it not possibly a task for the Wiehahn Commission or, eventually, for the National Manpower Commission, to bring about a larger degree of uniformity in that field as well? There are, in fact, numerous ordinances which are applicable to the field of labour, and I have referred to only one example

The important and far-reaching amendments in the Bill are contained in a few clauses only We might say that these basically concern the establishment of a National Manpower Commission, the matter of effecting changes to the existing industrial court, the fact that Black trade unions will be allowed and registered and then, of course, job reservation which will be abolished or will take on a different form. When one looks at such a far-reaching measure, it is perhaps appropriate, too, to look for a moment at what preceded the measure and at its history One has to look at the evolutionary development of this legislation. I am very proud to be able to say that industrial legislation, as we know it, had its beginnings in the Transvaal The first piece of legislation which was passed in this regard, was the Arbitration Ordinance which was passed in the Transvaal in 1904 As if that was not enough, the first Industrial Conciliation Act, the first Arbitration Act, were also passed in the Transvaal in 1909 One would search in vain for a measure passed in the Cape Province before Union similar to those passed in the Transvaal in 1909

Our people are very fond of committees and commissions The first Select Committee of the Assembly after Union was appointed in 1913, a committee similar to the Wiehahn Commission The first Wages Protection Act of 1914 and the first Regulation of Wages Act of 1918 resulted from the recommendations of this committee In 1923 a very important Select Committee, which later became a commission, was appointed under the chairmanship of Mr F S Malan Over the years no basic amendments were made to the first Industrial Conciliation Act, Act No 11 of 1924, to which the hon the Minister referred, but certain refinements were effected.

In July 1934 the Van Reenen Commission was appointed If time had permitted me to do so, I should have liked to read out the preamble of that commission The English had a way with drawing up a preamble We need only compare it to the preamble of the Wiehahn Commission

In 1937 the second Industrial Conciliation Act was passed, in 1948 the Botha Commission was appointed, in 1956 the existing Act was passed, and recently the Wiehahn Commission was appointed I am referring to all these aspects because if one looks at the key provisions of these Acts, one sees that the need for more refined legislation and more refined wage and labour measures started arising as South Africa became more intensively industrialized over the years In fact, one can see how this evolutionary change occurred As a matter of fact, it is again the case at present Nearly 30 years after the appointment of the previous commission, we have again been presented with a report.

I want to refer to the amendment of the definition of "employee" I want to mention for consideration by the hon member for Durban North that because of the evolution which has occurred, the time has arrived to include Black people in the

definition of "employee" We appointed works committees and liaison committees, and created the first forum for enabling Black people to negotiate and consult with their employers I think the time has also arrived for other steps to which I now want to refer This measure is the first step in the evolutionary negotiation process of the Black people I have sufficient confidence to believe that those trade unions which are going to apply for registration—at first provisional registration and then final registration—will display such a sense of responsibility that it will be possible to allow them to register If one looks at all the Acts passed up to the present time, one notices one basic philosophy underlying all the Industrial Conciliation Acts passed up to the present time That philosophy concerns basic self-government in one's own business or enterprise That is what it is all about. On the one hand, one has the employer and on the other one has the employee or his organization As the third partner in every contract the State basically has three functions Its first function in the whole labour set-up is to create an economic climate in which employment opportunities may be created for its citizens Secondly, training facilities for maximum training have to be created, and thirdly, negotiating machinery and machinery for settling disputes have to be created so that in this autonomous dispensation, this self-government, the machinery may be created for the parties by means of which they can settle their disputes, and which allows of employees being told In this way you can approach your employer and in this way the employer may treat his employee When it is tested in terms of these three functions, I believe the South African Government has succeeded brilliantly, not perfectly, because those three functions cannot be the task of the Government alone, they should also be supported and supplemented by private initiative if we want the Government as such to intervene as little as possible

I just want to say a few words about the industrial court Since the old industrial court is now going to disappear, and since it may possibly remain in existence as a special division, I should like to pay tribute to those people who have served in that court since 1956, and who have been instrumental, not only in establishing industrial peace in South Africa, but also in restoring it time and again Those people have done a wonderful job of work. When they had to start in 1956, there was no established set of precedents for them nor were there any examples for them Through the years, this old industrial court gained in stature, but what is actually of far greater value to us in the industrial world, is the fact that people believe in the industrial court. This court has built up credibility for itself I think that is what is at the root of the confidence in our own system. Therefore, we hope that a place might be found for them in the special division of the court.

The National Manpower Commission is a new instrument on which—I agree with the hon member for Durban North in this regard—not only the Minister and the department, but all of us are going to rely very heavily, and of which we expect a great deal, because not only will it deal with the bottlenecks and the problems from time to time, but it will also have to determine in advance the needs in the field of labour, in the field of training and how to meet those needs in future Not only will it have to assist in creating training facilities, but it will also have to be able to play a decisive role as far as the standard of training is concerned It will have to be instrumental in keeping us abreast of modern labour practice The result of this will be that we shall not necessarily have to deal with sweeping measures, such as the one we are dealing with today, but that we shall remain up to date as things evolve and make adjustments from time to time The National Manpower Commission is not in existence as yet, but I suppose one can make representations even at this stage

If there is one aspect of our present labour situation to which I should really like the National Manpower Commission to pay attention, it is the situation of the national servicemen, the man who has to go to the border for a period of two years and who finds upon his return that he has a disadvantage of two years as compared to those who are not obliged to go to the border I do not want to go any further into this matter I believe that if we can tell the

parents that their sons are going to do two years of national service on the border, but that the National Manpower Commission will look at that situation in all fairness when they return and find themselves in a training of work situation, they will have far more peace of mind.

I see this measure as a further step being taken by the Government in the process of establishing equal treatment and equal opportunities for all our people That is all this measure amounts to The hon member for Houghton summarily rejects everything good in the Bill, because the hon member's political philosophy is not satisfied in this Bill That hon member desires total integration That is the only thing that will satisfy her Over the years that hon member herself has been advocating certain aspects contained in the Bill, but she does not want to admit it now, because, according to her, there are too many omissions Why should we complain about the ommissions, while we are perfectly satisfied with the positive aspects which do appear in the legislation?

The hon member for Houghton is very concerned about joint responsibility and in view of that I want to ask her whether she agrees with the following Press statement made by the hon member for Pinelands in which he said, "The new legislation which ought to have been an encouragement, is nothing short of a disaster"? He went on to say, "In short, the Government's declaration that it is moving towards more enlightened labour practices is a gigantic bluff" The problem of the hon. member for Houghton is that this Press statement has already been published. Does the hon member for Houghton begrudge the Black people the privilege—particularly those who may now be registered—of serving on an industrial council themselves or of applying for a conciliation board, or of enjoying the sanction of the industrial court? After all, the legislation does not provide that all the members of the Manpower Commission have to be Whites Nor does the legislation provide that the new industrial court has to be completely White That hon member wants these people to be deprived of all these privileges, simply because she is more concerned about foreigners As far as the commuters are concerned, the hon the Minister has already dealt with the whole question

Does the hon member for Houghton really believe that she is being reasonable when she says that she and her party totally reject the Second Reading of this Bill? Surely that is not a responsible action After all, when a person has been advocating something for years, and what he has been advocating is implemented, one expects that person to give his approval to that. If he still is not satisfied with everything, that person can move amendments The hon member for Houghton, however, rejects the measure outright because, according to her, it does not go far enough As far as I am concerned, that is outrageous

I want to go so far as to say that the labour world, the labour situation, labour legislation and labour measures are sensitive matters, and that one should not rush in and criticize a positive measure as the hon member for Pinelands did in his Press statement. His action was rash in the extreme After all, he is a member of this House, and as such, he should assist in the legislative process, but he shoots the measure down long before he has had the decency to move an amendment to it

At times labour regulations are attended by a great deal of emotion When an employee feels himself aggrieved, the Government has to create a forum so that he may express his grievances, because if they are bottled up, an explosion is unavoidable However, one should not cast suspicion on this, as the hon member for Houghton and the hon member for Pinelands did by means of a Press Statement When that happens, I do not believe that we are co-operating in the interests of industrial peace in this country

Consequently I wonder whether all of us want industrial peace I also wonder whether we really want the Black people ever to be members of registered trade unions This is really starting to worry me, because I should like to see the positive side of the matter This legislation is going to be worthless if all of us are not going to co-operate so as to help the Black trade unions as well. In this regard it is, in my opinion, appropriate to address an appeal to employers to render assistance to these people,

where there are Black trade unions which are going to be registered, and to guide them so that they may be assisted to operate objectively and responsibly as trade unions I think that if there is goodwill amongst the employees, in their organization and among the employers, and if the department is prepared to assist them, all employees, White, Brown and Black, and, on the other hand, all employers, can succeed in making a model State of South Africa, with its heterogeneous situation, in the field of labour For that reason it gives me pleasure to support the legislation

*Mr T ARONSON Mr Speaker, the hon member for Pretoria East must forgive me if I do not react directly to his arguments, but I shall refer in passing to a few remarks which he made The hon member said in a very good spirit that the Transvaal had certain legislation as long ago as 1909 while the Cape had no such law in those years I can only ascribe it to the fact that the Transvalers probably had need of laws to restrain them We in the Cape however, know how to do the right thing without having to have laws [Interjections] I agree with the plea of the hon member that servicemen doing two years' service in the Defence Force should be granted a special concession from the Manpower Commission. I take it the hon the Minister will submit the matter to the Manpower Commission as soon as it is appointed

†This legislation is being opposed by the HNP and certain right-wing members of unions because they feel that the Government has gone too liberal It is being opposed by the PFP and other left-wing members because they feel that the Government is not liberal enough [Interjections] So the HNP and the PFP have made common cause for different reasons [Interjections] The Government has the responsibility to stabilize labour relations and economic conditions in South Africa. Where therefore they are endeavouring to reach accommodation between the various labour groups, I think they should be given every opportunity to solve the problems Our main criticism of the Government is of course that this legislation has taken far too many years to come before the House It should have come many years before We think it is totally irresponsible for the right-wingers to stir up the White population I think it is equally irresponsible of the left-wingers to stir up the Black population [Interjections] Sowing seeds of discontent can never be the answer to the problems of South Africa. This legislation is not the end of the story, but only the beginning This is the first chapter and other chapters will follow

We agree that time is of the essence However, to expect everything to happen overnight is not the reality of the South African situation Our problems, as has been said before, are unique in many respects

Mrs H SUZMAN Twenty-five years is not overnight.

Mr T ARONSON I have said that our main criticism is that this legislation comes too late and that it should have come many years before There is no disagreement between me and the hon. member for Houghton in that regard. [Interjections] We have always believed in the abolition of job reservation and in the rate for the job We are sure that this attitude is in the best interests of all workers

We feel that job reservation affects a very limited number of workers and invites unnecessary criticism There is in fact no merit in the application of job reservation That is why it should be done away with We do not believe that people will lose jobs because of the relaxation of labour laws On the contrary, the existing people in existing jobs could be retained to occupy more responsible positions than at the moment The reports of the Wiehahn and Riekert Commissions and the acceptance of these reports herald a new era for South Africa. We compliment the Wiehahn Commission on its in-depth study of labour matters and on the report that was tabled in this House We are appreciative of the work that was done over a period of time It was intensive work and was done under pressure We thank them that they came out with a comprehensive report in the manner that they did.

We should also like to compliment the department on the White Paper that they presented us with A White Paper always makes it very much easier for hon. members to understand legislation

The MINISTER OF LABOUR There are some hon members who do not understand it even now

Mr T ARONSON The hon the Minister says that even then some hon members do not understand it. Hon members of the PFP do not even accept what they read on black and white [Interjections]

Whether this new era will be taking us to a land of milk and honey depends on the manner in which these reports are implemented and on the goodwill of the people involved I want to stress that the workability of this particular legislation and the implementation of the report will depend on the goodwill of the people involved and their leaders It is vital that the hon the Minister—and I think that he realizes this as he has been consulting with all of them—takes the leaders with him and that the leaders take their people with them It is no use if the leaders are not prepared to take their people with them or if there are leaders who are whipping up their people against the situation That can only cause immeasurable harm to South Africa, both internally and externally In accepting the reports, the Government is implementing certain recommendations immediately Other provisions will be phased in The fact that the Government does not implement all aspects immediately caused us concern, but then we realized that in order to look at the matter objectively one cannot look at the legislation in isolation. One must also take full cognizance of the surrounding circumstances One must take cognizance of what is happening in other great Western countries Many great countries have been brought to their knees economically and have had their stability shattered because labour organizations have taken advantage of the situation It is therefore obvious that we must learn from the mistakes made by those countries It is also obvious that we cannot rush into a situation overnight, thus creating in South Africa the same unfortunate circumstances that have been seen in other countries In our particular and unique situation we cannot afford even to have an experiment of that nature

I should like to give an example There are millions of Black, Coloured and Indian children at school, and the Government has spent thousands of millions of rand on a massive Black education infrastructure Having brought about a situation, partly through Government actions, in which 260 000 Black workers will come into the labour market each year, for the next 10 years, the Government has accepted as a way of life the fact that these people must be properly trained and educated and that they will have to be absorbed at every level of our economic life In view of the intensity of the Government's educational programme for the Blacks it is obvious that there is a corresponding duty resting upon the Government, upon commerce and upon industry to ensure that the labour market can absorb the workseekers from year to year

There are matters which we feel could have been taken further in drafting this Bill I will deal with those as I proceed In this Bill, and in other legislation passed earlier this session—e g the Competitions Bill—as well as in the Wiehahn and Riekert Commission reports I discern three distinct principles Firstly there is revealed a belief in the free enterprise system Secondly, there is a belief in gradual or evolutionary change, and thirdly a belief in consultation, negotiation and consensus amongst all parties in matters of common concern I am very interested in Prof Wiehahn's reaction to this legislation, as he is after all the man who chaired the commission He is one of the most knowledgeable, if not the most knowledgeable man, on this particular subject in South Africa. According to a newspaper report, dated 29 May 1979, Prof Wiehahn, after the Bill had been published, said in Geneva, amongst other things—

> Firstly, South Africa is entering a completely new era with its new labour laws

He then goes on to say why—

> Secondly, he is satisfied with the White Paper and was not disappointed with the recommendations omitted or modified.

I want to put that to hon members of the PFP Here we have the chairman of the commission saying he is not disappointed with the omissions from or the modifications to the legislation However, he admits that the Bill is not completely in accordance with the report.

Dr Z J DE BEER Then he did not mean what he wrote in the report.

Mr T ARONSON The hon member for Parktown is not as naive as all that.

Dr Z J DE BEER I do not believe Prof Wiehahn is naive either

Mr T ARONSON No, but Prof Wiehahn accepts the Bill, and he is carrying on with the next chapter of the report He is overseas at the moment explaining the report and the consequences of this legislation to the rest of the world That means he is happy with the situation, and I am convinced that he will continue with labour legislation in this country I also believe he will continue to assist in matters of this nature for many years after the hon member for Parktown no longer sits in this House [Interjections] Nevertheless, I quote from the newspaper report again—

> Thirdly, Prof Wiehahn is satisfied that it will take 18 months to two years for this legislation to be enforced Fourthly, he pointed out, for example, that there are 200 000 migrant workers in Mozambique alone, that could not be integrated immediately into the trade union system

I suppose the PFP would like to see them integrated immediately, in view of the fact that they have an hon member in their party who would like to see the Communist Party re-established in South Africa—

> Fifthly, Prof Wiehahn said that the union veto clause is there to protect minorities during the transitional period If the veto is imposed because of race, religion or sex, it can be overruled by the industrial court

There are, for example, three types of Black labour in South Africa. We find that statistics are a few years out However, these were the only statistics I could find. Firstly, there are approximately 475 000 frontier commuters, as they are called. Secondly, there are 629 000 migrant labourers who live in self-governing homelands Thirdly, in independent States we have 794 000 workers that can also be classified as migrant labourers We feel that group No 1 can be included by the Minister in the trade unions We see no problem with that If Black people from kwaZulu live and work in Durban or Pretoria, where commuters are geographically very close to the White areas, we would support a positive attitude on the part of the hon the Minister to allow those workers to become members of a trade union As some workers may be citizens of independent States, it is obvious that the hon the Minister cannot act in isolation but will have to consult with those sovereign independent States in regard to those workers

The question of mixed trade unions and the necessity for all parties in the industrial council to approve the affiliation of a new member, are matters that will have to enjoy the immediate attention of the hon. the Minister and the National Manpower Commission These matters, together with the definition of "employee", are subjects that will require a formula of negotiation and compromise In view of the complexity of our labour situation, it is absolutely vital for a very senior man to be appointed to the chairmanship of the National Manpower Commission The recommendation of a manpower commission can ensure a more flexible and dynamic approach to labour matters in order to meet the many and varied problems and challenges that arise in our rapidly changing times I hope that the commission will be a representative commission in the sense that when the problems of a particular industry are discussed, a representative of that industry is co-opted onto the commission for the purpose of conducting the relevant discussions I hope the hon the Minister is with me on that particular point.

The most important recommendation is the principle of statutory work reservation being abolished by the repealing of section 77 of the Industrial Conciliation Act of 1976 If there is an unfair labour practice, the matter goes to the industrial council If the council fails to settle the dispute, it goes to the industrial court. Where there is no industrial council, the matter goes to a conciliation board, and if the board cannot arrive at an agreement, once again the matter goes to an industrial court. The non-Whites, particularly the Blacks, will have to be moved into higher skilled categories of work at a much faster rate than in the past if the shortage of skilled workers and other bottle-necks retarding economic growth are to be avoided The abolition of statutory work reservation should not only serve as an incentive for workers to equip themselves better for the labour market, but should also serve as an incentive for employers to provide training and retraining facilities and opportunities for those workers who desire to improve their skills

This Bill must be the first phase in ensuring, firstly the creation of employment opportunities, secondly the practical introduction of changes, thirdly the maintenance of industrial peace and, fourthly, the training and retraining of workers The major immediate challenge facing South Africa is economic growth It is, in fact, under conditions of unemployment and poverty that people become dissillusioned, frustrated and angry The Government, employers and employees must stand together in building this country into one of the mightiest nations in the world Each needs the other, and if something is wrong it must be corrected The only things that one cannot afford are the crippling and senseless strikes that one has seen in economies throughout the world South Africans of all races are going to find, in the years ahead, that they will have to depend more and more on one another, even more than ever before, to withstand the economic and other onslaughts that face this country

Now I come to clause 10 which deals with the admission of parties to industrial councils The question of admission not being possible unless all the parties agree is a matter on which I should like to address the hon the Minister It is not easy, in fact it is sometimes impossible, to gain 100% approval I therefore want the hon the Minister to look at this matter very carefully In fact, I want to tell the hon the Minister that we feel that 66% or two-thirds approval is sufficient because that is the acceptable figure at present. To gain 100% approval is in my opinion aiming for an impossible target.

We do not agree with every aspect of the Bill, as I have mentioned to the hon the Minister, but we see in this Bill the ingredients—a starting point—for building a bigger and better South Africa. In the circumstances we shall not oppose the Bill

*Mr J H B UNGERER Mr Speaker, in consequence of the contribution by the hon member for Walmer I wish to point out that he and the hon member for Durban North have given this side of the House hope for the future this afternoon, for it seems they are ironing out their ideological differences with us so that from now on we shall be able to start discussing technical details with one another in a practical way

I had the unpleasant experience this afternoon of hearing the hon member for Houghton add the dubious figure of a Solly Sacks to her heroes' gallery, in which there are already some very dubious characters I find it interesting, and the hon member for Walmer put his finger on the right spot when he pointed out that the HNP had also been added to the circle of friends of the PFP now What a conglomeration!

Now that hon members on this side of the House who preceded me in the debate, have dealt very thoroughly with the meaning of the legislation, its clauses and their implications, I should like, by way of introduction, to dwell for a while on the philosophical background or approach of the NP and the Government to labour legislation in South Africa First of all I should like to quote from a work by a world-renowned authority on labour matters—

> Zo staat dan het arbeidsrecht te midden van de sociale branding ter tijden met eigen opgave, eigen rechtsvinding en eigen normen In de middelpunt van die belangstelling staat hy voortdurend, de arbeidende mensch, zijn levensgeluk en zijn levensvervulling

I am quoting this from Sloteman

The point of view, the philosophical approach of the NP is that industrialization is probably the major single determinant of socio-economic development or the development of the socio-economic structure of a community In South Africa we had the case—the hon member for Durban North referred to it, and in my opinion he made a very valuable and intelligent contribution with regard to many aspects—that the rapid industrial development, which actually amounted to an industrial revolution, caused the social and cultural development of certain groups of our people to lag behind In this process, those groups have lagged a long way behind South Africa is now faced with the problem that at an early stage of the social and cultural development of these groups, it is confronted with the labour norms obtaining in advanced and developed industrial countries

Surely the Government has to be realistic about the disparity that has resulted from this It is a recognized fact that disparity exists, and I could prove that by quoting from experts on the labour situation, but unfortunately I do not have the time As a result of this disparity the Government has to approach the situation realistically and cannot allow the implementation of norms that could not be applicable here to distort the social structure of South Africa.

The major difference of opinion between members of the official Opposition and us, apart from their fundamental differences with us on an ideological basis, lies in the very fact that they expect us simply to apply the norms of developed countries to the South African labour scene Today it was again hinted at by the hon member for Houghton, as has often been done over the years, that we should simply accept the concepts of trade union autonomy and absolute freedom of association lock, stock and barrel This is an approach that is so irresponsible that it stops one in one's tracks

I should like to associate myself this afternoon with the appeals made by the previous few speakers who told the PFP For heaven's sake, let us have a more realistic basis in our approach to these problems, let us lift this out of the arena of petty politicking, because what we are concerned with here is one of the most important pieces of legislation and one of the most important facets of any society I venture to state that in view of the aforesaid facts, labour legislation is not only important in respect of the training and utilization of manpower, but it also makes a far-reaching contribution towards causing the social structure to assume certain shapes Labour in its various forms and at its various levels is the principal determining factor for the level of material welfare of every individual Consequently it is of vital importance to every person.

It is also a fact—and we should take realistic cognizance of that fact—that a satisfied worker, a worker who experiences fulfilment and gratification in his work, is a happier and more complete person and is very definitely a more positive component of a happy, stable and steady society If we take all these facts into account in respect of the disparity I have referred to, and the plurality of the South African social or national scene, it is surely obvious that labour legislation in South Africa is a more sensitive, difficult and complex than in any other country in the world I should therefore like to associate myself with the previous speakers who complimented the hon the Minister on the appointment of the very representative commission —and this we have to admit—that made a very penetrating analysis of the entire field of labour in South Africa. The report of the commission is a very specialized source of information which the Government could draw on in the formulation of labour legislation now and in future However, there is one thing that I want to make quite clear this afternoon—and I do not want there to be any doubt about this—and that is that South Africa is not governed by commissions, but by the National Party Government that is now in power This Government, and no one else, will decide what and to what extent the recommendations of this or of any other commission, are to be embodied in legislation I wish to bring home this point very clearly this afternoon It was referred to this afternoon—and it is true—that the chairman of the commission accepted this as normal and was quite satisfied with the reception his report met with

It had become very necessary for this commission to be appointed, because it had been almost 23 years since really fundamental labour legislation in South Africa was placed

on the Statute Book. I should like to say at once that those earlier laws were sound laws The 1956 legislation with regard to Black labour relations and industrial conciliation ensured two decades of very good, stable labour peace in South Africa. However, as I have said, we have been experiencing an industrial revolution during this time There have been rapid changes A few years ago there were signs of potential widespread labour unrest, which served as a warning for us to accommodate the altered circumstances, perhaps by means of other legislation.

What struck me as being particularly constructive in the amendment Bill before us, was the provision embodied in clause 2 to establish a National Manpower Commission This has already been referred to, but I should just like to dwell on this for a moment. *Inter alia*, this Manpower Commission will, on an on-going basis, survey and analyse the total manpower situation, evaluate the implementation and effectiveness of labour legislation and labour practices in the light of prevailing and anticipated developments, work in close co-operation with other departments of State and statutory bodies, and conduct research in connection with manpower training and utilization in the future This is very important, for if we experience a growth phase again, as we expect will be the case—and we are sure we are not wrong—optimum training and utilization of the manpower of South Africa will be of vital importance to the economic future of South Africa.

This commission has to submit a comprehensive annual report to the Minister on the overall labour situation in South Africa. The Minister has a free hand in the appointment of this commission, so that he can make the commission very representative of employers' and employees' organizations and specialist bodies in the field of labour It is only sensible and realistic that this commission should advise us on on-going basis, since labour legislation in South Africa should always be seen in the context of the South African setting After all, our particularly distinctive situation in reality demands that.

Although this has already been mentioned, I should like to dwell on this briefly again and to emphasize that the spirit and attitude of the labour legislation of the Government has always been from the point of view of the protection of workers Even section 77 of the Industrial Conciliation Act of 1956 did not have the favouring of workers as an undertone, but the protection of workers The provisions of section 77 had a racial connotation We concede that and we shall not try to argue that away However, at that particular juncture it was necessary for such a measure to be placed on the Statute Book, precisely in consequence of the activities of, *inter alia*, the friends of the hon member for Houghton, such as Solly Sacks

It is therefore correct then that in this amendment Bill the principle should be maintained, and that the approach adopted is still based on the principle of the protection of workers The racial connotation is disappearing, but the PFP is not prepared to regard this as a disappearance of the racial connotation and is still searching for a racial connotation in this legislation I want to say that any person who, under these circumstances, is still looking for a racial connotation in this particular amendment Bill, is being disloyal to South Africa in an altogether incomprehensible and unforgivable way

What are the facts in connection with the inherent safeguarding mechanisms in respect of minority groups, other groups as well as individuals? The fact has been mentioned here that an unfair labour practice may also be declared a dispute on which an industrial council initially has to decide Hon members, among them the hon member for Walmer, objected to the fact that this decision has to be absolutely unanimous However, this affords other groups, minority groups and individuals, a very definite protection which the hon the Minister thought they might need in future, and consequently I think that for the time being we should not deviate from these principles I cannot speak on behalf of the hon the Minister, but in general we feel that it is indeed necessary that this protective measure should remain in force for the sake of minority groups It is also true that if an industrial court returns a verdict in favour of the injured party, the employer or the employers' organizations will be instructed to restore the situation to the one that prevailed before the injury occurred I can hardly imagine any group or individual being afforded a more meaningful and a greater protection

I should like to spell out briefly—the hon member for Vanderbijlpark also referred to that—what an unfair labour practice could imply It could happen that a certain employer or employers' organization decided that it wanted to get rid of a certain group of workers that had performed work in a certain category up to a certain date, and wanted to replace them with other groups It could then start getting rid of these people for all kinds of petty and unjustifiable reasons If a complaint is lodged, the National Manpower Commission has to consider it and if the commission discovers a trend, it can declare this to be a dispute and refer it to the industrial council for settlement. It is then that the requirement of a unanimous decision becomes applicable Ultimately this also gives the individual, who has access to the Minister himself, the right, through the National Manpower Commission—and this is one of the excellent functions of this commission—to have such an alleged malpractice investigated.

That brings me to the industrial court defined in clause 8 As has rightly been remarked here, this court has an elevated status, since its president is appointed by the Minister by reason of his knowledge of the law relating to labour matters This court will have jurisdiction in all provinces and may also create other juristic bodies to operate elsewhere

With the inclusion of certain categories of Black workers in the definition of "employee" we must very definitely be realistic and take into account that there could be a substantial increase in the number of workers who belong to trade unions, or in the number of trade union members I can even foresee that this would also apply to the workers who, under the previous dispensation, already qualified as employees in terms of the existing Act. I think that in that cadre, too, there is going to be a substantial increase in the number of trade union members belonging to that particular group because they will feel that as a result of the other body that has come into existence, they should increase their bargaining power

Other hon. members said—I just wish to refer to this briefly—that in view of the fact that there is going to be a vast increase in the number of trade union members, the Government would definitely have to take preventive measures against the possible political side-effects which this kind of thing would bring about and which has been so clearly illustrated in other countries of the world In view of the immense hostile onslaught on South Africa, the Government is thoroughly aware of the fact that there might be elements—I think we may accept that such elements exist—that would, in many other fields, abuse and exploit industrial relations for their own political benefit.

A Government would be stupid if it did not immediately take preventive measures against this This is what the Government is undoubtedly doing in clause 6, in terms of which trade unions are prohibited from granting financial assistance to a political party or to incurring any financial expenditure with the object of assisting any political party Unregistered trade unions have no bargaining power either and they would consequently be adversely affected by this Nor may they receive any moneys by means of stop orders authorized by the employer, and this is going to make it very difficult for them to exist

The 1956 Act brought an end to an old dispensation and era and created a new one Before 1956, through the instrumentality of, *inter alia*, Solly Sacks, the new hero of the hon member for Houghton, a large number of mixed trade unions came into existence. At the time the Government identified certain dangerous trends with regard to these trade unions and foresaw that even graver and more dangerous developments might take place For that reason, the Government decided that it would build the concept of parallelism into mixed trade unionism in South Africa. Since then, we have in reality been able to speak of parallel trade unions, for the law required that different race groups should be organized into different branches, that they should meet separately, and that the executive should be under White control However, the Minister had a discretion with regard to the admission of Coloured people to the executive He also had a discretion in other cases, where the number of workers was too small to form an effective trade union of their own, to allow such people of one race group to join the trade union of another race group subject to the conditions, as I have already stated, contained in the Industrial Conciliation Act; in other words, a parallel trade union

The executive of this study group and the group itself feels that with the far-reaching changes that have been effected, circumstances might arise which might make it essential and desirable for the discretionary powers of the Minister to be augmented to a certain extent in order to accommodate certain circumstances that might arise However, I shall come back to that during the Committee Stage, and I am merely intimating that at that stage I shall move an amendment as printed in my name on the Order Paper

*Dr Z J DE BEER Mr Speaker, the hon member for Sasolburg was undoubtedly correct when he said that South Africa was not being ruled by commissions, but by Governments None of us would have it any other way The difference between the hon member and us is not that we want a commission to govern South Africa, but that we want the Government to govern South Africa in accordance with the recommendations of the Wiehahn Commission, which we consider to be sound recommendations The difference between us is that the recommendations are not being implemented here, whereas we want them to be implemented In any event it is the Government that has to implement the report, I readily concede that point to the hon member

Where the hon member was completely wide of the mark, of course, was when he asked how anyone could look for a racial connotation in this legislation In fact, the hon member devoted the last two or three minutes of his speech to giving the House a highly complicated explanation of parallel trade unions, of whether there should be White people in charge, and whether the hon the Minister could allow a Coloured man to be admitted If the hon. member would glance at clauses 3 and 5, he would see that the legislation is still interspersed with the very same old-fashioned apartheid which the Wiehahn Commission wanted to remove

In the final definition this discussion ought to be concerned with the survival of the free market system. It is worthwhile emphasizing that that system is characterized by the unimpeded right of workers to associate, to organize and to bargain, to exactly the same extent as it is also characterized by the right of the entrepreneur to invest and to manage according to his own judgment Without sound labour organization, there cannot be sound free enterprise, and that is our main reason for feeling unhappy about this Bill

While I was listening to a few of the hon members who have already spoken, I wondered, with all due respect to them, whether they had ever had any actual dealings with a trade union, had ever spoken to a trade union leader, or knew anything of what had happened in practice in the trade union movement in South Africa during the past few years As was repeatedly emphasized by speakers on the Government side, and was in fact mentioned in our amendment before the House, there are facets of this legislation that are to be welcomed, and one of these facets is that now, for the first time, some of the Black people are being afforded the opportunity, subject to certain conditions, of becoming full-fledged members of trade unions

But what will the Bill mean in practice to those Black workers who, in recent years, have already organized themselves in trade union organizations which, though unregistered, have worked well and have achieved many benefits for their members and also for the employers who were concerned with those people? Let me just say in passing that we have to go according to the Bill, and not the good intentions of the hon the Minister for the future The typical unregistered Black trade union would find that between a quarter and a third of its members would be entitled to join a registered trade union If those members were to have themselves registered, it would mean that that minjority who would quite probably, but not necessarily consist of the more sophisticated members, would be able to form a new trade union and apply for provisional registration If they were to obtain this, they would not be allowed, except under highly exceptional circumstances, to join existing trade unions This could only be allowed if their numbers were so small that it would have a negligible effect on such a trade union They are therefore compelled to join a separate Black trade union, and this would, sooner or later, unavoidably enter into competition with the already existing multiracial or other trade unions On the other hand the remaining two-thirds of the members of the trade union as it exists today, would be left to one side, still unregistered, but now subject to a new provision, namely that their colleagues who

have crossed the line and have obtained registration as a new trade union, would not be permitted to have any relationship with them

Mrs H SUZMAN Crazy

*Dr Z J DE BEER If a reason had been advanced why it should be the inexorable law that only Black people who would qualify under section 10(1)(a), (b) and (c) should be entitled to trade union rights, I should at least have seen a measure of logic in this However, no such statement has been made In fact, the hon the Minister went out of his way to say that he was in fact going to do something with regard to the commuter During the past few days and weeks, therefore, he has been saying that in public If that is the case, why does the hon the Minister first want to make it impossible for Black trade unions to do so and then afterwards, after the harm has been done, employ piecemeal methods to try to repair the damage? After all, one would have preferred the hon the Minister to have told the House today "Look I want Black people to be able to belong to registered trade unions There are technical problems, however, and problems are being experienced with regard to definitions, but I believe that I shall be able to devise a plan, although this will take time In the meantime, by means of this legislation, I want to appoint the Manpower Commission and the industrial court, bodies which I may need They are going to carry out interim research in this field and then, next year or whenever it may be, when I know what Black people are being taken up into the trade unions, I shall come to this House again with a logically drafted Bill" How much better would it not have been if the hon. the Minister had done that? The way matters stand at present, the hon the Minister is expressing good intentions and introducing legislation which could only create the greatest confusion in a trade union movement which, as it stands today, is worthwhile to its members and to those people with whom it has to bargain

Until fairly recently we succeeded in maintaining industrial peace in South Africa, despite the fact that we had prohibited Black workers from exercising normal trade union rights The reason why this was possible probably lay in the fact that at the time those workers, virtually without exception, were unskilled, mainly illiterate, and migrant labourers and that any one of them could at any given moment be replaced by someone else They were very poorly remunerated and were also of very low value to their employers All that contributed to their actual bargaining power being insignificant, as appears from the history of the few efforts that were made to organize them effectively

With the development of the economy during the past few decades, this state of affairs has changed substantially Black workers have gradually been asked to do work of an ever higher standard, and they have been trained accordingly They have been far better remunerated and their value to their employers has constantly improved The point has been reached where their true potential bargaining power has become substantial In my view all this was proved by the events of 1973, when large numbers of mainly unorganized workers peacefully but very effectively went on strike and immediely shocked the business world and the Government into other perceptions The process of reconsideration, investigation and reflection then started, and this ultimately led to the appointment of the Wiehahn Commission, which in turn led to this debate today

The major and welcome change that has taken place, is that the whole of South Africa, except for a few far-rightist reactionaries, today accept the principle that trade union rights should be extended to the Black people In my view, this is something which each one of us should welcome However, it immediately creates the need for suitable bodies and machinery by means of which they can exercise these rights in such a way that peace and prosperity can be maintained in our industrial life

Before turning to the report and this Bill, I should like to deal with a few general principles It is a cardinal truth that between employee and employer in terms of the free market system there are always conflicting and competing interests on the one hand, and common interests on the other The conflict arises substantially from how the available surplus from the undertaking is going to be distributed, that is to say, between wages on the one hand and profits on the other hand

The common interest is always there, namely that in the first place there has to be a surplus to distribute The undertaking therefore has to be prosperous and possess all the various systems which are equipped to achieve these objectives, whether in South Africa or elsewhere Against this background, there is very little doubt, if any, that the most effective and most satisfactory system is that system which permits free bargaining between independent organized labour and organized employers Normally it is also desirable that at the level of individual undertaking there should be a works council or a similar body where matters concerning the daily management of the organization can be dealt with. I want to say in passing that I am pleased that the commission recommended this I am looking forward to the legislation that is going to result from that.

However, the cornerstone of the system remains the fact that the workers themselves should be free to create the form of a representative organization which they themselves prefer If they were to be coerced by their employers, this could be disastrous If they were to be coerced by the Government into adopting a particular line of action and not the one they prefer, that would—to put it mildly—also be disastrous

Next, we can consider what the Wiehahn Commission had to say about two cardinal principles Who may organize and how they may organize

†These two principles underlie the legislation before us On the subject of who may organize and who may belong to registered trade unions, the commission came down very clearly in favour of the admission of Black workers as workers, not as people classified according to section 10 of the Urban Areas Act and not as people who happen to come from certain parts of the country where constitutional development is at certain stages, but Black people as workers to be admitted to the registered unions and the industrial conciliation system.

Hon members have read the report and I need not quote at length. However, there is a telling passage in paragraph 3 32, and I quote—

> Blacks are no longer, from the point of view of unionization, "mainly unskilled", the position of skills apart, they have achieved a far greater degree of employment stability and industrialization, their ability to make responsible use of trade unionism despite the constraints of non-recognition has been demonstrated, the permanency of Blacks in our economy is now officially recognized, the notion of White "trusteeship" over Blacks has largely dissipated

Is the hon the Minister telling me that all these things that the Wiehahn Commission says are true of the Black man who lives in Durban and untrue of the Black man who lives in Kwa Mashu? Is he telling me that all these things apply to a Black man from Soweto, but do not apply to a Black man from Ga-Rankuwa or Babalegi? There is absolutely no logic in the Bill before us What the hon the Minister is seeking to do is to fit the very healthy sound economic arguments of the commission into the very unsound and illogical political framework of the NP

The commission carefully examined and did not just pass over the question of commuters and migrants The hon the Minister knows this It is spelt out on page after page of the report. The commission examined the position of commuters and migrants closely and found no grounds to exclude them. They particularly said that they would not exclude them, because the right to organize and associate was a moral right those workers ought to have Not the commission, but the Government, has seen fit not to grant that. If it is for some transitory technical reason I say that this legislation should be withdrawn until we have overcome it. However, if there is a reason why the man who lives in Kwa Mashu is not fit to be organized while the man who lives in Soweto is, we should like to hear about it.

The second great issue that is at stake here deals with the sort of structure The question is who may organize and how may be organize When we deal with how he may organize, the sort of structure the future union should take, the commission was equally clear in its findings In paragraph 3 66, on page 29 of its report, the commission says that three approaches are possible, namely—

> (i) permitting Black unions to register as such alongside unions for other races

> (ii) permitting the registration of mixed unions only
>
> (iii) permitting the registration of unions irrespective of the composition of their membership in race or colour (or sex)

Then, in paragraph 3 69, the commission goes on to say—

> Evidence submitted to the commission on this aspect overwhelmingly supports the view that the question of membership should be decided primarily by the unions themselves and that the principle should be accepted that this choice cannot be dictated by the State or the employer

First of all, we all respect this commission From all sides of the House words of praise have come for this commission. Secondly, this report represents the distilled wisdom of thousands of experts in the field of industrial relations Thirdly, it represents, as the commission says, the vast weight of all the evidence it heard from employers, employees and others in South Africa. The commission also says this choice cannot be dictated by the State. However, what do we see? Along comes the Government and proceeds to dictate the choice The hon member for Houghton referred to the fact that there are a few of us left in the House who voted against the legislation of 1956 We then said to the Government that attempts to bind and to bend the economy of South Africa to suit the particular ideological purposes of NP politicians of the hustings would in the end fail

Mrs H SUZMAN There sits one of them over there.

Dr Z J DE BEER Yes, there sits the hon. the Minister of Community Development, someone who was devastatingly eloquent in telling the Government that very true thing in 1956 So, the commission came along in this connection with the recommendation we find in paragraph 3 153 2 I quote—

> Both trade union organizations and individuals should be afforded full freedom of association in that individuals should be free to join any appropriate trade union of their choice, and that trade unions should be free to prescribe such membership qualifications in their constitutions as they may deem fit

Yet, in clause 3 and clause 5 of the Bill, we again find the Government with its old apartheid religion, still thrumming away in terms of the legislation put before us here this afternoon

The Government is still trying to ensure that there will be apartheid in the trade unions, when every manager notes that to introduce race rivalry into industrial relations is to ask for trouble If you ask me which of these two great shortcomings in the Bill is the more serious, I am not so sure However, even the definition of an "employee" is perhaps not as serious as the insistence on maintaining apartheid within the trade union movement I have been brought up listening to hon members representing the NP and NP thought telling me how desperately dangerous it is to let Black people into trade unions because then there would be competition and undercutting I have never accepted that. However, if there is a chance of competition and undercutting it comes when one forces people to sit in separate racial unions It does not come when one allows trade unionists themselves to decide, as the commission has said they should decide, who will be admitted to their trade union and how they will organize them

The proposals in the report are clear and enlightened They are made by enlightened and experienced South Africans They are consistent with the views of most employers in South Africa and of many, many unions They are in accord with belief and practice in the Western democratic free enterprise nations, tried and proven in practice No wonder they were greeted, when they were published, with a great wave of relief and optimism. No wonder that South Africa's shares rose everywhere To some extent the shares literally rose However, they especially rose in the sense that a wide spectrum of observers became quite persuaded that the nonsense of enforced racial separation and the injustice of discriminatory provisions against Black workers were at last to be abolished. Hard on the heels of the Wiehahn report came the White Paper Looking back now with

hindsight one can see that it was carefully drafted in order to enable the Government to ditch the Wiehahn proposals and their essential features Though, at the time, one did not realize just how far into cynicism the Government was going to plunge

Paragraph 6 21 of the White Paper is of particular importance because it introduces the concept of permanent and temporary workers without making any attempt to define these terms Only when the explanatory memorandum on the Bill itself appeared did we realize that the intention was to exclude, from trade union rights, all frontier commuters and all migrants on the grounds that they are temporary, whilst the man who has section 10(1)(a), (b) or (c) qualifications is permanent, a proposition devoid of any sort of logical basis whatever It is an astounding piece of cynicism and deception The distinction between a temporary and permanent worker can, in certain circumstances, be valid and important, and it could in some sense have been made the basis of the legislation We could at least have discussed something reasonable to distinguish a worker who is permanent, i e a worker with an open-time contract who is going to work for his employer as long as it suits them both, and a fixed-time contract worker who is only working for six months and will then go away That makes sense, but that is not what we are told We are told that anyone who lives in Kwa Mashu is, for that reason, a temporary worker, even when it is perfectly apparent that he is not.

Is there no one on that side of the House who has ever managed a business? How do those hon members think that peace is going to be preserved on the workshop floor when a worker from Atteridgeville, say, can have full trade union rights while his neighbour at the same workbench, doing the same work, with the same skill and at the same pay, is denied them on the grounds that he comes from Babalegi? What sort of harmony is that going to make for, do those hon. members think? It has been a remarkable achievement that over the years of the operation of the 1956 legislation the Black unions did not bleed to death, for I remember the hon. the Minister of Labour of that day saying that he was not going to kill or destroy the Black unions, but was merely going to let them bleed to death What is remarkable is that they have not bled to death They have remained alive, albeit on a small scale, they have remained responsible, they have co-operated with the registered unions and they have co-operated with the employers That has gone on over this long period of time, and yet here we have the Government coming along and seeking to make distinctions between different present-day members of those unions, and this is bound to introduce confusion and trouble

I should like to quote, from the commission's report, the last two sentences of paragraph 3 63 3 on page 29 because I think these words are particularly telling Various reasons are given why migrants—it is migrants who are under discussion—should be admitted as employees—

> The third and most compelling consideration, however, is that the denial of a fundamental right to which all workers should be entitled is morally indefensible Whether the freedom of the individual to associate is in practice expressed by his deciding not to associate is irrelevant.

That is a very telling phrase, and the very least that the Government owes to the working people and the country, if the Government is not going to pay any attention to what the commission says there, is to say why

Now I come to that other great issue about workers organizing themselves in the way they want to organize themselves and not being forced into apartheid patterns In that respect the hon the Minister has really treated his commissioners with contempt. I have quoted what they said They said that this must be left to the workers to sort out for themselves Every writer or speaker of stature on this subject—every one I know of, at least—has said the same, but no, the Government will tell the workers how they are to organize because, in the words that became familiar to me in the 1950s when the last legislation was being introduced, they know what is good for them

I have not said much

Mr J J LLOYD We are glad you admit it

Dr Z J DE BEER I have referred, only in passing, to two provisions of the Bill, and I only referred in passing to the National Manpower Commission and the industrial court. My reason for not having spoken at length about these is that I can see no objection to them That is not to say, however, that it is not possible to have a debate about the details, and that can be done in the Committee Stage But one will not, in particular, be able to judge the National Manpower Commission until it has existed for some time and until one has seen how it performs By all means let us have these things They can do no harm and may even do considerable good

Industrial relations is a facet of our economic life It is a most important facet and is clearly destined to become vital in the years ahead Industrial relations may well be the central theme of our political life in the decades to come The hon the Minister's commission has offered him a model founded on justice, developed by intelligence and experience and tried and proven in practice He has taken the recommendations of his commission, however, and he has distorted them into a recipe for confusion, jealousy, inefficiency and strife, and he has done all this, as far as I can see, for no reason other than the fear of losing a few votes to the HNP

Mrs H SUZMAN Right

*Mr F J LE ROUX (Brakpan) Mr Speaker, it is interesting to note how the hon members of the official Opposition continually succeed in shaking all the feathers from a pillow, after which the members of the House, who have a more positive approach, have to put those feathers back again It is also very obvious to me that the hon member for Parktown had prepared his speech before he listened to the Second Reading speech by the hon the Minister Of course, he could not deviate from the speech he had prepared in advance It is obvious that he got bogged down in the definition of "employee", and never looked beyond the first part of that definition The hon the Minister conceded that there would be cases, for example the commuters from Kwa Mashu, and also others, who would have to be taken into account. For that very reason we have the definition of "employee" contained in paragraph (b) It provides that the Minister has certain powers also to classify certain people as employees in certain cases That takes care of the problem to which the hon member devoted three quarters of his speech

He also stated—and in that respect I am in agreement with him—that a worker had the right to organize In this regard he referred to certain paragraphs in the report of the Wiehahn Commission However, he ommitted to refer to paragraph 3 52 in which it is stated—

> Only one country, Sweden, appears to have succeeded in achieving a level of organization amongst emigrants (or rather, in most cases, immigrants) equal to that of nationals

That gives one the impression that this is a case of "people who live in glass houses must not throw little rocks" After listening to the hon members for Parktown and Houghton, one is not surprised that that party came fourth in the by-election in Randfontein If the voters of Randfontein had had to listen to the discordant notes that have come from that side of the House, one would not have been able to understand how they could have polled even 600 votes

However, I do think the hon the Minister must have listened to the rest of the debate with a certain measure of satisfaction I should like to tell him that he must know that as Eugene Marais put it "In elke roos 'n dowwe blaar; in elke lag 'n sug van pyn, en hy wat laaste lag, is skoppensboer"—and that is the hon member for Houghton Take, for example, her approach to the industrial court

†I should like the hon member for Houghton to listen to this point

Mrs H. SUZMAN I am listening to every word

Mr F J LE ROUX (Brakpan) She argued that the industrial court has only judicial functions and no legislative functions whatsoever I would like her to consult the hon member for Groote Schuur or the hon member for Sandton on this point. Let them instruct her on the doctrine of *stare decisis* It is only in countries like France where there is a *code de Napoleon* where there is an absolute legal situation

*Of course the courts have law-making powers This is an elementary fact.

When we take stock of the labour situation in the Republic, the important aspect of it is that peace prevails in the field of labour and that there are very few strikes and a very small number of work stoppages in South Africa. This fact has to be attributed to four factors, namely in the first place a loyal workers' corps in South Africa, in the second place, a responsible employers' organization, in the third place a sympathetic Government, and in the fourth place an Industrial Conciliation Act that creates machinery in the labour milieu that is without equal in the entire world But now the hon the Minister states in *Empact*—

> One of the most severe tests of an established and dynamic society is its capacity to adapt itself to the changing patterns of time

That is precisely what is happening with this legislation which follows in the wake of the Wiehahn Report

The report immediately strikes one on account of its indisputable logic and its sound and motivated argumentation There are various chapters which one could refer to, but let us consider the chapter on freedom of association One gets an idea there of how profound has been the research into the conditions in all parts of the world as far as this concept is concerned

With regard to the industrial court too, the extent to which the commission conducted research into conditions in all parts of the world, is obvious It appears from paragraphs 4 8 to 4 12 of the report that the commission conducted research into this type of industrial court in European countries, Latin America, the Middle East, Africa, the USA, Canada, Malaysia, Singapore, and Trinidad

With reference to the Bill, I should like to dwell on two concepts which it deals with The first of these is unfair labour practices and the second concept is the industrial court.

It is a very good thing that no effort is made in the Bill to define unfair labour practices, for such a definition would, in the nature of things, be restrictive In the event of a dispute that neither the industrial council nor the conciliation board can settle, a potential complainant should be free to obtain finality in a simple, inexpensive and expeditious way in the industrial court.

It might perhaps be argued that this would restrict the Minister in the exercize of his functions in terms of section 43 since he is not authorized to decide whether or not there has been an unfair labour practice in a specific case until such time as an industrial court has given a decision in the matter This is not really a problem, since clause 13 refers to an alleged unfair labour practice The Minister is therefore able to restore the *status quo ante* pending the decision of the industrial court.

Regardless of what the detractors of the Wiehahn report and of the hon the Minister might say, I should like to state unequivocally that if one considers the definition of "unfair labour practice", read in conjunction with the provisions of clauses 8 and 12 and section 43, it is obvious that no conscientious worker need have any fear that his security of livelihood or labour would be prejudiced or jeopardized in any way by the new legislation Surely it would be the primary duty of the industrial court, for the sake of industrial peace, to maintain in tact the existing labour pattern in its existing happy setting Moreover, the idea of consensus with regard to industrial councils must also be emphasized In this regard I am also referring to clauses 10 and 11

This is the type of orderly progress the NP, which is always the friend of the worker, is constantly initiating and establishing

I now come to the industrial court itself It should be emphasized that what is envisaged with an industrial court, is that legal action rather than strikes should be encouraged All possible means should first be employed to prevent a conflict. In this connection I think employers should devote themselves afresh to the following objectives In the first place, that the senior executive bodies, in particular, should participate more enthusiastically in a system of industrial relations In the second place, that the top management should create an atmosphere that is conducive to the development of sound industrial relations In the third place, that employers should make a thorough study of labour legislation. In the fourth place, that managers should undergo intensive training in the control and management of labour relations In the fifth place, that trade unions should confidently be allowed to perform their task and that in the

field of organized labour, the committee system should be enthusiastically promoted, even on a regional basis

It is essential to note that once a dispute has been referred to the industrial court, the initiative is no longer in the hands of the employer and the employee It therefore remains essential that disputes should be avoided and that consultation should continually take place between the management and employees, as regards both White and Black workers When the dispute arrives at the industrial court, however, it is essential that this court should not only take cognizance of juridical considerations, but that it should also observe equity as a guiding principle In the field of labour, in particular, the "law of equity" is of cardinal importance

It is to be welcomed—and here I agree with the hon member for Pretoria East—that consideration is being given to the appointment of the chairman of the existing industrial tribunal to assist the president of the new court. In that event, in particular, the court would take a very close look at unjustifiable or unfair changes in the established structure of an employer's labour corps, or of other actions that threaten industrial peace or could lead to dissatisfaction

Furthermore, the industrial court will also investigate and hear cases of unfair discharge from service, unjustified changes in conditions of service, underpayment of wages, unfair treatment, and other grievances

It is to be welcomed that it is being envisaged that the procedure should be simple, that the costs should be low and that there should be the least possible delay with regard to the verdict to be given

Finally, it is a hopeful sign that so much progress is being made with the committee system If one refers to the report, one will find that the 27 Black trade unions that will now come under effective control, only have a maximum of 70 000 members, whereas, according to paragraph 3 19 of the report, there are 764 000 employees in 2 928 works committees and liaison committees That proves only one thing, viz. that this system works well and should be expanded and encouraged. The close relationship between a specific management and the employees on the work floor, has to be basically sound, and, as in the case of married life in a bedroom, the relations have to remain sound If a dispute were to leak out there and reach the ears of outsiders, even though it might be sympathetic outsiders, the chances of restoring good relations would have suffered a setback.

Circumstances such as those quoted in paragraph 3 9 of the report, namely the *in limine* dictum in the Bosman case, that a works committee has no *locus standi* to act on behalf of workers, should be eliminated.

Let all of us, the Government, employers and employees, co-operate, as the commission ideally puts it, "to maintain and promote industrial peace" Changes and developments should not be allowed to disrupt the peaceful interrelations between employer and employee or among employees themselves Consultation and co-operation between employer, employee and trade union before the introduction of new developments into the workshop, are to be encouraged.

May this legislation, as it is going to be adapted in accordance with future reports of the Wiehahn Commission, also be envied by the rest of the world as has been the case with our legislation in the past.

Mr R A F SWART Mr Speaker, I shall comment on some of the aspects dealt with by the hon member for Brakpan during the course of my speech, but I primarily want to add my voice to the general feeling of disappointment in regard to the very limited scope of this Bill, in relation to the welcome and far-reaching recommendations of the Wiehahn Commission Here we had an enlightened commission's report and we had a clear acceptance on the part of the Government. This really produced one of those rare moments when there was some hope in one field at least, namely the very important field of labour relations, that this country was now set on a course of shedding all the old, out-dated and unnatural restrictions on our labour and manpower resources, and of moving into an era of enlightenment with regard to our labour policies and labour legislation We know there have been very high hopes and expectations amongst workers and management around the country, and also amongst observers outside South Africa, that with the Government's declared acceptance of most of the recommendations of the commission it has seen the light in regard to an enlightened

labour policy in this country It was hoped that the new labour charter, which one anticipated would be produced, would have been in keeping with the realities of the South African situation and would have been a charter which would stabilize labour management relations and would recognize the right of all South Africans in the labour field to participate in collective bargaining and to associate themselves with and join trade unions in this country

There has been criticism because we are opposing this Bill It is because our attitude is one of profound disappointment at the fact that this Bill to be a far cry from the expectations I have outlined. It is very deeply regretted that the Government, and the hon the Minister in particular, is missing a very great opportunity to bring about meaningful change in the labour field in South Africa.

Unfortunately one must say that this disappointing attitude on the part of the government is in keeping with the pattern of the Government's general reaction to the dilemma in which it finds itself and in which it is going to find itself more and more as the years go by, when it finds that the sheer realities and practicalities of the South African situation clash with the political ideology that the Government adopts I think this is the dilemma. Faced with the choice between these two considerations the Government inevitably and consistently opts for the ideology and twists and bends the practical considerations to fit in with it. I think that this is the problem one sees in so many instances, for example when the Government which, momentarily at any rate, seems to be moving in a reasonable and a practical direction, is all of a sudden stopped because it cannot bridge the confines of its own ideology In this instance Government members are in possession of a report from their own commission of experts, a commission which, after two years of extensive research and deliberation, has made specific recommendations, particularly in regard to the two matters specifically referred to in the amendment moved by the hon. member for Houghton, i e. the question that South Africans of all races should be able to participate in trade unions and in collective bargaining, and that racially mixed unions should be allowed to operate On these two specific aspects the Wiehahn Commission was very definite in its recommendations in the reports on the research it had undertaken However, instead of accepting those recommendations, so well argued by the Wiehahn Commission, the Government introduces a Bill which effectively excludes the mass of our Black workers from the inherent right to involve themselves in collective bargaining and in trade union activities, and which also disallows mixed trade unions

It would seem that by the introduction of this Bill the Government has tried to find a formula to adapt the commission's recommendations to the Government's political ideology I think this is the reason for the weakness of this Bill, and this is why I believe that the hon the Minister has missed a very great opportunity indeed of bringing into practice in South Africa a charter which would be realistic and enlightened. I believe that as a result of following this policy, of trying to find such a formula, the Government, instead of producing a Bill which ought to be a charter for industrial peace and harmony in this country, has in fact introduced a Bill which may well embody a recipe for discontent and friction in the labour sphere We on this side of the House regret this very much

The exclusion of migrant workers, and those who are called frontier commuters, from an inherent right to participate in trade unions, is dangerous and impractical and is in my belief, based on fallacious reasoning It is totally at variance, as I have said, with the recommendations of the Wiehahn Commission.

When he introduced the Bill this afternoon, the hon the Minister indicated that he would have to deal specifically with commuter workers in various parts of South Africa and he would have to declare them employees I want him to apply his mind for a moment specifically to the situation which exists in Natal, and in particular in the city of Durban, at the present time What is the history of the Black workers who are involved in the industries in and around Durban? Initially, with the industrialization of Durban in the pre-war years, the Black workers in Durban were accommodated in premises or barracks in the Somtseu Road area of Durban, the Baumanville area of Durban and in the centre of Durban. During the war years there was an

influx of workers who settled in the Cato Manor area After the war, and with the change of Government, in view of Government policy the Government decided that these people should be removed from the centre of Durban—and, incidentally, this is where they had acquired their section 10 rights—to a more remote area. Negotiations then took place with the Natal Estates to acquire a piece of land which is now known as the Township of Kwa Mashu, which lies to the north of Durban. At that stage it was perhaps an unfortunate siting because the industrial side of Durban was to the south of Durban This in itself involved those Black workers in a good deal of difficulty and problems in regard to transport and getting to their places of employment on time Nevertheless it was Government policy which decreed that they should be moved to the area of Kwa Mashu. Kwa Mashu was then included in the municipal area of Durban So the Blacks lived in Kwa Mashu, and if they had section 10 rights, they retained those section 10 rights Then there was an extension of Government policy, and the Government then developed, to the south of Durban, what is now the Umlazi Township This was done by the taking over of the Umlazi Mission Reserve which became what is now known as the Township of Umlazi Therefore in Durban we have these two great Black townships, Kwa Mashu to the north and Umlazi to the south, and this is where the major portion of the manpower of Durban's industries is situated For a long time there were discussions about what the future of Kwa Mashu was going to be, i e whether it was going to remain a part of Durban or whether it was going to be included in kwaZulu We know that at present both Kwa Mashu and Umlazi are included in what we know as kwaZulu, in fact what is euphemistically called the self-governing state of kwaZulu So these two major townships are situated in kwaZulu This, of course, has been a convenient way for the Government, for statistical purposes, to say that it has removed Black people from the White area of Durban and that they are, in fact, accommodated along the periphery of Durban This, however, is the area from where the masses of Durban's manpower resources are drawn. As far as I know the only Black areas of any note in and around Durban, areas which are not part of the kwaZulu situation but are in a White area, are the townships of Lamontville and Chesterville It is interesting to look at the figures of the people involved For example, if one looks at the population figures of Kwa Mashu, one sees that there are over 150 000 people living in Kwa Mashu In the township of Umlazi the population is also over 150 000, according to the latest figures available If one compares these figures with the figures for the other two townships I have mentioned, and which are outside the kwaZulu complex, we find that Lamontville has a population of only 25 696 and Chesterville with only 11 162

Therefore it is quite clear that the mass of Durban's industrial workers will find themselves in a position different from a minority who fortuitously happen to live in areas which are not excluded by the definitions in the Bill before the House at the present time This is the present situation, and one wonders what happens to existing trade unions Will they have to sit down and go through lists to try to establish what the addresses are of their individual members, and to exclude those who happen to live in the so-called self-governing area of kwaZulu, i e in the townships of Kwa Mashu or Umlazi Will they have to divide their membership accordingly? If one looks at the situation of peace and understanding in the industrial and labour fields, one wonders how the Government cannot recognize that this very situation is bound to cause uncertainty, unsettlement and friction within those groups I agree that the hon the Minister made it clear this afternoon that these people are to be declared employed employees, but what the effect of this is going to be in Durban is that the hon the Minister will be compelled, if he is sincere about all this, to give virtually the whole labour force there trade union rights and rights of collective bargaining, because virtually that entire labour force in the city of Durban are going to frontier commuters The hon. the Minister is going to have to apply his mind to that because considerable numbers, in fact tens of thousands of people, will be involved, a situation which really makes nonsense of this entire provision I believe that it is this sort of operation of Government policies in other areas that lead to these workers being frontier commuters It is not

the fault of the workers, because they were ordinary people working in a certain community, one of the great industrial areas of one of South Africa's great cities Due to the implementation of Government policy by other Ministers and other departments, however, it was decreed that the localities in which these ordinary people resided were to have a different status and were to become part of what is called a self-governing State This was not the fault of the workers, but because of that situation they are now going to be penalized, in terms of this Bill, as opposed to those Black workers who happen, fortuitously, to live in the smaller townships which are not part of the kwaZulu set-up I believe this is totally unfair and totally unjust, and I do not believe it will contribute to harmony in the South African labour field

The hon member for Vanderbijlpark compared this situation with the situation in Europe when he was dealing with commuters and with migrant workers The hon member for Brakpan quoted what the report of the Wiehahn Commission had to say about the situation in Sweden where, it is claimed, they have reached the stage where the local population of workers, as "landsburgers" were almost treated on the same basis as migrant workers I want to ask the hon member for Brakpan and also the hon the Minister whether they can really say that the Zulu who now, because of Government attitudes, finds himself living within five miles of the industrial complex in Durban where he works, in a self-governing State, is he not a "landsburger"? Why should he be discriminated against?

Mr F J LE ROUX (Brakpan) Look at paragraph (b)

Mr R A F SWART Why should this man's position fortuitously be different from that of his fellow Zulu who happens to live in another township that is not part of the kwaZulu complex?

Mr F J LE ROUX (Brakpan) Have you seen the definition in paragraph (b)?

Mr R A F SWART Yes That is the very point I am referring to If that hon member is going to rely on paragraph (b), it means that he is going to have exemptions involving tens of thousands of workers of the major labour force of the city of Durban It therefore makes nonsense out of this whole piece of legislation One wonders, too, what the reasons are for the Government differentiating between migrant workers, commuters and other workers What are the tangible reasons for doing so? If one looks at the report of the Wiehahn Commission, it is obvious that the commission did not dodge this issue It recognized that this was an issue on which there would be debate and perhaps dispute and differences of opinion The Wiehahn Commission went into the whole issue of migrant workers and commuters very fully indeed and considered all the views, including those views of people who are opposed to the fact that there should not be differentiation between these various groups

It looked and listened—it is set out in the report—to reasons advanced about there being a swamping of these migrant workers of the unions, to reasons why there would be abuses perpetrated by these people for political purposes It also listened to reasons why the people concerned would be different, because generally they would have a lower standard of education, and would be inexperienced and incapable of operating in a sophisticated industrial relations system This is all set out in the report of the Wiehahn Commission These were the views expressed by those in opposition, by those who did not want migrant workers and commuters to have trade union rights and rights of collective bargaining The commission rejected that point of view and argued the rejection very clearly and very carefully throughout I want to quote from page 22 of the report of the commission where the following is said in paragraph 3 46—

> The Commission does not accept that, even if there were any justification for the fear that migrants might disrupt industrial peace the problem could be forestalled or solved by barring them from unions On the contrary, it is strongly felt that workers from elsewhere who might pose a threat to industrial peace should be subjected to the disciplines of the country's industrial laws, not exempted from them

This was a rejection by the commission of this whole attitude The commission went on,

as has been pointed out by other hon members, to deal with the proposal that there should perhaps be a phasing-in process The commission dismissed that argument as well It dismissed it in specific terms because, and I quote (para. 3 56)—

> at the very time that trade unionism incorporating Blacks is in its formative and stabilizing phase, a large proportion of Blacks will be precluded from participation.

The commission's attitude was that because this was the beginning of a new era it was highly desirable that Blacks from the start should be included in this process There were other reasons advanced that should be of interest to hon. members in this House who are for ever looking at the situation of agitation and stability in South Africa. The commission went on to say that, and I quote from paragraph 3 57 2—

> Denial of trade union rights to a large part of South Africa's work force would constitute a rallying point for "underground" activities

It is a logical argument. If they are denied ordinary opportunities of participating and collective bargaining, this would perhaps be an encouragement for a large portion of our labour force to involve themselves in underground activities Those are very cogent reasons I wonder why the hon the Minister has seen fit to ignore or to reject these aspects of the commission's report. In looking at this problem, the commission examined the effect a limitation on freedom of association would have in industrial relations at the level of the enterprise concerned. The commission says, and I again want to quote (para. 3 59 1)—

> Distinctions drawn between workers on the basis of whether they are permanent residents, commuters or migrants are artificial when viewed in the context of the principles of labour relations management

It also says—

> Whether a person is a commuter, a migrant or an urban Black is completely irrelevant to matters such as wage determination, dispute handling, joint communication or any other industrial relations matter

It is again a specific argument relating to a matter dealing with the operation of the enterprise itself and the attitude, within the enterprise, of various categories of workers

In a further argument advanced in rejecting the point of view that there should be this differentiation, the commission found that the envisaged restriction would have a number of discriminatory and inequitable results For example, it said that all Black workers are free at the present time to join trade unions, admittedly trade unions which are unregistered It nevertheless said that migrants, permanent residents and commuters are, at the present time, able to participate in these unions To exclude them now would be, in the words of the commission, to revoke a freedom they had enjoyed in the past.

The commission also pointed to the incompatibility of these restrictions with international standards and guiding principles The commission came very strongly with the view that this sort of differentiation should not be present. I therefore again wonder why, in introducing this legislation which does contain some advances and some good provisions, but which falls far short of the hopes and expectations we had, the hon the Minister has seen fit to ignore the very strong recommendations of the Wiehahn Commission on this very important issue We find that in matters of this kind it is disappointing that this legislation does ignore these vital issues referred to by the Wiehahn Commission, and for that reason we have moved our amendment.

*Mr W C MALAN (Randburg) Mr Speaker, the hon member for Musgrave raised a hue and cry about the allegedly limited implementation in the Bill of the recommendations of the Wiehahn Commission The same complaint was voiced by the hon members for Houghton and Parktown. However, I want to allege that in the first place, they did not listen properly to the Second Reading speech of the hon the Minister

*Dr Z J DE BEER No, we said we should look at the Bill and not at the speech

*Mr W C MALAN (Randburg). I want to allege, secondly, that they have not read the Bill properly in the light of the Wiehahn report [Interjections] I should like to quote from an article in *The Natal Witness* of 29 May 1979, an article in which the chairman of the Pietermaritzburg Chamber of Industries, Mr Tony Hess, is quoted as follows—

> Mr Hess said the Chamber was disturbed that much of the Press had adopted an interpretation of the Bill which he believed to be wide of the mark and calculated to cause alarm and ill-will among Black workers and to damage the country's improving image overseas

The article goes on to quote Mr Hess as follows—

> Applying the new policy in this gradual manner is not therefore a derogation from Wiehahn, but the adoption of the general procedure the report itself recommends

This is important The report clearly states that the recommendations cannot be implemented all at once They will have to be introduced systematically It is emphasized throughout that the most important aspect and the most important part of labour legislation is to bring about industrial peace What we find in this Bill is merely the things which should be regarded as priority No 1, things which have to be done now Surely it was stated categorically that further guidance was necessary It even says so in the White Paper, a document which hon members who are objecting now make such a fuss about It is made clear there that further research, guidance and advice will have to be obtained from and through the Manpower Commission in order to implement the things which are in fact recommended by the Wiehahn Commission and have been accepted by the Government.

Now my question is whose interests are actually being promoted by hon members who are making such a fuss now It cannot be the White labourer Surely that is clear They are not showing the slightest sympathy with the concern which is naturally felt by the White worker today It cannot be the employer either, for surely the employer does not want to be faced all of a sudden with a situation in which only the Black labour force is happy, and the White labour force is suddenly militant. My next question is Can it be the Black worker? Once again I say that it cannot. There are several aspects in this Bill of which hon members have conceded that they are positive and will benefit the Black worker Nevertheless, those same hon members are opposing the Second Reading of the Bill

*Mr J J LLOYD They are only being stupid.

*Mr W C MALAN (Randburg) If we can create confidence in this country between organized labour and the organized employers' corps, we shall have achieved our aim If we confidently and systematically implement the recommendations, in a meaningful and correct way, we shall in fact be giving effect to the recommendations of the Wiehahn Commission

Hon members had a great deal to say about the principle of freedom of association However, we should also have regard to the basic premise of the commission, which is stated by the commission at the very beginning of its report I am referring to paragraph 1 19 1, in which the commission says that the basic premises are, firstly, freedom of choice, which is a product of the free market economy, based on individual freedom in the marketplace However, it goes on to say, secondly, that Government control over the conduct of participants in the market is accepted in its broadest sense, and it is emphasized that the participation should as far as possible be free from interference However, it is clear that there has to be control within the limits of which the freedom has to be exercised. Thirdly, the very important statement is made that industrial peace is regarded as the cornerstone of the commission's recommendations

When we look at paragraph 3 43 and the subsequent paragraphs, we see that the commission says the following in connection with the principle of freedom of association—

> Recognition of the right of employees to organize for the purpose of collective representation in dealings with employers presupposes that they shall be free to do so without restriction

Then it goes on to say that this definition of freedom of association is enshrined in the International Labour Organization's Convention No 87 of 1948 In dealing with this problem of migrant workers, and in this case also of border commuters, the commission points out that nowhere in the world has a solution been found to this problem. The International Labour Organization has been attempting since its inception to resolve this situation. The commission also points out that in several countries, including France and West Germany, restrictions are imposed upon migrant workers in respect of considerations such as nationality, duration of residence or of service, and reputation or conduct. Separate trade unions are even created for migrant workers It is further pointed out—and the hon. member for Vanderbijlpark has also quoted this—that there are no legal restrictions in the USA and in New Zealand, and in spite of this, agricultural workers in the USA are not covered by the National Labour Relations Act. This means that migrant workers on farms cannot be organized at all New Zealand, too, has absolutely no provision for trade union rights for migrant workers in a few of the bilateral labour agreements with Fiji, Tonga and West Samoa. These are countries which are supposed to be free, legally speaking After discussing all these matters, the commission nevertheless comes to the conclusion and recommends that there should be full freedom of association, without qualification.

It is important to note, too, that this finding was made with a majority of seven to five, seven commissioners being half of the total number of members of the commission The Government, too, fully accepted the principle of freedom of association in the White Paper It is also laid down as the basis for trade union membership

The hue and cry which is being raised is concerned with the fact that while the Government has introduced legislation at an early stage to implement things, now that they have become politically practicable, which deserve urgent priority and which the hon. members opposite have been fussing about for years, we are not doing the additional things which the commission recommends and which the hon members never even advocated in the past. I think it is important that the proposed Manpower Commission be afforded an opportunity to study these matters further, to make recommendations and to give the hon the Minister some guidance as to how this can be implemented In this connection, the hon the Minister has said that it is already clear to him that he will have to make certain adjustments in respect of border commuters It must also be borne in mind, of course, that these people who are actually the subject of the debate this afternoon are in any event not excluded from bargaining power under the committee system

While I am on the subject, I just want to refer briefly to the provisions of clause 4 The proposed new section 4B(1) provides that—

> After the commencement of this section, no registered trade union shall admit as a member or have anything relationship with a person who is not an employee

The proposed new section 4B(2) accordingly creates an offence in this connection The recommendation and opinion of the commission in its report is that the works and liaison committees should be involved in a more unitary system in the labour set-up In my opinion, too, it does not make sense to provide, in effect, that it would constitute an offence for people from the works and liaison committees to liaise with trade unions, which could actually be regarded as the ideal For this reason, an amendment to this effect is printed in my name on the Order Paper

As far as job reservation is concerned, I believe it is necessary to say a few words to put this in perspective Job reservation *per se* has never been a principle of this party or Government. It has been a method of protecting workers in a meaningful way Whether it is a shortsighted method is a debatable point. However, the one thing we must be quite clear about is that job reservation as such has never been a principle Meaningful protection of workers, on the other hand, will always remain a principle

*Dr Z J DE BEER It is never a good principle

*Mr W C. MALAN (Randburg) Sir, meaningful protection of workers is always a

good principle The Manpower Commission will have to give a very strong lead, as is made quite clear in the White Paper too It is going to be a task of very great magnitude Therefore I just want to draw the hon the Minister's attention to the fact that in paragraph 2 45 6 of the commission's report, it recommends that a strong professional secretariate be created for the commission In paragraph 5 2 2 of the White Paper, this recommendation is also accepted "for implementation in accordance with the usual procedures" For this reason, I find it rather a pity that this Bill only refers to secretarial and clerical assistance I should like the hon the Minister to give an indication, if possible, that he will in fact direct this assistance in such a way that it may be available to the commission in a really strong secretariat. In my opinion, occasional assistance is not enough to enable this commission to perform its task properly

Perhaps I should also refer briefly to the provisions of clause 10, in terms of which membership of the industrial councils can be withheld from new trade unions wishing to be admitted by the veto of a single party in that industrial council I can see the merit and the underlying idea of this as a transitional measure to prevent people from feeling unhappy and worried at this stage, but on the other hand, it would not make sense to leave the matter at that. For this reason, I have an instruction and an amendment on the Order Paper in this connection, too, in terms of which provision is made for an appeal, and I should like to suggest that they are meaningful and that I hope the hon the Minister will consider them. I shall move them in due course

Finally, I should like to avail myself of this opportunity of telling the hon. the Minister that this is indeed a meaningful point of departure for the implementation of the recommendations of the commission I also want to congratulate the hon the Minister on a meaningful and positive White Paper which takes account of the realities of the day and in which the Wiehahn Commission also pointed out in principle that they pay no attention whatsoever to political implications, but that the people who take decisions will in fact have to consider such implications Accordingly, I want to ask all hon. members of the House, as did the hon. member for Pretoria East, to give their support to things which really are positive and to co-operate in implementing them Let us try to reassure people who are worried, so that we may gradually start to implement the recommendations of the Wiehahn Commission in full in a meaningful way

Mr R J LORIMER Mr Speaker, I listened with interest to the hon member for Randburg He has the support of this side of the House to a certain extent in that there are amendments on the Order Paper concerned with two of the rather unpleasant facets of this Bill, namely sections of clause 4 and sections of clause 10 I shall deal with those matters a little later in my speech.

Firstly, however, I want to refer to a particular matter raised by the hon member for Durban North We found the attitude expressed by the NRP a little extraordinary to say the least After looking at the Bill, they weighed up the advantages, accruing as a result of the Bill, against the disadvantages, and decided that it was certainly a step in the right direction I must say that I am unclear as to the attitude of the NRP *vis-a-vis* trade unions So, if I may, I want to read an extract from a speech—and I will tell the hon members who made it a little later on—and then ask the hon member for Durban North, or any other member of the NRP, whether he agrees with it. The extract reads as follows—

> I believe that trade unionism, because of the situation in which we South Africans find ourselves, has outlived its usefulness I do not want to indicate that there should not be organized labour in any shape or form, but I believe that it should be organized so as to ensure that trade unionism is not used as a political weapon

Well, that section of it is fine, but do the hon members of the NRP, firstly, believe that trade unionism has outlived its usefulness?

Mr R B MILLER Make your own speech.

Mr R J LORIMER The hon member tells me that I must make my own speech I am, however, going to quote from this particular speech because I think it is very important as far as the attitudes of hon members of the NRP are concerned. The speech was made by Mr Oberholzer, who is the sole representative of the New Republican Party in the Provincial Council of the Transvaal

Mr B W B PAGE No, he is not He is the sole representative of the New Republic Party.

Mr R J LORIMER All right, I stand corrected. He is the sole representative of the New Republic Party in the Provincial Council of the Transvaal He also represents them in the city council where he works hand-in-glove with the Nationalists from day to day That is the whole reason why Johannesburg has a Nationalist mayor today In his speech, delivered on 15 May 1979 in the Provincial Council, Mr Oberholzer categorically said that he believed that trade unions had outlived their usefulness I think it would probably be worthwhile quoting some of the things he has said. He said—

> The reason for opening trade unions to all nations by the Government on the recommendations of the Wiehahn Commission was, Sir, to do away with discrimination You are discriminating against the man if you do not allow him the same rights that the White man have I believe, Sir, in doing away with discrimination as well, but I believe that this should be done in a different way

Could I ask those hon members whether they believe it should be done in a different way?

Mr. B W B PAGE Get on with your speech.

Mr R. J LORIMER I want to quote further from his speech—

> I do not want to indicate that there should not be organized trade unions I say, Sir, that if we had to hand over this instrument, to put this instrument into the hands of people who are bent on using it for political and other purposes, the country will run into serious trouble

Is that correct? He says that if one hands over any sort of trade union rights to unskilled Black workers, one is running into trouble

Mr B W B PAGE He did not say that.

Mr R J LORIMER Did he not? Let me quote further to these hon members—

> At the moment, Sir, you open your trade unions to everyone, to all races, the inevitable is going to happen The people who were not allowed to participate in trade union activities in the past will now use this as the most powerful and most potent weapon in the political field that this country has ever experienced

Do those hon. members agree with that statement that if one hands over trade union rights to Black people, one is going to have economic warfare, as it were? Is this what they are saying?

Mr B W B PAGE We would not give you a nomination even if you went on your knees

Mr R J LORIMER When it comes to those hon members expressing their policy on labour matters, I find them very difficult to understand.

The hon member for Durban North admitted that it was a matter of principle whether or not migrants and frontier commuters should be excluded from trade union membership He said that it was an important matter of principle

Mr R B MILLER To be considered.

Mr R J LORIMER He says it should be considered He is prepared to vote for the Second Reading of this Bill, when there is a major matter of principle involved with which he disagrees I cannot understand this at all So with respect to the hon. members on my left, I find it very difficult indeed to understand this

Mr D J DALLING Why respect?

Mr R J LORIMER The hon. member for Sandton asks why I say "with respect". Perhaps he is quite right, because I cannot respect this viewpoint. I think they have done a major disservice to their party. I would actually like to hear what the labour policy of the NRP is

Mr P A PYPER Did you not listen to me?

Mr R. J LORIMER I listened to that hon member, but I also read the speech of Mr Oberholzer in the Transvaal Provincial Council, and so great is the divergence and discrepancy between them that I wonder what the official policy of that party is. [Interjections]

Mr SPEAKER Order! Hon members are interrupting too much.

Mr R J LORIMER It would be very nice to know Perhaps a later speaker in this debate will be able to tell us exactly what their policy is with regard to labour matters and whether or not they are going to repudiate what Mr Oberholzer has said [Interjections] I specifically want to ask the party on my left whether or not they repudiate Mr Oberholzer when he says that he does not believe that trade union rights should be given to Black people [Interjections] I shall make the whole speech available to those hon. members during the dinner break if they want to see it. They can look at it, and if they do not agree with it I should like them to repudiate Mr Oberholzer If they do agree with it, however, I should like them to say so

Mr B W B PAGE [Inaudible]

Mr SPEAKER Order! The hon member for Umhlanga can make his speech later on

Mr R. J LORIMER. I should now like to go on to various aspects of this Bill In company with many other hon members in these benches I want to express my extreme disappointment at the fact that the hon the Minister has not been courageous enough to really put into operation many of the suggestions put forward by the Wiehahn Commission I do not know whether they had the Randfontein by-election in mind, or whether they felt that at this stage they had to project a fairly "verkramp" picture to South Africa, but certainly one can only say that this Bill is very disappointing The hon. member for Randburg, whom I see has now left the Chamber, said that we are dealing with matters of extreme urgency, things that had to be done right now He said it is important that they should be done immediately and that this Bill is the first step Perhaps this is so, but let us analyse the situation For example, let us take clause 10 I think it is very important that we look very carefully at clause 10 Clause 10 reads as follows—and here I should like some help from the hon the Minister—

> After the commencement of this section no additional employers (if the registrar approves) or registered employers' organizations or registered trade unions shall be as admitted as parties to an industrial council unless all the parties to the council have agreed thereto in writing

In other words, am I correct in saying that if a Black trade union, registered or unregistered, wishes to participate in industrial council negotiations, or in the work of an industrial council, it can be precluded from doing so by the vote of one White union which might already be in the industrial council? Is that correct?

The MINISTER OF LABOUR Let us put it the other way round If it is a White one, it could be barred from entering

Mr R. J LORIMER Quite so I get the hon. the Minister's point.

The MINISTER OF LABOUR The reply is "yes"

Mr R J LORIMER Thank you, but the hon the Minister must be realistic He knows perfectly well that as far as the majority of industrial councils operating in South Africa at the moment are concerned, there are no Black unions participating

The MINISTER OF LABOUR Yes, but why do you choose that example?

Mr R. J LORIMER Well, it is not a bad example I must say that I am encouraged by the notice of instruction which has been put on the Order Paper by the hon member for Randburg which indicates

The MINISTER OF LABOUR: I can tell you now that I am going to accept it.

Mr R J LORIMER I am very pleased to hear that. Thank you At least we are now making some progress In other words, we are going to be able to discuss this at the Committee Stage as a result of this notice of instruction Perhaps I should go a little further and say that as the Bill stands it was a most unwise thing to do, and when one realizes that the hon the Minister is reconsidering this matter, one realizes that perhaps the Bill was put forward a little too precipitately

Dr Z. J DE BEER "Half-baked" is the word

Mr R J LORIMER The hon member for Parktown has come through with the right phrase, viz. "half-baked" [Interjections] However, I do believe that there are many aspects of the Bill which really merit further consideration by the Government before we pass them in principle

I come back to clause 4 Let us take a look at clause 4 Again there is an amendment which has been proposed by the hon member for Randburg and which he will move in the Committee Stage, an amendment which has to do with relationships with unions, but let us analyse the clause as it stands

Mr J M HENNING That you can do in the Committee Stage

Mr R. J LORIMER No, because this is a matter of principle and we cannot do it in the Committee Stage We deal with matters of principle in the Second Reading stage, and it is necessary to examine this very closely Clause 4 introduces a proposed new section 4B into the principal Act. The proposed new section 4B reads—

> After the commencement of this section, no registered trade union shall admit as a member

We shall leave out the amendment which I presume the hon the Minister is going to accept, because it is not often that amendments, put forward by the other side of the House, are not accepted. I quote further—

> . . . or have any relationship with a person who is not an employee

The MINISTER OF LABOUR Why do you not come forward with your amendments, as you are entitled to do?

Mr R J LORIMER Why should we put forward amendments until we know exactly [Interjections]

Mr SPEAKER Order! We cannot continue the discussion in this way The hon member must get on with his speech, but I shall allow the hon the Minister to put a question

Mr R J LORIMER Thank you, Mr Speaker I shall proceed with my speech in accordance with your ruling We have to argue the Bill as it stands, and as such it reads—

> After the commencement of this section, no registered trade union shall admit as a member or have any relationship with a person who is not an employee

As hon members in these benches have pointed out, there are thousands upon thousands of migrant workers and commuters who are going to be denied union membership at this stage by the hon the Minister The hon member for Randburg said that there was a possibility that ministerial exemption could be applied in cases like this, and he referred, for example, to the anomalies in Durban which the hon member for Musgrave talked about Does the hon the Minister realize, however, that what he is going to have to do is to grant exemptions, by way of his signature, to something like 20% to 25% of our total labour force in South Africa?

Business suspended at 18h30 and resumed at 20h00

Evening Sitting

Mr R J LORIMER Mr Speaker, when business was suspended earlier tonight I was discussing the situation with regard to clause 4 and clause 10 of the Bill I am very gratified indeed that the hon. the Minister has indicated that he is going to accept the notice of instruction which appears on the Order Paper in the name of the hon member for

Randburg We shall therefore discuss the matter along these lines during the Committee Stage This is very encouraging, because it is real progress, and I certainly feel very much better about that particular clause as a result of that.

HON MEMBERS Support the Bill now

Mr R J LORIMER We are certainly not going to support the Bill Having approached the hon members sitting on my left during the dinner hour, it seems that they are not going to participate further in the Second Reading of this debate We are therefore at this stage not going to be in the situation of hearing from them whether they will support or repudiate the speech made in the Provincial Council of the Transvaal by the hon

Mr B W B PAGE Read the speech out to us

Mr R J LORIMER With the limited time at my disposal, I am not likely to read that speech. [Interjections] To repeat words that are so ridiculous in concept, would be wasting my time [Interjections] I offered them this speech, but they are not prepared to take advantage of my offer and read it.

I would say that the main points that one has to consider when one considers whether or not one should support this Bill in principle at Second Reading, are certainly the provisions in clause 1, which excludes from the definition of "employee" migrant workers and frontier commuters This is probably the thing that upsets us in these benches more than anything else If one is going to exclude these people, one is in difficulty in any industry if there are sections of that industry who are refused trade union rights, because no trade union can speak on behalf of those people If one has the situation where there are people who do not have the machinery through which they can express opinions apart from liaison committees and the committees that were mentioned by the hon member for Randburg—I think we all realize that they are inadequate—one is going to be in trouble We believe that as an absolute minimum it is necessary for everybody to have those trade union rights, and if one is going to be able to participate as a member of a trade union, one should be able to participate on a matter of free choice in the union of one's choice with whoever one wishes to associate oneself One of our cardinal principles is freedom of association

Our amendments to the Second Reading of this Bill set out our objections and our feelings towards the Bill very admirably I would therefore support the speakers in these benches who have said that we shall vote against the Second Reading of the Bill

*Dr F VAN Z SLABBERT Mr Speaker, I promise the hon the Minister that I will not take up much time There are just a few aspects I want to broach. When I look at the contributions from the Government side, it seems as if two arguments in particular have been advanced The one argument concerns the practical problems of the implementation of the legislation The hon the Minister himself said that labour relations in South Africa must be patiently developed. The hon member for Randburg said that this could not take place overnight In my opinion, the objective is to introduce practical measures to ensure that labour peace prevails

The second argument focused on matters of principle These were concerned in particular with the question What is the basis of labour bargaining in South Africa, or what should it be? I think this is the area in which this side of the House is experiencing something of a problem with the Government. The hon the Minister himself said that one of the most important tasks of the Wiehahn Commission was to analyse the labour requirements of South Africa, to project them into the future and then to recommend how we could achieve our objectives in a peaceful way and how we could maintain labour peace while satisfying labour requirements in South Africa. This was one of their most important terms of reference One of the most impressive speeches I have heard on this subject was the speech made by the hon member for Vanderbijlpark during the discussion of the hon the Minister's Vote In it, he gave a very objective and clear analysis of the labour requirements and the problems South Africa is going to face in future I listened to it carefully

Against the background of that speech by the hon member for Vanderbijlpark, I must say this evening that I was somewhat

surprised by the standpoint he adopted on industrial conciliation One point that has consistently been made by the Government side—and I accept it as a valid one—is that one must take care that labour organizations or trade unions do not become a political instrument in the South African dispensation, because the moment this happens, we are in trouble The hon. member for Vanderbijlpark stressed this very strongly, while the hon member for Randburg was also very emphatic on this point. The hon members for Brakpan and Sasolburg discussed this and the hon the Minister himself said that we must guard against it.

However, if we examine the whole question of labour peace and of stability of labour, there is a problem I want to put to the hon the Minister The problem concerns the question What is a stable labourer? The hon member for Houghton pointed this out very clearly with reference to a statement by Dr Verwoerd He said that a stable labourer was a person who regularly and systematically worked for the same employer, did his work well, was reliable, etc Consequently this is a purely economic definition of what a labourer is If the Government's main objective is to bring about labour peace, I would expect that their attitude would be to assist stable labourers of this nature with their industrial conciliation However, we have exactly the opposite here, because in terms of clause 1 of the Bill, the people who are defined as being qualified to participate in industrial conciliation are not judged on the basis of how long they have worked for a person or how stable they are as labourers The question is whether they qualify on the basis of a political definition of their situation This is the important point.

The criterion is section 10 Is the employee a section 10 labourer or not? I want to put it to the hon. Minister as follows These concepts, such as section 10 and the question of whether the labourer enjoys permanence in the urban areas, really have nothing to do with the purely economic nature of the man's occupation They have to do with a political definition of his situation I want to put it to the hon. the Minister that we have a fundamental dilemma in that we are using a political definition of a person's situation in this legislation in order to grant him certain rights as a labourer The result of this is that in terms of its own legislation the Government is going to be responsible for politicizing the labour movement among Black people This is the irony of the situation, because on the face of it—and I accept the sincerity of the hon. the Minister—the hon the Minister and hon members on that side of the House want to attempt to keep industrial conciliation in South Africa politically neutral As a result of this legislation, however, they are in fact going to politicize the Black labourer

I should like to illustrate briefly why I am saying so On the one hand there are those who qualify We have had many examples of this from the hon members for Musgrave and Parktown They said that one labourer comes from one residential area, while the next man comes from another residential area The one labourer can participate in industrial conciliation, while the other cannot Now tension is immediately created among the labourers themselves on the question of whether they may participate or not.

As soon as the Government or any other body politicizes the labour movement, one cannot have peaceful industrial bargaining This is a contradiction in terms In spite of the hon the Minister's good intentions, the Government is in fact going to politicize industrial conciliation in South Africa precisely because it did not adhere to the Wiehahn Commission in this respect. This is exactly what they want to avoid It is an inevitable consequence of what the hon the Minister is going to achieve by means of this legislation One need only look at clause 1

*Mr F J LE ROUX (Brakpan) When are you going to Ikeys?

*Dr F VAN Z SLABBERT The sense of humour of the hon member for Brakpan is so pathetic that it really does not merit any attention

The point I want to make here is that throughout the Third World, in this whole process of decolonization, an attempt has been made to cast labour in the trenches of those who ruled, viz the colonial rulers One need only go and read about Tom Mboya in Kenya to realize what happened there and how he used the labour movement—which was suppressed by the Government in that the Government told the people when and where they should go—to achieve his own political

objectives Therefore, I now want to risk a prediction. To the extent to which we are going to try here in South Africa to accommodate industrial conciliation to the political framework of the Government of the day, we shall not succeed in bringing about labour conciliation, but are going to bring about exactly the opposite We are going to politicize labour development. [Interjections] Therefore, the first important point I want to put to the hon the Minister is that we have a strange dialectic here, because the Government is ostensibly saying that it does not want industrial conciliation in South Africa to acquire political overtones, but the fact that it will acquire such overtones will be a direct consequence of the legislation which is being introduced here

Secondly, I just want to ask the hon the Minister a question Does he not agree that the question of what constitutes unfair labour practices is going to be the central issue in the settling of labour disputes? One can do one of two things Either one can have an independent, objective body to decide what unfair practices are, or one can define it clearly by means of legislation I want to put it to the hon the Minister that neither of these two things is being done by the proposed legislation. There is no clear definition of what constitutes unfair practices, nor is there a clearly independent body that is going to decide what constitutes unfair practices Consequently, if one has a vague or arbitrary definition of what constitutes unfair practices, one aggravates conflict in the labour situation rather than resolving it. Consequently, I want to ask the hon the Minister another question Will it not therefore be better to give a clear definition of what constitutes unfair labour practices?

Now I come to a point made by the hon member for Pretoria East, and I want to put a specific question to the hon the Minister The hon. member said we saw racism or race in every piece of legislation that came before this House, etc , and then embroidered on that by saying that if one were to examine clauses 8 and 2, which deal with the question of the industrial court and the Manpower Commission, one would see that they contained nothing that would prevent Blacks from serving on them. In terms of the legislation it is clear that the hon the Minister constitutes the industrial court as well as the Manpower Commission Now I come to my question to the hon. the Minister Does he foresee the possibility of Black people serving on both these bodies?

*Mr J M HENNING Who served on the commission of inquiry?

*Dr F VAN Z. SLABBERT No, this is not a trick question. I am asking it as a simple, honest question The hon member for Pretoria East asked it as well I am asking the hon the Minister whether he foresees that Blacks will in fact be able to serve on them

*The MINISTER OF LABOUR Yes

*Dr F VAN Z SLABBERT The hon the Minister says "yes" I am pleased he replied to my first question This brings me to my second question Who is then going to recommend what people shall serve on them? Is the Minister himself going to decide or is he going to listen to representations from various labour bodies? I am merely asking this to gain clarity on this matter

*The MINISTER OF LABOUR The Minister always assumes the responsibility for such appointments

*Dr F VAN Z SLABBERT Yes, of course, but how is the hon the Minister going to become involved in this process, because there are various ways? He can select himself, or he can say he will listen to recommendations [Interjections]

*Mr SPEAKER Order!

*Dr F VAN Z. SLABBERT The hon member for Stilfontein should not become so excited. I am not scolding him. I am speaking to the hon the Minister [Interjections]

*Mr SPEAKER Order!

*Dr F VAN Z SLABBERT Now we come to the last point. In most of the research one reads on labour conciliation and labour legislation one thing is very clear, and that is that when trade unions develop in a specific society, it is usually a sign that the labour is committed to the existing economic process, in other words that he wants to have a part in

it, that he wants to participate and negotiate Particularly when one then excludes certain categories of labourers from that economic process, it is one of the most decisive ways of ensuring that the whole economic system of that society is questioned. It is in this respect that I want to put the following hypothesis to the hon. the Minister If we are deliberately going to exclude an appreciable number of Black labourers from the bargaining process on the industrial level, we are creating the situation in which as many labourers as we are going to exclude, are going to question the system Then one ultimately arrives at the situation in which no bargaining whatsoever can take place on labour

*The MINISTER OF LABOUR Mr speaker, now that we have come to the end of this debate I think we can say that for most of the speakers who have taken part this has been a good debate and I think, too, that they approached it in a very positive spirit. I want to thank them all most sincerely for doing so In replying to the debate, I think it would perhaps be more meaningful if I were to begin by making a few remarks concerning what has been said here by Government speakers

To begin with I want to refer to the hon. member for Vanderbijlpark, who was the first speaker on the Government side and who really put the legislation into perspective I want to thank him most sincerely for that. He singled out the theme of protection as a principal concept of this legislation. It is indeed true that the keynote of the Bill is that it attempts, in so far as it deals with people and their relations, to establish protection for the future, because if one is unable to achieve this, it is pointless coming forward with this legislation, because then we should not be able to maintain labour peace in any case I want to thank the hon. member for his contribution

The hon. member for Pretoria East dwelt on matters relating to the industrial court. He advanced certain arguments in that regard and I do not wish to react to them except to give him credit for them He quoted a number of examples of problems that could arise He said, *inter alia*, that there were provisions in provincial ordinances that affected legislation of this nature and also the position of the worker He asked what was now to become of them. I want to tell him that the whole aim is that this matter be looked at in the future, if not by the Wiehahn Commission then in any event by the Manpower Commission concerned, which will in the future have to give constant attention to the whole field of labour I can therefore tell the hon member that as far as this is concerned, I do not believe that anything will be overlooked.

He also referred to the issue of national servicemen. I concede that it is most important that we consider the situation of national servicemen The hon member for Walmer also referred to this in passing The fact is that after the national servicemen returned last year, we eventually still had 5 000 vacancies left. In other words, they are indeed being looked after In any event it is very important that we consider the situation, as has indeed been done by the department and the Apprenticeship Board. There is in fact a disadvantage attached to national service, since the national serviceman loses time in the interests of his country, and when he comes back, he finds that he has to compete for a post. This is indeed a most important matter However, I want to assure the hon member that we are indeed already giving attention to this matter

The hon. member for Sasolburg discussed the PFP's mistaken approach in regard to criteria in other countries Let me say at once that the hon member for Sasolburg is right and that I share his sentiments in this regard. We cannot apply criteria and use yardsticks in South Africa in a difficult situation like the labour situation and then seek to adopt models from abroad. South Africa is different. The fact is that in the labour world, South Africa has up to now had the wrong model It is a miracle that in spite of the fact that we have taken over the British system we have been able to change it in such a way as to avoid the conflict and dissatisfaction prevailing in Britain today

It is of the utmost importance that when we move forward we should always bear in mind that the tests we apply must take into account our specific circumstances, particularly where we are dealing with various race groups and with inexperienced people who are now entering the labour market. We shall therefore have to approach the matter in such a way as to prevent racial unrest in the country That, too, is why we are circumspect and cautious

with regard to legislation I want to tell the hon member that by moving too fast we can make mistakes I do not want to make out that what we have embodied in this Bill is the alpha and the omega. Nor do I want to claim that it contains the world's wisdom However, we have done our best to draft a piece of legislation adapted to South African conditions and geared to achieving labour peace in the country

The hon. member for Brakpan raised a very important point. He discussed the key to success The key to success in future is going to be the relations on the factory floor itself This will depend on how relations between employer and employee are handled, how training is effected and the warmth and sympathy with which it is handled, not only by the department but also by the parties concerned I want to say to the hon. member that I agree 100% with what he said.

The hon member for Randburg discussed the question of freedom of association If hon members of the Opposition had read their commission reports as carefully as has the hon member for Randburg, they would have seen that enough is said in the report with regard to freedom of association for them not to have interpreted it in as one-sided a way they did Freedom of association, including freedom of association at the labour level, is limited by the free market system and when one speaks about freedom of association it surely cannot mean that one must have the kind of freedom of association in the free market economy of our country that will cause us problems I do not wish to cast reflections but I could mention a country which has total freedom of association within the market economy today, and that country is Britain Do we want the conditions prevailing there in this country? Of course not, and if freedom of association on the workshop floor necessarily means that we will have the kind of freedom that permits interference in the same way as in Britain, then we ought not to have any such freedom of association in South Africa. We in South Africa are trying to establish a type of freedom of association which also entails security The hon member also referred to the secretarial and clerical aid provided for by the legislation and asked whether it was adequate. I do not think the hon. member need to concerned unnecessarily Sufficient aid will have to be available to the National Manpower Commission and also to the industrial court to enable them to carry out their functions properly

Then I want to say to the hon members for Randburg and Sasolburg that I have considered their amendments and I am prepared to accept their amendments I also wish to express my appreciation for the responsible way in which the hon member for Durban North took part in the debate This hon member made a few statements which could just as well have come from this side of the House Among other things, he adopted the standpoint that changes could create unrest and that consequently the way we did things was important. The hon member is correct. That is why I appreciate the fact that the hon member did not behave as members of the official Opposition have done but instead sought to be helpful

The hon member asked what would become of the remaining job reservations. I think all hon. members can listen attentively to what I am going to say about this As far as the history of job reservation is concerned, we have had 28 determinations over the years Of these 28, three have in fact lapsed because—I am tempted to say—they were replaced by others Consequently 25 remained Twenty of these have now been phased out, and therefore five remain Now it is being laid down in legislation that the job reservation determinations will remain until they are phased out, but I am honour bound to the trade unions in South Africa, and I do not intend to leave them in the lurch

I do not intend to break my word From the outset I have said very clearly to those of them who are afraid of the situation that could develop, that in the course of our negotiations, the trade unions themselves said that the job reservation determinations should be withdrawn Hon members are free to consult the record. The trade unions themselves requested that they be withdrawn As far as the rest are concerned, I have undertaken to negotiate with them, and if the legislation is passed, I shall not summarily withdraw the other determinations tomorrow What I will do, however, is to begin at once to negotiate—indeed, negotiations are already in progress—in order to attempt to convince them that this legislation affords better protection to the interests of the workers than

what they think they are giving up We can negotiate with one another in a meaningful way To tell the truth, I have already gained the impression that they are satisfied with this measure A trade union 'phoned me the day before yesterday and told me that it was very satisfied with the protective measures relating to groups embodied in this Bill and that they could see that what they were getting now was better than what they had before This is the meaningful way in which one must conduct affairs in future

The hon member also indicated that he would move amendments When this debate is over the hon member may as well come and show me his amendments At this stage I do not wish to undertake to accept his amendments but I am interested to see what he wishes to propose I do not wish to adopt the attitude that only an amendment moved by this side of the House is good enough. That is not my approach. I should therefore appreciate it if the hon member could come and show me his amendments so that I can see whether there is anything in his amendments that I could perhaps accept.

I also wish to refer to the speech by the hon. member for Walmer He made a sensible contribution. He also discussed national servicemen I think I have already replied in regard to that matter

I should now like to deal with the speeches made by hon members of the official Opposition A few years ago, when we discussed in this House a labour situation which could cause problems in the future, I was always very open From the outset I told hon members exactly what we wanted to do I spelt the matter out to them We never kept anything back. It was always our intention to create a kind of dispensation in which all could participate so that peace could prevail in the future labour situation in which there would be far more people than there are today That was when we appointed the commission The commission was prepared to hear representations from everyone It sat for a long time Indeed, I think that I appointed a good commission

*Dr Z J DE BEER We do too

*The MINISTER To tell the truth, before I appointed the commission I consulted a great many people The commission has now submitted its report.

In this debate, however, one thing happened which happens so often that it sometimes passes unnoticed The hon member for Houghton made two remarks which, particularly at this time, when we are introducing delicate legislation, are extremely damaging to our image within and outside South Africa. I see that other hon members on that side of the House are now sitting and grinning The hon member said that Black workers were doomed to retrogression. She gave the impression that no Black worker in this country would have a chance to progress in future Why did the hon member say that? What did she mean by saying it?

*The MINISTER OF INDIAN AFFAIRS She is bitter

*The MINISTER OF LABOUR Although the Government is here establishing a dispensation by means of which it seeks to promote goodwill and confidence among all the workers of South Africa, the hon member for Houghton tells the Black people that they are absolutely doomed and that there is no future for them I cannot imagine anything more dangerous than to tell the Black workers at this stage that the Government is being fraudulent—that is what she implied—that the Government wants to do them down and that they will never have any future That is what the hon member intimated

*Mr S P POTGIETER She is a communist and an agitator

*The MINISTER It is not only the harm within South Africa

Mr B R BAMFORD Mr Speaker, on a point of order Are hon members permitted to use the terms "she is a communist" and "she is an agitator"?

*Mr S P POTGIETER Yes, Mr Speaker

*Mr SPEAKER Order! The hon. member may not say that. He must withdraw it.

*Mr S P POTGIETER Mr Speaker, I withdraw it.

*Mr SPEAKER Hon members must refrain from statements of that nature The hon

the Minister must be permitted to put forward his arguments

*The MINISTER I ask hon. members whether they can imagine how much venom to be used against South Africa can be derived from this abroad All the good work we are doing is destroyed by saying that a Black man will in future have no place and no chance of development, and will remain backward If that is to be believed, how do you imagine, Mr Speaker, that we can have labour peace in South Africa if 80% of our labour force is to believe in future that the Government is cheating them?

Mr B R BAMFORD She never said it.

*The MINISTER I reject it with the contempt it deserves [Interjections] The hon member said it. That was the theme of a part of her speech She also said a second thing, which is even more important and dangerous Hon members must listen carefully to what she said. She said that leaders of the workers were being restricted because they were leaders of the workers That is what she said, and that is still more dangerous

*Mr H E J VAN RENSBURG Why then are they restricted? [Interjections]

*Mr SPEAKER Order!

*The MINISTER Every right-thinking South African knows that people are restricted because they are engaged in matters that pose a threat to the State But the hon. member for Houghton has made the extremely dangerous statement that a leader of workers in South Africa, because he is a leader of workers—a Black leader of workers—is in a position where he can be restricted. [Interjections]

*Mr SPEAKER Order!

*The MINISTER There are hundreds of Black leaders of workers in South Africa with whom the Government has the best of relationships and with whom I personally maintain the best relationships, but the insinuation made by the hon. member is that if a man concerns himself with labour matters in South Africa and he is Black, then he is in danger of being restricted However, I want to go further and say that this insinuation is intended to harm South Africa because she wants it to be publicized abroad She intends to damage the country by doing so because she knows that it is dangerous and despite that she still says it.

Mr B R BAMFORD Calm down Come back to the truth

*The MINISTER Those hon members are taking part in this debate knowing that this is an extremely dangerous to say in the labour world of today but the hon member does it nevertheless The hon member for Houghton has never taken part in a labour debate

*Dr Z J DE BEER How long have you been in this House, then?

*Mr SPEAKER Order!

*The MINISTER She has never taken part in such a debate in this House without the intention of harming South Africa by what she says Those hon members are so leftist, they are so hand-in-glove with the foreign elements and the dangerous elements that it no longer makes any difference to them. But the difference it does make is that those hon members, the so-called official Opposition came last in Randfontein [Interjections] That is the result of that, and their rejection there is reflected throughout South Africa. As far as the labour situation is concerned, I do not require their attentions in the future [Interjections] I now come to the hon member for Parktown who was so pious here The hon member ought to know full well that over the past few days and weeks I have met thousands of employers throughout South Africa.

*Mrs H SUZMAN Thousands?

*The MINISTER I say thousands We discussed this situation with the employers of South Africa as well What is more, representatives of the companies with which the hon. member for Parktown is associated were present. Now the hon member is making out that he does not know what I discussed with them there or what I told them.

*Dr Z J DE BEER I never said that.

*The MINISTER I say that the hon member is making out that he knows nothing about it.

*Dr Z. J DE BEER I deny that I ever said anything of the kind

*The MINISTER The hon. member can go ahead and imply that he knows nothing about it, but I maintain that he does know But in spite of the fact that he knew that I had reached an agreement with regard to the position of the commuters, he nevertheless argued as if he was unaware of that.

*Dr Z J DE BEER Get your facts straight. [Interjections]

*Mr SPEAKER Order!

*The MINISTER As far as commuters are concerned, I said very clearly at the outset that as workers, they were tested on the basis of the two concepts place of residence and place of employment, in other words, it was determined whether they had a place of residence and a place of employment. I also pointed out expressly that there were two groups of workers, viz. the commuters and the contract workers Because there are tremendous problems relating to commuters and contract workers, problems which still have to be sorted out, I have told the representatives of the companies of the hon member for Parktown on various occasions that as far as commuters are concerned, I shall grant exemption from the outset, that we shall negotiate about that immediately and that they need not have any fear in that regard. I also put it clearly to them that the only reason why I am not including commuters now is that there are many technical problems involved which we must still iron out.

*Dr Z J DE BEER That is exactly what you must do in those circumstances

*The MINISTER However, there is another group of workers as well, viz. the contract workers, that have to be borne in mind.

*Mr W J C ROSSOUW I too am a commuter

*The MINISTER For example, there are the contract workers that enter the country from Mozambique to come and work here

*Mr H E J VAN RENSBURG You are a lot of swindlers!

*The MINISTER The hon member for Parktown must tell me whether he wants me to grant trade union rights to contract workers who come here from Mozambique to work on our mines Does the hon member want me to grant them those rights?

*Dr Z J DE BEER Are you going to give me an opportunity to reply to your question? [Interjections]

*The MINISTER The hon member can just say "yes" or "no"

*Mr A E NOTHNAGEL Mr Speaker, on a point of order Is the hon member for Bryanston entitled to say that we are a lot of swindlers?

*Mr SPEAKER Order! The hon. member is not entitled to say that and he must withdraw it.

*Mr H E J VAN RENSBURG I withdraw it, Sir [Interjections]

*Mr SPEAKER Order! Hon. members would be well-advised to listen to the hon the Minister's speech in silence He did not interrupt them earlier this afternoon but listened to everything they had to say

*Mr I. F A. DE VILLIERS But he is being very arrogant.

*Mr SPEAKER Order! Hon members must abide by my ruling

*The MINISTER Can hon. members see now how pious is the argument of the hon member for Parktown? Hon. members on that side of the House argued against the Bill the whole afternoon, and in the light of that I want to ask the hon member Does he want me to give trade union rights to the contract workers from Mozambique? He cannot reply "yes" or "no" to that, but deems it necessary to give an explanation That shows us

how difficult it is to decide on this kind of thing.

*Dr Z J DE BEER Tell us about Kwa Mashu.

*The MINISTER The hon member need not refer to Kwa Mashu, because I said in Durban—the representatives of the hon member's companies were also present—that I would help Kwa Mashu's people, and quickly, too

*Dr Z J DE BEER Put that in the Bill

*The MINISTER I do not wish to waste my time further on that hon member [Interjections]

Therefore hon members have done two ugly things this afternoon In the first place they made an insinuation aimed at causing us harm in these times, and in the second place they piously argued here about a matter about which they knew more than they pretended. I know for a fact that the hon member for Parktown knows better However I shall leave the matter at that.

*Dr Z J DE BEER What are you referring to now?

*Mr H E J VAN RENSBURG You need not make such a fuss Andries is not here

*Mr M W DE WET You are absolutely revolting

*Mr SPEAKER Order! The hon member for Welkom must withdraw that.

*Mr M W DE WET I withdraw it, Sir

*The MINISTER. To come back to the Bill, I want to say that what we are dealing with here is a developing situation in which we must move forward, viz. that people are entering the South African labour field in growing numbers There are two problems in particular to which I want to refer in this connection. The one problem is to give them work—whether the economy of South Africa is going to be strong enough to create employment opportunities so that they are able to enter the labour market. This is one of the problems South Africa is faced with However this is not a problem which this legislation is concerned with The legislation does concern the question How will the people who enter the labour field be accommodated in the present labour situation? As far as this is concerned we must take fears into account. In the first place, there is the real fear among White and Coloured workers that in view of the influx of larger numbers, a competitive situation could arise in which they could lose their position and be supplanted. They fear that a situation could develop in which they could lose the competition This is a legitimate fear, a fear which must be understood and which we do understand. However there is a second fear as well This is a fear which will arise particularly among Black people who are going to enter the labour situation and those who are already there They fear that they will remain in a backward position in the future, that provision will not be made for them and that they will never be able to make progress In other words, they are afraid that they will remain third-class workers That, too, is a legitimate fear It is in the light of that fear that it is so dangerous to make remarks such as that which the hon member for Houghton made this evening. However, there is a third fear as well It is the fear that is felt among employers that by way of its legislation the Government will not create a climate permitting mobility and development.

What we are now trying to do by way of this legislation is, in the first place, to create two instruments which are to assist in this regard The one instrument is a labour court, a body which would not pass judgment on legal matters only but which would also consider interests The matter has been argued about and questions have been put to me For example, questions have been put to me in regard to the concept of unlawful, wrong or dangerous legal practices This is not a concept which, as has been suggested, I can embody in legislation This is something which must develop with time When one has an instrument which takes into account the circumstances and interests, it builds up a code for itself, and we shall in future be building up a code of equitable labour practices

The second instrument, which we shall not be able to do without in future, is the

proposed Manpower Commission which will be in a position to handle the situation for South Africa, which will be at the Minister's disposal and also at the disposal of every employee, every employer and every body that has a reason to have a situation investigated and wishes to be advised This, therefore, is not solely a commission to decide on how the situation must develop, to identify and prevent bottlenecks and to consider the whole question of training and development of the various groups It will also be a commission which can furnish advice and handle problems for the bodies that require it

However, there are two issues we have been saddled with over the years, issues that have elicited important arguments in this House These two matters are now being dealt with by this legislation The one concerns the issue of the right of Black people to be included within the ambit of the Act as workers This was not the case formerly This is now being done in order to afford them the opportunity to participate in trade unions That right is now being granted them and is being limited by certain restrictions set by the State, not only as regards the Black man, but also as regards the White man, the Brown man and the Indian One of the restrictions is that the financial position will be considered Consideration will also be given to their political participation and all those things that are equitable and ought to be built into our labour situation in South Africa. This, therefore, is what we are trying to do, and I regard it as a major step forward, not only to afford Black people the opportunity to take part in trade unions, but also because one gets a situation in which one can exercise control of all trade unions and all trade union activities The second important matter to which we give consideration in this legislation is the issue of job reservation. We need not again argue this point at length. Hon members are aware of the facts Moreover, I have just made a remark on the subject. Statutory job reservation is now being done away with There I agree with the hon member—I think it was the hon member for Randburg—who made the point that there is no such thing that statutory job reservation is a principle It is not a principle The principle is the meaningful protection of workers groups or interests This is now being done in a different way The leitmotif, the all-embracing principle in accordance with which action is taken, is the important principle of the right to self-determination of interest groups In other words, due to the provision we are making for a changing situation, it is also possible for trade unions to be established, to co-operate with others, to protect their interests and to go to court to be able to do so Here, then, we are introducing the principle of the right of self-determination of interest groups Once we have done these two things, then, in my opinion we have come as far as we can, as far as the broad principles are concerned, and if the commission is, in addition, directed to look further and, as one might say, put flesh on this framework, and also to continue to do other things, then all this will remain within the framework of this set of principles that we have laid down Once we have accepted in principle the legislation before us we accept the guidelines on the basis of which we can continue to build, and I cannot see how we can have other guidelines for South Africa. I think that these are the only guidelines we could have at this stage

However, I do foresee that we may come forward with additional legislation in the future This brings me to one of the very important things mentioned by hon members, the issue of the formula by which to determine precisely what a worker is The fact that I am unable to say this evening precisely how we are going to formulate this in future, is merely due to the fact that one is dealing with various groups of people One has people who already belong to independent States and people who do not yet belong to independent States One has people living in one country and working in another They can strike in the one country and live in the other country After having gone on strike he can cross the border of one country and go and practise so-called "picketing" at a factory All these practical problems have to be ironed out and therefore I repeat that I would prefer to move slowly at the start, so that whatever we may do, we do right, rather than to allow myself to be pressurized by anyone into doing now what we may find out tomorrow is wrong I do not wish to maintain that everything we are doing today is right, but what we are trying to embody in the Act here is, to the best of our knowledge, the

uniform school system would be a crime towards the Blacks" This is what a Black leader says When considering the issue of one educational department, whom do I have to listen to the hon member for Houghton, who professes that she knows what is going on in the minds of the Black people, or do I have to listen to a Black leader?

Mr H E J VAN RENSBURG Is he against one department?

The MINISTER Yes, of course Seeing that I have very little time left, I am quite prepared to give his statement to any hon member who is genuinely interested in Black education

The second main question—and I shall have to rush through this—is the issue raised by the hon member for Musgrave and others that this whole Bill invites suspicion If one invites memoranda on a Bill, the hon member will agree that one will get memoranda that criticize and memoranda that suggest improvements, but none which fully agree with the contents of a Bill saying how pleased they are about the Bill That is a fact. I admit that there are people who are against some of the clauses, but we have tried to come to an agreement with them The Select Committee did just that, and I think it has succeeded in doing so

Lastly, I want to refer to the question of free and compulsory education Free compulsory education, seen in the context which the hon member for Bryanston mentioned, is completely out of the question for a number of years It is no use arguing about it, because the finances and the qualified teachers are not available, so we shall simply not be able to cope with it.

*The hon member for Bryanston also referred, *inter alia*, to what the hon member for Witwatersberg had said in this regard, and I should now like to avail myself of the opportunity to bring the hon member's striking contribution to the attention of hon members once again. It is true that one does not always mention here in the House the trouble which hon members on this side of the House go to when they investigate a matter, because facts are often transmitted in the course of confidential discussions I should, however, like to tell that hon member and anyone else who may still have doubts, that if anyone has taken trouble to have facilities provided for the Blacks in his area and has had to convince people who have protested out of a spirit of wilfulness, it is the hon member for Witwatersberg As was said today and also previously here in the House, the hon member for Witwatersberg and also the hon member for Bryanston touched on one matter which is of extreme importance We cannot but place on record the contribution of agriculture, of the farmers, to Black education To my mind they have not yet been thanked properly One does not, however, only express gratitude in words Yesterday officials of my department and I met representatives of agriculture and of Administration Boards throughout the country We conducted discussions with them on how the system of education in the rural areas, for instance bus transport and all the other facilities, can be improved so that the schoolchild in the rural areas can enjoy the same privileges as his counterpart in the urban areas I have before me a document dated 18 January 1978—hon members can come and have a look at it if they are interested—which was issued when the first memorandum by the S A Agricultural Union was submitted to me On 16 April I had discussions with the executive of the S A Agricultural Union to discuss the whole financing pattern and further planning including that for secondary education for Blacks in the rural areas

†I want to repeat that the farming community and organized agriculture agree that there should also be secondary education for these people How it is going to work and how we are going to implement it, I do not know yet. We shall give the matter our attention, we shall consider the views of organized agriculture and together with the local people we shall work out a scheme to enable the authorities to give the maximum facilities and to develop to the full all those children whose interests are entrusted to this department.

*I am sorry that I had to cut my reply short. I should have liked, for courtesy sake, to react more fully to hon members' arguments, but the time does not allow me to do so Where I did not reply to a question or statement, I shall do so by letter

Finally, I should also like to express my gratitude to hon members for those contributions which enabled us to move forward positively on the road which should still carry us much further

Question put That all the words after "That" stand part of the Question,

Upon which the House divided

As fewer than 15 members (viz Messrs B R. Bamford, D J Dalling, Dr Z J de Beer, Messrs I F A de Villiers C W Eglin, R J. Lorimer, J F Marais, P A Myburgh, H H. Schwarz, Mrs H Suzman, Messrs R A F. Swart, S S van der Merwe, H E J van Rensburg and A B Widman) appeared on one side,

Question declared affirmed and amendment dropped

Bill read a Second Time

INDUSTRIAL CONCILIATION AMENDMENT BILL

(Instructions to Committee)

*Mr J H B UNGERER Mr Speaker, I move the instruction printed in my name on the Order Paper as follows—

> That the Committee of the Whole House on the Industrial Conciliation Amendment Bill have leave to consider the advisability of providing that the Minister of Labour may authorize the Industrial Registrar to register a trade union and that the Industrial Registrar may vary the area or interests of a trade union, in respect of employees of more than one population group where it is expedient by reason of the ratio between the numbers of employees of the population groups concerned

I want to motivate this briefly It is very clear to me that the present provision in fact restricts the discretion of the hon the Minister to one decision only It is also the opinion of some of our friends with legal training that once the hon the Minister has accepted a norm linked to a certain number, he would find it very difficult to accept another norm at a later stage Because of changing circumstances, one has to ensure that it will be possible to accommodate situations which arise For that reason I suggest that the discretion of the hon the Minister be extended and widened in scope

*Dr Z J DE BEER Mr Speaker, I move the amendment printed in my name on the Order Paper, as follows—

> To omit all the words after "expedient"

It will probably be felt that we are showing a little less appreciation than we ought perhaps to show for the motion moved by the hon. member for Sasolburg Consequently I hasten to say that we are thoroughly aware of the fact that his motion, if it is carried, will mean a change for the better in the legislation and that we welcome it as such

†It should be apparent to anybody who paid attention to the Second Reading debate what is at stake here The hon member's proposed instruction reads—

> that the Minister of Labour may authorize the Industrial Registrar to register a trade union and that the Industrial Registrar may vary the area or interests of a trade union where it is expedient by reason of the ratio between the numbers of employees of the population groups concerned

That may be one reason for wishing to do it. However, there may be many other reasons We are anxious, as must be apparent to those hon members who have been following this debate, to move away from a situation in which legislation of this kind concentrates on the colour of people's skins instead of the kind of work they do and the kind of training they have received. We should wish to see every opportunity being available under all possible circumstances to workers to exercise their right of autonomy in deciding what sort of industrial organization they wish to have.

*I do not think it is inappropriate to refer to certain paragraphs of the report of the Wiehahn Commission, paragraphs in which the importance of the autonomy of industrial organizations to which I have just referred, is emphasized

†For example, one can begin by looking at paragraph 3,66, wherein the commission poses three possibilities in regard to how unions are to be structured According to the commission, the first possibility is—

> permitting Black unions to register as such alongside unions for other races

or secondly—

> permitting the registration of mixed unions only, resulting in an integrated union structure

or thirdly—

> permitting the registration of unions irrespective of the composition of their membership in regard to race or colour (or sex)

As we have made plain, that is what we—like the commission—would like to see The hon member's proposed instruction goes some way towards this ideal by making it possible for the hon the Minister and his officials to make exceptions to the otherwise rather rigid apartheid structure which is contained in the legislation However, it still only permits the hon the Minister to do so after he has done his sums and added up the number of Whites, Coloureds and African workers in a particular situation We do not think that the legislation should be concerned with counting heads and examining skin colour We think it should look at economic criteria, which are important in this respect

Secondly, it is plain from the commission's report that the weight of the evidence they took, presumably from experienced people, from people who knew what they were doing—was overwhelmingly in support of the concept that race should not be a criterion when deciding upon registration, the determination of the area or the interests of trade unions In paragraph 3 69 of the report the commission states—

> Evidence submitted to the commission on this aspect overwhelmingly supports the view that the question of membership should be decided primarily by the unions themselves and that the principle should be accepted that this choice cannot be dictated by the State or the employer

The proposed instruction still makes it possible for the State to decide what the composition should be and, what is more, to decide on a basis of head-counting as between races

Business suspended at 12h45 and resumed at 14h15

Afternoon Sitting

*Dr Z J DE BEER Mr Speaker, when business was suspended, I was motivating my amendment to the proposed instruction moved by the hon member for Sasolburg I said that one of the major deficiencies of the legislation before this House was the utter failure of the Government to take cognizance of the very strong recommendation by the commission that there should be trade union autonomy in the sense that trade union members themselves should be entitled to decide on the form of organization preferred by them I also quoted from the commission's report to prove my statement Next I want to quote one final extract from the commission's report, and what I am going to quote emanates from the chairman of the commission, Dr Wiehahn, himself After two groups of commissioners had stated their divergent standpoints, Dr Wiehahn summarized the matter as follows in paragraph 3 83 1—

> From an impartial and neutral point of view both approaches outlined above have merit and a great measure of common ground between them inasmuch as they both proceed from the fundamental principle that the recognition of freedom of association should be extended to all workers in South Africa. He (Dr Wiehahn) fully concurs with this principle

According to my knowledge of South African trade unionism, all trade union leaders—White, Black and Coloured—with a few unimportant exceptions, are practical people who exert themselves to promote the practical interests of the workers they represent. They are not people who become followers of ideological trends There are a few exceptions, but this is true in general I have always been impressed by this practical approach of theirs Over the past few years and months in particular I have been impressed by the way in which the trade union leaders of various racial communities have come to the realization that their interests are essentially common interests, that sound industrial relations are in the interests of all workers and that unity among all workers is in the interests particularly of the workers' class as against the employers

*Mr A J VLOK [Inaudible]

Dr Z J DE BEER Consequently I think there is no reason whatsoever for the exaggerated fear of the hon member for Verwoerdburg and his like-minded friends of allowing the natural process of co-operation of people from different backgrounds to proceed in the one single economy in which all of us have to live in South Africa I believe this fear of this is exaggerated and I am pleased that I am able to assure him that his fear will prove to be unnecessary The hon member is younger than I and he will probably see this process grow further than I shall

However, what is necessary in this regard is that the hon the Minister and his colleagues apply their minds to the considered opinion of the commission that the time has arrived for workers to be allowed to have the type of structure and formation they deem fit in trade unionism and in the field of industrial relations I see the hon member for Newcastle is shaking his head Apparently he does not believe that other people should have what they believe is best for themselves He believes the NP caucus should tell everyone what is good for them However, this is not the case The economic forces will eventually prevail and the hon. member may live long enough to see how wrong he is

*Mr R B MILLER Mr Speaker, the ideal that was sketched by the hon member for Parktown is, I am sure, contained in the vision outlined by both the Wiehahn Commission's recommendations and in the vision of the hon the Minister I think that to expect that the highly stratified occupational divisions in South Africa will change overnight is being a little super-optimistic At the same time, however, we believe in this party that matters concerning employer or employee organizations are always best handled, both in terms of policy determination and administration by the people most intimately concerned, i e the members of the relevant trade union or employer organizations

The policy of our party is that the Government, and its legislation therefore, should be there purely to control excesses and distortions in private enterprise institutions in order to pre-empt or assist with the regulation of particular activities which may prove to be disadvantageous to the particular disadvantaged group whether the group is disadvantaged in terms of its training, its skills or purely on the basis of economics

The instruction moved here today by the hon member for Sasolburg is interesting on two counts Firstly I believe it is something of a precedent I think it is about 18 years since an instruction of this nature has appeared on the Order Paper and has been moved The second interesting aspect is the reconsideration of the matter and the indications, from the hon the Minister, that he will assent to this instruction, thereby extending the principle of the relevant clause and, therefore, also that of the Bill We in this party believe that the ultimate aim should be an unstratified occupational hierarchy in South Africa, the only differentiation in membership of a trade union being in terms of the members' qualifications and skills rather than in terms of their colour or creed

In this sense we find the instruction itself highly acceptable in the sense that it is a considerable improvement on the basic principle, but at the same time we also believe, like the hon member for Parktown, that there may be more than one circumstance in which the hon the Minister should be allowed to exercise the prerogative granted to him in terms of this instruction, so that he will be able to instruct the Registrar to register trade unions, not only on the basis of population group ratios, but also for other occupational reasons

Therefore, very briefly, I should like to say that we shall probably be supporting the hon member for Parktown's amendment, as well as supporting the instruction as it reads at present We do this because we have found that the log-jam in industrial relations has been broken by the introduction of the Bill,

and it is now a question of regulating the logs which have broken loose and getting them to move in formation for the benefit of everybody concerned

Let me reiterate, however, that we in the NRP believe that legislation and intervention should be minimized, but at the same time that one should take cognizance of the transitional development stage these trade unions are going to go through in South Africa. Therefore there is going to be the necessity for a certain measure of legislative control in the transitionary stage The fundamental principle involved here, which we support, is that trade unions are for trade union members, and therefore the greater the degree of autonomy, consistent with their ability, the better they will be able to serve themselves and South Africa.

Question put That the words stand part of Question,

Upon which the House divided

AYES—94 Badenhorst, P J Ballot, G C, Blanche, J P I, Botha, C J van R, Botha, J C G, Botha, S P, Coetsee, H J, Conradie, F D, Cronje, P, Cruywagen, W A, Cuyler, W J, De Klerk, F W, Delport, W H, De Wet, M W, Du Plessis, G C, Durr, K D, Durrant, R B, Du Toit, J P, Geldenhuys, A, Geldenhuys, B L, Geldenhuys, G T, Greeff, J W, Grobler, J P, Hayward, S A S, Henning, J M Herman, F, Heyns, J H, Janson, T N H, Koornhof, P G J, Kotzé, G J, Kotzé, S F, Langley, T, Le Grange, L, Le Roux, F J (Brakpan), Le Roux, F J (Hercules), Le Roux, Z P, Ligthelm, C J, Ligthelm, N W, Lloyd, J J, Louw, E, Louw, E. van der M, Malan, W C (Paarl), Malan, W C (Randburg), Marais, J S, Marais, P S, Niemann, J J, Nothnagel, A E, Palm, P D, Poggenpoel, D J, Potgieter, S P, Pretorius, N J, Rossouw, W J C, Schlebusch, A. L, Schoeman, J C B, Schutte, D P A, Scott, D B, Simkin, C H W, Smit, H H, Snyman, W J, Steyn, D W, Steyn, S J M, Swanepoel, K D, Swiegers, J G, Tempel, H J, Terblanche, G P D, Treurnicht, A P, Treurnicht, N F, Ungerer, J H B, Uys, C, Van Breda, A, Van den Berg J C, Van der Merwe, J H Van der Merwe, S W, Van der Walt, A T, Van der Walt, H J D, Van der Watt, L Van Heerden, R F, Van Rensburg, H M J (Rosettenville), Van Vuuren, J J M J, Van Vuuren, P Z J, Van Zyl, J J B, Venter A A, Visagie, J H, Volker, V A, Vosloo, W L, Wentzel, J J G, Wessels, L, Worrall D J

Tellers J T Albertyn, J H Hoon, H D K van der Merwe, W L van der Merwe, P J van B Viljoen and A J Vlok

NOES—19 Basson, J D du P, Dalling, D J, De Beer, Z J, De Jong, G, De Villiers, I F A, Eglin, C W, Lorimer, R J, Marais, J F, Miller, R B, Myburgh, P A, Page, B W B, Pyper, P A, Sutton, W M., Suzman, H, Swart, R A F, Van der Merwe, S S, Van Rensburg, H E J

Tellers B R Bamford and A B Widman

Question affirmed and amendment dropped.

Main Question agreed to

*Mr W C MALAN (Randburg) Mr Speaker, I move the instruction printed in my name on the Order Paper, as follows—

> That the Committee of the Whole House on the Industrial Conciliation Amendment Bill have leave to consider the advisability of providing for a right of appeal to the industrial court in cases of refusal of admission of parties to industrial councils

What the principle contained in clause 10 of the Bill amounts to is that a party to an industrial council has a right of veto in the matter of the admission of new parties to that industrial council In practice it could happen that one specific trade union is a party to ten or even 15 industrial councils If such a trade union were stubborn, it could effectively render the admission of new members quite impossible

That is why I have moved that the Committee of the Whole House have leave to consider the advisability of restricting the principle of the right of veto as contained in clause 10, so that an appeal may be made to the industrial court in cases where parties feel aggrieved about the refusal of their admission to industrial councils in consequence of the right of veto having been exercised

Mrs H SUZMAN Mr Speaker, we shall be supporting this instruction [Interjections] I do not know why the hon member makes such an extraordinary noise In the course of my Second Reading speech, I mentioned that one of the objections we had to the clause which establishes an industrial court, was the fact that there was no right of appeal We had indeed drafted an amendment to that effect to be put on the Order Paper So naturally, when we saw that the hon member's instruction was on the Order Paper, we clearly indicated that we would be supporting this instruction

Question agreed to

House in Committee:

Instructions stated to the Committee

Clause 1

Mrs H SUZMAN Mr Chairman, I move the amendment printed in my name on the Order Paper, as follows—

> On page 2, in line 24, to omit all the words after "employer" up to and including "made," on page 4, in line 27

Quite obviously, the purpose behind this amendment is to allow those persons presently excluded from eligibility to join registered trade unions to be brought back into the ambit of orderly industrial relations I am referring, of course, to the people who are to be excluded by virtue of paragraph (a)(ii) of the definition of "employee" I must say that the hon the Minister has not informed the House—perhaps he will inform this Committee—of his reasons for excluding the vast majority of Black workers, for that is what it will mean, from trade union eligibility. The Wiehahn Commission in its report was adamant in its findings On pages 23 to 24 a long and very complete argument was advanced by the commission for the inclusion of all workers, without exception, for trade union registration, provided they were employed in the Republic of South Africa The Wiehahn Commission specifically mentioned that it wished frontier-commuters and migrant workers to be included for eligibility It argued very carefully that, unless this was done the whole rationale for a representative trade union would be lost It stated that migrant workers and commuters should not be excluded because it felt that a high degree of representativeness in a union was absolutely crucial to the orderly operation of the industrial relations system There is no doubt whatever that there are many areas where the degree of representativeness will be very badly affected by the exclusion of frontier commuters and migrants Last night the hon member for Musgrave gave us a very cogent argument about the inadvisability of excluding, for instance, the workers of Umlazi and of Kwa Mashu who actually live on the borders of Durban and who are to all intents and purposes permanently urbanized workers They have been there for many years, it is decades since they were moved there from right inside Durban itself to just outside the city borders and into kwaZulu They are stable, urbanized, permanent workers There are other areas which are equally affected In Natal there is the area between Durban and Pietermaritzburg which is served by Hammarsdale which is a growth point and which borders right on a Black homeland Those people are frontier-commuters Then we have the area of Mdantsane which is right next door to East London, but Mdantsane is in the Ciskei and those people are commuters In the Transvaal we have the example of the thousands of workers who come from Bophuthatswana to work in the border industries of Brits and Rosslyn So I could go on listing areas throughout the country where there are thousands of commuters who to all intents and purposes are stable, industrialized workers

Yesterday, during the Second Reading debate, I gave a long quotation of what Dr Verwoerd had said on the question of stability In those days the migrant workers, who are the people I am now talking about, used to go back for anything from three to six months after they had served a term in the urban or industrial areas earning their living Now, of course, we have a very different situation We now have contract workers who

come into the urban or industrial areas on contract, work for 11 months, or perhaps 11 months and a week, and then go back for their normal vacation period of three weeks to a month Thousands of those people return again, on the call-in card system, to the same employer To all intents and purposes they are as stable and in many cases perhaps even more stable than people who have section 10(1)(a) and (b) rights I cannot understand the rationale behind this and I hope very much that the hon the Minister will give us some explanation of this

The MINISTER OF LABOUR I will

Mrs H SUZMAN Well, I shall listen to it very attentively, because all the arguments put to the Wiehahn Commission against the inclusion of migrants and frontier-commuters are actually countered in the Commission's report The question was raised, for instance, whether these people could perhaps introduce some sort of subversion into the trade union movement The Wiehahn Commission says very firmly that in such a case those people should simply be sent home and not just excluded from trade union activity, or that they should not have been admitted, in the first instance, to the Republic of South Africa. They argue this out right through, but I do not want to take up the time of the Committee by giving the details, because I assume that everyone who is participating in this debate has taken the trouble to read the report of the Wiehahn Commission I therefore refer them to pages 22 to 29 where they will find all the arguments raised against the admission of frontier-commuters and contract workers being firmly countered by the Wiehahn Commission As I have mentioned during the Second Reading debate, the idea of the phasing-in of those workers was also something the Wiehahn Commission was against.

I know the hon the Minister has powers of exemption, I know that he has wide powers to allow people who are excluded by the law, to be eligible to be admitted to trade unions We do not like this idea of a right by virtue of a ministerial exemption, because Ministers come and go, as we have certainly seen over the past few months Nobody knows whether what is in this hon Minister's mind is in fact going to be in the next Minister's mind We therefore want a legal right enshrined in the statute for workers, be they frontier-commuters, migrant workers or workers falling under the provisions of section 10(1)(a), (b) or (c), to be allowed to join trade unions Without that, I do not believe that we shall have industrial stability or peaceful industrial relations in our country

Mr R B MILLER Mr Chairman, I move the amendment printed in my name on the Order Paper, as follows—

> On page 2, in line 24, to omit all the words after "employer" up to and including the second "as" on page 4, in line 3 and to substitute ", but excluding"

In motivating this amendment, I should like to make a very strong appeal to the hon the Minister to take cognizance of a number of factors in regard to what the outcome of the clause will be as it stands at the moment Firstly the clause as it is worded separates Black employees in South Africa into organized and unorganized work forces As it is at the moment, the definition of 'employee' will result in a minority having the facility, the right and privilege to become organized into trade unions whilst the bulk of the workers in South Africa, on whom the South African economy is totally dependent are still going to find themselves in the unorganized, though hopefully not disorganized categories

I think it is also incumbent upon the hon the Minister to take into account the fact that at the moment a large number of Black South African workers who are members of unregistered Black trade unions, will be losing their rights within these unregistered trade unions A large number of people who are not in possession of section 10 rights, which will become a prerequisite for membership of trade unions in terms of this clause, are at the moment participants in the provident and pension funds of these particular unregistered trade unions They will therefore be losing those rights as well

Furthermore, the hon the Minister visualizes that, through the powers granted to him in terms of this Bill, he will be able to create exceptions to the rule, but I believe it is wrong legislation to lay down rules for the minority and to operate by permit for the

majority I think the hon. the Minister will also have to take cognizance of the discrimination that has been introduced by granting those people who do not have section 10 rights, the right to participate in works and liaison committees, but not the right to participate in trade unions of their own particular choice I believe that this discrimination, if it is introduced will be prejudicial to industrial relations on the shop floor, and will certainly not do our image overseas any good either Therefore, we propose, by means of the amendment printed in my name on the Order Paper, that by definition every Black person who is within the boundaries of South Africa or comes from a territory which previously was within the boundaries of South Africa, provided that he meets the criterion of permanent employment, will be eligible to become a member of a trade union

The other aspects of the clause were fairly well covered in the arguments of previous hon members who took part in this debate and in the Second Reading debate yesterday, members who have similar amendments to mine on the Order Paper I would like to make a very serious appeal to the hon the Minister to consider very seriously adopting our amendment in order to facilitate the aspirations and hope for industrial peace in South Africa, aspirations we all share

*Mr J J LLOYD Mr Chairman, the amendments moved by the hon member for Houghton and the hon member for Durban North are identical in certain respects to the extent of their amendments containing strongly overlapping elements

I should like to dwell for a moment on the amendment moved by the hon member for Durban North In any event, I consider it unnecessary to devote a great deal of attention to the absurd amendment moved by the hon member for Houghton [Interjections] The hon member for Houghton is attempting here to have a part of her party's policy inserted into the Bill through the back door [Interjections] Yesterday the hon member was opposed to the Bill entirely Today, however, she is looking for gaps to take After all, we know how the hon member for Houghton operates We know how easily she tries to slip in at the back door, particularly at times

We are dealing here with an amendment by means of which the hon member for Houghton is endeavouring to throw trade unionism wide open She is endeavouring to throw it so wide open that there will be no difference between the Iranian who comes to work on the pipeline between Durban and Sasolburg, or the South Slav who comes to work in this country with a work permit and anyone else I am deliberately mentioning these examples In other words, no discretion and no directive with regard to who may belong to a trade union must be contained in the Bill

Mr R A F SWART What does Wiehahn say?

*Mr J J LLOYD Mr Chairman, the hon member for Musgrave must not come and ask me now what Prof Wiehahn says I, too, read the report But I do want to point out to the hon member that the Wiehahn report is not the Bill [Interjections]

*Mr G DE JONG Do you accept the report?

*Mr J J LLOYD Yes, I accept it. It surprised me yesterday evening that the hon member for Musgrave—and now the hon member for Houghton does the same thing—was concentrating on Durban, on Natal, to such an extent I wonder whether those hon members think that they are going to win more than one seat in Natal I want to issue a warning to the NRP I detect secondary motives in these arguments advanced by the PFP I think the hon member for Houghton should like the Natal newspapers to write that the PFP fought for the Black commuters of Durban and Pietermaritzburg I do believe that the hon the Minister stated most emphatically in the Second Reading debate that he had already had discussions at various places in the country, among others in Durban as well He also had discussions with the industrialists in Durban In fact, the hon the Minister indicated the problems that existed

However, I want to leave the amendment of the hon member for Houghton at that and address myself to the hon member for Durban North The hon. member for Durban North indicated yesterday that he was going to move this amendment. He based his argument on the fact that some of the commuters

and contract workers already belonged to registered trade unions and that they enjoyed certain privileges as a result of that membership of theirs I want to submit to the hon member for his consideration that it is in fact in respect of cases of this nature that a discretionary power should be placed in the hands of the Minister so that when cases of this nature arise, they may be judged on merit and the hon the Minister may give his attention to them accordingly I also want to ask the hon member whether it would not be as well, in view of the evolution we are experiencing, to afford, as the hon the Minister indicated, himself and the commission the opportunity of instituting further investigations into the whole question of commuters When it comes to independent Black states and to Black states that are in the process of becoming independent, all kinds of agreements and citizenship are involved All these things could be affected Autonomy is another aspect that could be affected For that reason I want to ask the hon member to consider whether it would perhaps be as well not to demand the effecting of the deletion at this stage, as proposed by him I think we should rather accept the clause as it is worded at present, and allow its provisions to develop in order to ascertain what will happen in future

For that reason I am unfortunately unable to support either the amendment moved by the hon member for Houghton or the amendment moved by the hon member for Durban North

*The MINISTER OF LABOUR Mr Chairman, hon members who have been participating in this debate today, were present yesterday when I participated in the debate The hon member for Pretoria East, who has just spoken, repeated the arguments I had advanced. However, he was paying attention yesterday while this was not the case with the hon member for Houghton Now I want to repeat what is at issue [Interjections]

What is at issue is that we now have to accommodate millions of Black people in the labour situation But we have to accommodate them by means of labour organizations The millions of Black people within these organizations are in all stages of understanding and development. We are dealing principally with two main groups at the present time The one group is the commuters and the other the contract workers There are two types of contract workers There are the contract workers recruited in South Africa and also in our independent states or states in the process of becoming independent But contract workers are also recruited in Mozambique, Angola and various other places Everyone has a distinctive problem As far as the commuters are concerned, there are two types as well There are the commuters living within travelling distance from a large city, and I take Pretoria as an example They work in White South Africa but live in an independent country

*Mr R A F SWART Such as what country?

*The MINISTER Such as Bophuthatswana The hon member does not understand the situation [Interjections] Now I want to say what type of situation could arise Suppose we have a strike in Pretoria in which Black people participate Suppose that people living in another country and who are that country's citizens and responsibility, participate in that strike Suppose, too, that the very next day these citizens of an independent state employ "picketing" tactics in the strike An international incident could result from this I am mentioning this merely as an example of what could happen

On the basis of these examples I told hon members unambiguously that of all the things we had, there was one field—I had conceded this on a previous occasion—in respect of which I could see even at this stage that we would have to amend the legislation before long I told hon members this, and I told employers this I said this last week and the week before I told them that there was no ulterior motive However, in view of the complexity of the situation and the type of thing we have to take into account so as to be able to do the correct thing eventually, I want to do only the minimum at this stage For that reason I say in terms of the definition of an employee that it is a person living and working in the RSA

This variety of other possible cases will be sorted out by us That is why I reserve a discretion for myself, which I am most definitely going to exercise Even at this stage I can tell hon members that I know of places, towns and Black trade unions that need not approach me After this Bill has been passed, I shall tell them that we have to get it off the ground in order to settle the matter However, the hon member for Houghton must not try to persuade me to anticipate matters at this stage and to create legislation with which I shall saddle myself with administrative problems tomorrow All I am asking for is the patience and understanding of this House [Interjections]

The hon member for Durban Point has a few areas in mind I want to tell him that I understand the circumstances in his specific area. However, I negotiated with industrialists in that same place and I shall do so again if necessary If necessary, I shall reserve a flight immediately after the Bill has been passed to go and negotiate with them and to tell them that we have to make a start now in order to settle the matter I want to tell the hon member that there is a difference in degree between his proposal and that of the hon member for Houghton The hon member should just have some patience, because when we give consideration to the formulation of this during the recess, I shall bear in mind what he has in mind I think he will have the necessary patience

I should also like to tell hon members that once we started considering certain methods of action, the problems really started cropping up Hon members must bear in mind that my department has to implement the thing, whereas a commission merely considers it. The day one starts implementing the thing, one realizes that the commission itself could not have foreseen certain problems Consequently hon members should not quote the Wiehahn Commission to me I know along what lines the Wiehahn Commission thought, but ultimately I am the one who has to implement these things and who has to accept responsibility for them in this House Consequently there is no ulterior motive or negative attitude with regard to the whole matter If the hon members want to do something good for South Africa, they must allow me to implement this, because if they argue about the matter, knowing what my point of view is, they can only damage the image of South Africa in the eyes of the outside world Therefore I request hon members to bear this in mind

Mr R A F SWART Mr Chairman, I want to refer briefly to the hon the Minister's definition of commuters The hon the Minister did not answer me yesterday when I dealt with the Durban situation He ignored those remarks of mine entirely and I would urge him to apply his mind once again to the particular situation which exists in Durban

The MINISTER OF LABOUR You mentioned Kwa Mashu

Mr R A F SWART Yes, Kwa Mashu and Umlazi I received no answer from the hon the Minister yesterday during his reply to the Second Reading

The MINISTER OF LABOUR Those two places will have priority in our handling of the situation

Mr R A F SWART I want the hon. the Minister to apply this to the definition he gave in the speech he has just made on the questio of what a commuter is He cited the question of Pretoria and he said that these people work in Pretoria but live in an independent State I asked him which independent State and he triumphantly said Bophuthatswana. I knew that was going to be the hon the Minister's answer I want to ask the hon the Minister, however, whether he reconciles the situation relating to Bophuthatswana, which in terms of Government policy has taken its independence, with the situation of the Zulu living in Kwa Mashu and Umlazi They are part of a homeland which has not taken independence and has so far indicated that it does not want independence

The MINISTER OF LABOUR I take your point and I can immediately reply to it.

Mr R A F SWART That is the particular point I want to make with regard to the commuter, because I believe it is totally unfair to discriminate against the Zulu worker of Durban, who is part and parcel of South Africa, who does not belong to an independent State and is part of the manpower structure of the city of Durban, as opposed to the Zulu worker who happens to live in a White area. This is a basic point. It is not the entire objection we have towards it, but it is a particular point on which I should like to hear some comment from the hon the Minister

*The MINISTER OF LABOUR Mr Chairman, now is that not enough to make one cry? I am probably a bad teacher However, I should like to state again that there are in fact two types of groups There are the contract labourers, and with them alone we have a variety of problems and circumstances There are also the commuters I have just told the hon member that there are two types of commuters There is one group in the independent homeland, and the other group is like those in Durban However, what more can I do than to say that I myself mentioned Durban as an example of a problem to which I should have to devote attention? I travelled to Durban to have discussions on the same matters he is now asking me about If it would mean anything more to him I should now like to promise the hon member that as far as Durban is concerned, I shall give my attention to it at once, as I intended doing, and also promised to do The matter in Durban is not a strange situation to me It is a situation to which I must and shall devote immediate attention All that I am asking the hon member is that he should allow me to do it in the way I want to do it, and that he should not prescribe to me that I should do it in a way I do not see my way clear to doing it at the moment. There is no problem as far as Durban is concerned The hon member can go and tell the voters of Durban that the Minister will give attention to the Durban case That is what I am the Minister for, and that is why I introduced this legislation

*Dr Z J DE BEER Mr Chairman, one should not be ungrateful to the hon the Minister Today he stated with even greater emphasis than he did last night and on previous occasions outside the House, that he was going to give attention to the question of the commuters, particularly the commuters of Durban—if I interpret him correctly—and not only the commuters of Durban We do not doubt the hon. the Minister's good intentions The hon the Minister is asking us to be patient, not to object now to what he is doing, since he is promising us that in future he is going to change what he is doing now and is going to do something else Over the years, however, we have become accustomed to a certain procedure, which is that a Bill is introduced for approval or otherwise by Parliament. There are words on a piece of paper, and that is the Bill It is a good thing that the hon the Minister is envisaging something different to what is contained in the Bill before us, but he must really not take it amiss of us for adopting a standpoint with regard to the Bill as it reads at present. This is not a question of doubting the hon. the Minister's intentions or doubting that the Bill is going to be amended in future Last night I tried to chalk out what the practical problems were going to be in the meantime, between now and when the hon the Minister is going to solve his problems with the commuters and possibly with some of the migrant labourers as well In the interim period, the test of a man's suitability to be a member of a trade union is going to have nothing to do with his development, education, skill or experience, but will merely be concerned with the fact that he happens to have lived in Lamontville or in Kwa Mashu when that township was incorporated into kwaZulu Where he was living then, of course, was purely a question of chance

However, let me get to the crux of what I want to say The hon the Minister said a few minutes ago—and what he said was true—that commuters are people in various stages of development. I assume that the hon the Minister also means that that is also true of migrant labourers I am sure it is also true in their case Why does the hon the Minister use the words "understanding" and 'development"? Presumably he uses these words because he believes that workers with a high measure of understanding and development are more suitable for trade union rights than those with a lesser measure of understanding and development

*The MINISTER OF LABOUR Mr Chairman, I should like to put a question to the hon member I trust hon members have listened to the hon. member's argument. He holds it against me that I used the words "understanding" and "development", as though everyone's understanding and development were the same I now come to my question

*Dr Z J DE BEER No, that is not what I said.

*The MINISTER OF LABOUR But that

is the whole argument the hon member has raised here

Mr B R BAMFORD What is the question?

*The DEPUTY CHAIRMAN Order! The hon the Minister may proceed to put his question

*The MINISTER OF LABOUR Does he want to tell me that the understanding and development of the migrant labourers at the mines with which he is concerned, are the same as those of the people in Durban he was dealing with, people who have been accommodated in a responsible labour situation for 30 years?

*Dr Z J DE BEER That is not what I said

*The MINISTER OF LABOUR Is there the same development and understanding in those two situations?

*Dr Z J DE BEER The reply to the hon the Minister's question is, generally, "no" I shall now continue with the argument I was putting forward when the hon the Minister put his question to me I was asking the House why the hon the Minister had used the words "understanding" and "development" He presumably used them, I said, because he thought a man with a fairly high degree of understanding and development was more capable of exercising trade union rights than was a man with a lesser degree of understanding and development. When the hon the Minister put his question I was on the point of saying that this was a reasonable argument. I think an argument could be made out for that on both sides If a man says he is going to try to ascertain whether people have reached a certain level of development and that he is then going to enable them to exercise trade union rights, he has a logical argument to which I can listen However, my very problem with this clause and this Bill is that this is not in fact being done Now, I find it interesting and actually in conflict with the hon the Minister's own arguments that he should have mooted the words "understanding" and "development" this afternoon. The distinction he draws in the Bill—and that is what we have to vote on—has nothing to do with 'understanding" or 'development" It is related to geographical chance and that is all that is involved If therefore, one man is on this side of the street and another on the opposite side, then only the man on this side of the street is entitled to trade union rights I cannot see how this could be regarded as justified or logical For that reason I gave the hon the Minister a tip during the Second Reading I know that he is being confronted with immense problems and that many of those problems are of a technical and complex nature Less than a week ago, an eminent industrialist told me "In my factory, there are 28 different kinds of Joe Khumalo" Perhaps there are not quite as many as 28, but there is a considerable number of them with mutual differences, and the hon the Minister knows that. I am aware of the problems In that case, the hon the Minister should rather have kept part of this legislation in abeyance altogether until he had thoroughly investigated these matters and was able to come forward with a logically defensible, justifiable dispensation In the meantime, he could have gone ahead with the industrial court and the Manpower Commission

While I am on my feet and since this is relevant, I come to the specific question which the hon the Minister put to me across the floor of the House tonight, i e whether I wanted Mozambicans working on the mines to be admitted to the trade union movement. I concede that in this regard there is a real problem. This is a doubtful matter on two grounds One is the relatively low state of development of these people The other reason is that I think it is a debatable point whether people who are not and have never been South African citizens, should be admitted to the trade unions here That is also a problem that is being encountered with the *Gastarbeiter* in Europe There, the problem was solved in most cases by permitting them to join the trade unions although in many cases, as I understand it, they are not allowed to become officials of the trade unions I realize that this is an uneasy sort of compromise In this respect, therefore, we do have a problem If it had been up to me to make the crucial decision, after having read the Wiehahn Report and the arguments there in favour of the admission of such people, and taking everything into account, I would

have decided to admit them to the trade unions That is my full reply to the hon the Minister However, if the hon the Minister wants to exclude these people but is prepared to admit commuters and migrants who are South African citizens and who, as far as their understanding goes, have reached a satisfactory level, I would be very grateful for that, and his legislation would be immensely better and its implementation by the poor employers and employees immensely easier

What is it that we are looking for and not finding? It is not the hon the Minister's good intentions—we accept these and we are grateful for them—it is words in the Bill that make sense and are defensible

*Mr J J LLOYD Mr Chairman, the hon member for Parktown took up almost a full ten minutes for his speech, but what did he actually say in it? He actually said two things In the first place he said he accepted certain of the hon the Minister's problems, that he conceded that the Minister did have problems with regard to people from Mozambique or Malawi He accepts that, but the hon member for Houghton does not It is altogether contrary to her amendment. In fact it supports the amendment by the hon member for Durban North

In the second place, he asked why, in view of the circumstances, the hon. the Minister had not left this part of the Bill In so doing, he is actually saying Let us give the Black people nothing—then we point a finger at the Government and say "The Wiehahn Commission said you should really start allowing Black trade unions now, but what are you doing? You want to give them absolutely nothing" Is that what the hon member wanted? I should like to ask the hon member what objection he has to Black trade unions which can now be registered, or to their members Why does he not grant them the privilege of registering in terms of this Bill? Why is that hon member opposed to their registration? Is he opposed to this because he sees a danger in it, because he is afraid that he is going to lose an argument or because his party is afraid that at some stage it will no longer be possible to use those arguments as part of their constant barrage against us? The hon member for Parktown evidently has no easy existence in that party, since one can see that on the one hand he would like to meet the hon the Minister by stating that he knows what problems are being encountered, but on the other hand he has to take into account the thinker of his party, the hon member for Houghton, who says we should delete this entire clause However, the hon member is going to experience that problem as long as both of them remain members of that party He should not try to give vent to his frustration here now He is not going to get rid of his frustrations by on the one hand agreeing with the hon the Minister and, on the other telling the Minister that he should in fact have left matters as they were

I want to put another question to the hon member Why did he object to an expression the hon the Minister used? Surely the hon the Minister explained precisely what he was envisaging Does the hon member not want the hon the Minister to tell the House how he wants to move forward in future? It is very easy Yet he complains about it. I think the hon member for Parktown merely rose to support the hon member for Houghton knowing full well that there is absolutely no substance in his arguments or the arguments of the hon member for Houghton For that reason, I think the hon the Minister should simply ignore them

*Dr Z J DE BEER Mr Chairman I think it is probably opportune to reply now to a few of the questions put to me by the hon member who has just resumed his seat In the first place, he asked me what I had against the Black trade unions that were going to be able to register in terms of this Bill in the near future For the edification of the hon member who was either not in the House or did not listen, I should like to refer to the speech I made here yesterday evening I said the practical problem that would be created, was typified by what would happen in a typically Black trade union as it exists today Did the hon member hear that? Does he remember now what I said last night?

*Mr J J LLOYD Yes

*Dr Z J DE BEER What I said last night in that content is my reply, then, to the hon member's question It would be far better to stay our hand with the registration until the hon the Minister has manifested his good

intentions by effecting a few more amendments to the Bill, for then registration could take place without useful trade unions that just today being threatened with destruction That is what the Bill as it reads at present would bring about That is my reply to that particular question the hon member put to me

The hon member also wanted to know from me what objection I had to the hon the Minister telling us what he wanted to do in future I never said I had anything against that If the hon the Minister had risen during the course of the debate on his Vote, for example, and had stated that he envisaged granting trade union rights to three-quarters of the commuters and to five-sixths of the migrant labourers, I would have had no objection to that What I do object to—that hon member or any other member in the Committee can try to give me a reply to this question if he likes—is the fact that a Bill is being introduced and we are being asked to vote, not on the basis of what is contained in the Bill, but on what the hon the Minister has stated he is going to do in future Hon members will agree with me that no Parliament in the world can work on that basis The hon the Minister of Posts and Telecommunications, for example, cannot introduce a Bill that provides that he was going to dispense with telex machines and then, in the Second Reading debate, tell us that we might as well vote in favour thereof, since it was his intention in any event to recommission those machines again in six months' time Of course I am exaggerating a little to illustrate my argument, but this is the situation in which we have been placed For the edification of the hon member for Pretoria East—so that he need not rise again and ask me what I have said—I repeat that I do not hold it against the hon the Minister at all for telling us what his intentions are However, I shall abide by the procedure that what I vote on, is the Bill and the motion before us

Mr R B MILLER Mr Chairman, I should like to refer to the comments of the hon the Minister in reply to the remarks that I made earlier in moving my amendment I wish to point out to the hon the Minister and to hon. members of the PFP the fundamental difference between the PFP's amendment and ours, because I think it is important in view of the choice which is before the House at the moment. I should, firstly, like to comment on what the hon the Minister had to say and I shall then come back to the hon member for Houghton

The first thing is that, like the hon member for Parktown, we in these benches say that we have heard what the hon the Minister had to say about his intentions regarding the commuter and regarding the migrant worker, but we cannot, as the hon member for Parktown has indicated, vote here on the strategy which the hon the Minister is going to employ We welcome the fact that he is going to conduct an inquiry, he probably has done so already He has indicated to us that he is appreciative of the problems which we have, particularly in Natal But there are, of course, other areas in South Africa which are affected by this as well We should like to make a further appeal to the hon the Minister to at least accept the amendment which has been proposed by my party, because the definition as it stands at the moment is not going to be an improvement on the situation In fact, it is going to create barriers and difficulties for the hon the Minister which he does not have at the moment We believe the incorrect definition which we had is going to make it all the more difficult for the hon the Minister to implement what he visualizes implementing

Then I should also like to point out to hon members of the PFP why it will not be possible for us in these benches to support their amendment It hinges around a fundamental factor which was mentioned by the hon member for Parktown, namely that the hon member for Houghton's amendment goes too far and creates the difficulty that the real foreign worker—the one from Mozambique, Malawi or Zimbabwe—is now being offered the opportunity also to become a member of a trade union in this country I do not believe that that is the correct principle to follow If the hon member had confined herself to the situation within the boundaries of South Africa relating to the contract or migrant worker, we may have had some cause to support her amendment, but because she has negatived virtually the total clause, I am afraid it is not possible for us to support her amendment. I should like the hon member to note that in terms of the amendment which I am moving, we say that the real

as a result of what I can only call our past antiquated legislative programme

If we look at the Bill itself we find that there are a number of issues with which we do not agree However, there are also a number of issues which we can support wholeheartedly In the first instance it would be unwise of us not to repeat our congratulations to the hon the Minister and his department on the actual appointment of the Wiehahn Commission We have said this previously, but I believe it to be such a monumental piece of work that it bears repeating We should like to congratulate the Wiehahn Commission again on this magnificent achievement

Turning to this specific amending legislation, I should also like to tell the hon the Minister that we appreciate the explanatory memorandum supplied to us, and also the White Paper which was produced I believe that with legislation as complex in its nature and as far-reaching as this legislation it is of course absolutely essential that one should have this kind of information available Therefore, we should like to thank the hon the Minister and the Secretary of his deparment for providing this information Then I should also like to comment briefly—before going on to the details of the Bill—on the production of the magazine *Empact*, a magazine which is mostly distributed overseas, and in particular this special edition which deals with the Wiehahn Commission's recommendations as well as with the amending legislation It is evident that when one reads through this magazine very carefully, one could detect the trend and the direction of this amending legislation This particular publication, like the Wiehahn Commission in its report, raises the expectation that great changes are going to be brought about in South Africa. I certainly hope that this magazine succeeds in conveying, to the outside world, the success of the Wiehahn programme, provided of course that the hon the Minister is bold enough to come along with meaningful changes in the relevant legislation Let me say that we in these benches welcome the provisions of the Bill relating to the creation and the establishment of the National Manpower Commission It is evident that the hon the Minister is going to rely extremely heavily on the advice he receives from the National Manpower Commission, and it is also evident, from the various provisions of the Bill, that the hon the Minister is going to make haste slowly As important as it is to maintain industrial peace while we have evolutionary change—words of the hon the Minister himself—I nevertheless believe that there is a certain measure of restraint in the hon the Minister's confidence in the free-enterprise system to regulate itself and to cross this bridge of change successfully In the Bill I detect a hesitancy on the part of the hon the Minister to let private free enterprise actually give birth to this new revolution successfully The hon the Minister will obviously, at a later stage, be telling us why he has adopted what I believe to be an ultra-cautious approach to bringing about these changes No doubt the people serving on the Manpower Commission will be serving the hon the Minister well, and we certainly welcome the provisions in the Bill for the creation of this commission We only hope that the recommendations of this commission will truly be in the spirit of the full recommendations of the Wiehahn Commission

The provisions in the Bill for the establishment of the new industrial court are also to be welcomed This is a new concept in South Africa and, I believe, in many of the technologically highly developed Western countries The concept of creating special organs for dealing with specialized technological problems is certainly to be welcomed because one's normal judicial system is geared to serve a multiplicity of judicial interests Something as sensitive, in the South African context, as industrial relations does, I believe, require a fundamentally different approach in terms of the operation of a court, and therefore we also welcome the provisions in the Bill for the establishment of the new industrial court.

Thirdly, the repeal of section 77 of the Industrial Conciliation Act is also to be welcomed. Whilst we welcome the removal of job reservation, we also note, with a certain degree of interest, how the Minister has gone about retaining the provisions of this section while actually removing the section itself from the Statute Book Let me

also say, however, that we welcome the concept that it will be for the negotiating parties, i e the employer and employee organizations, to negotiate away the remaining five statutes In large measures we can therefore say that we have been successful in removing job reservation from the Statute Book

If we look at the prospects for industrial peace and for the successful transition from the pre-Wiehahn era to the post-Wiehahn era, however, it is evident that the removal of the provisions of section 77 is likely to cause the hon the Minister and his department more difficulty than any of the other provisions of the legislation We in these benches have maintained for some time that therewill be certain vested interest groups that will attempt to use this particular section for political purposes, and we therefore appeal to those relevant parties, including the PFP, not to bedevil industrial peace in South Africa by trying to make political gains out of the hardships that will flow from the entrenchment of the particular provisions [Interjections]

The hon member for Rondebosch says "Go suck eggs" I think that is probably the level of his activities As far as job reservation is concerned, I think it is really interesting, in the South African context, that despite all the provisions of section 77, which have been in force for some years past, we have maintained the industrial peace that we have I believe that it is largely due to the initiative and ability of the private free-enterprise system to overcome friction in the work-place That, I think, is what have contributed to this, despite the provisions of section 77 We certainly welcome the particular part of this Bill that makes it possible for employer and employee organizations to negotiate this between themselves No doubt the hon the Minister will have to keep a wary eye on those particular conservative employee organizations which are in the future still going to try to make political capital out of this

I want to turn to a further clause which gives us very considerable concern and to which we will be moving amendments during the Committee Stage. I refer to the clause containing the definition of "employee" I should like to dwell for some time on this particular aspect, because this is the one shock provision which, as we discovered when we first looked at the Bill, is not in accord with the publication of the hon the Minister's department and certainly not with the expectations of all South Africans or with the recommendations of the Wiehahn Commission

Mr R J LORIMER Do you regard it as a principle of the Bill?

Mr R B MILLER When one strips this definition of all the fancy-work, all the frills and the bits and pieces, it boils down to the fact that only those Blacks in South Africa who have section 10 rights and are in permanent employment are going to be eligible to join trade unions There are two reasons why we will be moving an amendment to this The first is that it is going to affect seriously the existing rights of Black workers in South Africa There are hundreds of thousands of Black workers who in terms of the new definition will lose their right to membership of trade unions Not only will they lose that right unless the hon the Minister comes with a sort of blanket exemption, but they are also likely to lose their right to their provident and pension funds, which are operating very successfully at the moment, albeit through unregistered Black trade unions I think the hon the Minister will have to give serious consideration to the fact that there are Blacks who are already members of unrecognized and unregistered Black trade unions and who are going to suffer considerable inconvenience and hardship in terms of their benefit and provident schemes unless they are allowed to continue with that membership

Another very important aspect regarding this definition is that it will probably lead to the exclusion of the majority of the Black industrial workers in South Africa if the Government is bent on pursuing its other ideological principles that, ultimately, there will be no Black South African citizens It is easy to see what will happen if one applies this particular definition of the Bill There will be fewer and fewer Black workers belonging to trade unions We cannot go along with that definition of "employee" We believe that freedom of asso-

cannot be achieved, the dispute must be referred to the industrial court I think this measure lends itself to a greater joint say and self-determination between employer and employee, so that when a dispute arises, they can solve it themselves

I welcome the new industrial court, because I believe it now has more teeth and greater jurisdiction Other hon members on this side of the House will refer to this further I am a champion of trade unions and I believe that we should have trade unions, because a trade union is one of the most important partners in creating sound labour relations and industrial relations in a country However, having said that, I want to state clearly and unequivocally that a trade union should confine itself to the scope and the field in which it operates We must not in this way create an opportunity within a trade union so that other people and militants can succeed in using it to create power bases and in this way pose a threat to a country

A trade union should strive to act in the interests of its employers or employees, so that good relationships can be created Accordingly I welcome certain provisions that have been introduced in the legislation In the first place I welcome the fact that a penal provision has been introduced, which will be applicable if employers should deduct membership fees from "non-members" In terms of the new provision they can now be fined up to a maximum of R500 In my opinion it is also important that annual reports and financial statements of such trade unions be submitted to the Registrar in future I believe it is important that an inspectorate be established which can investigate the activities of those trade unions to see whether the body is being managed on a sound basis and whether they are really engaged in trade union affairs I think it is also important that the provisions relating to financial and political support to political candidates or parties, be extended and that trade unions be prohibited from affording such support to political parties In my opinion, what we are doing here constitutes a step in the right direction Clause 10, to which the hon. member referred, provides that no additional employers or registered employers' organizations or registered trade unions will be admitted as parties to an industrial council. After all, existing industrial councils are recognized by the legislation, and new parties cannot simply join at this stage Would those hon members allow any party simply to join their executive without further ado? No, they would not. All we are saying, is that when a new party applies to be admitted to an industrial council, all the parties to the industrial council—viz. employers and employees —must state unanimously that they will admit the new party However, we hope that the amendment on the Order Paper will be accepted so that there will also be a right of appeal for that party if they are turned down

I now want to conclude I think this Bill is a step in the right direction in the interests of South Africa. I think it is in this that we are preparing for the future, we are planning more meaningfully with regard to the labour force in this country It is a step in the right direction because we can train the people properly and will channel our manpower

Since we have now created these mechanisms, employer-employee relationships can improve in future so that they can sit around a table and negotiate meaningfully If we can succeed in this, we shall not only have progress in this country, but we shall have the greatest degree of labour peace and industrial peace as well I think that with these necessary measures we are heading for a fine future Let those slowcoaches sit in the corner In South Africa we have always been able to manage without their assistance We do not need their assistance They have never been in earnest in their intentions towards South Africa, but only stick-in-the-muds that we have always had to drag along with us

I take pleasure in supporting this Bill

*Mr R. B MILLER Mr Speaker, the hon member for Vanderbijlpark will probably pardon me if I do not react immediately to the aspects which he raised. I shall do so in the course of my speech

†The publication of this Industrial Conciliation Amendment Bill was awaited with great anticipation by not only all the hon members in this House, but also by the vast majority of employees and employer organizations throughout South Africa. In addition the advent of this amending Bill was no doubt keenly anticipated and awaited by many organizations outside the borders of South Africa as well

If one reads the accolades and the comments that were published by various organizations, political parties and institutions around the world, it is clear that the recommendations of the Wiehahn Commission were indeed welcomed As the publication of the Department of Labour, *Empact*, said it would in fact introduce a new era in industrial relations That was the mood with which the population of South Africa awaited the amending legislation with bated breath

Before turning to the specific provisions of this amending Bill, I should like to comment on a few aspects which this party held as of paramount importance in viewing, weighing and considering these amendments In South Africa we have an extremely complexed social and industrial community and therefore the norms that may have been applicable to high technological well-developed industrial countries overseas, may not necessarily be directly applicable and transferable to the South African situation. Therefore I think it is absolutely essential that whoever interprets the Industrial Conciliation Amendment Bill and the interpretation and application of the recommendations of the Wiehahn Commission should bear in mind that we are dealing with a vastly different population in South Africa. In addition to that, the track record of trade unionism overseas no doubt has a significant bearing on what one can expect from the introduction of what I should like to term the classical Western pattern of trade unionism in South Africa I do not think there will be many hon members of the PFP who would disagree with me when I say that trade unionism, and the pattern in which it was introduced and still operates in large measure overseas, has in its way also brought about considerable concern and damage to not only the social fabric of the industrial society it serves, but also the economy of many of the countries it serves I think the best example of successful unionization is probably to be found in the German model

The hon member for Houghton has told us with what they disagree in this Bill However, I have not yet heard of any alternative which they have to offer But be that as it may, I believe it is of paramount importance—and this is one of the most important aspects which we took into consideration in viewing this Bill—that the maintenance of industrial peace in South Africa should be our first priority while evolutionary change is being brought about. The hon the Minister in his Second Reading speech touched on a number of very important points with which we certainly concur The first is that it is to be welcomed that the dualistic nature of our legislation controlling industrial relations is now virtually going out of the window The first steps are to be taken in the introduction of a unitary industrial relations Bill I say the first steps are taken, because it is well known that the Wiehahn Commission itself will still be providing us with a further six or even seven reports, which may all lead to new labour legislation

However, I think it is to be welcomed—we in the NRP certainly welcome it—that we are now beginning to dismantle the antiquated, unrealistic and dualistic legislative system which has operated in this country for so many years At the same time I believe it will be recognized that we have had rapid technological changes in South Africa The whole nature of the demand and supply of labour has changed according to those areas in which we have had the most rapid technological developments It is well known and well motivated by many employer organizations in South Africa that by the year 2000 we are going to be short not of tens of thousands, but of hundreds of thousands of skilled workers in South Africa if we are going to remain entirely reliant upon the White population sector to provide skilled labour

It is, therefore, evident that the Wiehahn Commission's recommendations—and therefore legislation which is likely to flow from it—have become of paramount importance to South Africa if we are to combat unemployment and if we are to maintain a steady growth, not only in the standard of living of every South African, but also if we are to survive as an industrial and economically viable country in the Western technological world. If we approach it in this light it becomes very evident that these changes are of paramount importance and that they should be brought about with all proper haste rather than with undue haste

I believe the people who are most likely to benefit from these changes in labour legislation are to be those people who, in the past, were most unfortunate and who suffered most

*Mr H. E J VAN RENSBURG Are you ashamed about that?

*Mr J M HENNING Over the past 15 years, bitter debates have been conducted on this matter in this House When that hon. member was still playing with marbles, we were already arguing about these things It was necessary for us to do so

*Dr Z J DE BEER Have you lost your place?

*Mr J M HENNING I shall come back to that I shall not digress from the subject as the hon member did.

I want to come back to the definition of "employee" The definition of "employee" now includes all employees, irrespective of race, colour or nationality, but goes on to stipulate that an employee must have permanent residence or a permanent occupation in White South Africa. It is true that foreign workers are excluded under the definition In other words, foreign workers are persons who live in Bantu Trust areas or in independent or self-governing Black States It is not strange that foreign workers cannot enjoy membership of registered trade unions in South Africa. Throughout Europe and Africa there are many foreign workers who do not enjoy trade union membership

However, we have done away with that discriminating measure on the basis of race and colour In this regard there is no longer discrimination But then these people say that this Bill will in fact give rise to conflict. The hon member is very concerned that commuters, border workers and contract workers will not fall under the provisions of the definition I think we should be careful I think we should in the first place meet the labour requirements of our country and regulate our internal matters Consequently I think it is necessary for the definition to relate to the people living in our country If a person is not a member of a trade union, one does not enjoy conditions of service inferior to those of members On the contrary, when a wage-for-a-job is being bargained for around a table or is ratified by a wage board agreement, that agreement will not stipulate that an employee will receive lower wages or will enjoy inferior conditions of service if he is a commuter or migrant labourer Over the years a mere 30% of our Whites and Coloureds in South Africa have been members of registered trade unions Do those hon members now want to allege that the 70% of our White and Coloured population who were not members of trade unions, had conditions of service inferior to the people who had that membership? Surely this is the greatest nonsense However, the hon members go further They are now saying that farm labourers and domestic servants should be included We are now dealing with the Industrial Conciliation Amendment Bill Farm labourers and domestic servants do not fall within the framework or the scope of the Industrial Conciliation Act. It is much better that they should be covered by the wage laws of our country

The hon members of the PFP are always looking to the great country of America. They are also fond of making telephone calls to it. I think the hon member for Houghton could well telephone Mr McHenry and ask him why it is that agricultural workers in the USA cannot become members of trade unions They enjoy no protection under their National Labour Relations Act However, if this happens in South Africa, it is a terrible sin I too, am concerned about the definition which excludes commuters, but I do not want to allow all commuters to be included in the definition at once I think they should comply with certain qualifications, because it could be difficult for the employer in practice if commuters were excluded However, the Minister has the right of discretion, and I believe he will use it judiciously

I want to refer to another reason Why can foreign workers not be allowed to our industrial boards and trade unions without further ado? We have a very sound labour pattern in South Africa. By bringing in a number of foreign workers at this stage, where proper relationships are already in existence between employer and employee, those good relationships can be distributed, and this might not be in the interests of South Africa.

I want to state categorically here today that the PFP is not interested in the welfare of the labourer in South Africa. How do they interpret the Wiehahn report? They are using the Wiehahn report as a means of polarizing the Blacks in South Africa. [Interjections] They interpret the Wiehahn report to mean that the trade unions should be dominated by Blacks

That is the purpose for which they want to use the Wiehahn report. [Interjections]

If we examine the definition of "employee", which is now being amended, what does this amendment amount to? Black employees can serve on industrial councils in future Black trade unions can now be registered Black employees can now serve on conciliation boards The deletion of section 10 means that Black trade unions can now establish their own federations of trade unions I therefore ask Where is the discrimination supposedly prevailing in South Africa? If those hon members have a task to perform for their fatherland—they who are always loudly maintaining that the Industrial Conciliation Act is one of the reasons why South Africa's economy has been boycotted, that the Industrial Conciliation Act with all its provisions, is the chain that ostensibly binds us, and is supposedly the cause of our not being productive—then they have the greatest opportunity today to broadcast and make known to the world that the Industrial Conciliation Act of South Africa contains no section based on race or colour This is their duty, if they take their duty to their fatherland seriously

Now I should like to deal with another very important amendment, viz the repeal of section 77, the job reservation section Over the past 15 years we have had bitter debates on this section in this House Today there are many people who are pleased, like the hon member for Houghton—I do not begrudge her that little bit of joy and satisfaction in her life, she gets it so seldom— [Interjections] but there are many who are deeply concerned about the repeal of section 77 There are many people who are concerned that there may perhaps be ousted from their categories of work, categories of work that have been filled by Whites and others over the years Surely we know the history of this country After all, we also have to deal with unscrupulous employers, who only want to make use of the cheapest labour This is not foreign to us We know those things I think it was absolutely essential to have such a section in our Act. In the late 'forties we had to deal with, the militants in South Africa, among others There were, for example, people like Solly Sacks, Johanna Cornelissen, and others Solly Sacks was a listed communist, and contributed a great deal to bringing about Black domination of the trade unions on the Witwatersrand and in the urban areas, and in this way ousting the Whites They wanted to create a power base for themselves In the years after the Second World War, when there was a large-scale influx of Blacks to the Witwatersrand and the urban areas to drive out the Whites, it was an absolute necessity to have a provision such as section 77 on the Statute Book It was the guarantee and the provision that protected the Whites from being supplanted This was not only in the interests of the Whites, but in the interests of everyone [Interjections]

Over the years it was necessary to make 27 determinations, including certain job reservation determinations However, as industrial development took place in South Africa, and as change occurred, it also became clear that the provisions of those sections were no longer necessary The industrial court then repealed 20 of those determinations and suspended two, and at the moment there are still five such determinations in South Africa applicable to industrial job reservation The hon the Minister has undertaken to repeal these determinations too once they are no longer necessary In my opinion it is necessary still to have protection in this regard. We still have unscrupulous employers today Consequently I believe that there should still be a certain form of protection for cases when irregular action is taken against any employee, irrespective of his race, group or colour For that reason I welcome the fact that a provision with regard to improper labour practices is being embodied in the legislation, and I also welcome the fact that that definition covers a wide field I welcome the provision in clause 13 of the Bill, to the effect that a labour dispute can now be declared as the result of an unfair labour practice If a situation entailing an unfair labour practice were now to arise

*Mr H E J VAN RENSBURG Give us an example

*Mr J M HENNING Keep quiet and rather learn something [Interjections] If an unfair labour practice of this nature were to arise, the matter would have to be referred to an industrial council or a conciliation board, as the case may be The dispute must then be settled unanimously If unanimity

For these reasons we are obliged to oppose the Second Reading

*Mr J M HENNING Mr Speaker, in the first place I shall try to confine myself to the Bill before us at present, since the hon. member for Houghton digressed somewhat and at times strayed a long way from discussion of the Bill

I want to avail myself of the opportunity of giving the hon the Minister the assurance that we on this side of the House support the Second Reading of the Bill unambiguously Under the guidance of the hon the Minister, and with the closest co-operation of the management of the Labour study group of the NP as well as the members of the group, it was my privilege to make representations to the hon the Minister two years ago during the discussion of the Labour Vote in which I asked him to appoint a commission of inquiry to investigate all aspects of our labour legislation and to submit a report on their findings

It is now history that the Wiehahn Commission was then appointed, on which served representatives of employers' and employees' organizations as well as others with an intimate knowledge of the field of our labour legislation Consequently I should like to avail myself of this opportunity to express our most sincere thanks and appreciation to the commission They performed an enormous task in a very brief space of time Their work was very important and their terms of reference wide The implications of their report are very wide and could affect the welfare and the prosperity not only of our employers, but of our country as well in the future

When one examines the findings and recommendations of the commission, it is very clear that they carried out an in-depth study of the labour legislation of our country The commission's findings are founded on sound arguments and take into account labour practices in use over the years They also took into account the fact that certain work was done in a traditional way They took cognizance of historical facts and also took into account our population composition They made their recommendations with a view to making provision for the better utilization and better training of our labour

In the first place the commission succeeded in creating a mechanism for us containing certain built-in safety-valves which will ensure that individuals or groups of employers will not be supplanted, but will in fact enjoy protection The mechanism has been created to enable employees and employers to bargain collectively, but on an autonomous basis, in future Consequently the mechanism has been created whereby there will be a greater degree of self-determination between employer and employee with regard to the labour patterns which will be designed for the future

The commission pointed out something else to us too The mechanisms created are aimed at ensuring as a top priority that there will be labour peace in this country The party to which the hon member who has just resumed his seat belongs, obviously classes labour peace as a second or even a third priority Apparently it is not important to them whether labour peace prevails in this country

Another thing the commission pointed out to us, is that the mechanisms have been created with a view to preventing disputes rather than solving them later I think they have also created the necessary mechanisms which could give rise to economic revival in South Africa.

But I think the findings have also confirmed what we anticipated to a certain extent, viz. that the Industrial Conciliation Act, which has yielded good results over the past 23 years, is no longer in step with the times It has also been confirmed that our labour pattern in South Africa has changed spontaneously In addition I think it has confirmed that the relationship between supply and demand in South Africa has changed Furthermore I think that this commission has also confirmed that it is necessary for us to examine the Industrial Conciliation Act more often with a view to adjusting it from time to time, as circumstances may demand.

It is extremely regrettable that when the report of the Wiehahn Commission and the White Paper were tabled, people such as Mr Arrie Paulus and a few others whom I regard as irresponsible trade union leaders, read into this that the Government is now betraying the White worker in South Africa. This is a dangerous game these gentlemen are playing, viz thinking that they can play off White

against Black in this country I think they are arousing feelings

*Mr H E J VAN RENSBURG You have been doing it for 30 years

*Mr J M HENNING The party of the hon member for Bryanston could not even retain its deposit in Randfontein, I therefore think he would do better to keep quiet.

I said that I thought that Mr Arrie Paulus is acting irresponsibly, but I think the hon gentleman is in this way trying to regain the prestige he lost as leader of the Mineworkers' Union at the time of the unsuccessful strike I think he may achieve temporary success through his actions, but I want to give him the assurance that he is underestimating the intelligence of the White workers in South Africa and that he will have to pay the price in due course, because there are already rumblings within his own ranks and within that trade union

However, it is not only Mr Arrie Paulus who is so irresponsible No, Sir, the hon member for Houghton is just as irresponsible What has she in fact done? She actually made the speech of the chairman of her party's labour group, the hon member for Pinelands, who is not in the House at present His speech appeared in the *Cape Times* and *The Argus* of 23 May and this is the speech the hon member repeated here The hon member's conduct is just as irresponsible as that of Mr Arrie Paulus, because what are they doing? They are trying to play off Black against White in this country If statements of this nature are made by the chairman of her party's labour group, viz that the report tabled will give rise to poorer race relations between Black and White in South Africa, that it will not create better relationships, but that it will give rise to conflict, they are playing in just as dangerous a game They must be careful what they do in this country, when they are engaged in this type of game These people are making dangerous statements, because the very purpose of this legislation is to eliminate racial discrimination based on race and colour When these people make such statements—probably I dare not say this—then it borders on treason and the greatest irresponsibility I have ever seen

*Mr SPEAKER Order!

*Mr J M HENNING Mr Speaker, I am not saying it is treason, but it borders very closely on treason I shall withdraw it and say that they are very irresponsible If such statements reflect the thoughts of people, I say that such people no longer have any love for their fatherland.

This Bill is, as I have said, aimed at specifically eliminating discrimination in South Africa. The Industrial Conciliation Act created contented industrial relations in South Africa. We had labour peace I now also want to tell hon members that we would be foolish if we do not realize that times have changed. I have already referred to the fact that a restructuring of work is taking place in South Africa, that categories of work previously occupied by Whites and Coloureds, are at present being filled by Blacks and that the demand and supply of labour have changed completely

Over the past few decades we have experienced the greatest industrial development ever in South Africa. After all, we in the Republic of South Africa have not remained stagnant and dormant. On the contrary, I believe that we are heading for an industrial revolution in the future and for that reason I believe that it is necessary to effect certain amendments to the Industrial Conciliation Act

I hope and trust that the recommendation of the Wiehahn report to the effect that the name of the Department of Labour should be changed to the Department of Manpower and Development will be complied with, because I think that the functions and the duties with which the Department of Labour is charged, have changed completely and that the future function, particularly as far as planning and deliberating and the training and channelling of our manpower are concerned, justifies the amendment of the name of the Department of Labour to the Department of Manpower and Development.

I want to refer to what is probably the most important amendment to be effected to the Industrial Conciliation Act in terms of this Bill, viz. the new definition of the word "employee" in clause 1 This is the key to our labour legislation, because in the past the definition of an employee was applicable only to a White and a Coloured.

In principle the idea of an industrial court is a progressive idea. It has as its base, I hope—or at least it should have—the dismantling of job reservation in an orderly fashion I certainly hope that is the basis As far as this is concerned, I think that the hon the Minister probably had in mind clause 35 of the Iron and Steel, Engineering and Metallurgical Industrial Council Agreement in determining what is or is not an unfair practice I am very worried, however, about the fact that, firstly, there is no right of appeal in the Bill, though both the recommendations of the Wiehahn Commission and the White Paper state the need for such a right of appeal Clause 8 grants permissive power to the industrial court to refer a question of law to the Appellate Division, but this is very different from a proper right of appeal, or even a right of referral, because the industrial court is answerable to no one We shall be having a sort of kangaroo court, not even a judicial body, because the hon the Minister does not lay down—and we are going to move an amendment on that aspect—that the president of the court should be a judge of the Supreme Court

The term "unfair labour practice" is defined as—

> any labour practice which in the opinion of the industrial court is an unfair labour practice

So "unfair labour practice" is defined as an unfair labour practice We all know that a rose is a rose is a rose, but I cannot understand this Surely the hon the Minister could have come up with some definition of an "unfair labour practice" It is, however, simply not defined at all. It is whatever the industrial court decides is an unfair practice What we shall therefore be doing is giving this court both judiciary and legislative functions, which is quite contrary to the normal principle of separating those two functions, and since the court falls under the Department of Labour, the executive role also adds to the confusion.

Overseas what constitutes unfair dismissal, for instance, is well set out in law In the United Kingdom there is the Contract and Employments Act which sets out four reasons, and we hope to discuss those reasons in the Committee Stage to see if we can get part of this accepted by the hon the Minister

I shall leave that matter now, however, and go on to something else because my time is running out. I should now like to make a few final comments There was an interesting sort of contretemps, in the Wiehahn Commission report, regarding the closed-shop principle The majority recommendation was that the closed-shop principle should be retained

Mr J M HENNING What clause are you referring to now?

Mrs H SUZMAN I am not referring to any clause The Bill is silent on this Ah, the hon member was trying to catch me out! He should know, however, that I have read the report very carefully I do my homework, and he ought to know that by now [Interjections] The reason why I raise this is because this Bill is meant to implement the recommendations of the Wiehahn Commission report, and the White Paper—and this is the interesting thing—actually accepted the recommendations of the minority on the Wiehahn Commission regarding closed-shop Even so, that is not, in fact, introduced in the proposed legislation before us this afternoon I cannot think why we have a White Paper which ignores its own decisions The minority recommended that the existing closed shop agreements should remain, but that no more should be allowed What worries me about this is that, nevertheless, the provision that requires an unanimous decision to admit a new union to an industrial council—and, for the hon member's benefit, that is in clause 10

Mr J M HENNING I know it.

Mrs H SUZMAN I wonder if he does That provision could in effect extend the closed shop principle, but newly registered Black unions can obviously be excluded if there is not an unanimous recommendation to accept them This means that Blacks who were previously able to evade a closed shop provision simply because they were excluded from the definition of "employee", can now lose their jobs because they fall under the umbrella of this particular closed shop situation That is an extraordinary situation I wonder if the hon the Minister will tell us whether it is his intention to refuse to promulgate industrial council agreements in

the future if they contain closed shop agreements, so that at least in practice he will be upholding the recommendations of the Wiehahn Commission's minority report as accepted in the Government's White Paper

The next point is that, naturally, the Bill does not deal with apprenticeship, as that is covered by a separate statute I do hope, however, that the hon the Minister is going to implement paragraph 5 32 1, though not just in order to provide artisans for the Black States We need artisans for the "White" Republic of South Africa. We are desperately short of skilled manpower in this country and the effective exclusion of Blacks from apprenticeship under White trade unions has been one of the main reasons why today we are suffering from a shortage of skilled manpower—and I believe that that seriously affects the growth rate of this country

We of course welcome the abolition of section 77 of the principal Act My colleagues here will remember the strong arguments that were advanced against the introduction of the job reservation provision in 1956 I must say that I could really weep when I think of all the lost years encompassing a whole generation of Blacks who could have been trained to do skilled jobs but for the introduction of job reservation At last, it seems, the Government has grasped some of the elementary principles of economics and I hope that very soon they will discover the law of supply and demand! That would be very useful for the growth rate of South Africa.

Finally, I want to say that it is very disappointing indeed to find that there is no reference in the Bill to discrimination on the grounds of sex. While both the Industrial Conciliation Act and the Wage Act are colour-blind and are devoid of any provisions of discrimination on the grounds of sex, in fact, as members well know, many of the industrial council agreements and wage board determinations, award wages to women at a lower level than the wages awarded to men doing the same job Equal pay for equal work certainly does not strike a chord as far as these agreements and wage determinations are concerned. I believe that over 240 job categories exist in this country for which the minimum wages for men and women differ, the wages for women being 75% to 85% of that for men Strangely enough, this discrimination has in many cases—and I am aware of this—been the very key, to put it that way, to women taking over certain occupations from men I think the garment industry is probably a good case in point. Nevertheless, the principle is morally indefensible I think the hon the Minister must realize that. It may well be that, in order to prevent women being replaced by men if the wages are put on the same level, legislation will have to be introduced similar to the anti-sex discrimination legislation that exists in the United Kingdom and to American legislation which has not yet come into force Possibly that is something the hon the Minister could consider I have to place on record, however, that it is morally indefensible to allow this

Mr R B DURRANT There is no sex discrimination in the Bill

Mrs H SUZMAN If the hon member would listen, I said it is regrettable that there is no mention in the Bill of provisions to outlaw discrimination on the grounds of sex

Mr R B DURRANT But it is not applied

Mrs H SUZMAN Sir, although the Bill does introduce some positive steps in the direction of a more rational approach to labour policy, steps such as the abolition of section 77, albeit with the retention of the work reservation existing at present, and although it gives some Black workers the right to belong to registered trade unions, on the whole, as I have said,we consider this to be a most disappointing measure This is especially so after the high expectations created by the publication of the Wiehahn Commission's report and the White Paper on it. We all hoped that at last the workers of South Africa were going to be provided with a real charter of industrial freedom The Bill, of course, falls very far short of that. Whatever efforts the Wiehahn Commission made —and I am sure they were very sincere efforts—to fulfil its mandate to "provide more effectively for the needs of our changing times" and to "create the foundations for sound labour relations in the future", I believe that their efforts have been undermined by the measure we are debating today

banned for that reason, why has the hon the Minister of Justice never told anybody why they were banned? Why has he never given us one single reason why one single person has been banned? [Interjections] Why did he never prosecute them for any so-called crimes that they were supposed to have committed in terms of the laws against subversion in South Africa? I believe they were banned because of their trade-union activities [Interjections]

I believe that these unions with large numbers of ineligible members are being given an absolutely impossible choice What about the assets which, after all, belong to all the members? How are they to divest themselves of their ineligible members and thereafter become registered trade unions? That has to be done by means of resolution of the trade unions Does the hon the Minister honestly think that a union which has a majority of ineligible members are going to vote themselves out of existence? Sir, the whole thing is palpably absurd, and the hon the Minister must admit this

I must point out too that in practice all trade-union organizations are in the large urban areas mainly Even so, there are large areas that are already in any case utterly devoid of Black trade unions Large numbers of the 1,4 million economically active workers in the urban areas are in service occupations and it is notoriously difficult to organize them into trade unions 80% of the workers in the manufacturing industry are migrants or commuters The clothing industry is an atypical example It mainly consists of the so-called "insiders"—people who are lucky enough to qualify

I believe this is giving the employer an unfair advantage It will enable him to play off group against group inside the same industry It will irritate employers to find that they have to deal with unorganized workers I believe the choice is impossible In order to join, the unions have to divest themselves of a very big percentage of their members I believe that the whole purpose of trade unionism is to enable a trade union and an employers' organization to have a series of peace treaties and this is undermined by the absurd exclusion of hundreds of thousands of workers I think this is going to lead to industrial trouble and illegal strikes There has been no explanation from the hon the Minister as to why he has jettisoned one of the Wiehahn Commission's major recommendations It cannot have anything to do with the stability of labour, because a commuter who has literally come across a town border from, say Kwa Mashu into Durban or from Umlazi into Durban or from Bophuthatswana into Brits or Rosslyn, is a stable worker

And I just want to quote to hon members what a very well-known person said about the position of migrant workers

Mr R B DURRANT Who is he?

Mrs H SUZMAN I will tell the hon member in a moment He should just keep quiet and listen very carefully These are very interesting words, words that were uttered in June 1954 The person to whom I am referring said the word "permanency" conveyed absolutely nothing in terms of stability of labour I proceed to quote his exact words (Hansard, 1954, col 6145)—

> You might have a Native who lives here

That is in the urban area—

> for 20 or 30 years, who works for a different employer every five or six months, but another Native who leaves his family in the reserve and enters the urban area and then goes back to his family for six months, after having worked for nine months or a year, and then goes back again to the same employer, and for 10, 15 or 20 years, always comes back to the same industry or to the same employer, is a much more stable worker and a much greater guarantee to that industry than any other person

Now, I wonder who said that. It was none other than Dr Verwoerd These words were uttered by none other than Dr Verwoerd, and since the hon member for Von Brandis is looking at me with his suspicious little eyes, I will tell him again where he can look it up He will find it in column 6145 of Hansard of 2 June 1954 [Interjections]

Let me now go on to our second major objection to this Bill It concerns the gross interference with freedom of association and with the autonomy of trade unions to decide for themselves whether to have separate or

racially-mixed unions Clause 3 of the Bill forbids racially-mixed trade unions unless the Minister decides that the number of employees of a particular racial group is too small to enable it to function as a separate union Then permission or exemption is required This provision, I believe, goes absolutely counter to the Wiehahn Commission's recommendations, in paragraph 3 72, on page 30 of the report and, I might say, to the International Labour Organization's Convention No 87 of 1948 concerning freedom of association and protection of the right to organize, as also quoted by the Wiehahn Commission, on page 21, paragraph 3 43

The provisional registration of mixed unions, permitted in terms of clause 4 is, I believe, useless It is registration on sufferance It is better than nothing, I concede Therefore I had better not say it is useless It is better than nothing Nevertheless, it is still registration on sufferance, and it may be withdrawn at any time by the registrar I believe this to be undisguised authoritarianism There is no freedom of association as envisaged by the ILO Convention or as recommended by the Wiehahn Commission

The registrar is a Government official, who will obviously stick to Government policy He has wide powers of discretion and there is no right of appeal against any of his decisions, although I think there may be one such amendment now being placed on the Order Paper

Mr J M HENNING You have missed the other amendment.

Mrs H SUZMAN No, I have not missed the other amendment. I saw it. However, I do not know yet whether the hon the Minister is going to accept it. I have to argue on the Bill as it appears before the House at Second Reading The hon. member for Vanderbijlpark sits in the NP caucus Therefore he has prior information

Mr J M HENNING [Inaudible]

Mrs H SUZMAN I am not as privileged as the hon member for Vanderbijlpark The hon. the Minister did not tell us in his speech that he was going to accept those amendments I wonder why he did not tell us He certainly should have told us Again, there is an amendment of which I have given notice, and I should like to know whether it is going to be accepted by the hon the Minister We too have proposed an amendment to this particular clause It will appear on the Order Paper tomorrow It is against the particularly obnoxious provision of clause 4B, which lays down that a registered trade union shall not have any relationships with a person who is not an employee What a nonsense clause that is! This means in effect no relationships with any members of unregistered trade unions This is really Machiavellian It wrecks the very real and meaningful relationships that have existed for years between registered and unregistered unions, for example in Tucsa. This means no joint meetings, because they cannot even serve on the same bodies like international labour federations I wonder how Prof Wiehahn will explain that one away This amendment had better be accepted, because on his next visit overseas to these famous labour-opinion formers, he is going to have terrible trouble explaining away what I call the Manpower Department's "Immorality Act"

Mr R. B DURRANT Oh, no, you cannot say that.

Mrs H SUZMAN Well, it is so silly, absurd, ridiculous! Apart from all that, the hon the Minister surely must know that many employers prefer to carry out collective bargaining with a racially mixed union because it is obviously much simpler to do so, and many trade unions prefer to be racially mixed so as to prevent internecine strife Big Daddy, however, evidently knows best. I do not know whether the hon. the Minister knows this or not, and I shall never know because he is busy conducting a private conversation with one of the Whips I wonder whether the hon member for Newcastle would be courteous enough to allow the hon the Minister to listen to what I am saying? Does he think I could possible have the hon the Minister's attention? I thank him very much

Now I come to the question of industrial courts I shall not say very much about that at this juncture because we shall be arguing this out in further detail in the Committee Stage.

into Labour Laws in South Africa However, what he did not tell us, is that the Bill which the hon the Minister is presenting to the House this afternoon is very different indeed from the major recommendations of the Wiehahn Commission I therefore immediately wish to move the following amendment—

> To omit all the words after "That" and to substitute "this House, while noting that the Industrial Conciliation Amendment Bill provides for some advancement in the field of labour legislation in the Republic, nevertheless declines to pass the Second Reading of the Bill, because it seriously negates major recommendations of the Wiehahn Commission by, *inter alia*—
>
> (1) limiting the eligibility of Black workers to join registered trade unions to those workers permanently resident and employed in the Republic, and
>
> (2) restricting the freedom of association of workers and trade union autonomy by prohibiting the formation of racially mixed registered trade unions "

Those of us who were in the House in 1956—if I look around I see the hon member for Musgrave and the hon member for Parktown, but I do not see many on that side of the House—will, I am sure, have the same sensation that I have this afternoon, the sensation of *déja vu*, I have been there before, I have heard all this before In essence, what we are really examining this afternoon is the basic issue in South Africa, the whole question of labour utilization I remember the arguments that were used by the then Minister of Labour He said, for instance—

> The question is What is our first consideration? Is it to maintain economic laws or is it to ensure the continued existence of the European race in this country?

At the time he came to the conclusion that the first consideration was the continued existence of the White race Thence the exclusion of Blacks from the definition of "employee" in the Industrial Conciliation Act. On this ground the structure on mixed unions was justified and we saw the extension of the statutory colour bar by the introduction of the infamous section 77 of the Industrial Conciliation Act.

What is the situation this afternoon? We are again debating an Industrial Conciliation Amendment Bill, and we find that, despite the hon the Minister's bland talk about the need for flexibility, about the need to meet the growing requirements of our economy, etc , only some of the restraints which were placed on Black labour are now being withdrawn I want to say at once what a disappointment this Bill has been After all the expectations that were aroused by the report and the recommendations of the Wiehahn Commission

An HON MEMBER You are never satisfied

Mrs H SUZMAN we are presented with a Bill which waters down the major recommendations until very little of it is left. I believe we are back again to the basic sentiments uttered by the then Minister of Labour, Mr Schoeman, when he introduced the first Industrial Conciliation Bill, which prohibited the registration of racially mixed unions, obliged any then existing mixed unions to establish separate branches for Whites and the other members and introduced the new statutory provision, i e the provision which the hon. the Minister is today repealing, although the existing job reservations are to remain

It seems to me that what has really prevailed are the narrow views of the minority of the Wiehahn Commission I am now referring to the view of Mr Nieuwoudt, who wants only the *status quo* and who is unmoved by all the evidence about an acute skilled manpower shortage in the Republic and the effects thereof on our growth rate To him and to the people whom he represents, the Black worker must still be kept in his place, at the bottom of the economic ladder, because they consider that anything else represents a threat to the White worker in South Africa. Ironically enough, while Prof Wiehahn is dashing around Europe talking to what are known as influential labour opinion-formers and while he is telling them about the great new deal for Black workers in South Africa, the Government introduces a measure today which largely, although not entirely,

negates that new deal Prof Wiehahn is expounding on his report in Europe, but that is indeed very different from the Bill that we are considering today

The first sad retreat is to be found in the very first clause of the Bill where it defines eligibility for membership of a trade union Although the Wiehahn Commission advanced the most cogent reasons on pages 22 to 29 of its report against the exclusion of migrant workers or frontier commuters—"pendelaars", being the brand new description for border industry workers That is all it means Now one finds that clause 1 effectively bars all migrant workers and commuters from membership That includes 1,1 million from the self-governing Black States and 1 million from the so-called independent Black States—2,1 million in all I believe this is in direct contradiction of the adamant findings of the majority of the commissioners whose views are stated very clearly in paragraph 3 5 6 on page 24 There they recommend that no restriction or qualification should be placed on the eligibility for trade-union membership of any worker Arguments are also advanced against the phasing-in of membership for migrant or frontier commuters, something which the hon the Minister holds as a possible hope for the future Phasing-in was a recommendation of only five of the commissioners and was therefore a minority view Even so, their final recommendation was that there should ultimately be statutory provision for any worker, without any distinction whatsoever, to be or to become a member of a registered trade union But even this compromise has been rejected by the Bill, except via ministerial exemption provided for by clause 1(c)(b) Real, undiluted, as-of-right eligibility is confined to workers legally residing in the Republic Since rural areas are excluded and since only one class of Blacks are legally entitled to be in the urban areas for longer than 72 hours, this means in effect that only Blacks with section 10(1)(a)(b) or (c) rights are going to be admitted. In terms of the Commission's findings that is an estimated 1,4 million of all economically active Blacks

I have figures that were provided by 10 different Black trade unions of which five are in Johannesburg and five in Durban I believe that this measure will virtually be the death-knell for eight of those 10 trade unions There is the Sweet Fruit and Allied Workers' Union, which consists of 2 500 members The majority will be ineligible The Building Construction and Allied Workers' Union has 1 420 members, the majority of whom are excluded The Transport and Allied Workers' Union has 1 000 members, and again the majority are excluded. Those unions are all in Transvaal There are others in Durban, but the hon member for Musgrave is going to deal with that in more detail However, I can say that of five unions that I know of, four—therefore the vast majority—will be excluded from eligibility Among the remaining two is the Metal and Allied Workers' Union with approximately 7 000 workers Between 2% and 10% of these will be excluded One other union is of course the Garment Workers' Union, probably the biggest Black union It is a dubious point whether they will take advantage of registration, because they would not wish to deregister any of their members

Is any compulsion going to be brought upon these unions to disqualify their ineligible workers and become registered unions in respect of the remaining members? I have to remind the hon the Minister that the trade unions have a fear of coercion 159 Trade union leaders have been banned since 1952 and 16 trade union organizers or educational officers belonging to unregistered unions have been banned since 1973

Mr J M HENNING Tell us about Solly Sachs as well

Mrs H SUZMAN I may say that the White workers in South Africa have very good reason to be grateful to Solly Sachs and the labour organization he brought into their lives and the improved wages that he managed to negotiate on their behalf [Interjections]

The MINISTER OF LABOUR Mr Speaker, may I ask the hon. member whether they were banned on account of their membership of trade unions or because of being leaders of trade unions?

Mrs H SUZMAN It is my personal opinion that they were banned because of the work they were doing among the trade unions [Interjections] Hon members can roar as much as they like If they were not

foreign contract worker, the one who comes from outside the total concept of South Africa, namely the one from Mozambique, Angola or wherever it is, is to be catered for in terms of the legislation and will not be excluded from eligibility for membership of the trade unions If the hon member looks at our amendment she will see that we do include Transkei and Bophuthatswana However, we do recognize the fact, as all industrialized countries do—and I think the hon member for Parktown will agree—that people who really are foreigners do not have the right to trade-union membership in their host country

Mrs H SUZMAN But they do

Mr R B MILLER Because of that fundamental difference I beg to differ from the hon member for Houghton that if there is a minority of countries which do permit affiliated membership, I do not believe that that is correct practice On that basis we shall not be able to support the amendment of the hon member for Houghton

Mrs H SUZMAN Mr Chairman, I was hoping to be able to avoid quoting chunks of the Wiehahn Commission report, but I see that I am going to have to because the hon member for Durban North is evidently under the mistaken impression that foreign workers, Black workers, who come to South Africa may not join a trade union at present There is nothing at all to stop Black workers who come from other countries from joining trade unions It is true those unions are not registered, but they do have the right to join trade unions and this point is made very clear Surely, if they are allowed to join an unregistered trade union which is uncontrolled by industrial legislation it is far better that they should be able to join registered trade unions which fall within the discipline of the Industrial Conciliation Act. This is so obvious It is pointed out very clearly on page 27 of the report of the Wiehahn Commission—

> At present—although Black trade unions cannot register—all Black workers are free to join unions, whether they be migrants, commuters or permanent residents No South African statute nor for that matter any inter-State agreement, contains a prohibition in this regard In terms of the Industrial Conciliation Act, 1956, a person is eligible for trade union membership when he is an "employee", nothing more or less The exclusion of migrants and commuters would therefore have the effect of revoking a freedom which already exists and of changing the *status quo* by the imposition of new discriminatory measures at a time when South Africa's declared official policy is to move away from discrimination

Who is now "beswaddering" South Africa abroad? I am so sick and tired of hearing hon members in this House telling me whenever I advance any argument that I want to blacken South Africa's name abroad If this reasoning of the Wiehahn Commission is not accepted by this House, then we are going against our declared policy of removing discrimination and are in fact introducing more discriminatory measures

I now want to deal with the hon the Minister's argument in this respect The hon the Minister wanted to know what would happen if you had a foreign worker belonging to a trade union becoming involved in a picket-line According to the hon the Minister that could cause an international incident. I wonder what makes the hon the Minister think there will not be an international incident if a man who belongs to an unregistered trade union becomes involved in some violent incident, for instance with the police, his employer or anyone else It makes no difference whether a man is a member of a registered or an unregistered trade union and to my mind that is an absurd way to argue The hon the Minister has made some very strange statements in the course of this debate For example, he said that this clause was non-discriminatory because it did not have any reference to colour At the conclusion of the Second Reading debate yesterday he said that it applied to everybody irrespective of race or colour That is real sophistry, because who does he think live on trust land except Black people? Who but Black people live in these independent countries that are designated by definition in clause 1 of the Bill? He knows perfectly well that this applies to Black people, and he really should not think that he can pull the

over anybody's eyes by saying that just because there is no mention of race or colour in the actual definitions clause, people will accept that this is a colour-blind clause That is a really ridiculous argument

I want to point out to the hon the Minister that he has not answered the question of how the unions, presently containing commuters will be affected By the way, a commuter is someone who comes in regularly

Mr R A F SWART Daily

Mrs H SUZMAN Well, there are many commuters who come in weekly Many commuters live in hostels in an area near to their homelands and therefore go home for weekends It is obviously very expensive to travel daily, and I hope that sometime someone will explain to me where all the petrol is to come from for the buses that have to drive thousands of commuters 40 km a day in and out of places near Pretoria and elsewhere But I will leave that for the moment

Mr J J LLOYD Do you want them to live in Houghton?

Mrs H SUZMAN Yes If they can afford it and want to buy a house there, there should be nothing to prevent them from doing so

Let us take a look at the position of the daily commuter These daily commuters are people who regularly travel in and out of the country, and are in that sense as stable as the man who lives in Soweto and certainly as stable as the man who lives in Kwa Mashu and elsewhere in the Republic How does a trade union of which 60% to 70% of its members are commuters, get rid of them in order to become a registered union? The members will have to vote and take a resolution on this Does the hon member really think that members of that trade union are going to vote themselves out of their own union? That is ridiculous What is going to happen to the assets of that trade union, because it must be remembered that some have considerable assets Why should the commuter member of a presently unregistered trade union vote himself out of his claim on the assets of those unions? The hon the Minister is building up for himself far more problems than he would do if he left this definition exactly as we proposed it should be, i e that any employee should be entitled to become a member of a trade union

The hon member for Durban North is wrong when he says that a foreigner cannot belong to a trade union overseas Yesterday we were arguing that what happened overseas did not apply here Nevertheless, the hon member used this example but it is in fact not true In West Germany, Switzerland and elsewhere those people do belong to trade unions The unions in fact demand that they become members, because the unions are not prepared to have the "pendelaars", the migrant workers, coming in and undermining the standards which they have achieved by virtue of their negotiations with their employers Therefore the hon member's argument is quite wrong

I believe the hon the Minister is building up the most enormous amount of trouble for himself with this exclusion of more than half of those who should be eligible for trade union registration Of course, I know why All these arguments about softly, softly, are a mere façade What is true is that the hon the Minister is terrified of what the reaction of the right-wing White trade unionists will be That is the real truth of the matter That is what I call HNP-itis, which is a very nasty disease indeed I think it is probably chronic and it may well be incurable

Mr R A F SWART Terminal!

Mr B R BAMFORD It is certainly fatal

Mrs H SUZMAN I do not believe it is terminal in the short-term, but it is certainly going to be fatal in the long-term for the growth rate of South Africa's economy There is no doubt about that Let the hon the Minister put those people to one side They are out of keeping with modern industrial development in South Africa. They may have had a place in the time of the poor White problem, when there was pressure of demand for jobs that were in short supply and when there was an overwhelming number of Black people after the same jobs We have passed that stage, however Today White people are trained, industrialized and skilled workers I believe the hon the Minister should have sufficient confidence in the efficiency of the White workers of South Africa to let them stand on their own feet without any of this

artificial protection, which is really what they are demanding

I believe the hon the Minister should ignore people such as Arne Paulus I wonder, incidentally, what would have happened if Arne Paulus had been a Black man conducting a wild-cat strike on the mines I wonder whether the hon the Minister would have been quite as conciliatory in his dealings with him as in fact he has been

*The MINISTER OF LABOUR Mr Chairman, until a few minutes ago I was still prepared to argue with the hon member for Houghton But then she came to light all sorts of insinuations I am now telling her that I am not going to have any further argument with her I do not accept her amendment, either

Mr R A F SWART Mr Chairman after that totally ungracious attitude on the part of the hon the Minister it would appear that very little purpose can be served in our pursuing the debate on this very important aspect. The hon the Minister has reacted like a small boy and now sits there and sulks [Interjections] He has a responsibility towards this House to deal with the points that have been raised The hon member for Houghton has raised a very fundamental point which, in a normal Parliament, from a normal hon Minister, from a normal Government, would demand some sort of answer However the hon the Minister, because his vanity is hurt, simply sits down and refuses to answer to the debate [Interjections]

*Mr J J LLOYD Mr Chairman, on a point of order Is the hon member for Musgrave entitled to insinuate that the hon the Minister is not normal? [Interjections]

Mr R A F SWART Mr Chairman, I said the hon the Minister was sulking I also said that the hon the Minister should respond in a normal manner [Interjections] Mr Chairman, if it will ease the matter—it seems to be suggested that I said the hon the Minister was not normal—I will withdraw it, because I did not intend that at all [Interjections]

However, be it as it may, it is perfectly clear that on this very vital matter, which goes to the very root of this legislation, the hon. the Minister is determined to run away from the recommendations of the Wiehahn Commission I believe that appears from his answers Therefore, there is no point at this stage in pursuing the matter any further

I now move the amendment printed in my name on the Order Paper, as follows—

On page 4, in lines 42 to 44, to omit the definition of "unfair labour practice" and to substitute

"'unfair labour practice' means the dismissal of any employee, or the reduction of any employee's rate of remuneration, or the alteration of an employee's terms or conditions of employment to terms or conditions of employment less favourable to him, or the disadvantageous alteration by an employer of the position of any employee as compared to the positions of other employees employed by such employer, for reasons other than—

(i) those recognized by law as sufficient to justify summary dismissal, or

(ii) those related to the capability of an employee to perform work of the kind which he was employed by the employer to perform, or

(iii) the reason of redundancy

The amendment relates to another aspect of this clause It relates to the question of the definition of an "unfair labour practice" During the Second Reading of this measure hon members dealt with the inadequacy of this definition as it is contained in the Bill now under consideration The Bill gives the following definition—

"Unfair labour practice" means any labour practice which in the opinion of the industrial court is an unfair labour practice

This is a very strange definition. "An unfair labour practice" is an unfair labour practice That is what the legislation tells us I think what the intention is, is clearly to leave the option open to the court to determine what is an unfair labour practice That I will concede In our view the court certainly should have an

interpretative role in this matter However, we do not believe that it should be the function of the court to lay down policy I think this is the situation we are placing the court in when we leave a definition of this kind in the Bill The amendment which I have moved seeks to give some sort of direction, some sort of definition and some sort of guidelines as to what should be regarded as unfair labour practices I have taken these guidelines firstly from the provisions already present in the existing Act Section 66 of the Act contains provisions which relate to victimization and the power which the hon the Minister has in regard to, for example, any employer who, whether or not any agreement, award or determination is binding up on him, dismisses any employee, etc I have taken that from Section 66 of the existing Industrial Conciliation Act in so far as it relates to the question of victimization This is, certainly, obviously part of a definition of what would be unfair labour practice

A second guideline which is included in the amendment is drawn from existing legislative guidelines as far as unfair dismissal is concerned We exclude dismissal based on the grounds recognized by law as sufficient to justify summary dismissal

The other aspects of the amendment which stands in my name, viz subparagraphs (ii) and (iii), are both drawn from section 35 of the Seifsa Industrial Council Agreement in South Africa and Section 24 of the Trade Unions and Labour Act of the United Kingdom I think these are intended to be of assistance and help to produce some sort of guidelines which could enable the courts to determine what is an unfair labour practice I believe it would be far more appropriate if in this legislation we set the guidelines, rather than place the courts in the position where they virtually have to make laws in considering and determining what are unfair labour practices

*Mr F J LE ROUX (Brakpan) Mr Chairman, the hon member for Musgrave has now tried to give a definition of an unfair labour practice, a definition of which the wording, as he says, is more or less indicated in existing legislation and to a certain extent also in the Wiehahn report Sir, the hon member is himself a lawyer, but the three exceptions which he makes provision for in his amendment make this definition such a wide one that any person who wants to evade the question of unfair labour practices, will be able to do so with the greatest of ease Any person who sees such an opening in the legislation, could make use of those three exceptions without any problem whatsoever

In the first place the hon member said an exception applied in the case where a person could lawfully terminate another person's employment Does the hon member realize how many court cases there have been on the question of whether the termination of employment was lawful? We could, for example, just mention the question of unreasonable absence There have been cases and still more cases on the question of whether a person could be discharged if he was absent from work to an unreasonable extent. The hon member said if one could lawfully terminate a person's employment, this would not amount to an unfair labour practice However to stipulate in certain cases what an unreasonable absence from work is, what insubordination is, and what lawful grounds for termination of service are would create any number of openings for an unscrupulous employer to resort to an unfair practice. One could go on like that

The second exception the hon member made, was when a person was not competent to perform the work for which the employer had appointed him Who determines whether he is competent or incompetent? Does the employer determine that, is it a subjective or an objective test, or could the employer merely because he no longer liked that person, decide that he was no longer fit to perform the type of work he had specifically assigned to him? What an opening does that not create for irregularities! It is wide enough for a wagon to pass through.

Finally, the hon member inserted the aspect of redundancy If an employer decides to discharge a person owing to the fact that his services have become redundant or, as it is known in municipal institutions, "the exigencies of the service demand that one should get rid of a certain employee", that creates an opening wide enough for a wagon to pass through. I think the effort the hon. member is making here is in fact an indication of why it is impossible to lay down a general definition of an unfair practice Consequently, since the industrial court is

actually going to form an opinion in accordance with principles of law and equity, it has the opportunity, in the course of time, of creating specific precedents on what an unfair practice is The hon member spoke of "guidelines" If he were to argue that we should provide guidelines but that, for the rest, we should leave it to the discretion of the industrial court, I could understand it, but the hon member is not giving a guideline here He is suggesting a definition in which even an inexperienced lawyer could see an opening, and thereby he is making a complete farce of the whole idea of an unfair practice As far as I am concerned, I cannot accept that definition, regardless of whether he calls it a definition or a guideline

Dr Z J DE BEER Mr Chairman, I rise, not on the question of the definition of an unfair labour practice, because I would rather leave that to hon members who are better qualified than I am to deal with that, but to return for a moment to the general debate on the definition I think it is regrettable that the hon the Minister thinks that the way to handle a debate in this House is to refuse to reply to it. It does not help the House and it certainly does not help his reputation. He did not give any reply to the debate on the instruction earlier today, perhaps because he saw no need to do so He did say that he had intended replying to some of the things the hon member for Houghton said, but that he did not do so on the grounds that he was irritated when she twisted his tail about the HNP I will, therefore, refrain from twisting the hon the Minister's tail about the HNP, but I am going to talk about some of the same subjects and I am going to do so in the sincere hope that, when I have finished, the hon the Minister will think it is worth talking to me

I think I should, in passing, deal with the hon member for Pretoria East once more—I am sorry to keep picking on him He, however, suggested that there was a difference in the point of view I put forward and that of the hon member for Houghton This was, of course, not the case I said, before the hon member for Houghton spoke, that I recognized that there was a problem about the Mozambican and other foreign migrants, but that, having studied the Wiehahn Commission's report I thought that, on balance, one ought to come down, as the report did, on the side of allowing them into the trade union movement And that is what I do think I will, however, say that, if the hon the Minister says to me that he has a problem in connection with people who are definitely foreign, then he is adopting the attitude of the hon member for Durban North, who says that he would like all South African-based migrants and all South African-based commuters to be able to be eligible for trade union rights, but that he does not want the foreigners to be eligible I do not agree with that, but I regard it as a point of view that is infinitely preferable to the point of view contained in the Bill Therefore, if the hon member for Houghton's amendment is rejected, I shall certainly vote very comfortably for the amendment of the hon member for Durban North, because it will bring about a very considerable improvement It is very much nearer to what the commission recommended, it is very much nearer to the practice in other parts of the world and it is very much nearer to what one has oneself always thought, outside as well as inside politics, was the right form of organization for trade unions

I think that the hon the Minister has not given us a full explanation He did very adequately explain that he has difficulties He has asked us for patience and, believe me, we are more than willing to be patient in respect of the problems of the hon the Minister It is however, not actually the hon the Minister's general administrative problems that are before this House now, but this Bill In this Bill we have to be given a reason why we should work for—and I say it again just in passing by way of illustration—the proposition that a man from Lamontville is fit to be in a trade union and a man from Kwa Mashu is not There is no argument between us as to whether that is what this legislation provides for The argument between us is that the hon the Minister says that, despite what the legislation says, he wants us to vote for the Bill and that he will then fix it up He has not yet explained to us why we should be expected to do that. That, as far as I understand it, is the central problem that this side of the House has

The hon member for Pretoria East must look for some far more troubled waters to fish in than those he will find surrounding myself

and the hon member for Houghton. The hon member for Houghton and I came to this House 26 years ago and we have never, for a second, been in different parties or had any problems with each other, so it is a bit late for the hon member to come now and to start suggesting that there are problems

Mr B W B PAGE Oh, "love is a many-splendoured thing"

*The MINISTER OF LABOUR Mr Chairman, I just wish to refer to one other matter that was raised by the hon member for Musgrave I can understand it very well, since I think it is a problem for all of us to know how to define a new situation or concept such as "unfair labour practice" The hon member should also realize, however, that we are venturing into a new field Throughout the world, I think, it has been the experience that it is very difficult to give a proper definition of such a difficult concept Consequently I think it would be wise to say that there will in fact indeed be an industrial court to deal with this new type of situation, and then to leave it to that specialist organization to work out a definition for itself For us here, with the wide possible spectrum of matters, to give a final and exact definition of "unfair labour practice", is, in my opinion impossible It is for that, and for no other reason, that I cannot accept the hon member's amendment I do not think this is a matter for him or for me to solve I think we should issue an instruction We should state the concept and the intention with it, and then leave it to the industrial court to determine the definition in the course of time I think that is the right approach

Mr W M SUTTON Mr Chairman, I should like to point out to the House the practical problem we shall have when you put the question and we vote on the amendments The hon. member for Houghton has moved an amendment which is similar to that of the hon member for Durban North but which goes considerably further Our amendment provides for the deletion of certain words and for their substitution by certain other words It appears from the rules of the House, however, that you will put the amendment of the hon member for Houghton, which we were not intending to support, having intended rather to support our own amendment. If I have understood the hon the Minister correctly, the vote will go against the hon member for Houghton, in which case our amendment will drop So we shall support the amendment of the hon member for Houghton, having no other choice, in order to be able to vote for our own amendment I want to make it quite clear, however, that we have an amendment of our own which we regard as being better than that of the hon member for Houghton, but the only way we have of supporting our own amendment is by voting for that of the hon member for Houghton

On amendments moved by Mrs H Suzman and Mr R B Miller,

Question put That the words stand part of the clause,

Upon which the Committee divided

AYES—95 Badenhorst, P J, Ballot, G C, Barnard, S P, Blanché, J P I, Botha, C J van R, Botha, J C G, Botha, P W, Botha, R F, Botha, S P, Conradie, F D, Cronje, P, Cruywagen, W A, Cuyler, W J, De Klerk, F W Delport W H, De Wet, M W, Du Plessis, G C, Durr, K D Durrant, R B, Geldenhuys, A., Geldenhuys, B L, Geldenhuys, G T, Greeff, J W Grobler, J P, Hayward, S A S, Henning, J M, Herman, F, Heyns, J H, Janson, J, Janson, T N H, Koornhof, P G J, Kotzé, G J, Kotzé, S F, Langley, T, Le Grange, L, Le Roux, F J (Brakpan), Le Roux, F J (Hercules), Le Roux, Z P, Ligthelm, C J, Ligthelm, N W, Lloyd, J J, Louw E, Louw, E van der M, Malan, W C (Paarl), Malan, W C (Randburg), Marais, J S, Marais, P S, Niemann, J J, Nothnagel, A E, Palm, P D, Poggenpoel, D J, Potgieter, S P, Pretorius, N J, Rossouw, W J C, Schlebusch, A L, Schoeman, J C B, Schutte, D P A, Scott, D B, Smit, H H, Snyman, W J, Steyn, D W, Steyn, S J M, Swanepoel, K D, Swiegers, J G, Tempel, H J, Terblanche, G P D, Treurnicht, A P, Treurnicht, N F, Ungerer, J H B, Uys, C, Van Breda

or used for purposes which may endanger the country In the light of our geographic situation and constitutional dispensation, there may be independent States, or such States may come into being, which will not allow their citizens to be members of South African trade unions in any case

In clause 4, provision is made for the principle of provisional registration of employers' organizations and trade unions The principle of provisional registration is not unusual Even a country such as England subscribes to such a system Provisional registration will enable the industrial registrar to prescribe conditions and a period of time before an employers' organization or a trade union can obtain final registration As against this, provisional registration will confer a higher status and recognition upon the employers' organization or trade union concerned, which will facilitate the recruitment of members, and will also promote attempts to obtain the co-operation of employers in such a campaign The Government accepts the commission's recommendation that provisional registration should be a prerequisite before a trade union or employers' organization can begin a recruitment campaign The Government is counting on the co-operation of all parties in this connection To ensure order and to avoid administrative problems, the registration of persons who do not qualify for trade union membership is prohibited

In clause 6, provision is made for the extension of the prohibition on participation by employers' organizations and trade unions in political activities and the support of political parties and candidates The Government is only too aware of the dangers which possible participation by labour organizations in politics may hold for the country There are many examples elsewhere in the world of situations where pressure groups have developed and impeded economic stability The Republic is too vulnerable today to allow an intermingling of labour relations and politics Therefore the prohibition in this connection is being extended by including all bodies established as legislative bodies in the future

Clause 8 provides for the establishment of an industrial court, consisting of a president, who will be a senior jurist. The Government believes that a person with the qualifications and experience required by the clause will greatly enhance the status of the court. The Government expects great things of the new industrial court as a body which will see that justice is done in labour disputes and which will serve as an important protective mechanism for individual workers in cases where their security is threatened in an illegitimate way From its administration of justice, a so-called fair and equitable labour code should develop as soon as possible to serve as a guideline for the country Therefore the Government foresees that the court procedure should be fairly informal and simple, that litigation costs should be kept down, that the court should be as accessible as possible to everyone, and that the rulings of the court should be on the basis of fairness, taking into consideration the socio-economic and socio-political implications of the matters that are submitted to it. The provisions which authorize the president of the court to appoint assessors, after consultation with the employer and employee parties involved in a specific dispute, will ensure that all aspects of disputes will be assessed in a competent and equitable way It is not necessary to motivate this any further It is obvious from the fact that the use of assessors is a well-known and established practice in our courts The judicial function is of a civil nature and covers a wide spectrum of the normal functions of our civil courts At this stage, the court is not given any criminal jurisdiction, since the proposed informal procedure of the court is not suited to criminal cases and our criminal law sets exacting requirements with regard to criminal liability

Clauses 10 and 11 are intended to incorporate certain protective measures in respect of rights of minority groups on an industrial council However, it may happen that a particular party may outnumber some other party on the industrial council The Government cannot be indifferent to such a possibility, because the maintenance of industrial peace remains a top priority to the Government. Over the years, industrial councils have acted responsibly, and I cannot imagine that they will fail to do so in the future Nor can I imagine that the industrial councils would act wilfully and refuse to allow responsible parties The amendment is not aimed at certain races, but at all races Clause 10 provides, therefore, that before any

new parties are admitted to an industrial council in the future, all the parties will have to give their written consent. Where disputes arise about the changing of labour practices, the industrial councils will also have to be unanimous in their decisions before such changes are effected This amendment is contained in clause 11

The principle of a veto in decision-making bodies of a heterogeneous composition is not unknown Until such time as the new dispensation has been established, it will be necessary to incorporate protective measures at various levels in the new system in order to ensure that the interests of minority groups on the industrial level are properly entrenched I trust that future development will be so orderly and evolutionary that it will seldom be necessary to use the veto

Clauses 13 and 14 are actually connected with the repeal of section 77 of the existing Act, i e the present job reservation provisions Section 43 of the present Act provides, *inter alia*, that a worker may appeal to the Minister to intervene where an employer changes his conditions of employment or suspends or terminates his employment. If the Minister decides to intervene, he may order the employer not to change the worker's conditions of service or terminate his services or suspend him This provision is now being extended so that the Minister will also be able to act where, for example, employers change traditional labour practices and replace or dismiss workers without the matter having been considered by the industrial councils or agreement having been reached between the parties concerning a labour practice. Where industrial councils exist, such disputes will first have to be considered by the industrial council, and if the council cannot settle the dispute, it will have to be referred to the industrial court, and this court will then have to give a final ruling. If the court supports the worker, it will have to make a final determination, which will then prohibit the employer from changing the conditions of service

I should like to appeal to our employers today not to exploit the new dispensation I trust that changes in established labour practices, if these are essential, will be brought about in an orderly manner and with the co-operation of all the parties, and that it will not be necessary for me to give effect to the statutory protective measures which are now being incorporated in the legislation

As I have already said, the Government does not wish at this stage to implement all the amendments arising from the Wiehahn report, but it first wants to evaluate the development of the new dispensation after the initial amendments, and also to consider what further statutory amendments may be called for

South Africa is indeed on the eve of a new dispensation in its labour history, a dispensation which, if it is regulated with wisdom and insight by the authorities, if it is anticipated in a spirit of co-operation by all parties in the field of industrial relations, holds great promise for the future As I mentioned briefly, these changes are absolutely essential in the times in which we live A country which is not prepared to provide for effective mobility in accordance with the requirements of the times is running the danger, in its rigidity, of losing the things to which it clings so desperately Our survival requires initiative and movement, our growth and development require faith and confidence Therefore we must tackle with both hands the challenges which the future holds

For these reasons, I trust that this amending legislation will be supported by the whole House

Mrs H SUZMAN Mr Speaker, I am sure we have all listened with the greatest interest to the hon the Minister's introduction of this very important piece of legislation He made a number of very bland assumptions and statements, and delivered a lot of platitudes I might add, about the need for the country to adapt itself to changing circumstances I am not going to say how often hon members in these benches have begged the Government to be more flexible in its attitude towards labour problems or how often we have argued the point about the need for increased productivity of the entire population of South Africa, about opportunities for training and the use of the skills of all our people in order that we should ensure a proper growth rate for South Africa. The hon. the Minister now tells us that the Government is taking the necessary steps, that it is going to be flexible and is going to make certain adjustments And, of course, he mentioned the appointment of the Wiehahn Commission of Inquiry

Although these words do not appear in the motion which is before us, and therefore do not appear either in the formal terms of reference of the Select Committee, we shall nevertheless participate in the activities of the Select Committee, on condition that the Select Committee will indeed act in accordance with the terms of reference and the statement of the hon the Prime Minister

In these circumstances we shall support the motion

Question agreed to

ROAD TRANSPORTATION AMENDMENT BILL

Bill read a First Time

INDUSTRIAL CONCILIATION AMENDMENT BILL

(Second Reading)

*The MINISTER OF LABOUR Mr Speaker, I move—

That the Bill be now read a Second Time

I trust that you will allow me to make a few introductory remarks before I proceed to deal with the Bill

The present Industrial Conciliation Act still contains, in broad outline, the principles laid down in the Conciliation Act of 1924, with important adjustments, of course, which have been made at various stages One can proudly state, therefore, that this Act, as well as our other labour legislation up to now, has functioned very well indeed and has made a major contribution to the industrial peace we have enjoyed over the years As hon members know, the Conciliation Act regulates the registration of trade unions, employers' organizations and industrial councils It also regulates the activities of the existing industrial court and the settling of industrial disputes It also contains provisions relating to freedom of association and the protection workers are afforded by job reservation

The most important part of the Act, i e the registration of trade unions, is not applicable to Blacks Consequently a dual system is in operation A separate mechanism has been created for Blacks as far as the negotiation conditions of service is concerned, namely the Black Labour Relations Regulation Act Therefore we have the co-existence, in the economic framework, of an industrial conciliation system for Whites and coloured persons, the success of which has been proved over the years by the responsible conduct of the 174 trade unions and 243 employers' organizations, as well as the 2 552 liaison and 300 works committees on the entrepreneurial level for Blacks

Of course, there is also a third system of wage regulation, the wage board system, in terms of which a statutory body makes recommendations concerning conditions of service with regard to all population groups

Over the years, adjustments have been made to our labour legislation, but events and developments in all fields, and in the field of labour in particular, have been rapid over the past two decades South Africa could not and has not escaped this Shortly after I became Minister of Labour, I realized that matters in the labour field were developing in a direction which justified action Evidence which reached me along various channels indicated that events, internal as well as external, in the political and economic spheres, had been of such a drastic and dramatic nature that the Government could not wait until evolutionary changes were forced upon it I sensed that the time for reactive conduct was past and that we would henceforth have to take preventive action, or we would lose the initiative with regard to timely and essential changes and adjustments to our system and to the legislation

I had the feeling that I should prepare a comprehensive account and make an in-depth analysis of the developments as soon as possible for myself and for the country, so that the Government would be able to keep a finger on the pulse of the country's labour dispensation

To confirm my suppositions, I recommended in June 1977 that a commission of inquiry be appointed with the widest possible terms of reference, not only to examine the laws administered by the Department of Labour, but also to analyse the whole labour set-up in its widest context to ascertain what the factual situation was and to make recommendations concerning the adjustments that should be made

The total statutory and institutional dispensation which is envisaged by the commission, the essential features of which have been accepted by the Government, will of necessity require a considerable time for its full implementation Patient construction is required, and the provision of the necessary statutory provisions is only one aspect of it.

Consequently, the Government has seen fit to make only a few amendments to the existing Industrial Conciliation Act for the time being so as not to delay essential adjustments The Bill which is now before the House gives effect to this approach

I have tabled an explanatory memorandum and I should now like to explain in greater detail the most important proposed amendments

Clause 1 contains several new definitions, and the most important of these is the new definition of "employee" As hon members know, Black workers are presently excluded from the definition of "employee" Legally speaking, therefore, they cannot be organized into registered trade unions and cannot have representation on industrial councils The negotiating procedures of industrial councils are barred to them and they can only make use of the "committee system" under the Black Labour Relations Regulation Act and can only negotiate in general terms with regard to a specific enterprise In practice, however, several sections of the existing Industrial Conciliation Act have been applied to Blacks since 1924 In this way, most industrial council agreements laying down wages and other conditions of service are extended to the Blacks to prevent unfair competition

The Government has decided that only certain workers will be admitted to trade unions Consequently the definition of "employee" is being amended to provide for this Only persons who have the right to reside permanently in South Africa and who have permanent jobs are regarded as employees for the purposes of the Act. Migrant labourers and border commuters are excluded. I have already given a definition of such workers in the explanatory memorandum. I should like to draw hon. members' attention to the fact that I do have the power to declare any person to be an employee for the purposes of the Act, and I have already received representations from organizations which foresee problems in certain areas Therefore I am well aware of the fact that there are quite a number of problems in this connection, problems which will have to be sorted out. It is also clear to me that certain commuters will have to be accommodated I therefore intend to have the matter investigated at once and to produce further adjustments in this connection in due course As hon members know, I have publicly expressed the opinion that I shall have to make concessions to accommodate commuters in certain areas and industries in terms of the powers conferred upon me by the legislation under discussion

I do want to point out, though, that the large numbers of commuters and migrant workers from homelands and independent Black States are not completely without protection They can still make use of the committee system in terms of the Black Labour Relations Regulation Act, as they have in the past. Furthermore, I want to point out that industrial council agreements laying down wages and other conditions of service, such as hours of work, leave, sick-leave, etc., have in the past been extended to cover all workers, including commuters and migrant workers, and this will also be the case in the future After all, we shall not lay down separate wages for such workers If we did that, we would have chaos on the shop floors

Another matter which I want to make quite clear is that farm labourers and domestic servants have been excluded from the Conciliation Act and other industrial laws since 1924 Only in 1965 did we include farm labourers under the Workmen's Compensation Act. In previous reports, the commissions concerned argued that it would be extremely difficult to make industrial legislation applicable to farm labourers and domestic servants because circumstances differ from farm to farm and from province to province However, I do not want to say any more about this matter, because the Wiehahn Commission still has to report on it

I should now like to deal with clause 2 It concerns the proposed National Manpower Commission The commission refers to the development, in the economic and social spheres in particular, which is making increasing demands on the State This development is taking place at such a rapid

pace these days that labour policy and possible legislation will have to be reviewed at shorter intervals The role of the State with regard to future planning, rationalization and development of manpower to fit into the economic pattern is becoming increasingly important. The internationalization of labour, especially in the context of the Southern African dispensation, will increasingly involve me as Minister and my department in the international labour world The recruitment, development and utilization of manpower from outside our borders is assuming ever greater significance and must certainly be connected with internal unemployment and the creation of job opportunities on a priority basis As hon members know, more and more people are advocating better utilization of local labour in certain sectors of the economic system

Ad hoc commissions, such as the Naudé Commission, which were appointed in the past, will in my opinion no longer fit into the future planning and will not be the proper method of identifying tendencies A standing body which will have to review the whole labour set-up on an on-going basis, and which will watch developments and tendencies so that adjustments may be made in time is essential

The Government is thoroughly aware of the structural changes in the country's economy, technological developments and political events in and around our country's borders In the light of this, vigilance, purposeful preparedness and greater flexibility will be required in policy formulation, in planning and in conduct. The labour set-up and developments will have to be continually monitored and tested We simply cannot allow our policy and legislation to lag behind practical developments any longer We have only to look at the growth in the economically active population and its composition to identify the rapidly changing pattern

In 1960, the economically active population consisted of 1,1 million Whites, 551 000 Coloureds, 125 000 Asians and 4,3 million Blacks In 1978, the figures were 1,8 million Whites, 836 000 Coloureds, 244 000 Asians and 6,3 million Blacks This means an increase of 3,1 million over this short period In the case of the Whites, therefore, there was a growth of 700 000, in the case of the Coloureds it was 285 000, in the case of the Asians, 119 000, and in the case of the Blacks, 2 million

According to the latest manpower survey of the Department of Labour, in 1977, at a time of economic depression, there were already considerable labour shortages in certain sectors Even then there was a shortage of more than 12 000 Whites in the professional occupations, more than 4 000 in the clerical occupations, more than 8 000 in transport and communications and more than 9 000 artisans It is expected that these shortages will grow if we have an economic revival, and therefore it is of the utmost importance that we should have a standing body which is able to review our labour requirements on a regular basis Therefore the Government accepts the commission's recommendation for the establishment of a National Manpower Commission which will have to give the Government well-researched and well-motivated advice on an on-going basis so that quick and effective action may be taken to meet our labour requirements if there is an economic revival In the light of its composition, which includes representatives of employers and employees, the National Manpower Commission will naturally play an important role in the implementation of the recommendations of the commission which are accepted by the Government I believe that there will have to be the closest possible liaison between the National Manpower Commission and the present commission so that the fullest co-operation between organized employers' and employees' organizations may be ensured The objective is to give a say to a diversity of persons and bodies Because it will not be possible initially to give all interested groups representation on the National Manpower Commission, I intend to designate additional members for specific tasks and problems which may arise

Finally, I want to point out that the National Manpower Commission will maintain the closest co-operation with all Government departments The research function of the National Manpower Commission will be on a different level from that of the Human Sciences Research Council and of universities Its research will be more practical and orientated towards the process of policy formulation Therefore the commission will actually be supplementary to the activities of other bodies which concentrate more specifically on particular research projects I am convinced that the proposed commission will be a body on whose shoulders a great national responsibility will rest. I trust that all parties will make contributions when consultations are held about specific problems and hitches, not only by way of isolated memoranda, but continuously

Clause 3 of the Bill deals mainly with the registration of trade unions As I have already said, Black workers are presently excluded from the Act For this reason, Black trade unions cannot legally register and therefore cannot have representation on industrial councils Therefore they do not form part of the bargaining process on that level

There has been intense overseas interest lately in our trade unionism, especially with regard to Black workers This process is taking place by means of foreign pressure groups as well as certain labour codes drawn up by overseas countries for subsidiary companies in South Africa The existing 27 Black trade unions and their approximately 50 000 members, which are not statutorily prohibited, already exist in some key industries and receive considerable financial and moral support from overseas

These Black trade unions exist alongside the three statutory systems, i e the industrial council system, the committee system and the wage board system, so they can enter into agreements outside these systems with individual employers on an entrepreneurial level, thereby subverting the existing systems This system enjoys strong foreign support. The international trade union movement already has training centres in some of our neighbouring States for training Blacks as trade union leaders Many South African Black trade union members are being trained abroad and many overseas trade union leaders have been visiting the Republic in recent years to observe and promote trade union activities in this country and to provide organizational assistance Over the past 18 months, more than 60 people have visited the Republic from the United States, Holland, Sweden, Italy and Britain. South African Blacks have visited countries such as the United States, Britain and Holland to make a study of trade unionism and to obtain contacts so that the local trade unions may affiliate with the overseas unions These Blacks from South Africa have been financed mainly by foreign bodies, and we have no control over it.

The existing Black trade unions are not at the moment subject to any legal requirements and therefore find themselves in a more favourable position than the registered trade unions, one reason being that there is no control over their money and it can therefore be used as they see fit, and is of course often channelled in directions which have nothing to do with conditions of service, which is the primary concern of trade unionism The extension of statutory trade union rights to Black workers can therefore have far-reaching implications for this country, and in accepting the commission's recommendations on this point, the Government does not intend to open up the system altogether from the start. For this reason, the Government has not fully accepted either the majority or the minority standpoint of the commission, but has decided that in the future, only workers of all races who have permanent jobs and who are permanently resident in this country will qualify for trade union membership I want to emphasize that this restriction will apply to all population groups The reason why the distinction cannot be made on any other basis is that other criteria, such as nationality, level of occupation, industrial orientation, etc , are creating many problems elsewhere in the world The basis of permanent residence and permanent employment is relatively speaking the fairest one for the South African dispensation at the present time and against the background of the political and constitutional developments to come However, I want to emphasize that the proposed amendment empowers the Minister to bring within the ambit of the legislation, by means of a notice in the *Gazette*, certain groups of workers that are not initially entitled to automatic trade union membership This will be done with due regard for all the relevant interests of all the parties and also with regard to security and the maintenance of industrial peace in this country

It must be accepted that workers who come from a country with an alien ideology will naturally be treated differently or be admitted on other and stricter conditions than those from a friendly country I will certainly not allow our trade union movement to be abused

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Toe the line or we'll act, Botha warns black unions

Political Staff

THE ASSEMBLY — Despite overseas support for black trade unions the Government would not allow labour relations to be disrupted or misued, the Minister of Manpower said yesterday

Mr Botha — speaking in debate on the Industrial Conciliation Amendment Bill — gave details of how overseas unions and 'pressure groups' were giving financial and training assistance to the 50 000 members of the 27 unregistered unions, and warned that workers from countries with "alien ideologies' would have to be handled strictly

But Mrs Helen Suzman (PFP Houghton) said the Bill confirmed State interference in union affairs in spite of the Wiehahn Commission's recommendations to the contrary

Already 159 trade union leaders had been banned since 1952 and 16 trade union organisers or educational officers belonging to unregistered unions had been banned since 1973, she said

Challenged by Mr Botha as to whether they had been banned for their trade union activities, Mrs Suzman said 'My predication was that they were banned for activities in the unions

Not a single reason had been given by the Minister of Justice for the bannings, and nor had they been charged with any offence under South Africa's numerous security laws

During his speech Mr Botha said there had been intense interest overseas in South African trade unions

'This process takes place through the means of overseas pressure groups as well as labour codes which have been drawn up by overseas countries for associated companies in South Africa' he said

The unregistered black unions which were not statutorily banned existed in some key industries and enjoy substantial and moral support from overseas

"A number of South African black unions are receiving training overseas and many union leaders have visited the Republic over the years to keep an eye on trade union affairs, to develop them and give them organisational help"

In the last 18 months over six such visitors had been to South Africa from the United States, Holland, Sweden, Italy and Britain

These unions were not at present subject to the demands of the law and because their financial affairs were not controlled, funds could be diverted to activities which had nothing to do with trade unions

"I simply cannot allow that our trade union affairs are misued or disrupted for purposes which can put the country in danger" Mr Botha said

He did not spell out in his speech what steps the Government intended taking to control the activities of those unions which do not register under the new legislation

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the lurch'

NRP tempers support with amendment bids

RDM 8/6/79

THE ASSEMBLY — The New Republic Party believed the Industrial Conciliation Amendment Bill was a tremendous step forward towards dismantling South Africa's unrealistic and antiquated labour relations system, the NRP chief spokesman on labour, Mr Ron Miller, said yesterday

Mr Miller (Durban North) said the NRP would support the second reading, but would propose amendments to several clauses which caused considerable concern.

"We believe the first priority is to maintain industrial peace while we have evolutionary change," said Mr Miller

The people most likely to benefit from the provisions of the Bill were those who in the past had suffered most in the labour field

Mr Miller said the Minister of Labour was being ultra-cautious in bringing about change, and appeared to have a lack of confidence in the ability of private enterprise to implement changes more quickly.

The welcome repeal of provisions relating to job reservation would cause the Minister his greatest difficulties, as some groups would use the repeal for their own political purposes

The shock clause in the Bill, however, was one excluding all homeland residents from the definition of the term "worker".

"This is not in accord with expectations or the recommendations of the Wiehahn Commission

"It boils down to the fact that only black people with Section 10 rights are going to be able to belong to trade unions"

This meant that hundreds of thousands of workers would lose their rights unless there was a blanket exemption.

"We require an act of faith by the Minister to allow trade unions to be free to regulate their membership themselves," Mr Miller said — Sapa

(66)

 (139) 8/6/79 RDM

Bill wipes out black unions, says Suzman

By HELEN ZILLE
Political Correspondent

HOUSE OF ASSEMBLY — The Government's ban on migrant workers from trade unions would lead to an explosion of industrial strife and illegal strikes, Mrs Helen Suzman, the Progessive Federal Party spokesman on black affairs, said yesterday

In a powerful attack on the Industrial Conciliation Bill, Mrs Suzman said it had dashed expectations aroused by the Wiehahn Commission for far-reaching changes in labour laws

'The Bill waters down the major recommendations till well nigh nothing is left," Mrs Suzman said

In a surprise move, the New Republic Party supported the Government during yesterday's second reading, despite its criticism of several clauses

Speaking for the official Opposition, Mrs Suzman isolated the Bill's key deviations from the Wiehahn recommendations

The ban on migrant workers and frontier commuters from trade unions would wipe out most existing black trade unions whose membership included up to 80% of workers in this category, she said

Only blacks with Section 10 rights to live in "white" areas would be allowed to belong to trade unions – an estimated 1,4-million workers against the estimated 2,1-million migrant or frontier workers

Mrs Suzman asked whether pressure would be exerted on existing trade unions to register "There is a widespread fear that they will be forced to register and get rid of their non-eligible members," she said ' They are being given an impossible choice "

The assets of the unregistered union belonged to all its members and a formal resolution would have to be passed in order to register the union It was absurd to expect the majority of members to vote themselves out of union membership, Mrs Suzman said

Employers would get irritated with a small percentage of workers who could form unions and could attempt to replace them with migrants In addition, non-registered trade unions would not be allowed to claim deductions from their members

"This is direct state interference despite the White Paper s assurances to to the contrary," Mrs Suzman said

The Minister of Labour, Mr Fanie Botha, repeated an assurance that he intended to order an investigation with a view to making adjustments to accommodate certain black commuters

Mrs Suzman told Mr Botha his "new deal" speech consisted mostly of platitudes and worn-out phrases She continued to criticise the Bill for its "gross interference" in freedom of association — another key Wiehahn recommendation

Despite a recommendation to legalise mixed unions the Government had decided to forbid them Provisional registration was nearly useless

"It is registration on sufference and may be withdrawn at any time by the registrar, a Government official who will obviously stick to Government policy This is undisguised authoritarianism "

Mrs Suzman criticised the lack of a right of appeal from the proposed industrial court "The industrial court is answerable to no-one — we will have a kangaroo court, not a proper judicial body," she said

DEPARTMENT OF JUSTICE (166)

No R 1194 — 8 June 1979

NOTICE IN TERMS OF SECTION 15 (4) OF THE MAGISTRATES' COURTS ACT, 1944

I, James Thomas Kruger, Minister of Justice, hereby define in column 1 of the Schedule hereto the classes of officers or employees in the service of the State who shall be competent under section 15 (4) of the Magistrates' Courts Act, 1944 (Act 32 of 1944), to serve any process of the court or any other document in a case in which a prosecution takes place for an offence in terms of a provision of any law specified in column 2 of the said Schedule

J. T KRUGER, Minister of Justice

DEPARTEMENT VAN JUSTISIE

No R. 1194 — 8 Junie 1979

KENNISGEWING INGEVOLGE ARTIKEL 15 (4) VAN DIE WET OP LANDDROSHOWE, 1944

Ek, James Thomas Kruger, Minister van Justisie, omskryf hierby in kolom 1 van die Bylae hiervan, die kategoriee van beamptes of werknemers in diens van die Staat wat bevoeg is kragtens artikel 15 (4) van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), om 'n prosesstuk of 'n ander stuk te beteken in 'n saak waarin 'n vervolging plaasvind weens 'n misdryf ingevolge 'n wetsbepaling vermeld in kolom 2 van vermelde Bylae.

J T. KRUGER, Minister van Justisie

GG 6489

SCHEDULE

Column 1	*Column 2*
Inspector in the Department of Labour appointed under section 4 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941)	Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 36 of the Apprenticeship Act, 1944 (Act 37 of 1944)	Apprenticeship Act, 1944 (Act 37 of 1944), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 18 of the Black Building Workers Act, 1951 (Act 27 of 1951)	Black Building Workers Act, 1951 (Act 27 of 1951), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 4 of the Training of Artisans Act, 1951 (Act 38 of 1951)	Training of Artisans Act, 1951 (Act 38 of 1951), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 19 of the Black Labour Relations Regulation Act, 1953 (Act 48 of 1953)	Black Labour Relations Regulation Act, 1953 (Act 48 of 1953), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 60 of the Industrial Conciliation Act, 1956 (Act 28 of 1956)	Industrial Conciliation Act, 1956 (Act 28 of 1956), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 26 of the Wage Act, 1957 (Act 5 of 1957)	Wage Act, 1957 (Act 5 of 1957), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 23 of the Shops and Offices Act, 1964 (Act 75 of 1964)	Shops and Offices Act, 1964 (Act 75 of 1964), and any regulations made thereunder
Inspector in the Department of Labour appointed under section 54 of the Unemployment Insurance Act, 1966 (Act 30 of 1966)	Unemployment Insurance Act, 1966 (Act 30 of 1966), and any regulations made thereunder
Authorized person referred to in section 17 of the Workmen's Compensation Act, 1941 (Act 30 of 1941), in the Department of Labour	Workmen's Compensation Act, 1941 (Act 30 of 1941), and any regulations made thereunder

BYLAE

Kolom 1	*Kolom 2*
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 4 van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941).	Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet 22 van 1941), en enige regulasies daarkragtens uitgevaardig.
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 36 van die Wet op Vakleerlinge, 1944 (Wet 37 van 1944)	Wet op Vakleerlinge, 1944 (Wet 37 van 1944), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 18 van die Wet op Swart Bouwerkers, 1951 (Wet 27 van 1951)	Wet op Swart Bouwerkers, 1951 (Wet 27 van 1951), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 4 van die Wet op Opleiding van Ambagsmanne, 1951 (Wet 38 van 1951)	Wet op Opleiding van Ambagsmanne, 1951 (Wet 38 van 1951), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 19 van die Wet op die Reeling van Swart Arbeidsverhoudinge, 1953 (Wet 48 van 1953)	Wet op die Reëling van Swart Arbeidsverhoudinge, 1953 (Wet 48 van 1953), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 60 van die Wet op Nywerheidsversoening, 1956 (Wet 28 van 1956)	Wet op Nywerheidsversoening, 1956 (Wet 28 van 1956), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 26 van die Loonwet, 1957 (Wet 5 van 1957)	Loonwet, 1957 (Wet 5 van 1957), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 23 van die Wet op Winkels en Kantore, 1964 (Wet 75 van 1964)	Wet op Winkels en Kantore, 1964 (Wet 75 van 1964), en enige regulasies daarkragtens uitgevaardig
Inspekteur in die Departement van Arbeid aangestel kragtens artikel 54 van die Werkloosheidversekeringswet, 1966 (Wet 30 van 1966)	Werkloosheidversekeringswet, 1966 (Wet 30 van 1966) en enige regulasies daarkragtens uitgevaardig
Gemagtigde persoon soos bedoel in artikel 17 van die Ongevallewet, 1941 (Wet 30 van 1941), in die Departement van Arbeid	Ongevallewet, 1941 (Wet 30 van 1941), en enige regulasies daarkragtens uitgevaardig

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8/6/79 RDM (166)

'New labour laws will leave 2m in

INDUSTRIAL CONCILIATION BILL

HOUSE OF ASSEMBLY — The Industrial Conciliation Amendment Bill was a measure which largely, if not entirely, negated the new deal promised to black workers by the Wiehahn Commission's report, Mrs Helen Suzman (PFP Houghton) said yesterday

Moving an amendment during the Bill's second reading, she said the definition of "worker" given by the Bill effectively barred all migrant workers and commuters from union membership — a total of 2,100 000 workers

Many union members would be disqualified and many unions would have to vote themselves out of existence in order to register in terms of the Bill's provisions, she said

"Employers are going to get irritated by small percentages of their workers who are able to form unions and may replace them with migrants"

"Employers will be in a position to play off group against group

"The whole purpose of trade unionism — to enable a trade union and employers' organisations to have a series of agreements and peace treaties — is being undermined by this absurd exclusion of hundreds of thousands of workers

"There will be an explosion of industrial problems and illegal strikes," Mrs Suzman said

One of the PFP's major objections to the Bill was its gross interference with the freedom of association and with the autonomy of trade unions to decide for themselves whether to have separate or racially mixed unions

The Bill prohibited mixed unions unless the Minister decided the number of employees of a particular racial group was too small to enable it to function as a separate union

This provision ran counter to the Wiehahn Commission's recommendations and to the International Labour Organisation's conventions

The Bill s provision permitting provisional registration of mixed unions was useless

It was registration on sufferance and could be withdrawn at any time by the registrar

'This is undisguised authoritarianism," Mrs Suzman said

The registrar was a Government official who would obviously stick to Government policy

"Particularly obnoxious are the provisions of Clause Four which lay down that a registered trade union shall not have any relationships with a person who is not an employee"

This meant, in effect, with any members of an unregistered trade union

This wrecked the meaningful relationships that existed between registered and unregistered unions such as in the Trades Union Council of South Africa (Tucsa)

"Its the Manpower Department's Immorality Act," she said

Did the Minister not know that employers preferred to carry out collective bargaining with one racially mixed trade union and that the unions prefered to be mixed so as to prevent internecine strife?

The idea of industrial courts was a progressive one and had as its basis the dismantling of job reservation in an orderly fashion

But there was, however, no right of appeal provided in the Bill

"Therefore industrial courts are in fact responsible to no-one We will have kangaroo courts, not proper judicial bodies"

The term "unfair labour practice" was not properly defined by the Bill and would give the court the responsibility of defining it for itself

This would give the court both a judiciary and legislative function quite contrary to the normal principle of separating the two

The Bill also did not deal with apprenticeship, which was apparently to be covered by a separate statute

Mrs Suzman said she hoped that the Minister was going to Implement the commission's recommendations in this regard

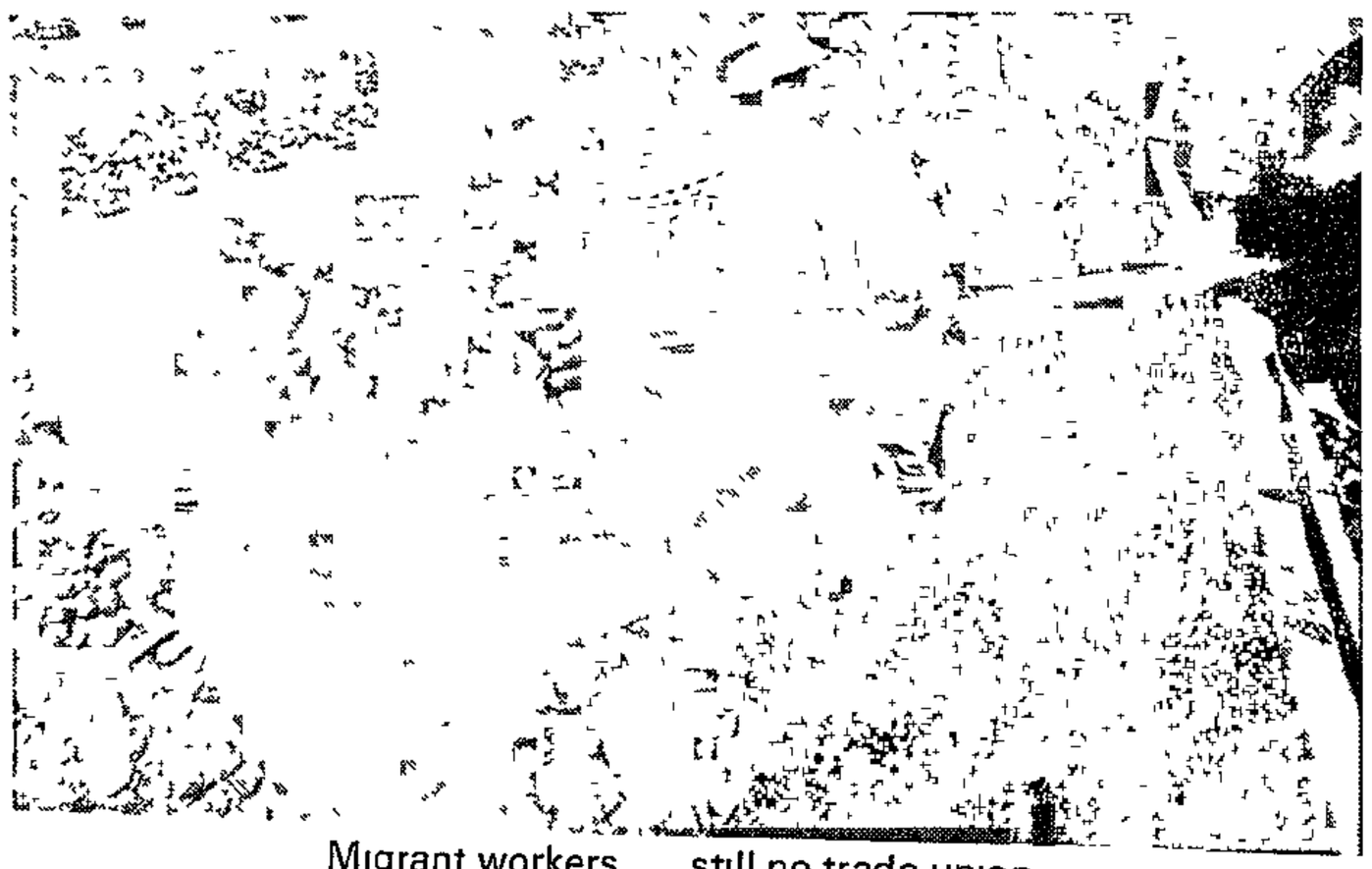
"Effective exclusion of blacks from apprenticeships by white trade unions has, of course, been one of the main reasons why today we are suffering from a shortage of skilled workers, a shortage which severely affects our growth rate"

Mrs Suzman welcomed one positive aspect of the Bill — the elimination of Section 77 of the Industrial Conciliation Act, the job reservation clause introduced in 1956

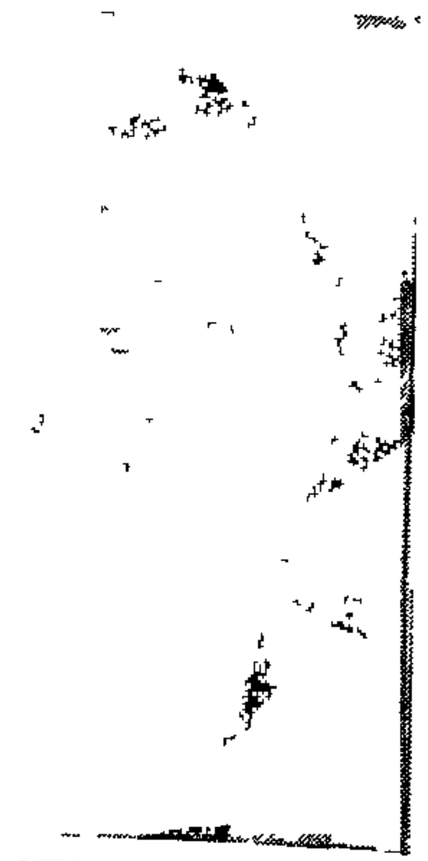
She was disappointed that there was no reference in the Bill to discrimination on the grounds of sex

The Bill fell far short of the aim to provide the workers With a real charter of industrial freedom, and undermined the Wiehahn Commission's efforts to fulfil its mandate to 'provide more effectively for the needs of our changing times and to create the foundations for sound labour relations in the future"

"For these reasons we have been obliged to oppose the Bill," Mrs Suzman said — Sapa



Migrant workers still no trade union



MRS HELEN SUZMAN
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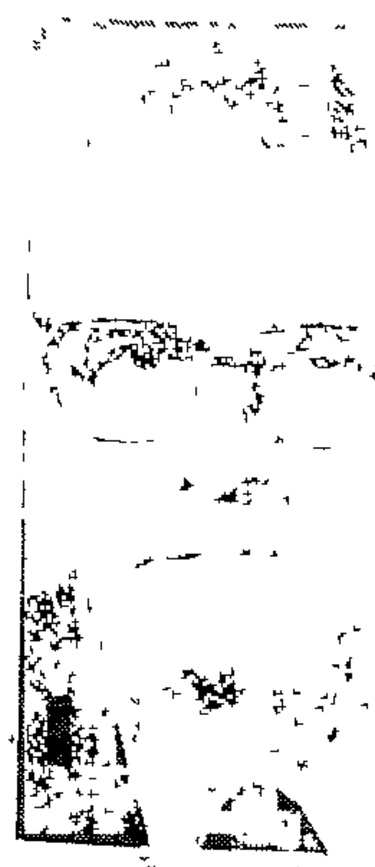

MR FANIE BOTHA
. new deal — but not for

Give it a try, urges Botha

166

RDM 8/6/79

THE ASSEMBLY — South Africa was on the eve of a new dispensation in its labour history, the Minister of Labour, Mr Fanie Botha, said yesterday

Introducing the second reading of the Industrial Conciliation Amendment Bill, Mr Botha appealed to employers not to exploit the "new deal"

The Bill provides for the establishment of a National Manpower Commission, regulating the registration of trade unions and employers' organisations and repealing the safeguards against inter-racial competition

"I hope the changes in established work practices, if necessary, will take place in an orderly manner and in co-operation with all the parties concerned, and that it will not be necessary for me to put into operation the protection measures which are now being provided,"

Mr Botha emphasised that the Government did not yet wish to give effect to all the amendments to the Act recommended by the Wiehahn Commission

"We first want to evaluate how the new dispensation is going to develop after the initial amendments," he said

The changes envisaged in the Bill were of the utmost importance

"A country which is not prepared to provide the necessities of the times is in danger of losing that which it is clinging to so diligently"

Explaining the Bill clause by clause Mr Botha said the present definition of "employee" excluded blacks

As certain blacks would be eligible for trade union membership, the definition of "employee" was amended to include persons who had permanent residence in South Africa and who had fixed employment

Migrants and frontier-commuters were excluded

Mr Botha said it was clear that certain black commuters would have to be accommodated, and he intended to order an immediate investigation so that further adjustments could be made in this regard.

"I wish to point out however, that great numbers of commuters and migrant labourers from the homelands and independent black states can still make use of the committee system in terms of the relevant Act

Mr Botha said that at present, black trade unions were excluded in terms of the Act

They could therefore not register legally and could not be represented on industrial councils, and could not form part of the negotiating process on that level

At present black trade unions were not subject to any requirements in terms of the Act and found themselves in a better position than registered trade unions

Because there was no control over their finances, they could channel funds in directions which had nothing to do with service conditions — the primary aim of the trade unions

He said the Government did not accept in full either the majority or the minority views of the Wiehahn Commission, but decided that in future only workers of all races who worked permanently in the country would qualify for trade union membership

Provision is also made in the Bill for the strengthening of a clause prohibiting the participation of workers' organisations and trade unions in political activities and the supporting of political parties and candidates

"The Republic is too vulnerable at the present time to allow labour relations and politics to mix," Mr Botha said — Sapa

Black union bar 'not final'

N 8/6/79 166

COMMENTING on a leading article in the Natal Mercury on June 4, the Pietermaritzburg Chamber of Industries says that Zulus who commute to work from places like Edendale and Kwa Mashu are not to be permanently excluded from the right to join registered trade unions, as recommended by the Wiehahn Commission.

The statement reads. "The report itself recommends that changes in labour arrangements be introduced step by step through consultation and negotiation, and the Bill now before Parliament is a first step giving immediate right to the relatively small group of Blacks who live in White areas, but it also gives power to the Minister of Labour to extend the right to other groups by a mere notice in the Gazette

"At a meeting of the Institute of Personnel Management in Durban on May 28 the Minister, Mr Fanie Botha, declared that full rights would be extended to Black commuters within a year or two when certain negotiations had been completed, and this Chamber continues to urge that the extension be hastened"

Mr W A. Fuller, director of the Chamber, said that Pietermaritzburg industrialists were anxious that their Zulu workers should understand the true position and realise that full trade union rights are on the way

"All that is needed is a little patience," he said

Labour Bill is branded 'unfair'

(166) 8/6/79 Nm

ORMANDE POLLOK

CAPE TOWN — Proposed industrial legislation could be a recipe for "discontent and friction", Mr Ray Swart, Progressive Federal Party spokesman on homeland affairs, said yesterday

Speaking during the debate on the Industrial Conciliation Amendment Bill he accused the Government of bending the recommendations of the Wiehahn Commission to suit its ideology

Following up an earlier Opposition attack on the Bill — for excluding hundreds of thousands of Blacks from trade unions — he said the legislation could have a disruptive effect on labour relations in cities such as Durban, East London and Pretoria

Mr. Swart criticised the exclusion of migrant workers and "frontier commuters" (Black workers who lived in townships close to cities but were technically in the homelands) from trade union rights

There had been discussion for years about whether townships such as Kwa Mashu and Umlazi should become part of KwaZulu — "a convenient way to pretend that Blacks had been moved out of Durban for statistical purposes"

Today both were part of what the Government "Euphemistically calls a self-governing State"

The mass of Durban's industrial workers were therefore deemed to be "frontier commuters" — a situation which also existed in other cities

"They will be excluded from the inherent right to participate in trade union organisations and in collective bargaining," he said.

There were 150 000 people in Kwa Mashu and the same number in Umlazi. They would be excluded from unions while only 25 696 people who lived in Lamontville and 11 162 living in Chesterville would not be excluded

"In terms of this legislation therefore only Blacks who live in the two smaller townships will have the inherent right to participate in unions," said Mr Swart

"This situation is totally unrealistic and will do nothing to encourage good labour-management relations in the Durban area.

"I believe similar conditions obtain in areas adjacent to other industrial complexes in South Africa — such as East London and Pretoria," he said

Mr Swart branded the Bill as "totally unfair and unjust"

(Report by O Pollok, House of Assembly, Cape Town)

'An explosion' of industrial strife feared

Parliamentary Correspondent

CAPE TOWN — The Government's ban on migrant workers from trade unions would lead to an explosion of industrial strife and illegal strikes, Mrs Helen Suzman, PFP spokesman on Black affairs said yesterday.

In a powerful attack on the Industrial Conciliation Bill, Mrs Suzman said it had dashed expectations aroused by the Wiehahn Commission for far-reaching changes in labour laws

"The Bill waters down the major recommendations till well nigh nothing is left," Mrs. Suzman said.

In a surprise move, the New Republic Party supported the Government during yesterday's second reading, in spite of its criticism of several clauses

Speaking for the official Opposition, Mrs Suzman isolated the Bill's key deviations from the Wiehahn recommendations

The ban on migrant workers and frontier commuters from trade unions would wipe out most existing Black trade unions, whose membership included up to 80 percent of workers in this category, Mrs. Suzman said

Only Blacks with Section 10 rights to live in "White" areas would be allowed to belong to trade unions — an estimated 1 400 000 workers against the estimated 2 100 000 migrant or frontier workers.

Mrs. Suzman asked whether pressure would be exerted on existing trade unions to register. "There is a widespread fear that they will be forced to register and get rid of their eligible members," Suzman said

are being given an choice" The registered union belonged to all its members, and a formal resolution would have to be passed in order to register the union It was absurd to expect the majority of members to vote the union out of existence, Mrs Suzman said

Employers would get irritated with a small percentage of workers who could form unions and could attempt to replace them with migrants In addition, non-registered trade unions would not be allowed to claim deductions from their members

"This is direct State interference, in spite of the White Paper's assurances to the contrary," Mrs Suzman said

The Minister of Manpower, Mr Fanie Botha, repeated an assurance that he intended to order an investigation with a view to making adjustments to accommodate certain Black commuters

Mrs Suzman told Mr. Botha his "new deal" speech consisted mostly of platitudes and worn-out phrases

She continued to criticise the Bill for its "gross interference in freedom of association" — another key Wiehahn recommendation

Mrs Suzman criticised the lack of a right of appeal from the proposed Industrial Court. "The Industrial Court is answerable to no-one — we will have a kangaroo court, not a proper judicial body," she said.

(Report by H Zille, House of Assembly, Cape Town)

'Foreign threat' to S.A. unions

Parliamentary Correspondent

CAPE TOWN — In spite of overseas support for Black trade unions, the Government would not allow labour relations to be disrupted or misused and so put South Africa in danger, the Minister of Manpower, Mr Fanie Botha, said yesterday

Opening the parliamentary debate on the Wiehahn legislation, Mr Botha gave details of how overseas unions and pressure groups were giving financial and training assistance to the 50 000 members of the 27 unregistered unions

He emphasised the potential threat to industrial peace from outside

Challenged by Mr Botha as to whether trade unionists had been banned for their trade union activities, Mrs Helen Suzman (PFP, Houghton) said she believed they had been banned "because they were involved in trade unions".

Connections

Mr Botha said in the past 18 months more than six Western union leaders had visited South Africa South African Blacks had visited some of these countries to make a study of trade union affairs to develop connections so that their unions could affiliate with international bodies.

These unions were not at present subject to the demands of the law and because their financial affairs were not controlled, funds could be diverted to activities which had nothing to do with trade unions

(Report by B Streek, House of Assembly, Cape Town)

Suzman warns of strikes

(166) DD 8/6/79

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"They are being given an impossible choice" The assets of an unregistered union belonged to all its members, and a formal resolution would have to be passed in order to register the union It was absurd to expect the majority of members to vote the union out of existence, Mrs Suzman said

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Mrs Suzman told Mr Botha his "new deal" speech consisted mostly of platitudes and worn-out phrases

She continued to criticise the Bill for its "gross interference in freedom of association" — another key Wiehahn recommendation — PS

(News by Helen Zille, Press Gallery House of Assembly, Cape Town)

MAIL, Saturday, June 9, 1979

9/6/79

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More labour leeway granted

By HELEN ZILLE
Political Correspondent

THE ASSEMBLY — The Government has accepted several amendments to the Industrial Conciliation Amendment Bill that push it slightly closer to the recommendations of the Wiehahn Commission

The Bill has been attacked for negating several of the commission's recommendations

Although the registration of mixed unions is still forbidden, an amendment was accepted granting the Minister of Labour slightly more leeway to allow exceptions

In terms of the amendment, the Minister may alow the registration of a mixed union if the "ratio between the numbers of employees of the different population groups" would make it expedient

Permission for the registration of mixed unions is entirely at the discretion of the Minister

Although migrant labourers are still barred from trade unions, the amendment will enable such workers to have a "relationship" with a registered trade union

In practice this will enable migrants to enjoy benefits provided for members of registered trade unions, although they will not be parties to the bargaining process

In terms of the original Bill, "relationships" between registered trade unions and workers not eligible for membership was an offence

The amendment, proposed by Mr Wynand Malan (NP Randburg)) lifts the restriction on relationships between unions and people who do not fall within the Bill's definition of "employee"

Mr Malan also proposed an amendment providing for the right of appeal to the Industrial Court by an employer, registered employers organisation or registered trade union to dispute the refusal of its application for admission to an industrial council

High cost to bridge pay gap

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● From Page 1

seem to have back-tracked in important ways on the spirit and central thrust of the Wiehahn report

"There are plausible political explanations for this particularly the fear of a white backlash

"At the same time, some of Government's response in the Industrial Conciliation Act amendment measures could snarl up future efforts to push ahead

A director of one of the country's largest industrial groups who has been closely involved in Wiehahn's work is concerned at private sector apathy

"Business has wasted years of possible action on the pretext that the relevant legislation was a minefield preventing progress, he said

"This is nonsense Much could have been done despite the legal difficulties Even now there is a depressing inertia hidden by a growing mountain of tokenism

Count

'For instance one large mining house has more than 1 000 clerks just at head office, yet you can count the blacks among them on two hands

"There are still less than 20 black accountants operating as such in mining and industry in South Africa There are even fewer qualified engineers in significant jobs And I'd a single black that I know of is doing anything important in business as a corporate lawyer

He and others lay the blame squarely on management they accuse the majority of company bosses of failing to take the initiative in training, advancement and pay equalisation programmes while complaining at any sign of government interference

At briefing sessions for business leaders this week, Wiehahn commissioner Dick Sutton and Dr Piet Riekert crystallised the main objectives of the two sets of recommendations They also answered a barrage of often critical questions

Sutton identified the industrial council system as central to elements retained in the Wiehahn proposals which had already been proved successful in the field

As principles of the negotiating environment favoured by the Commission he singled out voluntarism and self government in the settlement of labour matters with the state confined to a mediating role

He said the fundamental changes suggested in the commission's report, could be grouped under two main headings Freedom of association and equal pay, promotion and conditions for work of equal value regardless of colour or race

The concept of industrial courts, he added, could be seen as a 'fourth force' in the manpower arena, straddling employers employees and officialdom as an independent arbitrator

He agreed that the exclusion from union rights of blacks commuting into white areas was an unfortunate modification in one of the basic principles of the Wiehahn proposals

It could lead to surreptitious activities alongside legitimate black unions, and so undermine the proposed new system, " he said

He felt that to link a man's union rights to permanent residence, and to an established job, could be unfortunate

But in practice I'm not sure what else could have been done at this stage

He was also anxious at government's thumbs-down for mixed unions

This will emphasise the splintering of the union system It could create inter union rivalry on racial lines

But I suspect we would in any case have been faced with that I suspect the majority of blacks prefer to maintain their own unions rather than risk being overshadowed or confronted in mixed ones

He also felt there could be difficulties with the veto proposal in industrial councils over union registration

Insofar as he intends to provide a breathing space to allow the warring parties to settle their differences the veto may have merit

Incentive

"The industrial courts will provide an incentive for the settlement of disputes by negotiation because in many cases, the parties to any disagreement will not want to have the dispute settled for them by the law

But an open-ended power of veto could backfire For instance, in the distributive trade blacks could achieve representative status ahead of whites and apply the veto to them

On the exclusion of migrant workers from the black union movement he said It is obviously not ideal, but we need time to find the right answer

In the meantime it is possible that the migrants might form their own organisations with the de facto power to act as unions

Riekert was hard put to explain the favoured treatment proposed by his commission for Section Tenners (blacks with valid residential and employment rights in the urban areas) at the expense of other blacks

He pointed out that a precondition decided by the commission was that existing rights should not be taken from blacks in the proposals, and that the Section Tenners's rights had therefore to be protected

Critics however suggested that the preference given to the Tenners was simply a way of stabilising the work force in and around white urban areas by confining jobless and/or homeless black work-seekers to the rural areas where squatting and vagrancy might be less of a problem

Repeat

Riekert summarised the 136 recommendations in his Commission's 1 000 page report by listing some 20 main points of departure agreed by the members in tackling their task These include

- The repeal of outdated measures
- The streamlining of cumbersome existing measures
- The consolidation of Acts and related sets of regulations
- The removal of overlap in the law and regulations
- The scrapping of discriminatory measures as far as possible within the constraints of the commission's brief
- No existing rights to be taken from blacks
- Optimisation of the use of manpower resources
- Decentralisation of decision-making on labour matters
- Formation of instruments to settle matters which the labour market mechanism could not settle

A key objective of the report was to seek as much consolidation as possible of existing legislation affecting the black worker to be embodied in no less than (old Acts) into two new Acts

These two acts be named as the Act on Employment and Training and the Act on Black Community Development

In particular it was hoped to eliminate the most-hated existing legislation among blacks the Black Urban Areas Consolidation Act of 1945, the Black Labour Act and pass law legislation

Questioned about the political problems of trying to reform labour legislation Riekert said this was a challenge for the special Cabinet Committee currently investigating the matter

'We were not briefed to cross into political territory, so we avoided it, he said

R50 000m is needed to bridge the pay gap

10/6/71 Sunday Times

AT LEAST R50 000-million will be needed in the next decade if all the objectives of blueprints for black advancement, and of the historic Wiehahn and Riekert commission reports, are to be realised.

This is the conservative estimate of sources close to the two commissions, based on studies by labour economists

Working with national averages for black and white per capita earnings, and with studies of the so called Paterson model for job and pay evaluation, they explain that almost R5 000 million a year would be necessary just to close the gap between white and black pay — rising steadily to more than R8 000 million a year by 1989

To this would have to be added an average of some R1 000 million a year in re-location costs, investment in training and expanded black education, increased social benefit and pension payments, improved job termination conditions and other costs associated with black advancement

It is strongly emphasised, however, that the cost of ignoring or even of going slow, with the mammoth task of black advancement, would be far higher than moving ahead with the programme as fast as possible

One commissioner explains 'We cannot stand still because of the cost of advancement There are two essential points to keep in mind

First, the cost of rejecting the challenge could well be nothing less than the collapse of our economy as we know it

Second, in the long term the cost should be more than matched by returns through higher national output, better productivity, and economic stimulation brought about by the vastly increased amounts of money in the black consumer's pocket

Not least, there is at least a chance that we will defuse the time-bomb of serious political confrontation and burning social unrest among the blacks '

Commenting on the figures this week another commissioner noted Both the cost and the returns are clearly hypothetical There can be no question of closing the pay and productivity gaps except gradually through a process of painful adjustment

"Yet there is one crucial message in such calculations The country must realise that we are launched on a journey which will certainly carry high costs and severe challenge

There is no alternative So it is up to the private sector to find ways to make the exercise pay for itself

Frankly, there has been too much 'Waiting for Wiehahn', as if his and Riekert's reports could provide a magic cure-all

Obviously, neither report solves anything Only Government and the business sector can make the reports recommendations come alive

'So far, Government may

To Page 7

'No' to total labour mixing

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13/6/79

N.M.

CAPE TOWN — The Minister of Labour, Mr Fanie Botha, last night made it clear in the House of Assembly that he was not prepared to pilot legislation in a direction that would lead to total labour integration

Replying to the third reading debate on the Industrial Conciliation Amendment Bill, Mr Botha said this was not National Party policy and if it should be allowed it would create an extremely dangerous situation

"We must remember that we have in this country a labour situation that could lead to White-Black confrontation This we must avoid at all times"

The labour terrain was a difficult one and the mechanism had to be created to accommodate both White and Black workers in an orderly and peaceful way, which was what the Bill envisaged, he said

In South Africa labour could only be accommodated on a differentiated basis Labour legislation should, therefore, be well formulated in the interests of the country's own people

The Government would never be able to accept the kind of labour integration advocated by the Progressive Federal Party

Blacks reject labour Bill

JOHANNESBURG — South Africa's two major black trade union groupings yesterday rejected the government amendments to labour laws following the Wiehahn Commission's recommendations

In simultaneous statements released yesterday, two co-ordinating bodies which represent the bulk of the black labour movement strongly condemned the Industrial Conciliation Amendment Bill currently being debated in Parliament

The consultative committee of black trade unions, representing seven unions with more than 30 000 members, rejected the situation proposed by the Bill as "totally unacceptable"

It said it had sent a telegram to the Minister of Labour, Mr Fanie Botha, expressing the committee's dissatisfaction with the Bill and requesting an interview with him.

The Federation of South African Trade Unions which includes eight black unions, reaffirmed its opposition to the Bill which it said denied freedom of association to workers.

The body said Fosatu unions would have to "seriously reconsider their position as regards the new labour dispensation".

The stance by the two bodies could create severe problems for the government, both internally and abroad where it is seeking international acceptance for its new dispensation

It appears black unions may consider not applying for registration in terms of the Bill

The Bill is also being opposed by other sectors of the labour movement

The multiracial Trade Union Council of South Africa, which also includes black unions, has sent a memorandum to the Minister lodging objections. — DDC

(166)

Black workers reject changes

ST. 13/6/79

Own Correspondent

JOHANNESBURG – South Africa's two major black trade union groupings yesterday rejected government amendments to labour laws following the Wiehahn Commission labour reform.

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The consultative committee of black trade unions representing seven unions with more than 30 000 members rejected the situation created by the bill as "totally unacceptable".

It announced it had sent a telegram to the Minister of Labour, Mr Fanie Botha expressing the committee's dissatisfaction with the bill and requesting an interview.

The Federation of South African Trade Unions which includes eight black unions reaffirmed its opposition to the bill which denied freedom of association to workers.

The body warned Fosatu unions would have to "seriously reconsider their position as regards the new labour dispensation".

The concerted stance by the two bodies could create severe problems for the government both internally and abroad.

Although the statements did not refer explicitly to this issue it appears black unions may consider not applying for registration in terms of the bill.

Social Security

The Commission recommended that:

The raising of the earnings ceiling in the Unemployment Insurance Act, 1966, relating to a contributor be effected by way of proclamation instead of by way of an amendment to the Act, and that Section 2(2)(d) of the Act be amended in such a manner that there is no differentiation between different population groups.

The Commission recommends that consideration be given to the revision of other legislative measures falling outside the terms of reference of the Commission but which also provide for segregated facilities to be brought into line with the recommendations of the Commission in respect of the Factories, Machinery and Building Work Act, 1941, and the Shops and Offices Act, 1964.

(A minority view was recorded).

Black staff win sacking case

The Rand Supreme Court ruled today that 23 black employees of Nels Dairy (Pty) Ltd were entitled to apply for an interdict against wrongful dismissal for participating in a work's committee

The employees were granted such a provisional order on May 10

Nels Dairy subsequently held that the Rand Supreme Court had no jurisdiction to make the interdict and that their employees' only recourse was to lay charges under the Bantu Labour Relations Regulations Act.

Counsel for the employees held that the fact that they had recourse to criminal prosecution did not preclude the employees from seeking the interdict.

Mr Acting Justice Goldstone rejected the dairy's argument and dismissed its objection, with costs

Counsel for the employees agreed not to ask for an extension of the interdict when Nel's Dairy undertook not to dismiss any of the employees wrongfully in terms of the Bantu Labour Relations Regulations Act

Counsel for the dairy said both sides agreed on the need for a meeting between employees and employers, but each blamed the other for the failure of earlier meetings

The dairy had intended calling a meeting whatever the outcome of today's hearing, and it would be easier to hold it when not "under the shadow" of a court interdict Both parties agreed that the case should eventually go to trial

Legal victory for black workers

18/6/79 Star

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Labour Reporter

The case brought by 24 black employees against Nels Dairy shows that blacks have the power to fight back and win when sacked for union activities

Labour lawyers have hailed it as an important breakthrough

Mr Acting Justice Goldstone ruled that the dairy employees were entitled to apply for an interdict against wrongful dismissal for forming a works committee.

Nels Dairy had argued that the court had no jurisdiction and that its employees had recourse only to criminal charges.

"In future workers who are being threatened with dismissal for engaging in trade union, works committee or liaison committee activities will be able to prevent their unlawful dismissal," commented a Johannesburg labour lawyer.

"No longer will workers simply have to sit back, await dismissal and hope for the prosecution of an employer who dismisses them unlawfully

"Now they will be entitled in law to an interdict against threatening victimisation"

The lawyer said criminal action against employers had been of little practical value to workers who had been dismissed, there was nothing to guarantee their reinstatement.

rightful part in promoting the Health Year 1979 However, I want to tell the hon Senator Du Toit immediately that that does not mean that the State is going to provide the provinces with money for this purpose On the contrary This legislation provides that the provinces are to be allowed to use money from the Provincial Revenue Fund in order to participate in the Health Year Because most of the funds of the provinces are supplied by the Treasury, it is necessary for the Treasury and the State has to lay down certain guidelines in regard to how the money is to be spent. The Government law adviser informs us that in terms of the Financial Relations Act the provinces will not be able to spend money from those funds for this purpose The Act has first to be amended and provision has to be made enabling them to spend money for that purpose All I am asking here is that the provinces be allowed to use some of their own money in order to participate in this project.

*Senator J H D E. DU TOIT That is a pity because in that case you will not consider my suggestion

*The DEPUTY MINISTER Mr President, I am grateful for the support I have received and I thank hon. Senators

Question agreed to

Bill read a Second Time

Bill not committed.

Third Reading

*The DEPUTY MINISTER OF THE INTERIOR AND IMMIGRATION Mr President, I move—

That the Bill be now read a Third Time

Senator J L HORAK Mr President, during the course of my very short Second Reading speech I omitted to say that we in these benches obviously wish the Health Year every success and everything that is done to promote health in South Africa is to be very greatly welcomed Our good wishes accompany this endeavour

*Senator J H. D E DU TOIT Mr President, I know the hon the Deputy Minister has stated the case but as you know Sir, there is such a thing as a budget. I am afraid that the provincial councils have already budgeted and that they may perhaps be short of funds I trust, therefore, that the Transvalers will support me

Senator J F DIPPENAAR [Inaudible]

*Senator J H D E DU TOIT Here is another Senator from the Cape Province talking He knows nothing about what is happening beyond the Liesbeek. This is not a matter of provincialism but if certain services have already been budgeted for, some of the amounts allocated will most probably have to be pruned in order to contribute money for the Health Year Naturally the provinces are making a very, very valuable contribution but this may cause difficulty That is why I ask in anticipation of that happening whether the hon the Deputy Minister could use his influence so that they will receive a little extra.

*The DEPUTY MINISTER OF THE INTERIOR AND IMMIGRATION Mr President. I want to tell the hon Senator Du Toit that preparations for this Health Year started last year The provinces knew of this a long time ago, they planned for it and in fact they budgeted for it They have made ample provision for it so that they can play their rightful part. When the matter was raised at the beginning of the year it was doubtful whether they could, within the framework of existing legislation, utilize the money they had earmarked in their budgets for that purpose The matter was referred to the Government law adviser and it was recommended that the whole matter be placed beyond any doubt. I can assure the hon Senator that it will not be necessary for the provinces to change their budgets at this stage As a matter of fact, they have already spent the money they have voted for this purpose What we are doing in fact is to legalize what the provinces have done with retrospective effect.

Question agreed to

Bill read a Third Time

Senate Hansard Vol 13

INDUSTRIAL CONCILIATION AMENDMENT BILL

(Second Reading)

*The MINISTER OF LABOUR Mr President, I move—

That the Bill be now read a Second Time

I trust that you will allow me to make a few introductory remarks before I proceed to deal with the Bill

The present Industrial Conciliation Act still contains, in broad outline, the principles laid down in the Conciliation Act of 1924, with important changes, of course, which have been made at various stages One can proudly state, therefore, that this Act, as well as our other labour legislation up to now, has functioned very well indeed and has made a major contribution to the industrial peace we have enjoyed over the years. As hon Senators know, the Conciliation Act regulates the registration of trade unions, employers' organizations and industrial councils It also regulates the activities of the existing industrial tribunal and the settling of industrial disputes It also contains provisions relating to freedom of association and the protection workers are afforded by job reservation

The most important part of the Act, i e the registration of trade unions, is not applicable to Blacks Consequently a dual system is in operation A separate mechanism has been created for Blacks as far as the negotiation of conditions of service is concerned, namely the Black Labour Relations Regulation Act. Therefore we have the co-existence, in one economic framework, of an industrial council system for Whites and coloured persons, the success of which has been proved over the years by the responsible conduct of the 174 trade unions and 243 employers' organizations, as well as the 2 552 liaison and 305 works committees on the entrepreneurial level for Blacks

Of course, there is also a third system of wage regulation, the wage board system, in terms of which a statutory body makes recommendations concerning conditions of service with regard to all population groups

Over the years, changes have been made to our labour legislation but events and developments in all fields and in the field of labour in particular, have been rapid over the past two decades South Africa could not and has not escaped this Shortly after I became Minister of Labour, I realized that matters in the labour field were developing in a direction which justified action Evidence which reached me along various channels indicated that events, internal as well as external, in the political and economic spheres, had been of such a drastic and dramatic nature that the Government could not wait until evolutionary changes were forced upon it. I sensed that the time for reactive conduct was past and that we would henceforth have to take preventive action or we would lose the initiative with regard to timely and essential changes and adjustments to our system and to the legislation

I had the feeling that I should prepare a comprehensive account and make an in-depth analysis of the developments as soon as possible for myself and for the country, so that the Government would be able to keep its finger on the pulse of the country's labour dispensation

To confirm my suppositions, I recommended in June 1977 that a commission of inquiry be appointed with the widest possible terms of reference, not only to examine all the laws administered by the Department of Labour but also to analyse the whole labour set-up in its widest context to ascertain what the factual situation was and to make recommendations concerning the changes that should be made

The total statutory and institutional dispensation which is envisaged by the commission, the essential features of which have been accepted by the Government, will of necessity require a considerable time for its full implementation Patient construction is required, and the provision of the necessary statutory provisions is only one aspect of it. Consequently, the Government has seen fit to make only a few amendments to the existing Industrial Conciliation Act for the time being, so as not to delay essential changes The Bill which is now before the House gives effect to this approach. I have tabled an explanatory memorandum and I should now like to explain in greater detail the most important proposed amendments

Clause 1 contains several new definitions, and the most important of these is the new definition of "employee" As hon Senators know, Black workers are presently excluded from the definition of "employee" Legally speaking, therefore, they cannot be organized into registered trade unions and cannot have representation on industrial councils The negotiating procedures of industrial councils are barred to them and they can only make use of the "committee system" under the Black Labour Relations Regulation Act and can only negotiate in general terms with regard to a specific enterprise In practice, however, several sections of the existing Industrial Conciliation Act have been applied to Blacks since 1924 In this way, most industrial council agreements laying down wages and other conditions of service are extended to the Blacks to prevent unfair competition

The Government has decided that only certain workers will be admitted to trade unions Consequently the definition of "employee" is being amended to provide for this Only persons who have the right to reside permanently in South Africa and who have permanent jobs are regarded as employees for the purposes of the Act. Migrant labourers and border commuters are excluded I have already given a definition of such workers in the explanatory memorandum I should like to draw hon Senators' attention to the fact that I do have the power to declare any person to be an employee for the purposes of the Act, and I have already received representations from organizations which foresee problems in certain areas Therefore I am well aware of the fact that there are quite a number of problems in this connection, problems which will have to be sorted out. It is also clear to me that certain commuters will have to be accommodated I therefore intend to have the matter investigated at once and to make changes in this connection in due course As you know, I have publicly expressed the opinion that I shall have to make concessions to accommodate commuters in certain areas and industries in terms of the powers conferred upon me by the legislation under discussion

I do want to point out, though, that the large numbers of commuters and migrant workers from homelands and independent Black States are not completely without protection. They can still make use of the committee system in terms of the Black Labour Relations Regulation Act, as they have in the past. Furthermore, I want to point out that industrial council agreements laying down wages and other conditions of service, such as hours of work, leave, sick-leave, etc , have in the past been extended to cover all workers, including commuters and migrant workers, and this will also be the case in the future After all, we shall not lay down separate wages for such workers If we did that, we would have chaos on the shop floors

Another matter I want to make quite clear is that farm labourers and domestic servants have been excluded from the Conciliation Act and other industrial laws since 1924 Only in 1965 did we include farm labourers under the Workmen's Compensation Act. In previous reports, the commissions concerned argued that it would be extremely difficult to make industrial legislation applicable to farm labourers and domestic servants because circumstances differ from farm to farm and from province to province However, I do not want to say any more about this matter because the Wiehahn Commission still has to report on it.

I should now like to deal with clause 2 It concerns the proposed National Manpower Commission The commission—I am now referring to the present commission—refers to the development, in the economic and social spheres in particular, which is making increasing demands of the State This development is taking place at such a rapid pace these days that labour policy and possible legislation will have to be reviewed at shorter intervals The role of the State with regard to future planning, rationalization and development of manpower to fit into the economic pattern is becoming increasingly important. The internationalization of labour, especially in the context of the Southern African dispensation, will increasingly involve me as Minister and my department in the international labour world The recruitment, development and utilization of manpower from outside our borders is assuming ever greater significance and must certainly be connected with internal unemployment and the creation of job opportunities on a priority basis. As Senators know, more and more people are advocating better utilization of

local labour in certain sectors of the economic system

Ad hoc commissions, such as the Naudé Commission, which were appointed in the past, will in my opinion no longer fit into the future planning and will not be the proper method of identifying tendencies A standing body which will have to review the whole labour set-up on an on-going basis, and which will watch developments and tendencies so that adjustments may be made in time, is essential

The Government is thoroughly aware of the structural changes in the country's economy, technological developments and political events in and around our country's borders. In the light of this, vigilance, purposeful preparedness and greater flexibility will be required in policy formulation, in planning and in conduct. The labour set-up and developments will have to be continually monitored and tested. We simply cannot allow our policy and legislation to lag behind practical developments any longer We have only to look at the growth in the economically active population and its composition to identify the rapidly changing pattern

In 1960, the economically active population consisted of 1,1 million Whites, 551 000 Coloureds, 125 000 Asians and 4,3 million Blacks In 1978, the figures were 1,8 million Whites, 836 000 Coloureds, 244 000 Asians and 6,3 million Blacks In the case of the Whites, therefore, there was a growth of 700 000, in the case of the Coloureds it was 285 000, in the case of the Asians, 119 000, and in the case of the Blacks, 2 million, a total increase of 3 million over this short period

According to the latest manpower survey of the Department of Labour in 1977 at a time of economic depression—and we should bear in mind that this was during a period of low conjuncture, a time of serious recession—there were already considerable labour shortages in certain sectors The point I want to make is that if we had shortages during a recession, how much greater would those shortages not be when we moved out of the recession into a renewed upswing Even then there was a shortage of more than 12 000 Whites in the professional occupations, more than 4 000 in the clerical occupations, more than 8 000 in transport and communications and more than 9 000 artisans It is expected that these shortages will grow if we have an economic revival, and therefore it is of the utmost importance that we should have a standing body which is able to review our labour requirements on a regular basis. Therefore the Government accepts the commission's recommendation for the establishment of a National Manpower Commission which will have to give the Government well-researched and well-motivated advice on an on-going basis so that quick and effective action may be taken to meet our labour requirements if there is an economic revival In the light of its composition, which includes representatives of employers and employees, the National Manpower Commission will naturally play an important role in the implementation of the recommendations of the commission which are accepted by the Government. I believe that there will have to be the closest possible liaison between the National Manpower Commission and the present commission so that the fullest co-operation between organized employers' and employees' organizations may be ensured. The objective is to give a say to a diversity of persons and bodies Because it will not be possible initially to give all interested groups representation on the National Manpower Commission, I intend to designate additional members for specific tasks and problems which may arise

Finally, I want to point out that the National Manpower Commission will maintain the closest co-operation with all Government departments The research function of the National Manpower Commission will be on a different level from that of the Human Sciences Research Council and of universities Its research will be more practical and orientated towards the process of policy formulation. Therefore the National Manpower Commission will actually be supplementary to the activities of other bodies which concentrate more specifically on particular research projects I am convinced that the National Manpower Commission will be a body on whose shoulders a great national responsibility will rest. I trust that all parties will make contributions when consultations are held about specific problems and hitches, not only by way of isolated memoranda, but continuously

Clause 3 of the Bill deals mainly with the

registration of trade unions As I have already said, Black workers are presently excluded from the Act. For this reason, Black trade unions cannot legally register and therefore cannot have representation on industrial councils Therefore they do not form part of the bargaining process on that level There has been intense overseas interest lately in our trade unionism, especially with regard to Black workers This process is taking place by means of foreign pressure groups as well as certain labour codes drawn up by overseas countries for subsidiary companies in South Africa. The existing 27 Black trade unions and their approximately 50 000 members, which are not statutorily prohibited, already exist in some key industries and receive considerable financial and moral support from overseas. These Black trade unions exist alongside the three statutory systems, i e the industrial council system, the committee system and the wage board system, so they can enter into agreements outside these systems with individual employers on an entrepreneurial level, thereby subverting the existing systems This system enjoys strong foreign support. The international trade union movement already has training centres in some of our neighbouring States for training Blacks as trade union leaders Many South African Black trade union members are being trained abroad and many overseas trade union leaders have been visiting the Republic in recent years to observe and promote trade union activities in this country and to provide organizational assistance Over the past 18 months, more than 60 people have visited the Republic from the United States, Holland, Sweden, Italy and Britain South African Blacks have visited countries such as the United States, Britain and Holland to make a study of trade unionism and to obtain contacts so that the local trade unions may affiliate with the overseas unions These Blacks from South Africa have been financed mainly by foreign bodies

The existing Black trade unions are not at the moment subject to any legal requirements and therefore find themselves in a more favourable position than the registered trade unions, one reason being that there is no control over their money and it can therefore be used as they see fit, and is of course often channelled in directions which have nothing to do with conditions of service, which is the primary concern of trade unionism

The extension of statutory trade union rights to Black workers can therefore have far-reaching implications for this country, and in accepting the commission's recommendations on this point, the Government does not intend to open up the system altogether from the start For this reason, the Government has not fully accepted either the majority or the minority standpoint of the commission, but has decided that in the future, only workers of all races who have permanent jobs and who are permanently resident in this country will qualify for trade union membership I want to emphasize that this restriction will apply to all population groups The reason why the distinction cannot be made on any other basis is that other criteria, such as nationality, level of occupation, industrial orientation, etc , are creating many problems elsewhere in the world The basis of permanent residence and permanent employment is relatively speaking the fairest one for the South African dispensation at the present time and against the background of the political and constitutional developments to come However, I want to emphasize that the proposed amendment empowers the Minister to bring within the ambit of the legislation, by means of a notice in the *Gazette*, certain groups of workers that are not initially entitled to automatic trade union membership This will be done with due regard for all the relevant interests of all the parties and also with regard to security and the maintenance of industrial peace in this country

It must be accepted that workers who come from a country with an alien ideology will naturally be treated differently or be admitted on other and stricter conditions than those from a friendly country I will certainly not allow our trade union movement to be abused or used for purposes which may endanger the country In the light of our geographic situation and constitutional dispensation, there may be independent States, or such States may come into being, which will not allow their citizens to be members of South African trade unions in any case, of which we have already had indications

In clause 4, provision is made for the principle of provisional registration of employers' organizations and trade unions, which is an important provision The principle of provisional registration is not unusual Even a country such as England subscribes to such a system. Provisional registration will enable the industrial registrar to prescribe conditions and a period of time before an employers' organization or a trade union can obtain final registration As against this, provisional registration will confer a higher status and recognition upon the employers' organization or trade union concerned, which will facilitate the recruitment of members, and will also promote attempts to obtain the co-operation of employers in such a campaign The Government accepts the commission's recommendation that provisional registration should be a prerequisite before a trade union or employers' organization can begin a recruitment campaign The Government is counting on the co-operation of all parties in this connection To ensure order and to avoid administrative problems, the registration of persons who do not qualify for trade union membership is prohibited

In clause 6, provision is made for the extension of the prohibition on participation by employers' organizations and trade unions in political activities and the support of political parties and candidates The Government is only too aware of the dangers which possible participation by labour organizations in politics may hold for the country There are many examples elsewhere in the world of situations where pressure groups have developed and impeded economic stability The Republic is too vulnerable today to allow an intermingling of labour relations and politics Therefore the prohibition in this connection is being extended by including all bodies established as legislative bodies in the future

Clause 8 provides for the establishment of an industrial court, consisting of a president, who will be a senior jurist. The Government believes that a person with the qualifications and experience required by the clause will greatly enhance the status of the court.

The Government expects great things of the new industrial court as a body which will see that justice is done in labour disputes and which will serve as an important protective mechanism for individual workers in cases where their security is threatened in an illegitimate way From its administration of justice, a so-called fair and equitable labour code should develop as soon as possible to serve as a guideline for the country Therefore the Government foresees that the court procedure should be fairly informal and simple, that litigation costs should be kept down, that the court should be as accessible as possible to everyone, and that the rulings of the court should be on the basis of fairness, taking into consideration the socio-economic and socio-political implications of the matters that are submitted to it.

The provisions which authorize the president of the court to appoint assessors, after consultation with the employer and employee parties involved in a specific dispute, will ensure that all aspects of disputes will be assessed in a competent and equitable way It is not necessary to motivate this any further It is obvious from the fact that the use of assessors is a well-known and established practice in our courts

The judicial function is of a civil nature and covers a wide spectrum of the normal functions of our civil courts At this stage, the court is not given any criminal jurisdiction, since the proposed informal procedure of the court is not suited to criminal cases and our criminal law sets exacting requirements with regard to criminal liability

Clauses 10 and 11 are intended to incorporate certain protective measures in respect of rights of minority groups on an industrial council It may happen that a particular party may outnumber some other party on the industrial council The Government cannot be indifferent to such a possibility, because the maintenance of industrial peace remains a top priority to the Government. Over the years, industrial councils have acted responsibly, and I cannot imagine that they will fail to do so in the future Nor can I imagine that the industrial councils would act wilfully and refuse to allow responsible parties The amendment is not aimed at certain races, but at all races

Clause 10 provides, therefore, that before any new parties are admitted to an industrial council in the future, all the parties will have to give their written consent. However, in the Other Place I accepted an amendment in terms of which an aggrieved party will have a right of appeal to the Industrial Court if he is not admitted Where disputes arise about the changing of labour practices, the industrial

councils will also have to be unanimous in their decisions before such changes are effected If no unanimity exists the matter will have to be referred to the Industrial Court. This amendment is contained in clause 11 The principle of a veto in decision-making bodies of a heterogeneous composition is not unknown Until such time as the new dispensation has been established it will be necessary to incorporate protective measures at various levels in the new system in order to ensure that the interests of minority groups on the industrial level are properly entrenched I trust that future development will be so orderly and evolutionary that it will seldom be necessary to use the veto

Clauses 13 and 14 are actually connected with the repeal of section 77 of the existing Act, i e the present job reservation provisions Section 43 of the present Act provides, *inter alia*, that a worker may appeal to the Minister to intervene where an employer changes his conditions of employment or suspends or terminates his employment If the Minister decides to intervene, he may order the employer not to change the worker's conditions of service or terminate his services or suspend him This provision is now being extended so that the Minister will also be able to act where, for example, employers change traditional labour practices and replace or dismiss workers without the matter having been considered by the industrial councils or agreement having been reached between the parties concerning a labour practice Where industrial councils exist, such disputes will first have to be considered by the industrial council, and if the council cannot settle the dispute, it will have to be referred to the industrial court, and this court will then have to give a final ruling If the court supports the workers, it will have to make a final determination, which will then prohibit the employer from changing the conditions of service

I should like to appeal to our employers today not to exploit the new dispensation I trust that changes in established labour practices, if these are essential, will be brought about in an orderly manner and with the co-operation of all the parties, and that it will not be necessary for me to give effect to the statutory protective measures which are now being incorporated in the legislation

As I have already said, the Government does not wish at this stage to implement all the amendments arising from the Wiehahn report, but it first wants to evaluate the development of the new dispensation after the initial amendments, and also to consider what further statutory amendments may be called for

South Africa is indeed on the eve of a new dispensation in its labour history—a dispensation in its dispensation in its labour history—a dispensation which, if it is regulated with wisdom and insight by the authorities, if it is anticipated in a spirit of co-operation by all parties in the field of industrial relations, holds great promise for the future As I mentioned briefly, these changes are absolutely essential in the times in which we live A country which is not prepared to provide for effective mobility in accordance with the requirements of the times is running the danger, in its rigidity, of losing the things to which it clings so desperately Our survival requires initiative and movement—our growth and development require faith and confidence Therefore we must tackle with both hands the challenges which the future holds For these reasons, I trust that this amending legislation will be supported by the whole House

*Senator Dr A E P SCHEEPERS Mr President, at this stage I should like to ask the privilege of the hour, although I shall perhaps not make full use of it.

I am very pleased with the explanation the hon the Minister has given us The hon the Minister is correct to a large extent, viz. that many of the principles contained in the 1924 legislation were taken over in the 1937 legislation and again in the 1956 legislation The Bill now before the House also contains many of the original provisions It is to be regretted, but at the time our country was not so developed It took the 1922 strike to bring the Government to its senses and the Industrial Conciliation Act was introduced. This is an Act of which we have always been very proud and which has really contributed greatly to the elimination of strikes and trouble Furthermore, it is one of the laws that has done much to bring about good labour relations The period of Hoggenheimer and the oppressed worker was past and as time went on, the workers and employers acted

together so that both sectors played a very important role in the economy Everybody put the economy of the country first.

Unfortunately, the prohibition in the 1924 and successive legislation was to the detriment of Black labour relations and in my view it was specifically because of this prohibition that employees and employers could not freely take decisions for themselves I think in the period we are now entering we shall have to realize that people must be given more freedom to decide for themselves so that better relations can be built up I shall deal later with the disadvantages of the legal prohibition that has been placed on certain people.

The hon the Minister has explained what further opportunities there are for the settlement of disputes We know that the Wage Board has done very important work in this connection, especially among unorganized groups, and it is continuing to do this The only problem as far as the Wage Board is concerned is that they cannot act quickly enough, and I think this can be ascribed to the fact that they are overloaded with work They do not have the necessary staff and they cannot arrange to do all the work at once, with the result that some of the Wage Board determinations are very old This period has been reduced There were times when some of them were 15 years old. The period has gradually decreased although there are still some of these determinations which are seven years old and more Under the present circumstances, and in view of the cost of living which they have to contend with, the workers cannot wait too long In my opinion reviews should take place every three years

The hon the Minister is quite right when he says that there must be revolutionary adjustments I think that is the reason why the Wiehahn report was so well received by employers and employees of all races There have even been favourable comments from overseas about the report because the report recommended that many of the things which caused irritation in the past should be done away with. The report has definitely done something good for South Africa. I shall deal with the disappointing aspects later on in my speech. I shall also deal with the definitions later and with the position of permanent employees I am very pleased that the hon the Minister gave the assurance that an investigation would be made into the position of the commuters and migrant labourers This is one of the utmost importance and I shall deal further with this later in my speech

The committee system has served a good purpose but as I said on a previous occasion in this hon House, this system has not really been adequate There were court cases Agreements were reached between the works committees and the other committees and the employers as well as the liaison committees and the employers But if the agreements were not implemented the only recourse a worker had was to institute civil action against the employer The worker was not financially in a position to do this In future the Industrial Court will play a very important role in this connection

As far as the National Manpower Commission is concerned, I want to say to the hon. the Minister that this is a big step forward I think it was in 1967 or 1968 that I suggested to Dr Rautenbach that we had to know what our requirements were The Government had to appoint a committee consisting of employers and employees to go into the matter and to decide precisely what we needed Because of the prohibition which operated in the past, our economy was most detrimentally affected and we cannot afford this any longer

The hon the Minister quoted very important figures in regard to growth in the sphere of labour Employment in respect of all race groups has increased. But each of us connected with the economy, industry and commerce knows that highly skilled labour is very scarce at present. Although as a small White population we should like to keep everything for ourselves—of course, I do not believe in this, I believe that the whole population must share in the economy—we must realize that we shall not be able to provide the necessary skilled manpower for all time for the Public Service, the Defence Force and so on I think only a stupid person—to be quite blunt—could cherish that sort of idea these days We shall have to make full use of our labour forces, we must learn that people must be employed on merit and that they must be paid according to the work they do If the Whites want to work, I think they will always be able to hold their

own because they very definitely have a big advantage over the other race groups

I like the composition of this Manpower Commission The commission will consist of public servants, employees and employers All important groups will therefore be represented on the commission I welcome the suggestion that assessors may be appointed. They can advise the commission in regard to the relevant industry which the commission might be dealing with at any specific time because it is impossible for one commission to have knowledge of all the different industries in the country

The hon the Minister is quite right when he says that the world today is showing greater interest in the worker's position in this country, especially the Black worker, than it did in the past Many people have also visited this country Some of my colleagues in the trade union with which I am connected and I, have taken these visitors round, and it has meant a great breakthrough for South Africa. We had one person here in January He not only took photographs of the factories and the people working there but also of the housing schemes etc When at a later stage he addressed certain groups in England, Belgium and other countries, they told him he was talking rubbish. He then told them that he could prove everything he said because he had himself taken photographs which he could show them It made a wonderful impression on those people I have heard again today from somebody who has come back from overseas that it is unbelievable how the attitude of certain people has changed since they have heard from their own people that things are not what the anti-apartheid movement and others say they are It is important therefore not only that South African trade union leaders should attend congresses and explain what the true position is but that people should come here from overseas and see for themselves what is going on Numerous students from various countries have come to me to make inquiries in regard to their theses about South Africa in which the trade union movement has played a very important role We are not the tiny country we might think we are We are part of the world But as long as we do not put our house in order we shall not be able to convince the rest of the world that they should accept it Labour is one of the most important matters In the business world we are doing a lot of good for people, but all that good work can be undone by unhealthy labour relations if we carry on as we are at present

The hon the Minister said there was no control over the finances of these people The hon the Minister referred to certain trade unions which went about things in a certain way They do not follow the acknowledged methods, methods in terms of which some of us try to educate the Black trade unions so that they can act responsibly As far as the clothing workers' trade union is concerned, they have helped to organize the Black workers and today this is the largest Black trade union in South Africa. They act very responsibly and there is regular discussion between ourselves and themselves They ask us regularly for advice This is of the utmost importance People from the former Department of Information used to 'phone me to ask whether I could arrange to explain matters to them and also address the Black trade union representatives We were like a shop window because this was a trade union which acted responsibly But we do know that there are certain persons who played a big role in the 1973 strikes Those people did not develop locally They were not organized and developed locally Nobody helped them Other people came from outside and helped them with money obtained overseas The Black Trade union of the clothing industry has never received money from overseas because they know that they can always get help through the existing trade union Within a short time they were financially independent and they could carry on on their own. In my view that is a very important matter which the Manpower Commission must investigate in order to determine which is the best way to act. I want to put it on record that the healthiest trade union and the healthiest relations will be found where the registered trade union and the Black trade union work together They must decide how they want to do it. If that happens, we shall see that we shall be able to train very sound Black trade unions here which will act responsibly

As far as nationalities are concerned, I can assure the hon the Minister that in this connection we have experienced no problems in respect of the Black trade union which has been in existence now for 30 years and has grown into a large trade union They work

together and everybody is told "Look, political opinions are not tolerated in the trade union, this trade union works for the welfare of the workers and tries to improve their living standards" In that way everybody has followed the right line of thought and things have gone smoothly with the result that there are no politics in the trade union The people who have tried to introduce politics have been thrown out surprisingly quickly These workers knew what it meant to belong to a trade union, to work with the registered trade union and to be on good terms with them

I am not opposed to preliminary registration I am totally in favour of preliminary registration But what is not clear to me, especially since the hon. the Minister has spoken, is how preliminary registration will take place In the past the workers first had to be organized and they had to be representative before the trade union could obtain registration Now it seems to be the other way round because the hon the Minister said they cannot recruit before they have obtained preliminary registration I find this totally lacking in clarity Can anybody now say to the Registrar "Mr Registrar, I want to make application, here is my constitution to organize workers in this or that trade union?" I really cannot see how that will work It will mean absolute chaos because, as we say, every Tom, Dick and Harry will now probably want to organize a trade union He does not have the support of the workers He can produce no proof One does not even know if he will mislead the workers He will say "I am registered, come to me" There is no committee which takes decisions The workers in general have not taken a decision that they want a trade union I hope the hon. the Minister will explain the preliminary registration which is to be effected in this way I find it something quite foreign to the trade union movement, however From 1924 the position has always been that one had first to organize the workers One had to prove that one was representative of that industry, who one's committee members were, what their home addresses were etc, and that one's constitution and finances were all in order before one obtained registration I want to repeat that I am not opposed to preliminary registration Perhaps it is necessary for a certain period but it must be done in a proper way and not in the way the hon the Minister has set it out here It is something quite foreign to me It will introduce a totally new principle into industrial legislation

I also welcome the establishment of the Industrial Court. I appreciate the fact that it will be cheap and accessible to all persons If assessors are appointed, they can receive assistance if they are not *au fait* with the technical side of a particular industry

Regarding the protection of industrial groups and the fact that they can go to court if they think they have been unfairly treated, I think this is quite right because we do not think employers should have the right to act recklessly and pay off workers unfairly if they do not have a case against them I just want to tell the hon. the Minister that at a later stage in my speech I shall speak about the majority on the industrial council and so on

The position is here that one is weakening the council's ability to settle a matter and taking up the time of the court unnecessarily So many disputes are settled by the industrial council to the satisfaction of all concerned But to expect that one will always have 100%, is not possible For that reason I am a great champion of the two-thirds majority If a two-thirds majority is sufficient in this Upper House to change the Constitution, a decision of the industrial council surely calls for no more than a two-thirds majority That is why it must be unanimous. It is not always possible to have a 100% unanimous decision One sometimes finds obstreperous people on a council like this and they refuse to deviate from their standpoint. If a two-thirds majority is called for and is present, then the matter is resolved If a two-thirds majority votes for the worker with a grievance and the others vote against him, that person still has to go to the Industrial Council for a decision In my view that is quite unnecessary

As far as the right of veto in the clause concerning the trade unions is concerned, I am very pleased about the amendment that has been effected but I do not really like it I think here too there should be a two-thirds majority who will decide This will leave a very bad taste and it looks as if one only wants to play cat and mouse with the Black workers If there are some hostile trade union members they can keep Black workers off the industrial council for all time In my opinion

that is unfair and in this way we are not doing away with discrimination I think there should be protection for minority groups The one group should not be able to outvote the other One group should not comprise the majority of the employees In my view that is not a very good thing Minority groups must be protected

*The MINISTER OF LABOUR There is the principle of parity

*Senator Dr A E P SCHEEPERS Yes, I believe in the principle of parity

The last point to which the hon Minister referred is one in connection with efficiency and we trust that everything will contribute to greater efficiency But I do feel that the hon. the Minister has received representations which indicate that a large number of organizations and people are very disappointed with the legislation that has resulted from the outstanding report of the Wiehahn Commission

†Mr President, after the report of the Wiehahn Commission on labour legislation I must say that the draft legislation is a great disappointment to us The continuous enforcement of the separation of workers in the different race groups will be construed as interference with the freedom of association In this regard I would like to read to you now, Sir, what the commission has reported, and afterwards what is envisaged in this Bill This refers to freedom of association, which means the definition of employee as far as membership of a trade union is concerned. The Commission recommends—

> both trade union organizations and individuals should be afforded full freedom of association in that eligible individuals should be free to join any appropriate union of their choice, and that unions should be free to admit to a bar from their ranks any such individuals, whether or not race, colour or sex is a consideration, and that any trade union that meets the requirements for registration in the restructured system should, irrespective of the colour, race or sex of its members, be eligible for registration and full participation in the bargaining and dispute prevention and settlement machinery provided for in a statute common to all

I am 100% in favour of this recommendation of the Commission. I think it is a first-class suggestion In this way we will be doing away with discrimination and yet we leave the choice to the workers themselves I am definitely not in favour of people compelling workers to come together if the workers themselves are not in favour of it I feel it must be left to the workers to decide whether they want a mixed trade union or separate trade unions, provided that if a trade union turns away a group of workers, whether they be Coloured, Indian or Black, that union should not have the right to stand in their way to bargain collectively on the industrial council if they have their own trade union They have as much right as we have to speak for themselves

In regard to this matter "employee" in this Bill means—

> (a) any person—
>
> (i) who is employed by or working for any employer and receiving or entitled to receive any remuneration, and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer,

With that provision I find no fault, but it continues—

> (ii) who may legally reside on land in the Republic of South Africa, but excluding any person who resides on land as contemplated in section 21(1) of the Development Trust and Land Act, 1936 (Act No 18 of 1936), or any land within a territory which in terms of any other law is a self-governing territory within the Republic of South Africa, as well as any person who enters the Republic for the purpose of carrying out a contract

I am not going to quote this definition further because at the moment I am not going to plead for workers who enter the Republic on a contract basis from Mozambique, Botswana, Malawi, Zambia or any of these countries They have never been part of South Africa. But where the workers come from states which formerly were part of South Africa, I feel we should treat them

differently One could even draw a distinction in respect of the independent states in South Africa, but to leave out the people from self-governing states that are not independent and prevent them from joining trade union movements will, I feel, cause a great deal of trouble and chaos

We know that there are many workers who have permission to work in the Republic but do not have rights under section 10 of the Urban Areas Act. In my view there should be no prohibition as far as these workers are concerned because employers are free to employ them The Minister is given a discretion, but I feel that if one has that right, onee would like to see it provided for by law One does not want to depend on exemption The trade union movement has on many occasions tried to get exemption from certain provisions For instance, a mixed trade union wanted to hold a mixed executive meeting and made four applications for exemption without success I must, however, pay tribute to this hon Minister because only two years ago we made an application to him in this regard and he granted it.

If the hon the Minister has the right to grant exemption, if he deems it expedient to do so, I feel that there should not be other things to tie him down Why must there be the provision of "depending on the numbers"? That should not be taken into consideration If a trade union which previously consisted only of White workers is now prepared to allow Coloured and Indian workers as members, they should be allowed to take that step If there is a mixed trade union that is prepared to take in Black workers as members and the Black workers are in favour of joining, they should be allowed to do so I need not say anything more about the responsible attitude of Black trade unions where they have worked with responsible registered trade unions I cannot over-emphasize this fact. But by trying to keep the workers apart we may just be causing trouble for ourselves The close co-operation there is among workers of the various race groups the more benefit there will be for the whole country

According to the figures quoted by the hon the Minister this afternoon, it is evident that the Black workers in South Africa are vastly in the majority today and we certainly would rather have them as our friends than our enemies We want them to feel that in the labour field they are not ostracized, that they can work side by side with the members of the other race groups I know that in the past the Department of Labour tried to have separation among the race groups, and in some cases they succeeded for a while, but the employment of both White and Coloured workers in one industry caused problems because to provide all the separate facilities required became too costly for employers In my opinion this is a matter that may often be taken to the Industrial Court if we are going to be so strict as to prevent workers working together I have seen it in the engineering industry, the leather industry, the tobacco industry and the clothing industry, workers can work together They have mutual respect for one another and they do not interfere in one another's affairs I think the more we do away with laws which are aimed at separating people, and the more industrial relationships that are fostered, the better it will be for everybody concerned People choose their friends, and so do the workers Workers are no different to any of us here, they choose their friends in the same way we do They invite whom they like to their homes, but when it comes to the workplace they are friendly and respect each other None of us would invite a White hobo to our homes, and neither would a White worker invite a hobo or somebody he does not like to his home

I believe there should be more freedom of choice in this regard We must do away with bad race relations in this country for the benefit of all If we wait too long, we shall find ourselves in the same position as poor Rhodesia. We do not want that situation to befall us We must establish good relations among all race groups in this country In this respect it is not only the Government which has a responsibility The more we can establish contact with one another in the trade union movement, in employer organizations and among academics, the better it will be for everybody

There is another matter to which I would like the hon the Minister to give serious attention I have talked about the Black trade union in the clothing industry To a large extent this union followed the example of the established trade union in this industry Sometimes the two unions acted jointly Many members of that Black trade union may

be commuters and may not fall under section 10 of the Act, but they have been members of that trade union for up to 20 years They belong to a death benefit fund, which is in actual fact a type of insurance This scheme is offered by the Homes Trust Company and a worker can cover his whole family in respect of death benefits for a premium of 28 cents per week This benefit applies to trade union members only It is a strong fund, with the result that premiums are only revised occasionally The workers derive wonderful benefits from this type of insurance In the event of a still-born child or the death of a child up to six years old, workers receive R75 If both parents work in the industry they get double the amount. In the event of the death of a child between the ages of six and fourteen years, a worker gets R150 A child of over 14 is regarded as an adult and in the case of the death of such a child a member receives R500 Where both parents are members, the payout will, of course, be R1 000 Workers have become used to these benefits which they would never have been able to obtain at that price if they had not been members of a group They would have to pay ten times the amount as individuals for the same insurance cover As I have said before, workers have paid into this scheme for years There are also loan and welfare funds to which they have also contributed small amounts which they could afford. We must all realize that workers who earn R25 to R40 per week cannot afford to pay high premiums for anything But as a group these workers have obtained very good benefits. They also have a medical benefit fund but in this respect they will not be excluded by the legislation as it is controlled by the industrial council But as far as trade union benefits are concerned they will be the losers I do not know how their officials will ever be able to explain to them that in terms of Government legislation they can no longer be members of a trade union or of these benefit funds Mr President, can you imagine the amount of frustration and despondency among these people when they hear about this? I would not like to be present It may be that there will not only be frustration but also bitterness and hatred I hope therefore even at this late stage, if we cannot have this clause amended, that the hon the Minister, who has the right to grant exemptions, will immediately grant exemption to these people who have been members of these long-established trade unions, so that they can continue to remain members of these trade unions and of the benefit funds If that is not done I am afraid that these otherwise very peaceful people may become very troublesome people

I want to say that we are very pleased about those workers who are going to have trade union rights For the first time the discrimination line has been broken and these people will be able to become members of trade unions But when one considers the large number of workers who are not going to enjoy trade union rights, one begins to have doubts about this legislation Is the effort worthwhile? The situation will also create administrative problems. For purposes of enrolment as members of trade unions, workers will have to be asked for identification so that the race group to which they belong can be established, and also the country they come from. No one can be a member unless he is registered in terms of section 10 This will cause embarrassment and from an administrative point of view it will be almost impossible to carry out. Added to this is the fact that elsewhere in the Bill provision is made that a person who is guilty of an offence in this respect will be fined R500 In my opinion this fine is out of all proportion

I hope the hon the Minister will allow the citizens of the Black States to enjoy the same rights as South Africans Many of these States are not independent, and many of them may perhaps never ask for independence There is something else which I believe the Manpower Commission can give further consideration to, viz. the question of migrant workers from neighbouring states. But as far as the self-governing territories are concerned which have not yet received their independence, I do not think we have a leg to stand on if we try to exclude their citizens from obtaining trade union membership When the provisions of this measure become known overseas in the wake of the Wiehahn and other reports we should not be surprised if people over there say that we in South Africa are crooks They will say that we mislead people with a good report but that when it comes to the crunch we back-pedal. This in itself will be very bad for South Africa's image overseas

As far as commuters are concerned, I believe that only a very small percentage of Black workers who commute to places such as Durban, Rustenburg, Pretoria and Brits will qualify for membership of Black trade unions We need these Black workers How can we exclude such vast numbers of these people from becoming trade union members only because they live in Black States that are not independent but are situated almost on the outskirts of these cities and towns? I cannot see how this can be done and how it will work. Furthermore, I feel that it is far better to have control over everybody, rather than to let one section go one way and another section take a different direction In the first place there will be clashes between these sections That is definite Whatever one does, those people are going to be dissatisfied and they are going to organize against the employers, and this may lead to strikes

As far as the finances are concerned, I believe that not only should people have privileges but they should also have responsibilities I am pleased that provision is made for inspectors to inspect the books We have always had to submit balance sheets and audited accounts to the industrial registrar whereas the Black unions were not compelled to do so I can tell you that quite possibly millions of rands disappeared and the workers were left in the lurch because nobody saw to it that the finances were properly administered Any opportunist could come along and persuade the worker to pay as much as possible and then disappear with the money That is one of my fears as far as this provisional registration is concerned There will be plenty of racketeers who will try to take advantage of a situation We know that people have sold shares, they have sold land, in some cases for millions of rands, and then they have suddenly disappeared How easy it is for somebody to say I have been registered, join my union. Then they carry on for a while and then suddenly disappear We must look after these people because the culprits may never be brought to book. Therefore I feel we must have the closest co-operation possible The larger the number of responsible people who are represented in trade unions the better it will be for our country

As I have said, I hope the hon the Minister will use his discretionary powers to grant the present trade union members immediate exemption so they do not lose those benefits they have helped to build up over very many years and which they cannot do without.

I repeat that we welcome the Manpower Commission and the directives issued to them. We have no objection to the Minister having the right to terminate the period of office of any person. He may appoint additional members and with that too we are in agreement, as also with the provision enabling the hon. the Minister to fill casual vacancies for any unexpired period and so forth I am particularly in favour of the provision for investigation and research to be done by these people, because I do not think we have had sufficient research, particularly as far as labour requirements are concerned, in this country We must see where industrial relations can be improved because better industrial relations mean better productivity on the part of the workers. The commission will survey the manpower position from time to time, keep abreast of developments and ensure the effectiveness of labour legislation For that reason we are not going to oppose this Bill as a whole, but at the Committee Stage we shall vote against certain clauses However, we shall not oppose the Bill as a whole because there are many advantages contained in this Bill for the workers and the Manpower Commission is definitely one of them I hope the Manpower Commission will be composed of impartial people and I sincerely hope that there will be no political appointments

Senator W M CROOK Hear, hear!

Senator Dr A E P SCHEEPERS I hope that we will have people who will work impartially, as all Government servants should, in accordance with the laws and not in accordance with ideologies I hope that this commission will work very closely with the industrial councils which represent both employers and employees If the commission really wants to know what is going on it will find the co-operation of the industrial councils invaluable

When we come to the question of mixed trade unions, I must say that I thought that we had seen the last of separate trade unions, but here in this Bill the Government is still holding on to that idea, should there be

insufficient numbers to warrant a separate union That does not help One must at least have confidence in the workers to decide for themselves on this issue as to whether they want to be a mixed union or a separate trade union Under this provision they are again being deprived of their rights, there is no freedom of association whatsoever The hon the Minister has quite rightly said that the implementation of this legislation will be studied internationally This provision will be regarded as continued discrimination, and that is what it is Give the workers freedom once and for all to decide for themselves If they have any regrets, they can always decide to break away from one union and establish another for themselves But give them a chance to see what they want to do and what they consider is in their best interests

*Senator D F DE JAGER It must be in the interests of South Africa.

*Senator Dr A E P SCHEEPERS South Africa's interests! It is in South Africa's interests of that I can assure you

*Senator P J SWANEPOEL The verkramptes would not know

Senator Dr A E P SCHEEPERS I shall not speak about provisional registration as I have already dealt with it. I was very relieved when I saw the amendments submitted in the Other Place regarding the relationship clause This appears under the proposed new section 4B However, I am afraid that these amendments do not go far enough and therefore I am completely opposed to clause 4 but I shall deal with this during the Committee Stage

As far as the political prohibition is concerned, I have no objection in this regard I think we need this clause Nobody can say this is discriminatory and that it is only now that Blacks are being permitted that we are inserting it. We have had this clause since 1956 and I do not think we have any complaints in regard to it. This applies to everybody equally and we have no objection to it.

As far as the Industrial Court is concerned, there is a very healthy development in the draft legislation in connection with this court but I do want to ask the hon the Minister one question I agree wholeheartedly with all the matters they are going to handle, but there is one thing which is not completely clear to me in the event of an industrial dispute

We have found on many occasions in the trade union movement that sometimes the workers do not want to take strike action When one is negotiating regarding a new agreement or in regard to amendments to an existing agreement, a deadlock may be reached and one can go no further The workers prefer to resort to arbitration to decide their fate instead of resorting to strike action I had the experience this year where the employers refused to go to arbitration That leaves the trade union no other alternative but to notify the Minister that when the agreement expires in 30 days' time there will be a legal strike Why should strike action be forced on workers when they are quite prepared to accept the decision of an arbitrator? I cannot find any provision that states clearly what the position is in respect of this question of arbitration If the workers who are the ones who can cause the greatest disruption decide that they want to go to arbitration it should not be possible for the employers to veto that decision

I welcome the provision which provides for an appeal from the Industrial Court to the Appellate Division I think that is a sound principle in our industrial legislation

I think I have said enough about the two-thirds majority on the industrial council, except to add that I think a two-thirds majority is a very large majority I do not think we should give the Industrial Court extra work if industrial councils can settle their disputes by a two-thirds majority

I am pleased about the provision that when a trade union has been refused admission to an industrial council it can now appeal to the Industrial Court within 30 days I think that is some relief as far as that provision is concerned

I am very pleased that section 77 is being repealed The hon the Minister has appealed to the employers and the employers will know in future that the workers will have recourse to the Industrial Court. In this way a cancer has been removed from our legislation and from South Africa, a cancer that has done us great harm

Senator Dr J H LOOCK Mr President,

Senator C C HENDERSON From the sublime to the ridiculous!

An HON SENATOR That is very insulting [Interjections]

The ACTING PRESIDENT The hon. Senator Dr Loock may continue

Senator Dr J H LOOCK Sir, I was just assimilating the remark made by the hon Senator Henderson I was in a mood to make a very conciliatory speech but if he starts me off on that track, I may change my mind!

*Mr President, I think the era has arrived in which the lamb and the lion lie down together and I want to thank the hon Senator Scheepers for the conciliatory and moderate manner in which she stated her point of view I think it is generally known that she and I have often quarrelled in the past. I do think, however, that because of the few years she has spent in the arms of the UP and now in those of the NRP in this House she has mellowed with age She did not come here with a prepared lecture on trade unionism and how it should be applied We know she is an authority on trade unionism—a much greater authority than I am

I do not want to go into the details of this legislation, I just want to say a few words about its underlying principles I do not think there is a great difference at the moment between ourselves and that party

*Senator W M CROOK That is correct.

*Senator Dr J H LOOCK As far as the NP is concerned, our whole development is based on the Hegelian philosophy of thesis, antithesis and synthesis That side of the House says we are not going far enough and there may be some hon. Senators on this side who say we are going too far I think the hon. the Minister is travelling along the golden middle path and going as far as he possibly can under present circumstances in applying the Wiehahn report. [Interjections] Yes, as I said yesterday, Sir, I am the hard core of the NP

*An HON SENATOR Centre core!

*Senator Dr J H LOOCK Yes In the first place, I wish to congratulate the hon the Minister most heartily on the elevated status he has acquired since he was here last. He has been appointed Leader of the House in the Other Place The Cabinet is the most closed trade union in the country, Sir I wish also to congratulate the hon the Prime Minister *in absentia* on the appointment of a new Cabinet. Fortunately, it is his prerogative to decide who should serve where In passing, Sir, I was a member of a deputation that approached Dr Malan to include Dr Verwoerd in the Cabinet. The old doctor just looked at us and said "Oh! I thought it was my prerogative to decide whom I want in my Cabinet." I do think, however, that we can congratulate the present Prime Minister on the appointment of the new Cabinet and we wish him everything of the best during his regime

The NP has a long record, of course, in connection with labour legislation and the handling of labour matters in this country Neither do I think we need be ashamed of that record. As a matter of fact, the first NP Government came into power with the assistance of the Labour Party We had three unilingual English-speaking Labourites in our Cabinet—Samson, Boydell and Creswell Mr Creswell and I addressed meetings together and Mr Boydell and I attended physical culture classes together I found them good teachers, Sir As a Nationalist I felt very much at home with them and during the war years I as a UP supporter also felt at home with them Gen Smuts used to say that he could not win an election unless he had the support of the workers I am simply sketching the background, Sir The simple fact of the matter is that the co-operation of the working community of South Africa is essential for the welfare of South Africa, for the prosperity of South Africa and for peace in South Africa.

*Senator W M CROOK You are right.

*Senator Dr J H LOOCK The Government that neglects the working community in South Africa is neglecting itself—it is digging its own grave The record of the NP shows that throughout the years it has satisfied the working community, so much so that today there is no longer any room for a Labour Party in this country The Labour

Party disappeared under the NP Government because the workers were so satisfied

Just look at the position in Vereeniging and its environs, Sir The member of Parliament for Vanderbijlpark addressed a meeting of the Steel Workers' Union as recently as Friday evening at which 14 of their committee members were present. He and Mr Ballot addressed them and they expressed their unanimous approval of this Bill That area is the very centre of the workers community in South Africa. During elections we have no trouble at all in the entire Vaal Triangle The workers vote for us They vote for us because they have confidence in us But our policy in respect of the workers of South Africa, just like our policy in respect of all the other problems, is a dynamic and organic policy, it is not a static policy We are not so stupid as to remain stationary and stagnate However, if one develops so fast that one outstrips time, one gets unseated as hon Senators of the Opposition were They wanted to move faster than time and the electorate were prepared to allow with the result that they are sitting where they are sitting today One has to keep pace with development Sir, we do not close our eyes to new developments Under present-day circumstances it is essential that certain changes be effected to our labour structure This is as a result of developments in the past few years in the international sphere We cannot live in isolation and the Government and the Minister have realized that. They realized that we would be heading for a dead-end if we did not effect certain adjustments

Senator W M CROOK We saw that years ago

*Senator Dr J H LOOCK Yes, but you acted too soon and you were too clumsy in your handling of the situation The hon the Minister has not handled the situation in a clumsy way He appointed the Wiehahn Commission and the Riekert Commission and he had the matter investigated scientifically Those reports have not yet been completed These are only the first of the reports This is the first legislation that is based on those reports We are not suggesting that this is perfect legislation but at this stage it is necessary legislation It can be amended and further legislation can be introduced in future The fact remains, however, that the hon the Minister and the Government are not blind to the demands of the times And the first demand of the times is that we take note of the international labour set-up Have hon Senators ever thought what would happen to us if the international labour community were to boycott us? They can paralyse us in one afternoon They can refuse to allow aeroplanes to land and refuse to off-load our ships They have the power to do that and we have to co-operate with them It is no use saying that they are outsiders and that they are inclined towards communism The practical reality of the situation is that we cannot ignore those people, they are linked with the labour organizations in this country

What has been missing from our labour legislation in the past has been of a twofold nature There were two major aspects that they used against us The first was the position of the Black worker and the second was job reservation, that is, the protection the White worker enjoyed and the position of the Black worker As far as the position of the Black man is concerned he has at no time been prevented from forming a trade union in this country The hon. Senator Scheepers will remember how Clemens Kandali tried to form a Black trade union He was reasonably successful but they were never registered Today there are still 40 unregistered Black trade unions in the country with 80 000 members The question facing the Government is whether it should allow those trade unions to carry on with their activities in an uncontrolled fashion and to be used as springboards for foreign communist and Marxist propaganda. After all, we know what is happening in England. We know too that one of the basic principles of the communists is to infiltrate trade unions and topple governments in that way We are not blind to such a situation Would it not be better for us to have these trade unions registered so that we would know what funds they had, who financed them, who their leaders were and what their aims were, so that we would have them with us and be able to keep an eye on them, and not only keep an eye on them but give them the right which is every ordinary worker's due? That is precisely what the Government is doing now

There may be a difference as to the detailed reason why the Government is doing

it but as regards the basic principle of registering Black trade unions, acknowledging them officially and involving them in industrial council decisions, there cannot be any difference of opinion between this side of the House and that side of the House There may be a difference of opinion as far as the application of the principle is concerned but as far as the principle which the hon the Minister has now accepted, is concerned, there cannot be any difference of opinion And that is what we are doing We must remember that it is absolutely essential for the safety of this country and the prosperity of this country that we satisfy the Black worker as much as possible I have always thought that in spite of all the moaning, the Republic of South Africa has remained a happy hunting ground for Black workers The fact that there are nearly one million foreign Black workers in our country, the fact that we still have nearly 100 000 Black workers from Mozambique, which is a Marxist state, working in our mines,

*The MINISTER OF LABOUR Two hundred thousand

*Senator Dr J H LOOCK Two hundred thousand?

*The MINISTER OF LABOUR From outside

*Senator Dr J H LOOCK the fact that in the days of Paul Kruger there were 4 000 Chinese working on the Simmer and Jack mines alone and the fact that the members from Natal had to import Indians to come to work here, Indians who did not want to return but who wanted to stay here, proves that this is the one country on the continent of Africa which offers the best conditions to the Black worker In no other state in Africa is the Black worker treated better than he is treated here However, we want to treat him well in a controlled manner, we want to treat him well in any organized manner and grant him his trade union rights What is wrong with that, Sir? They already have that. That is why we and the Opposition agree—unless, of course, they want to go much further than we are prepared to go at this stage

Senator W M CROOK That is quite right

*Senator Dr J H LOOCK We subscribe to the capitalist system The only guarantee of survival the capitalist system has is that the worker must not be exploited If we were to exploit the worker in the way he has been exploited in some countries it would mean the end of the capitalist system. That will happen by way of a Marxist revolution Our strongest weapon against a Marxist revolution in this country is to satisfy the worker

*Senator W M CROOK That is right

*Senator Dr J H LOOCK And that is what we are doing Today the employer's attitude towards the employee is totally different from what it was in the days of the British industrial revolution. In those days the worker was a slave and the employer was his capitalist master The relationship was that of master towards servant. The days of such a relationship are past, Sir Today it is a question of partnership

*Senator W M CROOK Quite correct.

*Senator Dr J H LOOCK between the entrepreneur and the employee That is the tendency throughout the world That tendency is also developing here We cannot get away from it. We cannot rid ourselves of the Black man. We need him and he needs us Our State machinery must be geared in such a way that all points of friction are eliminated The National Party is known for having eliminated points of friction over the years This legislation paves the way for another adjustment, and not only to satisfy the Black worker and the foreign labour people It is also essential for the economy and for the peace and security of our country and of the White man himself in this country

The second principle I wish to touch upon is that of protection All kinds of wild and irresponsible stories are, of course, being spread throughout the country as a result of the Wiehahn Commission, for example, that the White worker will now be oppressed and destroyed because the Black worker will oust him, and that there will be a repetition of the 1922 revolution But that time is past, Sir This is not an analogous case There are other factors which protect the White worker today

*Senator W M CROOK We agree

*Senator Dr J H LOOCK Job reservation has been applied in five spheres of employment at most in this country What is the position in respect of two essential fields, those of the mining and building industries? There is a shortage of skilled labour in the mining industry today not only in South Africa but throughout the continent of Africa—as a matter of fact, over the entire world. To be a White mine worker today is the surest guarantee one can have that one will not lose one's job because the whole world needs that White miner It does not matter which country it is, they are all after our technological knowledge, and our mining technology was developed by the White man That is his greatest protection

As far as the building industry is concerned, the White man is no longer interested in learning how to make bricks He no longer wants to do that work. Because of future development and the new cities that will have to be built, we will not have a sufficient number of White technicians and artisans to cope with all the work. Therefore the White man need not be afraid of anything because the Black workers need his expertise and experience

Mr President, on behalf of this side of the House I want to congratulate the hon the Minister on the scientific way in which this legislation has been drafted and introduced I wish him everything of the best and I trust that this legislation will usher in a new era not only for this country but internationally as well

Senator W M CROOK Mr President, I wish to start off by congratulating the hon Senator Dr Scheepers on a most outstanding speech. The hon Senator Dr Scheepers is known in the labour world in South Africa as being in the forefront of trade union workers and leaders I would say that there is nobody in this country who has greater knowledge of Black and mixed trade unions than does the hon Senator Dr Scheepers For that reason she must be a world authority in this particular sphere, because nowhere else in the world do we have this particular situation in existence The hon the Minister, I am glad to say, listened most attentively to the hon Senator Dr Scheepers, and I am sure he has gained very considerable information and assistance from the ideas and the advice she put forward.

I agree entirely with the hon Senator Dr Loock that the speech of the hon Senator Dr Scheepers was that of a moderate She is known as a moderate and I think the speech that she delivered this afternoon can only be described as a moderate speech.

Unfortunately the hon the Minister is not here now and I would like him to be present when I address him

The MINISTER OF FINANCE He will be back in a moment

Senator W M CROOK No, I am not picking him out. I want actually to congratulate him and that is why I would like him to be in his seat when I do so I assured the hon the Minister on a previous occasion that we on this side of the House would give him all the support possible where he carried out the recommendations of the Wiehahn Commission as accepted in the White Paper Thus I do not mean to make politics at all at the expense of what has been done in this particular Bill The hon the Minister of Finance will probably pass that information on to him

Let me say straightaway, Sir, that we on this side of the House are very disappointed because this Bill has not gone far enough in respect of aspects referred to by the hon Senator Dr Scheepers We know the reason why this is the case The hon Senator Dr Loock gave us the reason I would like the hon Senator Dr Loock to be in his seat when I direct a few observations to him

An HON SENATOR He is back in the House

Senator W M CROOK For the benefit of the hon. Senator Dr Loock, I was saying that we on these benches were extremely disappointed that the Bill before the House has not gone as far as we would like it to have gone But the hon Senator Dr Loock gave us the reason for this and we accepted it. You see, Sir, the NP has in the past looked over its right shoulder, and the hon Senator Dr Loock is quite correct when he says that the NP got into power and retained power by looking after the interests of the White worker

Senator Dr J H LOOCK I never mentioned the White worker

Senator W M CROOK No, but he talked in terms of the White worker The NP never looked after the interests of the Black worker

Senator J H D E DU TOIT The Black workers did not have the vote then

Senator W M CROOK That is the answer—the Black workers did not have the vote, and that is why the NP held the attitude on trade union matters and towards the worker of this country that they did. But the hon Senator Dr Loock has perceived that the situation has changed dramatically in this country One admission that he made this afternoon has not, to my knowledge, been made before by an hon gentleman sitting on those benches He admitted that we have to take into consideration the international pressures that are upon this country We have to take the requirements of the international community into consideration That is common sense, Sir We have said this over the years and I am not criticizing the hon Senator for saying it. I think it takes courage to say it, and I think it will do a lot of good that he has said it. But, Sir, at the same time I must say that this is a complete departure from what we heard from those benches in the past. What words did they use in the past?

Ons sal nie buig nie!" On every occasion when the request was made from this side that we should consider international pressures, that we should consider what overseas opinion could say and do to us if we carried on in this stupid way, we were told 'Ons sal nie buig nie!" Now there is this great change and, Sir, we welcome this change, we welcome even the crumbs that we are receiving But we would suggest to the hon the Minister that he continue on the path that he has embarked on at an accelerated pace because it will be to the benefit of South Africa, not only of the Blacks It will also be to the benefit of our economy and to the benefit of the Whites Again I give him this undertaking that whenever he introduces legislation in this House that is in line with the recommendations of the Wiehahn Commission, in line with the intentions of the NP as expressed in the White Paper, he will receive the full support of this side of the House Only when he drags his feet, as he unfortunately has done on this occasion in introducing this Bill with the parsimonious concessions that we find in it, will he get criticism from us As an Opposition it is our duty to criticize and we will continue to do so But we have criticized in a moderate way, Mr President, so that under no circumstances will we give comfort to the HNP in the attacks that they are making upon the NP I feel that the hon the Minister must realize that he must not continue to look over his right shoulder because we do not have unlimited time in which to bring about the situation that the Wiehahn Commission considers it is necessary for us to bring about in order for us to survive as Whites in the country as it is today and to go forward

There is one further point that was raised by the hon. Senator Dr Loock that I do think requires an answer He said that the NP was not prepared to liberalize the trade unions to the extent that the Wiehahn Commission would like to see them liberalized because of the danger of communist infiltration, and he gave the unhappy example of Great Britain Sir, all of us in this hon House are fully cognizant of the situation in Britain to which he referred, where the communists have gained a hold on the unions and have the country by the throat by virtue of the fact that they have gained such a hold. That could never happen in this country, because of the Industrial Conciliation Act, the product of the brains of the late Gen. Smuts, which is probably the greatest piece of industrial legislation in the world today With its checks and balances, as the hon the Minister knows it is almost impossible for an industrial situation to arise such as the one which has developed in Britain It is almost impossible for a legal strike to take place in this country with the machinery which is provided in the Act. That is why we are free of strikes to the extent we are It is wonderful legislation and I think the hon the Minister realizes that this is so

On one occasion I heard Minister Marais Steyn say that he had been on a visit to Britain and that he had spoken to some parliamentarians there I cannot remember whether these parliamentarians were Labour or Conservative party members, or who they were, but I remember clearly that he used words to the effect that they wished they

could have this legislation on their Statute Book. I think the actual words of parliamentarian to whom he spoke that he would give his back teeth for this legislation But the situation in Britain cannot be compared to that in South Africa because the trade unions there have the country by the throat I am very sorry about that and wish it were not so

Having said what I have I should like to make a plea to the hon the Minister I am not going to cover any of the ground that was covered so adequately and so comprehensively by the hon Senator Dr Scheepers, but there are one or two points I should like to raise with the hon the Minister for his consideration

The first matter relates to the definition of an employee This has been discussed by the hon Senator Dr Scheepers, but I want to discuss only one aspect of it which relates to frontier commuters My plea to the hon the Minister is to give blanket exemption to frontier commuters of the type to which I want now to refer I do not know whether the hon the Minister saw in the Press quite recently that not more than 3% of the Blacks in the greater Durban area will in fact be entitled to join registered trade unions

The MINISTER OF LABOUR It will actually be more than that

Senator W M CROOK I would not like to say for one moment that that figure is correct, but this is what was reported in the Press However I think the hon the Minister will agree that the number is very limited indeed. Let us say it is as high as 10% I do not think it is

The MINISTER OF LABOUR Surely the hon Senator is aware of my statement in regard to the position in Durban?

Senator W M CROOK No, I am sorry I have not seen the hon the Minister s statement, but he can advise us in his reply what the actual position is My point is that a basic reason why the situation has developed in the greater Durban area is because a large number of workers live in KwaMashu Until comparatively recently KwaMashu was part of the White area or the so-called common area of South Africa. During the time Minister Koornhof was the competent Minister in the then Department of Bantu Administration and Development, the boundaries of kwaZulu were changed so that KwaMashu fell within kwaZulu The moment that happened all the people who had previously been residents of so-called White South Africa, overnight became residents of kwaZulu It was said by cynics that the reason why this was done was to indicate to South Africa and to the world that the homelands policy of the NP was succeeding, because overnight some hundreds of thousands of Blacks fell into kwaZulu and figures could be produced to show that the number of Blacks returning to the homeland had risen dramatically during the period this was done It is said unkindly—by myself among others—that this was a sleight of hand, but be that as it may, it resulted in this anomalous situation developing People who had been resident in White South Africa and were workers of White South Africa would, if this legislation had been introduced before that time, have enjoyed the privileges that are now being granted to Black workers in terms of the Bill, but they are now being deprived of it This is one of the unsatisfactory aspects of this Bill, viz. that people who historically should enjoy these benefits are now to be denied them because a line was drawn on a map and KwaMashu fell outside the so-called White or common area of South Africa and inside kwaZulu I therefore plead with the hon the Minister that a blanket exemption should be given in respect of these people I think it would be a matter of grave injustice to them if as a result of an administrative action taken just a few years ago they were to lose the rights which they would otherwise have enjoyed I think an extremely strong case can be made out to the hon the Minister for him to grant all such workers in kwaZulu a blanket exemption which he can do in terms of the Bill. If the hon the Minister does not do so, I am afraid that the Government

The MINISTER OF LABOUR I have stated what the position is in regard to these people but I shall deal with this matter in my reply

Senator W M CROOK I am very pleased indeed to hear that Then the hon the Minister and I are *ad idem* on this and I shall not take this particular point any further I

was going to do so, but I shall leave it at that, on the understanding that the hon the Minister will give a blanket exemption to these people Am I correct in saying this?

The MINISTER OF LABOUR No, but I have stated my view on this matter I shall deal with it in my reply

Senator W M CROOK That puts a different complexion on it. I shall deal with the hon the Minister's reply during the Third Reading debate

The hon Senator Dr Scheepers also referred to several other areas in South Africa, e g the Rustenburg area, where there were similar difficulties But the other significant area in Natal is the Newcastle area Some 15 years ago it was decided to make Newcastle a growth point. Various reasons were advanced for this decision Newcastle has the water, it has the land, it is equidistant from two large markets, viz. Durban and Johannesburg, the railway runs through it, it is in the centre of a coal-bearing area, and there are various other reasons The policy of the Nationalist Government at that time was to establish industries on the border of the so-called Native areas, the homelands, or whatever one might like to call them The nearest homeland was some 40 miles from Newcastle, viz. Nqutu If Mohamed cannot go to the mountain, the mountain must come to Mohamed, and this is what happened in this particular case

The Government purchased a large number of farms and created a Bantustan and in doing so it exacerbated the consolidation situation in Natal, but it could nonetheless be said that Newcastle was a border area. This fact has a bearing on this particular Bill because the Blacks that were in that area were in the same position as the KwaMashu Blacks They had rights, but as soon as this transformation took place, all those Blacks fell within the boundaries of kwaZulu, the same as KwaMashu did, and they have been deprived of their rights

It is not as if there are only a few Blacks who have been affected I understand that the number of Blacks in Madadene and Mountainview—I am informed by my colleague—is 230 000 I understand from the police that that is a conservative figure and that in fact it is in excess of that number The majority of those Blacks as far as I am aware came from Black spots in the north of Natal, from the Charlestown area where there were a tremendous number of Blacks This area was cleaned out and they were settled there The Blacks in Newcastle who lived in a so-called location were also forcibly ejected and were settled in Madadene No doubt the population grew from other sources as well, from Black spots which were in the so-called White areas of South Africa. But the majority of people who came there were—there is no doubt about this at all—from the White areas of South Africa. So in principle, therefore, they are no different from the people in kwaZulu They have been deprived of a right which they would have enjoyed under this Bill if this Bill had been introduced 15 years ago I think the hon the Minister follows my logic and I think that the hon the Minister must think of treating them as a special case as well and of granting exemption to them

I have obtained certain figures from the report as to what the position was regarding these Black frontier commuters from kwaZulu, and these refer to the commuters and not just the population I have figures here of frontier commuters from kwaZulu in 1970 and in 1976 In 1970 the commuters numbered 127 000 and in 1976, after kwaZulu took over KwaMashu and Madadene, the figure rose to 326 000 326 000 commuters! I should imagine there are 1½ million to 1¾ million Blacks who are affected by these changes of boundaries, and I do think that a very strong and fair case can be made out for the hon the Minister to grant these people blanket exemption I trust that the hon the Minister will view this request in the spirit in which it is made I am thinking, I can assure him, as is the hon Senator Dr Scheepers, of the good of South Africa, and I am thinking in terms of the recommendations of the Wiehahn Commission

Merely to refresh our minds on the attitude adopted by the Wiehahn Commission, I would like to read again a couple of passages from that commission's report which indicate that this matter is a matter of great urgency and not one that can be left over until some time in the future I implore the hon the Minister to grasp this nettle and grasp it firmly, and to get a move on with legislation which will put into operation in the shortest possible time all the recommendations of the

Wiehahn Commission I repeat that everything he does in that direction will receive the fullest support of members of this side of the House

I refer to page 20 of the report, paragraph 3.36 1 I am reading this out because I think we should once again remember how strong were the recommendations of the Wiehahn Commission, a commission which, as the hon the Minister himself has said, was made up not of politicians but of experts, scientists, including someone I consider one of the best brains in the country on the question of labour legislation, i e Prof Wiehahn himself That is my view and I think it is the view of the hon the Minister What he has said and what he has put into his report is a matter of the greatest importance to us in South Africa. The report states—

> A statutory prohibition forbidding Black workers to form or to join a trade union or to register officially a trade union of their own would not only be contrary to the official policy of moving away from discrimination on racial or colour lines but would also amount to an absolute enforcement of the present discriminatory dualistic system of industrial relations

Those are strong words, Sir, but that is in fact the position we have got to face and I commend these words to the hon the Minister anew He should read them again I may be repeating myself but it is worth repeating. We must proceed with the utmost haste in putting the recommendations into operation The report goes on to say—

> Such a prohibition would constitute a serious infringement of a worker's freedom of association and thus be in direct conflict with one of the fundamental principles underlying self-governance in a free-enterprise economic system

We have heard about communism The way to outbid communism is for these people to be brought into these unions, as so ably set out and so ably discussed by the hon Senator Dr Scheepers I want now to read paragraph 3 36 6—

> A prohibition would undoubtedly have the effect of driving Black trade unionism underground and uniting Black workers not only against the authorities but, more important, also against the system of free enterprise in South Africa. It would certainly add fuel to the flames of radicalism on the part of those who wish to overthrow the system.

I want to conclude with those words, Sir I should like at least to thank the hon the Minister for the crumbs we have received, but once again I ask him to give us more

*Senator Dr A J VISSER Mr President, it is my privilege to participate in this special debate today, particularly—if I may put it this way—in view of the responsible way in which hon Senators have spoken up to now and put their case But I want to say this to our hon friends The most important point they make is that this Bill does not go far enough but our reply to that is that this party goes as far as it thinks desirable in the interests of the country and in the interests of the workers. That applies now and it will also apply in future There is a secret for success, and I want to repeat it now for the umpteenth time, viz. that one must not do the wrong thing at the wrong time That is a lesson those friends might well keep in mind

Senator W M CROOK You have been saying that for years

*Senator Dr A J VISSER And you have still not learned the lesson! You simply do not learn it. Perhaps sometimes we move slowly, Sir—and who will not say that sometimes it is too slowly, that may happen—but years ago the head of state in Russia said that it was better to move one step forward at a time and rest on that step than to take two steps forward and fall back three, because then you were further behind than would have been the case if you had gone about things differently It is the aim of this Government and this Minister to ensure that having taken the steps they do, they can halt and then move forward from there as and when time shows it to be necessary

I should like to commence by expressing my appreciation for something I know of few Acts, I know of few reports, where the Ministers concerned have gone as far out of their way before taking up a standpoint, introducing legislation and consulting the relevant organizations involved throughout South Africa as was the case with this legislation I should like to express my appreciation for what the hon the Minister has done in this connection He has possibly even been insulted at certain places by people who differ with him, but I have never heard or read that he did not keep cool or that he lost his temper He is always calm and that is one of the reasons why he is so successful

This hon the Minister has travelled virtually throughout the country in order to convince employers and employees In the first place he wanted to get their opinions and in the second place he wanted to tell them what he thought was in the interests of the country Let me say at once that I know of no Minister who has had a more difficult task in recent years than this Minister, who has had to take such a forward step in regard to something which in the nature of things gives rise to such a difference of opinion among ourselves and among foreigners I do not take it amiss of people if they differ with us, Sir Some of the supporters of the NP today differ with the Government—in and outside Parliament—about certain matters But a matter like this is like a minefield. Labour relations is one of the most sensitive matters that one has to deal with, particularly in a country like South Africa with its mixed population and with its different standards of development. I say with the greatest sense of responsibility that the hon Minister finds himself in the position that on the left hand there are people saying Move quickly, you are going too slowly, you must go further, while on the other side there are people who say You are going too quickly, you are going too far, we do not agree with you Can you appreciate the position of the hon the Minister, Sir? What Government in a matter like this, labour relations, would tackle them holus-bolus? In the interests of his own people, in the interests of South Africa, he dare not do it. He dare not do it, and if he does do it then he is being irresponsible and he must take the consequences

I should like to express my appreciation for the actions of the hon the Minister But I should also like to tell him that I do have some sympathy and appreciation for those on our right who do not want to come the whole way with us, those who have reservations about certain matters, those who are concerned about their lot in the future, those who are afraid that their future may be threatened. I appreciate this only too well, Sir, because I know about labour matters, perhaps more about the employers' side than the employees' side Perhaps at this stage I should ask the hon the Minister to continue to have that compassion, that appreciation and that tolerance on the road ahead that he has shown up to now We must not go too far ahead. I hope the hon the Minister will always bear this in mind We must not go too far because then we will be in difficulties It is in the interests of South Africa that we should take the workers with us We can never take everybody with us—that is impossible Who would maintain today that we have to take everybody with us? That is impossible No person can do that, nobody can do it, but we must take the majority of our people with us If it is necessary to take one step instead of two so that we can take the people along with us, then that is what we must do We must not be too hasty We see what is written in the newspapers, Sir, and what is said by trade union leaders in public With this in mind, I want to say to the hon the Minister Make haste slowly, but not so slowly that we are harmed unnecessarily in the process That is not necessary The secret lies in taking those steps that are in the interests of South Africa under present circumstances

I want to come back to the question of completely free association We know that that is the policy of our friends opposite but they know that it is not our policy They know that mixed trade unions are not our policy

Senator W M CROOK May I ask the hon. the Minister a question? On the question of what is the policy of the NP, do I understand then that what is contained and accepted in the White Paper is not their policy?

*Senator Dr A J VISSER No, Sir, that is our policy There are mixed trade unions Our

policy is not to encourage mixed trade unions Mr Minister, am I right or wrong?

*Senator J C MOLL But you do accept the position?

*Senator Dr A J VISSER Well, they are there There were mixed trade unions in your day

*Senator J C MOLL But now you say it is not your policy

*Senator Dr A J VISSER It is not our policy to encourage mixed trade unions I have always said so If I am wrong, the hon the Minister can put me right. I stand by that This Government is not in favour of integration in the trade union movement. We are, of course, in favour of the abolition of discrimination, but the removal of discrimination does not mean integration That is how I see it. That is why I can support this legislation, because if it were otherwise I would probably have taken up a different viewpoint.

*Senator J C MOLL You should read the White Paper again

*Senator Dr A J VISSER There are restrictions on mixed trade unions Our policy has always been separate trade unions Hon Senators complain about free association, they say that there is no free association I admit that. But now they say there is free association? Why is the hon Senator so confused? I do not understand the hon Senator

The other point made by hon Senators opposite is the position of workers from non-self-governing Black States who cannot become members of trade unions What is our policy in that connection? I say again that the hon Minister deals with the situation as it is At the moment that is the policy As we go forward, as we learn and as the hon the Minister sees the situation, changes may occur I do not say today that there will be no changes We know that this is an evolutionary measure, and I emphasize the words "evolutionary measure', with even greater emphasis on the word "evolutionary" We grow as circumstances dictate, as our people can accept it and when it is in the interests of South Africa But I am opposed, and I take it the party and the Government and the Minister are opposed, to our policy resulting in integration We are opposed to total mixing, I am totally opposed to it The hon Senator Dr Scheepers said "We want to make friends of these people rather than enemies" I agree with her But that is precisely what this legislation is about, namely to make friends in a responsible way It does not help to make friends and at the same time to lose them What would one then achieve? That is what those hon Senators want. They want us to make friends on the left and lose them on the right. That is not our aim and that we shall not do We are concerned about those who do not side with us, those who have sided with us up to now We are going to canvas them, We shall continue to tell them how we see the position for the future The avenues of communication between us must always be open. We must not mistrust one another; we must trust one another because if we do not trust one another we shall never find one another If we trust one another, then there is a chance that if we do not agree now eventually we shall agree I want to ask the trade unions tonight to trust the Minister This is not a blank cheque

There are certain things one can argue which are far-reaching There are certain amendments on which I could argue and on which I should also like clarity in certain respects But there must be a basis of trust because, if one does not have that, where does one find oneself in a case like this? I am acting on the assumption—the hon the Minister can tell me if I am wrong—that the object of this legislation is not to throw the White worker to the wolves That is by no means the intention And if it is so, then I am opposed to it. I am not ashamed to say that I am opposed to it But I do not see it that way, and the hon the Minister has also said in a public statement that he does not see it that

way That is not the intention and I accept his word. In terms of this legislation the Minister is given a tremendous amount of power I concede that One could argue in relation to certain clauses that perhaps too much power is being given to the Minister and that perhaps the pressure on him will be so great that he may at times find himself in difficulty That is the danger there The success of this legislation will also depend largely on its implementation, as is the case with any legislation That is also the case with this legislation where the Minister is being given so much power and discretion He is being given a great deal of power, but we know too that this brings great responsibility with it. A government expects a great sense of responsibility from its Ministers Should there be a Minister without that great sense of responsibility, we know what will happen After all, we have experienced this

The legislation does not only protect the White worker, and this I want to stress I see this as a protection for the non-White as well In our country we cannot protect one and leave the other unprotected In the nature of things this is White South Africa but we do have non-Whites among us We are interdependent in many spheres We are most closely interdependent in the sphere of economic life I accept that We protect the non-Whites and we protect the Whites against the dangers from outside and from inside I need not mention this to hon Senators We know the dangers of the communist world and how they increasingly try to undermine our trade unions to the detriment of the Whites and the Government in South Africa, and not only the Whites but also the responsible non-Whites A responsible non-White is as little acceptable to communism as a responsible White We cannot keep them in separate compartments. Certain things we do together on the basis of the NP policy of segregation as far as it is practicable and desirable in the interests of South Africa, and also in the interests of our society as a whole. I stress the words "in the interests of our society as a whole" That is an extremely important yardstick. But we do have one proviso, one condition, that is, that it should not affect the future of the White and his survival and not prejudice or destroy it. Is that an unreasonable condition? As I understand the legislation—and the hon the Minister can tell me if I am right—there are numerous built-in protective measures, and the White will be no less protected against dangerous exploitation from dangerous employers, if there are such people

*The ACTING PRESIDENT Order! Hon Senators may not read newspapers in the House

*Senator J C MOLL And *The Citizen* at that!

*Senator Dr A J VISSER That is the basis of this legislation We are trying to establish a structure so that there can be orderliness in the labour field in South Africa, now and in the future I do not see this legislation as legislation to disrupt labour peace Of course, we shall have to be very careful We shall have to be very careful from what I can deduce from what certain leaders have said in the newspapers and from statements they have made. We shall have to keep a watchful eye on things The protection of the White workers has not been destroyed It has not been lost because of the abolition of job reservation In the first instance the hon the Minister has said he will continue with the job reservation that exists until such time as he can phase it out by way of agreement and reaching an understanding when everybody is convinced that it is no longer necessary In any case, only five such job reservations remain. In the second place it concerns the Black trade unions There are a number of our own people who say "Look at the dangers" If we say today that the establishment of Black trade unions does not contain an element of danger, we are not speaking the truth and we are not being honest. Who can stand up here and say that establishing Black trade unions will not be dangerous? But we say that the present state of affairs is even more dangerous That is the

point It is not in their interests or in the interests of South Africa As I see it, our Government and the hon the Minister are well aware of the dangers connected with this, and that is the reason why the hon the Minister has taken his time and has gone ahead step by step I can appreciate why hon Senators on the other side want him to act more quickly They want to create a furore so that there will be labour unrest. I can understand that. But they are not talking in the interests of South Africa. They are talking in the interests of their own party The Government and the hon the Minister are looking to the interests of South Africa.

This legislation will also promote labour efficiency It is also the intention of the legislation to improve labour efficiency, something which is so necessary in South Africa. I am of the opinion that this legislation is within the framework of the policy of the NP That is how I see it. It will be implemented within the policy of the National Party

*Senator W M CROOK The first step

*Senator Dr A J VISSER We must not be expected to deviate from that policy But it does not follow that there will not be adjustments. We are not so stupid and silly as not to make adjustments as time dictates [Interjections] I want to appeal today, in the political sphere as well, to hon. Senators as I appeal to other parties to the right of the NP—we know there are such parties—not to make this a big emotional issue In this respect we really must keep cool heads If we want to harm South Africa for political gain in the short-term—and it can only be in the short-term—we can try to exploit the position and incite people who do not have all the facts at their disposal There is a tremendous responsibility on this hon Minister and his department to give all the facts and assurances they can to people so that there can be no propaganda against the direction he has taken It is unnecessary to say that we can only do it and must do it within the framework of our policy of separate development.

As far as the amendments are concerned that are proposed by the hon the Minister in clauses 3 and 4, it is still not quite clear to me what is meant by the provision that a trade union may be established for more than one population group and what the ratio between the numbers of employees of the various population groups must be I shall be pleased if the hon the Minister will give us more clarity on that point and tell us what it really means and under which circumstances he will use it I accept that the hon the Minister will use that power with great discretion I accept that. I do not believe that it will mean the encouragement of further mixed trade unions or, as he calls them, parallel trade unions

I want to conclude on this note and say that the hon. the Minister has taken a new road I myself have thought at times that the hon the Minister has moved too quickly, and I have said this to him too I make no secret of this He had difficulty in convincing some of us on all the points There may be some points on which he has not convinced all of us As I know him, he will keep his word to employers as well as to employees and he will protect their interests at all times without disregarding the interests of South Africa. Mr President, if the hon the Minister does that—and I accept that he will do it, I accept that as far as he is able he will protect the interests of the White and the non-White worker at all costs—I want to wish him everything of the best because a difficult task confronts him This is no easy task. He can also rely on us to help him, wherever possible, within the framework of the policy of the NP As long as he continues to implement that policy carefully and responsibly—and he will do that—he can rely on us to support and assist him

*The MINISTER OF LABOUR Mr President, hon Senators have conducted a very interesting debate today, they have asked numerous questions and I want to thank them most sincerely I thank them in particular for the way in which they have acted and in this regard I refer to the hon Senator Crook as well When I appeared in this House on a

previous occasion I was fiercely attacked by him Today, however, he was fairly reasonable and I thank him for that

Mr President, this is not straightforward legislation Neither is this a straightforward subject. It is something about which one can become very emotional It is a subject about which one should remain very level-headed because it is a field where we dare not make a mistake A mistake in regard to evaluation, development, policy, one can almost say timing, in this field can immediately result in something that is counter-productive However, in future we shall have ample opportunity to discuss this matter thoroughly

As it is already fairly late in the afternoon, Sir, I just want to refer to a few points raised by hon Senators because I take it that I shall have the opportunity of replying further to the debate on Monday

The hon Senator Dr Scheepers referred to a matter which is of the utmost importance to both the department and the workers It is a legitimate complaint that has been there for years, namely that the progress we are making by utilizing Wage Board machinery does not keep pace with present-day requirements In the case of a steady economy with a growth rate of 1% or 2% it is not necessary for one to revise wages every year, only every second or third year Under present circumstances, however, wages have to be revised more often. Due to the fast rate of development, however, a serious backlog has built up over the past few years The hon Senator mentioned something today in respect of which I have heard many complaints in the past, but I heard most of them after matters had already been rectified. We had, namely, given instructions to the Wage Board which had narrowed down its field of activity In other words, when we instruct the Wage Board to give its attention to wages and a number of other matters, it covers a wide field which takes up a great deal of time Usually it does not involve secondary matters, only wages themselves We decided, therefore, to narrow down the instruction to the Wage Board so as to enable it to complete its task more expeditiously That is what in fact happened and in many respects from the point of view of time the backlog has been reduced to two or three years at the most. I personally am satisfied that the position has improved considerably I can tell the hon. Senator, therefore, that the position is much better than it was in the past As a matter of fact, my department and I are trying to improve still further a position which is already good One must never accept something as being good enough One must always try to improve it still further

Mr President, the hon Senator raised another point which can be an important technical point. I am pleased that she has put the question to me because many people are anxious to know how the Manpower Commission will be constituted She concluded—as it is stated literally there—that the commission will be constituted in such a way that employers and employees will be able to submit nominations and that the members will then be elected. That is not really how it will happen What do we mean when we say "The Minister will consult and ask the opinion of others?" Every sensible Minister does that in any case The officials of this commission will be appointed on a full-time basis as in the case of any permanent commission When one wants to appoint the chairman or one or two members one does not ask a member of a trade union or employers' organization to serve on the permanent sector of the commission One may want the member to be a labour economist, a highly qualified person, or a labour expert. One would not ask a trade union who that labour economist should be and one would not ask the employers who that person should be One appoints that type of person as a member

What I personally have in mind is the following Because the commission will be in continuous session with a permanent staff, I do not think it should be too large It will probably consist of five or six permanent members, although I may change my mind at a later stage We must, however, give the trade unions and the employers' organizations an opportunity of having a say in the matter

To achieve this I believe we should ask the labour and industrial sectors for contributions and we shall then probably have a comprehensive commission that will function occasionally In other words, if representatives of the two sectors serve on the commission it will become a large commission On some occasions these representatives will not serve on the commission, whereas the permanent members of the commission will serve permanently on it If the hon Senator means that the trade unions and the employers' organizations should have some say, I can assure her that that is my intention In other words, the trade unions and employers' organizations will have full opportunity of making meaningful contributions in the planning and consultations of the commission itself Everyone will have to be present. However, they must not expect me to ask the trade union whom I should appoint as permanent members of the commission because as far as that is concerned they cannot make any contribution

*Senator Dr A E P SCHEEPERS No, that was not what I meant

*The MINISTER That is fine The hon Senator also asked me a question in connection with provisional registration The hon Senator should clearly understand what we are doing now She says this is a new development It is of course something new We have planned it and we think it will succeed, but it is a new development In the past a trade union could canvass members and then register as a trade union They were either accepted or not. I do think, however, that we have now reached a stage—the commission has also recommended this—where we can introduce a system of provisional registration When I say "provisional" I do not at this stage want to tie myself down to a definite period, "provisional" may mean for a considerable period What is meant by provisional registration is the following Before one gives somebody the right to recruit members and collect fees, the right to enter a certain field, to exercise control and to become a mouthpiece and instrument in the future that will be very powerful, there should be a period within which the Department can give that person an opportunity of proving that he is up to the task It is also important that the department should be able to determine during that time whether such a person is the type of client to which it wants to give permission That is why it is essential to have a period of provisional registration This will also provide protection, because in this field as well, Sir, there was people who take chances They simply recruit members left and right, collect fees and then they disappear The bird flies away, the members lose their money and especially their confidence and this causes great misery In order to obviate this I think a period of provisional registration is the very instrument that we should build into the legislation so that we can keep a watchful eye on the position and lay down certain conditions The Minister can also say at any time "I do not like you because you do not have the confidence of the people I do not like your methods" Or otherwise "I am suspicious about something else, and consequently you will not be permanently registered" In other words, we are introducing a preliminary period Why are we doing it? Mr President, we are doing it because we are now taking a second step, namely, of conferring trade union rights on Black workers By saying that I am not suggesting that Black workers are not good workers or that they may abuse trade union rights I am not casting that reflection because this is going to apply to everybody But once we have reached the stage where we want to open the door wider, as we are doing now, I do think we are at least entitled to expect the Minister to be doubly careful And that is what is intended here His intentions are good but he also wants to be careful and protective

In accordance with Standing Order No 22, the House adjourned at 17h30

Senate vol 73

PRINCIPAL OFFICERS OF PARLIAMENT

SECRETARY TO PARLIAMENT Mr. J J H Victor.
DEPUTY SECRETARY Mr P J G Venter
UNDER SECRETARY (Questions) Mr A. J de Villiers
UNDER SECRETARY (and Gentleman Usher) Mr G P C de Kock
ASSISTANT SECRETARY Mr. M J Burger

HEAD, LEGISLATION AND COMMITTEE SECTION Mr P J J Erasmus
EDITOR OF ASSEMBLY HANSARD (REPORTING) Mr. E R C Oosthuizen
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Koornhof promise: mixed reaction

B/4/77

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CAPE TOWN — The chairman of the co ordinating civic committee of three black townships here has welcomed a statement by Dr Piet Koornhof in Washington promising a new look at banning laws, the pass laws and influx control

But Mr Percy Qoboza, editor of Post, the country's leading black newspaper, is more cautious He welcomed the news but said he was reluctant to accept government promises at face value

The chairman of the coordinating committee of Langa, Nyanga and Guguletu, Mr S M Tindleni, said he believed the Minister was sincere

"He already has carried out a number of projects For instance, it was he who, as Minister of Sport and Recreation, introduced first multinational and then multiracial sport in South Africa "

But Mr Tindleni said he had misgivings about ministers making promises abroad He referred to a statement made by the Minister of Foreign Affairs, Mr Pik Botha, at the United Nations some years ago in which he said South Africa was moving away from discrimination

"Only now we see a gradual phasing out of apartheid, and it is still not satisfactory "

Mr Qoboza said if Dr Koornhof's remarks bore fruit it would "be very nice indeed "

"I have always said the pass law was one of the laws most damaging to race relations, and influx control inhibits the swelling of the labour market So if these laws are abolished it will be a positive step

"But I'm very reluctant to accept government promises at face value We have bitter experience of a litany of broken promises all along the line

"A typical example is the Wiehahn and Rieckert Commissions' reports where the major positive proposals were unacceptable to the government

"I tend to adopt a cynical view until the things that are promised are done and are seen to be done "

Mr Alwyn Schlebusch refused to comment on Dr Koornhof's references to the banning laws, but he hinted there would be changes when he became Minister of Justice next week.

"I don't want to refer to specific matters at this stage," he said "I don't think it is in good taste to comment on anything relating to the Department of Justice before I am Minister "

"All I'll say at this stage is it is quite natural for a Minister with a new portfolio to have a different approach in certain matters from his predecessor."

Meanwhile, in Geneva, African delegates backed by Western trade unionists denounced the Wiehahn Commission's new deal for black workers as a smokescreen to deceive the outside world.

At a two-day debate here the majority of some 70 speakers at a special session of the 139-member International Labour Organisation annual conference rejected the new deal and said black workers would be worse off under the planned changes than before

Other speakers said black unions not registered with white officials would be outlawed, migrant workers from Bantustan "homelands" would be excluded and there would be no multiracial unions — SPA-RNS.

Editorial opinion, page 8.

LABOUR BILL—1

Slightly softer

(146)

FM 17/6/79

Some of the controversial clauses in the new Industrial Conciliation Amendment Bill have been softened slightly.

In the committee stage this week, Labour Minister Fanie Botha scrapped the clause preventing a registered union from having any relationship with someone who is not an employee. But PFP amendments to the minimum and commutt exclusions were voted down, as was a PFP proposal that the remaining five job reservation orders be scrapped.

The intention of the 'relationship' clause was to outlaw dealings between a registered union and workers who are excluded from union rights. But legal opinion pointed out that the clause was so wide that it would have prevented unions from dealing with employers.

The controversial 'veto right' which lays down that no new parties can be admitted to unions if a trade court judges all existing parties are not also being adequately represented.

This clause has been widely criticised because it would allow employers or white trade unions to keep a non-racial rival black union out of an industrial council, thus denying the excluded party representation in the industrial court.

The intervention probably has also been softened by the fact that the original bill

the Minister could allow a mixed union only if a minority racial group was too small to form a viable separate union. Now the Minister can also take into account the ratio between the different race groups in an industry.

The chief effect of this and the "veto right" amendment is to place further discretion in the hands of the Minister and the court.

PFP MP Helen Suzman, who attacked the bill on the grounds that it would lead to "industrial strife" and that some clauses amounted to "authoritarianism," stresses to the *FM* that the changes do not meet PFP objections. So although Labour Minister Fanie Botha told Parliament he would look at the position of Durban commuters soon and implied that they could receive union rights, Suzman says "that is no substitute for legally guaranteed rights."

Financial Mail June 15 1979

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4. Transitional provisions as to unlimited companies and partly paid-up shares.—(1) Any existing company which is an unlimited company within the meaning of the repealed Act and which is not converted into a type of company under this Act, shall remain on the register of companies as an unlimited company and the provisions of the repealed Act shall, save as is otherwise provided in this Act, continue to apply to such company as if that Act had not been repealed.

(2) Any existing company which has issued any shares which are at the commencement of this Act not fully paid-up, shall remain subject to the provisions of the repealed Act in respect of such shares only as if this Act had not been passed.

CHAPTER II

ADMINISTRATION OF ACT

Office for Registration of Companies and Registrar

5. Companies Registration Office and register.—(1) The Companies Registration Office established in Pretoria under section 3 of the repealed Act shall, notwithstanding its repeal, continue to exist and shall be the Companies Registration Office for the purposes of this Act.

(2) The register of companies kept by the Registrar under the repealed Act shall be deemed to be and to form part of the register of companies to be kept in the Companies Registration Office.

NEW LABOUR SYSTEM

FM 15/6/79 (166)

No joy for unions

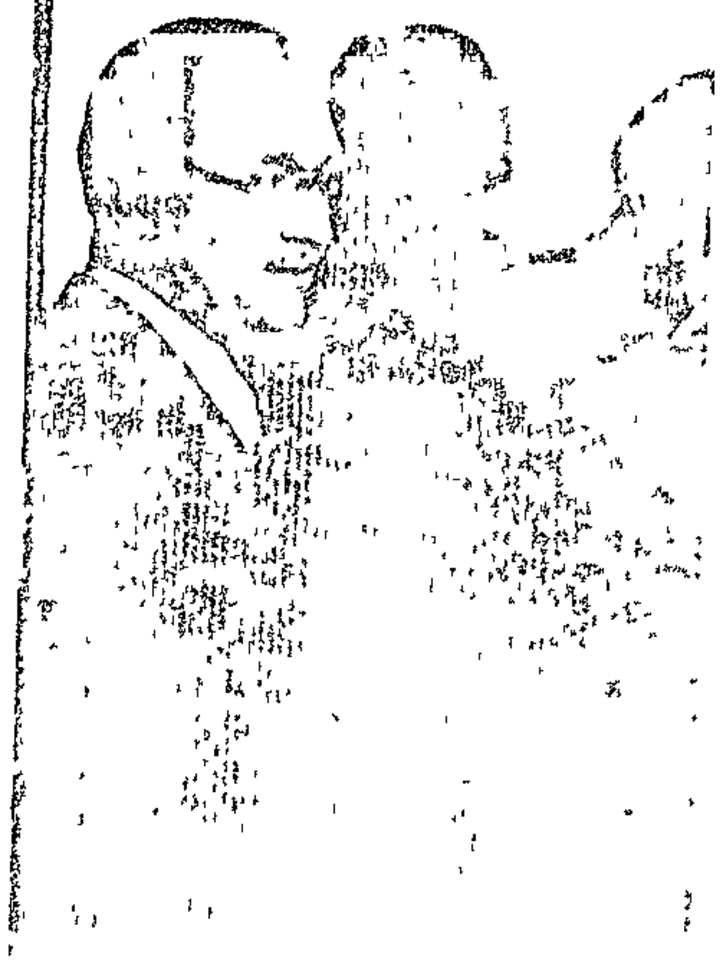
Weaker trade unions and greater state control are likely to be the two chief results of SA's post-Wiehahn labour deal

Wiehahn Commission member and SA Breweries personnel boss Dick Sutton believes "decentralisation" will be given a shot in the arm Dealing with criticisms of the new system in two speeches last week — one to the NDMF, the other at the Wits business school — he argued that "self-governance" between employers and workers could well take place increasingly at plant and regional level

"Decentralised" plant-level bargaining has always been anathema to unions, however They argue that it weakens them and lays workers open to intimidation, because it excludes union officials

While Sutton claims that many of the criticisms of the new system will be met "sooner than people think," he acknowledges that it will increase official control over industrial relations and perhaps weaken the existing industrial council system

He argues that employers and unions who are hamstrung by, or excluded from, the industrial council system, will be able to exercise "self-governance" through



from an employer what his plant committee had to say about a changed labour practice — and "if you don't have a committee you could have problems in court"

It isn't too far right, many trade unionists are likely to greet the trend with howls of outrage arguing that it leaves weak and fragmented worker groups at the mercy of employers But Sutton disagrees

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FM 15/6/79 (166)

LABOUR BILL—2

Union anger mounts

FM 15/6/79

Black union opposition to the Industrial Conciliation Amendment Bill reached a crescendo this week, with three union groupings slamming the new measure It is now unlikely that many African unions will apply for registration

Neither of the two main black union groupings — the Federation of SA Trade Unions (Fosatu) and the Consulative Committee of Black Trade Unions — has formally decided whether its affiliates will seek registration But the majority view in both groupings is likely to be against doing so, for fear of having to shed a large part of their membership, since migrant workers and commuters have not been given union rights

Where do we stand?

Indeed, even the more conservative African unions affiliated to Tucsa are not yet applying for registration "We haven't even considered asking for registration We want to know where we stand as far as migrants are concerned," says Tucsa executive member and National Union of Clothing Workers general secretary Lucy Mvubelo

Statements by both Fosatu and the Consultative this week rejected the bill's bar on trade union rights for migrants, and charged that government had not consulted the African union movement about the legislation — although Minister of Labour Fanie Botha held a large number of meetings with non-African unions

Fosatu's statement reaffirms its belief that the bill "denies freedom of association " The Consultative says "it is obvious that the government has no intention of giving black workers their rights to freedom of association but is bending over backwards to satisfy the interests of white workers." Referring to migrants, it says "All black workers will eventually lose their trade union rights" as the bantustans become independent The Consultative also notes a "deafening silence" from bantustan leaders on the issue

In the Cape, the Western Province General Workers' Union, which represents about 10 000 workers — most of them migrants — has also slammed the bill Unlike many other unionists, this union argues that the Wiehahn Report itself laid the foundation for denying contract workers their union rights The union will not seek registration under the present conditions

The union contends that certain passages in the Wiehahn Report "provide an incentive to those unions seeking registration to ignore contract workers " The union also accuses the Commission of distinguishing between skilled and unskilled African workers and favouring the former

Referring to the fighting which broke out in Cape Town between migrant workers and permanent residents in late 1976, the union maintains that "the fruits of this division are still bitter " Neither group is now apparently prepared to accept "institutions which attempt to exploit the already unacceptable distinction in status" between the two groups

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of this Act, a subsidiary shall be deemed to be a wholly owned pany if it has no members except that other company and a that other company and its or their nominees.

s (5) added by s 1 (*e*) of Act No 76 of 1974]

CHAPTER I

APPLICATION OF ACT

2. General application of Act and preservation of rights of existing companies.—(1) This Act shall apply also in the territory, including the Eastern Caprivi Zipfel.

(2) This Act shall apply to every company incorporated under this Act, every external company and, save as is otherwise provided herein, to every existing company.

(3) Any reference in this Act, express or implied, to the date of incorporation of an existing company, shall be construed as a reference to the date on which such company was originally incorporated.

continued on page 497

The Star Thursday June 21 1979

New fines lead to rush to register black workers

A rush to register black workers is expected after the announcement of tougher penalties that may be imposed on whites who employ illegal blacks

Legislation which provides for the new high fines was passed by the Senate yesterday For a first offence an employer of an unregistered black worker may be fined R500 (or three months). For a second contravention the fine is at least R500 (or three months). Fines were previously R100

Mr H P P Mulder, chairman of the West Rand Administration Board, which controls the whole of Johannesburg and the West Rand, said his office expected a registration stampede

"The percentage of illegal workers in Johannesburg is not too high but it still represents thousands of workers."

He made an appeal to employers to register their workers as soon as possible Workers who did not qualify for registration would have to be dismissed

Mr Mulder said WRAB inspectors would not take immediate action against employers but would give them time to register workers

Mr F B du Randt, chief commissioner on the Reef for the Department of Co-operation and Development, said there were not too many unregistered black company and factory workers and he did not foresee an escalation of unemployment.

He admitted there were large numbers of unemployed black women in Soweto but added that they would prefer to work for higher wages in industrial areas.

● **Riekert's move on illegal blacks rejected. — Page 5.**

FM 22/6/79 (155) (166)

ILO CONFERENCE

No joy for Wiehahn

South Africa's new labour legislation came in for sharp criticism at the International Labour Organisation's annual conference in Geneva last week As a result, more pressures on SA are now being planned

Predictably perhaps, African representatives were angry But many of the Western delegates were also highly critical they had hoped that the Wiehahn Commission would result in tangible improvements in the rights of black workers in SA, which would have enabled them to counter demands for tougher action from communist and third world countries

Nevertheless, France's delegate, who spoke for all the EEC governments, said that the Wiehahn recommendations were "a step forward" — depending on the degree of implementation 'We will not relax our vigilance, he said, adding that the EEC governments had noted 'with concern" the reaction of certain white unions

On the eve of the debate on apartheid, Werner Thonnessen, assistant general secretary of the International Metalworkers' Federation (IMF), told the *FM* in an interview that when the Wiehahn Report was first published, the IMF had given it a cautious welcome But the Industrial Conciliation Amendment Bill "corrected the impression" that the SA government was in favour of the Wiehahn recommendations Meanwhile, "Professor Wiehahn continues his international sales trip trying to maintain the appearance of positive and fundamental changes "

Thonnessen told the *FM* that when he had met Wiehahn in Geneva on May 25 he had asked him why the draft bill fell short of his report s recommendations But Wiehahn had seemed unaware of the nature of the legislation, and when pressed

Nic Wiehahn at a loss for an answer?

by Thonnessen on the matter had said he would have to get in touch with the minister to obtain details

The IMF is one of the most militant international labour organisations, with a number of SA affiliates Thonnessen stressed that it had always opposed boycotts of SA, partly because 'of the hopes that many people in the West placed in the Wiehahn Commission But if these hopes fail -- if what comes out of it is no improvement but makes conditions for black unions even worse — it will be very difficult for us to convince our affiliates that economic boycott and disinvestment are not the right way "

When the debate itself began, the first speaker, Joseph Morris, a Canadian workers delegate who is also a vice-chairman of the ILO's governing body, pointed out that for nearly two years black unions had been told by employers to wait for the Wiehahn Report now that it had come the unions' very existence was threatened

The West German workers' representative conceded that "on the face of it the report contained certain good parts," but he claimed that the white paper and draft legislation had shown that the whole aim was to "destroy black unions."

The representative of the International Confederation of Free Trade Unions (ICFTU) commented on the wide international press coverage which had highlighted the liberal principals in the Wiehahn Report He, too, claimed that the draft legislation has "revealed SA's true intentions to destroy the black trade union movement ' The exclusion of migrants and commuters meant that existing black unions would lose up to 95% of their members It was "a masterplan

bantustanisation, he said

There was some comfort for the SA government from the Swedish employers' delegate, who is also chairman of the executive committee of the international organisation of employers. He said that the SA government had by and large accepted the Wiehahn Commission's recommendations, which were "evidence of the sustained pressure from influential circles, mainly the employers of SA, who are determined to eliminate injustices in labour and industrial relations "

Some 60 speakers took part in the debate, and there was a great deal of lobbying outside the conference hall The fact that the ILO is a tripartite body, consisting of representatives from government, employers and workers, is significant in relation to one of the proposals likely to be adopted as a result of the conference It involves holding a meeting between the ILO, the OAU, and the UN special committee on apartheid, to review actions by the ILO on apartheid and to explore other possible forms of action

LABOUR BILL Fm 22/6/79 (166)

FCI ignored

The minor changes made to the Industrial Conciliation Amendment Bill (*FM* last week) ignore the submissions of organised industry

The Federated Chamber of Industries (FCI) telexed government late last month suggesting certain changes to the bill, but few of these had been made by the time the bill passed through the Senate this week

On the central issue of the exclusion of migrants and commuters, the FCI's labour committee noted that "while some blacks in an establishment would be employees (in terms of the Act), others would not, with all the concomitant problems this would cause" It asked government to "at least" include commuters in Natal and the northern Transvaal in the definition of "employee"

The FCI also suggested relaxing the bar on multi-racial trade unions so as "to permit unions to enrol subdivisions of skilled groups of a different race" if mixed unions were not to be permitted

In addition, the FCI asked that employer organisations (though evidently not trade unions) be allowed to join industrial councils if a majority (instead of all) existing parties agree

The FCI also wanted the five remaining job reservation orders to be repealed "as soon as possible," and a "clear" appeal from the industrial court to the Supreme Court to be provided for It urged too that existing unions and employer organisations be allowed to lodge objections to the "provisional registration" of new bodies

One of the FCI's submissions was accepted by government the clause in the original bill forbidding a registered union from having any "relationship" with anyone who is not an "employee" was scrapped

The Star
Friday June 22 1979

Realities in black and white

(166)

IT is easy to lose perspective on the Riekert Commission and the Government's reaction to the commission's recommendations, easy to dismiss the whole exercise, easy to exaggerate its effects on tightly-strained relations in South Africa

In the first place, Dr Riekert's recommendations and the Government's general acceptance of these recommendations must be seen as a beginning Unless there is a verkrampte revolt in the National Party which unseats Prime Minister Botha (an unlikely event), this beginning will spawn increasing positive changes for the urban black community Given the Government's make-up, it was perhaps too much to expect it to implement all the Riekert recommendations in full measure Despite his obvious verligte instincts, Mr P W Botha cannot ignore the power of the ultra-conservatives in the party In any case, the Government has accepted more from Dr Riekert than anybody could reasonably have expected even a year ago

That said, it needs to be recognised that, while the Government's action can be seen as positive and relatively enlightened in terms of white political realities, it falls far short of what is needed to meet the most modest of black aspirations The reality is that the benefits will be confined to a relatively small proportion of South Africa's black people—those with a statutory right to remain in the urban areas Unfortunately, the Government has seen fit to backtrack on key elements in the Riekert Commission's recommendations which would have led to the abolition of influx control

Caught between the need for bold, imaginative and even drastic action on the one hand and pressure from Nationalist verkramptes on the other, the Government has chosen to allow its actions to be tempered by white instead of black realities It has chosen, for instance, to live with the evils of influx control rather than with the problems of its abolition Yet SWA/Namibia showed how easily influx control could be eliminated with the stroke of a pen — and that consequent problems could be handled The Southwesters understood that the problems created by influx control were much more dangerous than those created by its abolition The same applies to a number of other elements of the Riekert Commission's recommendations where tardy, timid implementation of basically positive measures will create more problems than are solved

When will the Government understand that black anger, frustration and bitterness is an infinitely more dangerous than a verkrampte backlash?

(690(V)

SMY4

SOLUTION 2 - 1 - 1974 3 - 2

1.

Material A(R3)		Material B (R2)		Material C(R1)		Total (R9)	
Kg.	R	Kg	R	Kg.	R	Kg.	R
1 900	5 890	900	1 620	2 240	4 480	5 040	11 990
1 900	5 700	900	1 800	2 240	2 240	5 040	9 740
3	190(V)		180		(2 240)		(2 250)
1 680	5 040	840	1 680	2 520	2 520	5 040	9 240
2	(660)		(120)		280		(500)
1 700	5 100	850	1 700	2 550	2 550	5 100	9 350
2	60		20		30		110
	(790)		80		(1 930)		(2 340)

Actual Cost
Ac. Mix at Std. Cost
Price Variance
Std. Mix at Stc. Cost
Mix Variance
Act. Output at Std.
Yield Variance
Total Material Variance

2.

Sales			
Variable Costs			
Contribution			
Fixed Overhead			
Net Profit			

( ) denotes adverse variance

Usage

3.

No, the company should not consic
Any decision depends on whether
i.e. can departmental fixed cost
If the material variances (parti
positive and therefore trading
on the closing down of the depa
to at least 915 units at standar
Sales Price Increase. 12½

CT. 23/6/79

Suzman warns of black anger

Political Staff

HOUSE OF ASSEMBLY — The government's response to the Riekert Commission was "farcical" and showed there was not the slightest intention of implementing the major recommendations, Mrs Helen Suzman, chief opposition spokesman on black affairs, said yesterday

Speaking during parliament's final debate, Mrs Suzman accused the government of tightening influx control in contradiction to the commission's key recommendations

'Nothing in the government's white paper reflects the bright prospect of liberation from the pass laws which the honourable Minister of Co-operation and Development has been holding before the fascinated gaze of Americans during his present whistle stop tour of the USA

"Nothing the government has done can really be reconciled with Dr Koornhof's statement in Washington that apartheid is dying"

Apart from the announcements on Crossroads and Alexandra, nothing had taken place during the session of parliament to bring hope of meaningful change to blacks

One of the most crucial questions facing South Africa was "Do blacks see greater hope of meaningful change than they did before Soweto erupted in flames in 1976?

"Because if they do not — and I believe it is possible they do not — increasing numbers of young blacks will become so despairing that more and more of them will resort to change by violence, not because they want to use violence but because they see no other way to change the circumstances of their lives"

Mrs Suzman was also highly critical in the delay in bringing out the Cillie Commission report into the riots.

"Three years have passed and there has been no sign of it They may just as well not bother to produce it now"

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from the Burger

CT. 23/6/79 (166)

Riekert White Paper

THE government's acceptance of several of the most important recomendations of the Riekert Commission, its qualified acceptance of a number and its rejections of others, proved once again that there are no instant solutions to the problems of blacks in the white areas of South Africa Some restrictive measures are retained, as proper control in an orderly society is imperative

The government has no fault to find with the basic aims of the commission They quite accept that the relative legislation and its administration should be simplified, that unjustified discrimination among the population groups be eliminated, and that the country's labour force be better exploited

The recommendations cover a wide field, but the question of influx control and the way in which it can be applied in a more humane way, is every where regarded as very important

In spite of the objections from the Opposition side, it is not strange to us that the government fully agrees with the Riekert Commission in its finding that the influx of blacks cannot be allowed in an uncontrolled way Because of their experience with the squatter problem, the people of the Western Cape are very conscious of the social and labour problems created by the lack of proper control The pass book system, apart from the fact that it is so objectionable to black people, has not been effective

Instead of the pass book, control measures will be introduced at the place of work and residence, while employers who employ people illegally, will be punished more severely Concessions will be made however, to prevent family disruption With this we heartily associate ourselves

Thus there are various other measures to come that will affect the employment opportunities, trading rights, training and living rights of blacks in urban areas For those of them who have earned the right, living condition will improve considerably in the urban areas Every effort in this direction is to be welcomed, for its makes a contribution to better relations and a happier population, even if it seems to some people as if the pace of change is slow

Sunday Times

THE PAPER FOR THE PEOPLE

The 'dompas' must go — and that's that

BY ITS nature, evolutionary change will seem to half the population to be too fast and to the other half too slow. It is unavoidably a matter of taking two steps forward and one back, and it runs the risk of becoming one step forward and two back.

That is why the uproar surrounding the Government's partial implementation of the Wiehahn and Riekert proposals is not unduly distressing. Commissions can, like saints, scorn political tolerances; politicians dare not. And, as Dr Piet Koornhof said in America this week, quite minor changes (like the adoption of an equal employment code) can create a climate in which further change becomes possible.

What really matters is that South Africa is beginning to adjust to the underlying political forces that were pent up by Verwoerdian fantasy, and the forces which compelled this adjustment will compel further adjustments.

But the Riekert report — and the Government's response to it — has highlighted a problem that South Africa had better face. So long as blacks must be subjected to the harassments and oppressions that go with the pass laws, South Africa will not know peace.

Nothing is so profoundly loathed by black people as the "dompas" which gives the pettiest official and the rawest constable such power over them. No aspect of apartheid is so unjust or so hated as the net of laws and regulations that prevent hungry people from seeking work where they can find it or from selling their labour at the best price it can command.

Yet a problem does exist — one which South Africa shares with other Third World countries — when legions of peasants, their population exploding as a result of improved medical care and stable food supplies, overwhelm the capacity of the industrial sector to provide social needs.

Tanzania has had to resort to influx controls, other African cities have degenerated into vast slums where social restraints and cultural taboos simply collapse to create a new type of jungle. In South Africa, the flood of would-be workers from every country south of the equator has contributed mightily to the wage gap by depressing the market value of African wages.

There is no need to belabour the point. Riekert seeks a solution in a system which divides blacks into a privileged class of urbanites, who can move fairly freely, and "the rest" who must be penned into the homelands and, presumably, forgotten. This system would be enforced by draconian fines on employers who hire "forbidden" blacks.

That may reduce the number of blacks who are illegally employed; whether it will reduce the number who come into the cities illegally (to live how? — by theft?) is another matter. And how the resulting situation is to eliminate the iniquities of "pass raids" is unclear.

What is clear, though, is that the "dompas" must go, for nothing else in South Africa is the object of greater hatred.

Wiehahn's aftermath: A trail of shattered hopes

The Wiehahn report raised hopes of labour reform, the Government's White Paper weakened them and the Industrial Conciliation Amendment Bill shattered them entirely Labour Correspondent **RIAAN DE VILLIERS** analyses the Government's "new dispensation" blueprint and black trade union reaction to it

FOR a brief period, the report of the Wiehahn Commission raised hopes of real labour reform in South Africa

If the Government's White Paper soon largely dispelled this illusion, the Industrial Conciliation Amendment Bill shattered it entirely

Reflecting the widespread anger and disillusionment in the labour movement, one trade unionist said recently the Bill deviated so far from the commission's report that its recommendations were now virtually irrelevant

The Bill provoked a storm of protest and resulted in intense behind-the-scenes pressure on the Minister of Labour by dismayed unionists and employers

The Government has introduced amendments which have watered down some of the Bill's most controversial provisions — but it will soon pass into law with its worst features unchanged

This is now the state of play

● The Bill's basic ban on mixed unions remains But the Minister has given himself a slightly larger loophole to authorise mixed unions

Originally, he could only authorise the registration of a mixed union if there weren't enough members of one population group to form an effective union

Now, he may also authorise a mixed union "if deemed expedient' on the grounds of the ratio between members of different population groups

● The veto right given to existing members of industrial councils to keep out new parties has also been slightly watered down The veto gives any right-wing white union or employer the power to bar a newly-registered black union indefinitely from formal collective bargaining

Now, at least, victims of the veto will have the right of appeal to the industrial court

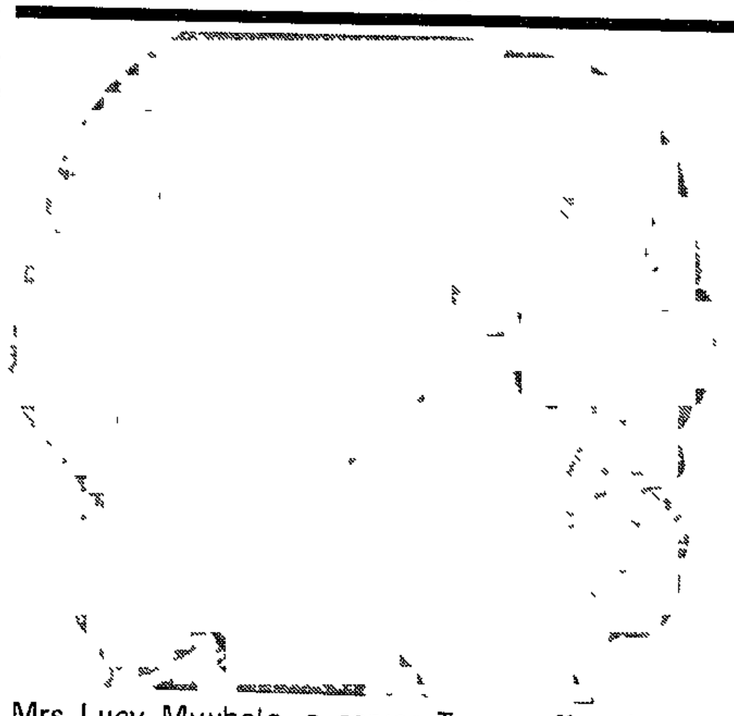
● The Bill shook confidence in the new industrial court by granting it the power to determine itself what "unfair labour practices' were and by restricting appeals to points of law only

The right of appeal against court decisions has now been restored

●To enforce the exclusion of migrants and frontier commuters from trade unions and cut them off completely from any union influence, the Bill declared it an offence for registered unions to have "non-employees" as members or have "any relationship" with them — with a R500 penalty for every single offence

The "relationship" clause has been scrapped, following representations on the potentially absurd implications it would have had in practice

But these changes are dwarfed into insignificance by the fact that the Bill continues to bar migrant workers and so-called "frontier commuters" — blacks who commute to work from homeland areas — from membership of registered trade unions



Mrs Lucy Mvubelo, a senior Tucsa office-bearer "We're not the pass office"

The Wiehahn report had serious weaknesses and many aspects of its proposed new dispensation are open to severe criticism

But its main strength and its major saving grace, was its key recommendation that all South African workers — including migrants and commuters — should be able to join trade unions of their choice

The effects of the Government's rejection of this fundamental principle are far-reaching

The Wiehahn Commission itself estimated black migrants and commuters working in South Africa at 2 100 000, of whom the vast majority work in urban areas It put the total urban black labour force in 1970 at 2 500 000, of whom 1 400 000 were migrants and commuters and 1 100 000 non-migrants

On the commission's own admission, therefore, migrants and commuters form the majority of the urban black workforce

The majority of members of existing black trade unions are migrants and commuters Some Transvaal unions have a migrant membership of up to 75% and Durban unions have "commuter" memberships of up to 90%

Migrants also serve as union officials and office bearers

So instead of giving black workers a "new deal", the legislation denies union rights to the majority of the urban black workforce — and could effectively destroy black trade unions

In the process, the Government has created severe problems for itself, both internally and abroad

The Bill has provoked the united resistance of the entire black trade union movement

Black unions have completely rejected it, and are threatening to take a joint stand and refuse to apply for registration

If they don't, it will effectively cripple the whole new dispensation

Also, the Government has mounted a vast public relations campaign overseas to sell its new deal to international labour and foreign governments

The campaign has already run into serious trouble A united stand by the black union movement will probably destroy any remaining chances of international support

Final decisions on whether to register or not will be taken by individual unions over the next few weeks But initiatives are under way to unite all unions under a "no ways" banner

And unions who are relatively unaffected by the ban on migrants or commuters say they will act in solidarity with the others

Black unionists are unanimous in their condemnation of the Bill They say they refuse to participate in a dispensation which will cut off the majority of black workers from trade union rights They point out that in terms of separate development policy, the number of blacks eligible for trade union rights will continue to decline

They object fundamentally to the division of the black workforce and have warned it would lead to friction and industrial unrest

They refuse to shed the majority of their members and push out officials and office-bearers

As Mrs Helen Suzman, MP for Houghton, said in Parliament, to expect executives to vote their unions out of existence is absurd

Added to this, unionists point out that they would face near-impossible practical problems if they chose to register

They say it will be virtually impossible to check the status of every member — and the fine of R500 for every "illegal" could cripple the unions

As Mrs Lucy Mvubelo, general secretary of the 20 000-strong National Union of Clothing Workers (NUCW) and a senior Tucsa office-bearer, snapped recently "How are we supposed to know? We're not the pass office"

Under the circumstances it is hardly surprising that the legislation is viewed as a deliberate attempt to smash black unions — or, as Mrs Emma Mashinini of the Commercial, Catering and Allied Workers' Union said recently, "a polite way of bleeding black unions to death"

Was the Government aware of the full implications of its actions?

The Wiehahn Commission certainly was In its majority argument in favour of union rights for all black workers, the commission noted that all black workers were free at present to join unregistered unions and the exclusion of migrants and commuters would revoke a freedom which already existed

It added "It is a matter for speculation how many workers would have their membership of trade unions revoked and what the effect would be"

Up to now, the Minister of Labour, Mr Fanie Botha, has said nothing about the situation of existing black unions and managed to pilot the Bill through Parliament without replying to strong Opposition challenges on the issue

However he has said the position of commuters would be reviewed

Speaking in Durban recently, he was reported as saying there were no "ulterior motives" for their exclusion, which was simply because of "technical and administrative problems"

But the matter will only be cleared up in a "year or two" And migrants appear to be permanently out

The Minister has also pointed out that the Bill empowers him to declare any South African workers to be "employees" — leading to speculation that he may grant exemption to existing migrant and commuter members of black unions

But black unionists firmly reject this as a solution As one leading unionist put it "Ministerial exemptions offer no lasting guarantee No one will be willing to register on the basis of a temporary favour by the Minister"

They also find it unacceptable that they would presumably be barred from recruiting additional migrant workers

The situation has an ominous potential for confrontation Sooner or later, all black unions are going to be forced to register — or forced out of existence

For as the Government has made abundantly clear, the underlying idea behind the whole exercise of granting registration rights to black unions is to bring the black labour movement under State control

This strange motivation for supposed labour reform is the product of the Wiehahn report itself, and has been built into its recommendations

The commission argued that unregistered black unions formed a dangerous "fourth component" in industrial relations which threatened to undermine the statutory system and posed a "grave danger to industrial peace"

The recognition of unregistered unions by employers was "dissonant with the ideal of orderly unionism acting within the law"

And in a key phrase, it said bluntly "Black trade unions can no longer be permitted to operate outside the law"

Mr Fanie Botha has repeatedly stated that black unions enjoy too much freedom and should be brought under State control

Addressing businessmen in Johannesburg recently, he said "The whole idea has been to bring black unions under control" And he told others "Unions will all have to register — and we will tighten up control"

The commission made three recommendations aimed at coercing black unions into registering

It proposed that employers should be prohibited from deducting trade union dues for members of unregistered unions, that all agreements between unregistered unions and employers should be declared invalid, and all industrial relations training by unregistered unions without special approval be prohibited

The Bill bans deductions for unregistered unions But by accident or design, the invalidation of agreements has been omitted Anyway, there is some doubt that such an infringement on common law contractual rights would ever be legally valid

Industrial relations training has not yet been dealt with in the legislation

The ban on deductions will hit some unions hard — but most say they will be able to continue without registering at this stage

The outcome of the situation is unclear Some commissioners believe the Government will eventually be forced into fully implementing their proposals by the sheer unworkability of the situation created by the Bill and the disruptive forces it will unleash

The whole problem may be dumped in the lap of the National Manpower Commission, which will be charged with the future implementation of the report

But it is unlikely that the Government will tolerate the non-registration of unions for any length of time

If it takes further steps to force black unions into registering, without restoring trade union rights to all black workers, the Government's so-called "new deal' for labour will have finally turned into one of the ugliest episodes in South Africa's labour history

12. Do you think more hypermarkets will be opened ?

YES	47-1	→ GO TO QUESTION 13
NO	-2	
DON'T KNOW	-3	→ GO TO QUESTION 14

13. What makes you say that ? (PROBE FULLY)

.....

..... 48-

14. In your opinion, are hypermarkets a part of the South African way of life <u>now</u> ?

YES	49-1
NO	-2
DON'T KNOW	-3
NOT REALLY	-4

15. Do you think they will be a part in the future ?

YES	50-1
NO	-2
DON'T KNOW	-3
NOT REALLY	-4

<u>DEMOGRAPHICS</u>

Now, to help us classify your answers, ew questions about you and your family ?

OBSERVE :

MALE	51-1
FEMALE	-2

1. Please tell me which suburb you liv

.....

2. How many people are there in your servants ?

..... 52-53

3. Please tell me which of these age o. Just say group A, B, C or D. (HAND RESPON ROUPS)

GROUP A	16-24	54-1
GROUP B	25-34	-2
GROUP C	35-49	-3
GROUP D	50 AND OVER	-4

Govt uses backdoor methods — unionist

28/6/79

By RIAAN DE VILLIERS
Labour Correspondent

A PROMINENT black trade unionist yesterday hit out at the Government's move to grant union rights to some black migrants and commuters on an exemption basis

Addressing a Johannesburg conference on the attitude of black workers to the Wiehahn and Rickert reports, Mrs Lucy Mvubelo, general secretary of the National Union of Clothing Workers, accused the Government of using "devious backdoor methods" to grant union rights to migrants and commuters.

"Black workers don't want hand-outs. They want acceptance of their rights" she said

The Wiehahn report on labour reform had been met with jubilation by black unionists as it recommended full freedom of association for all workers and trade unions

But their aspirations had been shattered by the Industrial Conciliation Amendment Bill, which excluded so-called "migrants" and "frontier commuters" from the right to join registered trade unions.

Mrs Mvubelo said if unions chose to remain unregistered, they would run the risk that others would form trade unions excluding commuters in order to seek registration The conference was held by the Study Group on Internal Relations

No 1432 (166) 29 June 1979

CHANGE IN THE DESIGNATIONS OF THE DEPARTMENTS "LABOUR" AND "THE INTERIOR AND IMMIGRATION"

It is hereby notified that the Acting State President has been pleased to approve of the change, with effect from 20 June 1979, of the designation of—

(a) the "Department of Labour—Departement van Arbeid" to "Department of Manpower Utilisation—Departement van Mannekragbenutting", and

(b) the "Department of the Interior and Immigration—Departement van Binnelandse Sake en Immigrasie" to "Department of the Interior—Departement van Binnelandse Sake"

No 1432 GG 6550 29 Junie 1979

VERANDERING IN DIE BENAMINGS VAN DIE DEPARTEMENTE "ARBEID" EN "BINNELANDSE SAKE EN IMMIGRASIE"

Hierby word bekendgemaak dat dit die Waarnemende Staatspresident behaag het om goedkeuring te heg aan die verandering, met ingang van 20 Junie 1979, van die benaming van—

(a) Die "Departement van Arbeid—Department of labour" na "Departement van Mannekragbenutting—Department of Manpower Utilisation", en

(b) die "Departement van Binnelandse Sake en Immigrasie—Department of the Interior and Immigration" na "Departement van Binnelandse Sake—Department of the Interior".

[redacted]

SQUATTERS SLEEP IN THE VELD

POST

By MZIKAYISE EDOM 4 April 1979

THE Daveyton squatters who had their shacks demolished by police, slept in the open, but immediately began putting up their shacks yesterday morning

The shanty town also called "Phumlamqashi" by the squatters was demolished on Tuesday morning by South African Police and the East Rand Administration Board (Erab) police

After the shacks were demolished the police took away the corrugated iron poles and furniture Furniture of some of the squatters was left in the open veld

Mr Gordon Masheloane a spokesman for the squatters told POST yesterday that the homeless families had nowhere to go on Tuesday night and they had to spend the night in the veld

We have no other homes because the police have destroyed our homes Unless we are provided with houses as soon as possible we are not leaving "Phumlamqashi he said

"Only few of the squatters were provided with accommodation by good Samaritans Most of us had to sleep in the open veld"

We will go on building shacks at Phumlamqashi until the East Rand Administration Board provides us with accommodation he added

Mr Masheloane further said that their only problem at the moment was getting ...ted iron.

...OST arrived at Phumlamqashi" most of the squatters were busy erect... ...ks They were using all kinds of material

...those interviewed by POST said the slept in the open veld

...a who had co-ordinated moves by the thousands of homeless families ...ks said yesterday that he was questioned by four Security Policemen, ...d two blacks about the shanty town

...s statement the chairman of the board Mr S J van der Verwe said ...e notice of the Erab on Sunday evening that certain persons had ...g on the buffer zone adjoining Daveyton

...munity Council of Daveyton met on Monday, April 2 and adopted ...ollowing resolution

...Council thanks the East Rand Administration Board for the promise ...hose squatters who will move away peacefully

...ult of discussions with those concerned and of a visit by the de... the Honourable Dr Vosloo MP on Monday April 2, when he also ...man and a member of the Management Committee of the Davey... ...y Council it was decided to assist the squatters on Tuesday April 3 ...heir original places of residence'

...nent added that 'All the squatters co-operated and the entire re trans...ted by 12 noon April 3 Strict instructions were given that the re...ucted with the minimum amount of inconvenience to those concerned ...y be prosecuted

...is however, issued to any person who squats after the above re... will be prosecuted in terms of the relevant legislations The possi... squatting was organised by one or more persons is being investi...

Cape Times

Crossroads dwellers welcome new plans

8 April **Staff Reporter** 1979.

AT a mass meeting yesterday Crossroads residents welcomed Dr Piet Koornhof's plans for their resettlement as a promise of new hope for them and their children

The joint committees of Crossroads convened the meeting to explain the implications of Dr Koornhof's statement to residents

Dr Koornhof the Minister of Plural Relations last week announced plans to resettle most of the 20 000 Crossroads residents in a new township to be built between Nyanga and Guguletu

Mrs Regina Ntongana chairlady of the womens committee said the residents had put their trust in Dr Koornhof to do as he had promised

Everybody was so excited because at least they now kn... is going to happen to them Since 1975 we have struggled ... results and now there seems to be some future for us ... children

Weekend newspapers welcomed the minister's proposal ... editorials

Rapport commented that full marks can be awarde... Koornhof for his handling of the Crossroads dilemma He ... allow human considerations to prevail instead of rigid ide...

Sinaba is on bail in fraud case

POST 1979

MR SHADRACK SINABA, the leader of the Daveyton squatters made a brief appearance yesterday in the Benoni Regional court.

Mr Sinaba, a member of the Daveyton Community Council appeared before ...

CROSSROADS

The way out

13 April Fina...

The policy implications of the Cabinet decision on the future of the Crossroads squatter camp are puzzling — not least in that they appear to contradict what is happening in other parts of the country such as the East Rand where the houses of squatters in Daveyton were summarily demolished last week

But if what the *FM* has been told is correct — and not simply a public relations exercise designed to still criticism over what has become a closely watched international issue — the policy implications could be far-reaching. Final judgment on whether government has had a change of heart however must await publication of the Rickert report

Although Plural Minister Piet Koornhof stressed that Crossroads was a once off *ad hoc* solution to a delicate human problem, to be accompanied by measures "to prevent similar ones from arising in future," the manner in which he tackled it suggests that he has succeeded in convincing the Cabinet that a new approach is necessary to reconcile irresistible forces of urban pull rural push on the movements of people with nationalist political ideals

Some people believe that the method of the Crossroads settlement indicates that the Cabinet may have decided in principle to dump the old Verwoerd M C Botha concept of male migrant labour and to opt instead for a policy accommodating migrant labour family units. Such a decision can become policy without amending legislation

A big if

Contract migrant family units can be accommodated by making greater use of section 10 (1) (d) of the Urban Areas Act, so that employers would have access to this category of labour only if they could provide housing. This however, is a very big if

One of the decisive issues that influenced Koornhof's Crossroads settlement was a firm undertaking from Cape employer groups that they would help monitor black labour accretions to the urban areas by not only adhering to the housing provision but by getting involved in the provision of housing where necessary

In view of the high cost of capital relative to owner occupiers' ability to pay it is clear that the Cabinet will soon be up against another fundamental decision

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Cape Times 10 April 1979

'RAID STATEMENTS SAME'

Court Reporter

IDENTICAL statements from policemen dealing with the crime prevention exercise at the Crossroads squatter camp last year were handed into the Wynberg Inquest Court yesterday

The statements were handed in when the inquest into the death of Mr Sinqele Ndlela who was shot dead during an exercise on September 14 resumed yesterday

According to Sergeant Patrick Cleary who fired a shot at the man Mr Ndlela had thrown a stone at him and Mr Ndlela ran down a dune towards him in a threatening manner

Yesterday Sergeant Edward Norman another member of the patrol said he and other men ...

He said he had heard a shot but had not seen the shooting

It was then put to Sergeant Norman by Mr G Bizos for the Ndlela family that his evidence concerning the statements was totally wrong

Sergeant Norman was asked whether he had assisted four other policemen with the writing of their statements or whether they had helped him

When he said no the statements of the four other policemen were compared to his and he agreed that except for different names identity numbers and one word which differed in some of the statements they were exactly the same as his

Earlier in the day the second in command of the riot squad on the night of the exercise returned to give further evidence about the exercise (Another exercise was made on September 6)

Arrests made

When the hearing was adjourned in January Captain Hewitt Wright was asked to return with details of the arrests made during the two exercises

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BLACK UNIONS

Will they fit?

156

FM 13.4

Will the promise of exemption to migrant and commuters from government's new labour bill persuade unions to apply for registration ... would ... do?

At present both major black union co-ordinating bodies — the Federation of South African Trade Unions (Fosatu) and the Consultative Committee of Black Trade Unions — are likely to oppose registration, while even a conservative "parallel" union like Lucy Mvubelo's National Union of Clothing Workers has said it is dubious

Indeed, it is ironic that government's post-Wiehahn bill has achieved a unity between the two bodies which has eluded them for years, although black unionists admit that the differences between the two groups are probably too great at this stage for permanent formal co-operation

Will Manpower Minister Fanie Botha's hint to a delegation of SA metal unionists this week, that most commuters will get union rights by exemption when the bill is gazetted (in about three months' time), drive a wedge in the united front against registration?

Certainly, the parallel unions appear to have been swayed The *FM* understands that Mvubelo's union will probably apply for registration because it has now received "certain assurances" Other "parallel" unions are almost certain to follow But the crux of the matter is whether government can successfully woo the independent unions

Certainly, Botha's discussions with the unionists this week are unlikely to allay Fosatu's fears SA Boilermakers' chief, Ike van der Watt, tells the *FM* that his impression is that Fosatu unionists at the meeting with Botha "were not convinced"

Arguing against the exemption system, Fosatu says rights which are arbitrarily conferred, can be withdrawn But even if migrants and commuters were to be given proper trade union rights (as opposed to mere exemptions), the *FM* understands that Fosatu unions are against applying for registration unless mixed unions are allowed (again as of right rather than by ministerial exemption) and the system of provisional registration changes

Van der Watt argues, as many registered and parallel unions are likely to, that the black unions would be better off inside this system, using it as a springboard to secure "positive changes," such as mixed unions, a development he would like to see There are also those who believe government would prefer it if militant black unions stayed out of the system and consequently found their very existence thus made extremely difficult

But Fosatu unionists may well decide that the price is too high

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer — *Registered at the Post Office as a Newspaper*

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VOL. 169] KAAPSTAD, 4 JULIE 1979 CAPE TOWN, 4 JULY 1979 [No 6547

DEPARTEMENT VAN DIE EERSTE MINISTER

No 1439 — 4 Julie 1979

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

No 98 van 1979 Tweede Wysigingswet op Wetgewing op Pluriale Betrekkinge en Ontwikkeling, 1979

DEPARTMENT OF THE PRIME MINISTER

No 1439 — 4 July 1979.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 98 of 1979 Laws on Plural Relations and Development Second Amendment Act, 1979

Act No 98, 1979 LAWS ON PLURAL RELATIONS AND DEVELOPMENT SECOND AMENDMENT ACT, 1979

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with solid line indicate insertions in existing enactments

ACT

To repeal the Moroka Ward Land Relief Act, 1924; to amend the Black Administration Act, 1927, so as to provide further for the jurisdiction of commissioners' courts; to amend the Development Trust and Land Act, 1936, so as to provide for the payment of the proceeds of certain fines to administration boards; to amend the Blacks (Urban Areas) Consolidation Act, 1945, so as to increase certain fines; and to extend the powers of the Minister of Plural Relations and Development to make regulations; to amend the Black Labour Act, 1964, so as to increase certain moneys; and to further regulate the allocation of certain moneys, fines and estreated bail to administration boards; to amend the Black Taxation Act, 1969, so as to introduce new scales for the payment of general tax; to amend the Black States Constitution Act, 1971, so as to provide that the proceeds of sales tax on certain transactions accrue to the revenue funds of the Black states; to amend the Black Affairs Administration Act, 1971, relating to the funds of administration boards; to amend the Community Councils Act, 1977, relating to the publication of certain decisions of community councils; so as to extend the powers of the said Minister to make regulations; to prevent the functions performed by community councils from being unnecessarily duplicated by another authority; and to provide for the transfer of certain Black employees of administration boards to the service of community councils; relating to the commencement of certain regulations made under the Community Councils Act, 1977; to provide for a change of the names or official titles of certain institutions and the holders of certain offices; and to provide for matters incidental thereto.

(English text signed by the State President)
(Assented to 21 June 1979)

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

Repeal of Act 28 of 1924

1. The Moroka Ward Land Relief Act, 1924, is hereby repealed

Amendment of section 9 of Act 38 of 1927, as substituted by section 2 of Act 79 of 1957

2. Section 9 of the Black Administration Act, 1927, is hereby amended by the substitution for subsection (1) of the following subsection 5

"(1) A commissioner may hold a court—

166

For full text see Acts 1979

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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VOL. 169] KAAPSTAD, 4 JULIE 1979 [No 6543

CAPE TOWN, 4 JULY 1979

DEPARTEMENT VAN DIE EERSTE MINISTER

No 1435 4 Julie 1979

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

No 94 van 1979 Wysigingswet op Nywerheidsversoening, 1979

DEPARTMENT OF THE PRIME MINISTER

No 1435 4 July 1979.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 94 of 1979 Industrial Conciliation Amendment Act, 1979

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with solid line indicate insertions in existing enactments

ACT

To amend the Industrial Conciliation Act, 1956, so as to define or further define certain expressions; to establish a National Manpower Commission and to define its functions; to establish a new industrial court and to define its functions; to further regulate the registration of trade unions and employers' organizations; to further regulate the admission of parties to industrial councils, the constitutions of industrial councils and the composition of conciliation boards; to further provide for the conditions of service of employees where certain disputes arise; to provide for the extension of the provisions of industrial council agreements; to further regulate exemptions from certain agreements; to repeal the safeguards against interracial competition; and to extend the registration of trade union federations; and to provide for incidental matters.

(English text signed by the State President)
(Assented to 21 June 1979)

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 28 of 1956, as amended by section 1 of Act 41 of 1959 and section 1 of Act 104 of 1967

1. Section 1 of the Industrial Conciliation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion in subsection (1) after the definition of "coloured person" of the following definition
"'commission' means the National Manpower Commission established by section 2A;",

(b) by the substitution in subsection (1) for the definition of "determination" of the following definition
"'determination' means a determination made under section 46, 76 or 77, as the case may be;";

(c) by the substitution in subsection (1) for the definition of "employee" of the following definition.
"'employee' means—

(a) any person—

(i) who is employed by or working for any employer and receiving or entitled to receive any remuneration, and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer; and

(ii) who may legally reside on land in the Republic of South Africa,

but excluding any person who resides on land as contemplated in section 21 (1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or on any land within a territory

Mennonite Central Committee se Konferensie oor 'Die Rol van Geskiedkundige Vredeskerke', Gaborone, Botswana Verhandeling voorgelê oor 'The Role of Churches in Promoting Justice in Southern Africa' (Oktober)

ese Beweging,

Star 5/7/79

'Wiehahn hopes dashed'

Work codes for blacks 'ignored'

(144)

By Sieg Hannig
Labour Reporter

In spite of the many codes of employment practice only one employer had signed a fully fledged agreement with a black trade union

This was claimed in Johannesburg yesterday by Mr Alec Erwin, general secretary of the predominantly black Federation of South African Trade Unions

Mr Erwin slated foreign governments for their inactivity and virtual hostility towards any significant monitoring of the employment codes imposed on their subsidiaries in South Africa.

The American Government had taken no steps itself

The British Government had gone furthest, but "the other governments of the Common Market have been notably inactive, in fact almost hostile, to any attempt to get significant reportage from their own codes"

He knew that some of the reports which firms sent abroad about their adherence to employment codes were inaccurate

The Wiehahn and Rieker commissions had created a situation of hope for blacks which had been dangerously dashed by the subsequent Government White Paper

Mr Gibson Thula, a representative of the KwaZulu Government, said this at a seminar of the Institute of Race Relations. The topic was "Economic priorities for South Africa."

Mr Thula felt there was a danger of tokenism for blacks employed in the business sector

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navorsings-Fellows het aansienlik tot die Sentrum se program bygedra: dr Sheila T. van der Horst, afgetrede mede-professor van Ekonomie, U.K., en professor J L. Boshoff, gewese Rektor van die Universiteit van die Noorde

.A

LIDMAATSKAP

Soos voorheen gemeld, is die Sentrum vir Intergroepstudies geregistreer as 'n maatskappy. In die Memorandum en Statute van Vennootskap word voorsiening gemaak vir die benoeming van eenhonderd lede. Tans is daar 57 lede en hulle sluit die volgende in

a) Drie stigterslede:

Mnr J.G. Benfield
Mnr H.L. Kennedy
Mnr P.G.T. Watson

b) Sewentien persone wat gedurende die afgelope 10 jaar lede van die Beheerraad was (* dui stigterslede aan):

Professor E.V. Axelson
Professor J F Beekman
Professor J F. Brock
Mnr C.S. Corder*
Professor W.H.B Dean
Dr J.P. Duminy*
Professor G.F.R. Ellis
Biskop A.W. Habelgaarn
Mnr E.V.E. Howes*
Professor M.F Kaplan
Ds W.A. Landman
Mnr G.K. Lindsay
Sir Richard Luyt
Professor S.J Saunders
Professor H.W. van der Merwe
Mede-professor D.J. Welsh
Professor Monica Wilson

THURSDAY
July 5, 1979

Putting patriotism into perspective

ADDRESSING the Race Relations conference in Johannesburg on Tuesday night, Dr Alan Paton was prepared to be expansive on an extremely delicate subject.

Delicate because it calls into question the whole matter of South African patriotism: where it begins and where it should end

Dr Paton challenged the validity of young South Africans of whatever colour fighting against blacks in the operational area He asked, particularly, whether it was moral for White youths to go to the border against men who almost without exception were black and who believed they had a duty to liberate this country from its present rules and, more specifically, from the oppression of its racial laws

Those racial laws, the author said, were made by the conqueror for the conquered, by the strong for the weak, by the rich for the poor and, inevitably, by the white for the black

He questioned the morality of a situation where black South Africans were, in effect, fighting to retain the Group Areas Act Or for a system of education that spent on them one tenth of the amount spent on the average white child

However delicate the subject may be, Dr Paton has good reason to raise it It is a matter which is coming more and more under consideration among the young people themselves who are called to defend our borders

Why indeed should they fight — and die — to entrench a political party which still stands by such archaic laws as the Separate Amenities Act, the Population Registration Act, the Mixed Marriages and Immorality Acts and the various security Acts which are a major pillar of the National Party's power?

Sure, Dr Koornhof, Mr Pik Botha and others are now speaking in vague terms about the death of apartheid. Sure, the Wiehahn and Riekert commissions have influenced change in the right direction — though not as far as their own commissioners would have liked

But when is it all going to happen, this lingering death of apartheid? And how do you square the statements of Dr Koornhof and company with those of Dr Treurnicht, while Dr Treurnicht remains a Cabinet Minister?

The test of the "dying apartheid" claim is as simple as looking about you At the situation of the black people, coloureds and Indians For them, pathetically little has changed.

Real change must come and come quickly if we are to stand united as South Africans against any external perils Patriotism would then follow as a matter of course

BLACK UNIONS

Into the Minister's parlour?

Manpower Minister Fanie Botha is expected to meet certain African trade unions in August to discuss their objections to the Industrial Conciliation Amendment Act, according to union sources

If the meeting does indeed take place it will provide a test of Botha's ability to woo at least a section of the African union movement into government's new labour relations system

The Reef-based Consultative Committee of Black Trade Unions last week asked Botha for a meeting to discuss the exclusion of migrants and commuters from trade union rights, as well as the effects of bantustan independence on future union rights

At the same time, Lucy Myubelo's National Union of Clothing Workers has sent Botha a memorandum, and an NUCW source tells the *FM* that it is 'a foregone conclusion' that Botha will meet the NUCW and the Consultative

The Consultative and Fosatu the other large black union co-ordinating body, are busy trying to find ground for a common front to oppose registration by African unions (*FM* last week) The authorities can hardly welcome this unity and Botha may use the meeting, if it takes place to woo the NUCW and the Consultative away from it

He may have a difficult task Objections to government's new system run deep, as a panel discussion at the SA Institute of Race Relations conference this week illustrated The panel consisted of two Fosatu unionists Tucsa president Ronnie Webb and UCT labour expert Dudley Horner

At the meeting, Fosatu general secretary Alec Erwin reiterated his objections to the Act and to large sections of the Wiehahn Report He argued that the report had attempted to impose a system on SA labour relations instead of simply allowing a free non-racial labour movement to emerge

Erwin made it clear that 'my personal view is that registration has no advantages and a number of disadvantages" unless changes are made to the new Act Horner argued that Wiehahn had changed little – the more we change, the more we seem to remain the same,' adding that the post-Wiehahn era could see new attempts to foist plant-level committees" on African workers

Metal and Allied Workers' Union secretary Junerose Nala stressed that employers 'who have told us for years that they are waiting for Wiehahn" have not changed their views on black union recognition since his report "Now they simply tell us they'll talk to us when we're registered

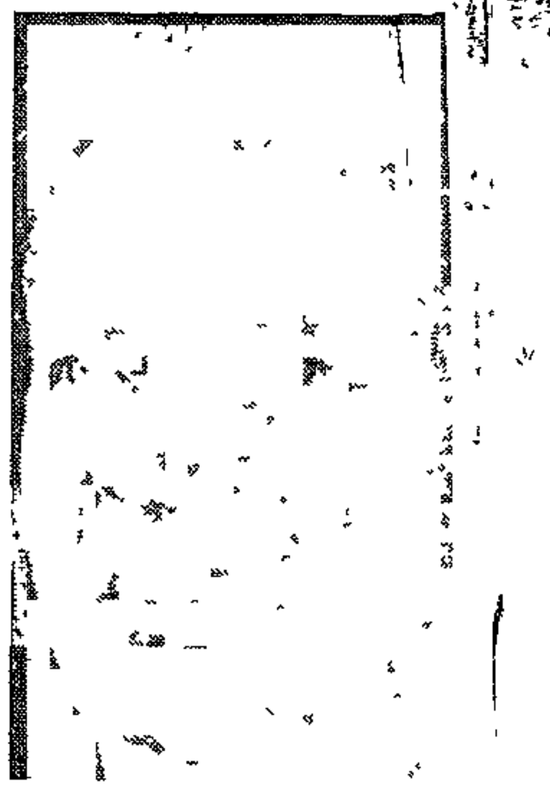
Erwin told the meeting that a "united front of all unions" was needed to oppose the new dispensation But the chances of support for his views from the registered union establishment are remote Webb told the meeting that despite its drawbacks, the new Act heralded 'a transformation and was a 'significant step forward" which will "generate new interest and life in the union movement '

Junerose Nala . the bosses still baulk

SCOPE

CHECKS THE DIFFERENCE A R500 FINE MAKES TO MADAM

It's back to homelands for them



● Manie Mulder
Wrab chairman

A NEW, stringent application of apartheid is forcing Black migrant workers back to the homelands — away from the Johannesburg area, industrial hub of the country.

Dr C N Phatudi, Chief Minister of Lebowa, told the Sunday Express "This could be extremely serious for us — it is vital that our young people coming into the labour market should find work Our economy is largely dependent on the earnings of migrant labour

"I shall take steps to discourage this at the highest possible level"

The Sunday Express has been told on good authority that instructions have been given that no new Black workers should be introduced to Johannesburg or the West Rand except in special circumstances

Employers say that where previously they had no problems introducing new contract workers to the area, they now have very great difficulty

And in the past fortnight there have been numerous prosecutions for employing "illegal" workers

This is the situation barely three weeks after Dr Piet Koornhof, Minister of Co-operation and Development, said in Washington that he had "declared war on the dompas The thing must be ousted completely out of my country and I have told my officials to work on it

"They have been doing it and the dompas will be

Reports:
JEAN LE MAY, MARIAN SHINN and CHARLIE MOGALE

ousted in my country sooner than later and I am working on a month time span and not a year time span

"The Government has accepted that this influx control thing must be changed in terms of the recommendations of the Riekert Commission"

But within a week of Dr Koornhof's speech a Government White Paper turned down key recommendations of the commission, deciding to retain much of the influx control system, including the prosecution of Blacks illegally employed in White areas

And the fine for employing illegal workers has been increased from R100 to a massive R500

In an investigation this week, the Sunday Express found that there was an almost total clamp-down on Blacks from the homelands or the platteland being allowed to make new contracts to work in Johannesburg or on the West Rand

Moreover, several employers confirmed that the West Rand Administration Board was trying to limit renewed contracts for migrant workers at present in the area

The Department of Co-operation and Development's Chief Commissioner for Johannesburg, Mr F B du Randt, told the Sunday Express that if an instruction had been given that no new Black workers were to be introduced to Johannesburg or the West Rand except in special circumstances, he had had not heard about it

"We are merely applying the law," he said

Mr A E Steenhuisen, Wrab's director of labour, told the Sunday Express that pass raids were being made regularly on a weekly basis throughout the board's area by Wrab officials

Mr Manie Mulder, Wrab chairman, confirmed that Wrab officials were still conducting raids, "but we point out to people that they must register their workers at once

"I have asked my staff to apply the law as leniently as possible"

Asked how it was that scores of "illegal" Black workers were arrested and their employers charged in court on the West Rand on June 28 after raids by Wrab officials in Florida and Roodepoort the previous night, Mr Mulder said "That was before the new law came into force"

Express What new law?

Mr Mulder The law increasing the maximum penalty to R500

Express But it has not yet come into force — it was only announced in Parliament on June 5

Mr Mulder There is no sensational story here I have issued Press statements appealing to people to register their employees — we don t want to prosecute people We'll give them plenty of time to do so before we start prosecuting again, possibly about the middle of August

Express You'll start prosecuting again in mid-August?

Mr Mulder We shall enforce the law as leniently as possible

On June 5, the day the new R500 fine was announced, Mr Mulder told Die Vaderland that people must register their "illegal" workers at once

"Those workers who do not qualify (under the Urban Areas Act) must be discharged," he said

"I can give employers the assurance that my officials will not start prosecuting left and right . we shall give people a reasonable time to get their affairs in order, but then we shall start prosecuting again"

The Sunday Express was also informed that close on 100 employers in Mondeor and Kibler Park were warned to register their illegal workers after raids by Wrab officials in the third week of June

And on Thursday last week about 65 people appeared in the Johannesburg Magistrate's Court charged with employing illegal workers

In one case, a policeman testified that he had been busy with pass raids since the beginning of this year and that he had been specially trained to handle such matters

Meanwhile a Wrab official told the Sunday Express that very few of the applications to register "illegal" workers would be granted Any application to register an illegal worker depended on the availability of local labour, he said

"For example, there is a big surplus of women domestic workers so exceptions will be made only in very rare cases — usually on compassionate grounds, such as an employer who needs a particular domestic worker to help look after an elderly relative

"On the other hand, there is a shortage of male domestic workers and such applications are more frequently granted"

Mrs Helen Suzman, Progressive Federal Party MP for Houghton, said that clamp-downs on migrant workers would be "an absolute disaster for the homelands, which depend largely on their earnings

"It's beyond me what the Government expects these workers to do — go back to a homeland where there is no work for them and starve?

"Obviously this would also have a disruptive effect on industry, because although migrant workers go home every year they don't normally stay away any longer than the usual vacation period Many come back year after year to the same employers for whom they develop attachment and loyalty — which is usually mutual

"Most of them are trained workers and if employers are forced to hire new labour, this involves expensive and time-consuming training

"This move displays a complete misunderstanding of the needs of the homelands and their migrants and the demands of industrialists

"I propose taking this up with Dr Koornhof as soon as possible."

● The daily scene outside the city offices of Wrab — hundreds of job seekers flock in to be registered as "legal"

New fines trigger a crisis in the lives of thousands

THE rigidity with which the Pass Laws are being applied since it became known that the fine for employing unregistered labour would be increased to R500 is causing a crisis in the lives of thousands of urban Blacks

The Black Sash office in Johannesburg is being swamped with requests for help from Blacks whose employers have told them to get registered or lose their jobs

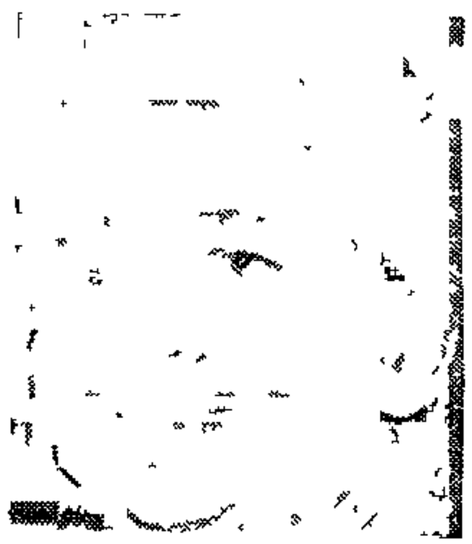
Before the increase in fines was announced, many employers were prepared to take their chances with pass raids, but few employers are prepared to take a R500 chance

"It's frantic here," said Mrs Sheena Duncan, head of the Black Sash advice office "It has never been like this at this time of year"

She said the new rigidity was going to close all avenues of illegal employment in the towns and it might mean a lot of families would starve

"It's going to concentrate the whole unemployment scene in the homelands People will have no alternative but crime You cannot sit and watch your children starve If you can't go out and get work you go out and steal"

For one man whom Mrs Duncan saw this week the road to crime has been trod before — for the same reason He arrived in Johannesburg from the Msinga Reserve, Natal, in 1959, when he was registered Sometime before 1973 he lost this job and could not



● Sheena Duncan
. . . "frantic here"

be re-registered so turned to crime

He served five years in jail for armed robbery and after his release in September, 1977 has been employed earning reasonable money

His employers have now told him to get registered or leave

Mrs Duncan said his only chance of being employed in Johannesburg was to return to Natal and to be recruited from there

"The chances of his being recruited from there are remote He only came to the Black Sash for help because he did not want to have to turn to crime again"

Employers have also been calling on the Black Sash for help One "madam" phoned to ask whether they could help with the registration of her maid who has worked unregistered for her for 20 years

As the maid is from Lesotho, Mrs Duncan told the woman there was no chance In that case, asked the woman, could the Black Sash please help her find a new maid.

The proposed R500 fine was undoubtedly proving an incentive to employ local labour and get rid of migrants, the Black Sash concludes

"We have evidence of this last aspect because the non-profit bodies who help domestic workers find jobs reported a surge of requests from housewives

At first the Black Sash imagined there had been an up-swing in the economy, but only too soon it became obvious that many people had discharged their unregistered domestic workers who now cannot find new jobs

"Many of these women will be forced to return to the homelands, where there is not the remotest chance of getting work.

"This is one of the most unpleasant aspects of apartheid — that it confines poverty to the rural areas instead of spreading the burden"

Mr James Rasmeni, who had been a contract worker with the Post Office, lost his job in 1975 Since then he has been waiting at the labour recruiting offices at Lady Frere for someone to offer him a job

In desperation last month he came to Johannesburg to look for work and has found that even if he was successful he could not be registered So he has to go back to the Transkei and wait a few more years before someone can offer him a job

But the Black Sash has found that requests to import labour from outside the area are generally refused.

● Dr Piet Koornhof
. . war on dompas

The stark rigidity of apartheid is even more appalling in the homelands where thousands of Blacks are being resettled

The picture is "devastating", said Bishop Desmond Tutu, secretary-general of the South African Council of Churches who has just returned from a visit to the Ciskei

He is writing a letter to the Prime Minister, Mr P W Botha, appealing to him "to stop these removals forthwith"

Haunting Bishop Tutu after his visit is the conversation he had with a young girl — one of two daughters of a widow who gets neither a grant nor a pension

She told the bishop that her mother had to borrow food "You look around the encampment in that Godforsaken place and it is surprising that there is anybody to borrow food from," said Bishop Tutu

The girl told him her mother was never able to return the food she borrowed

When asked what the family lived on when her mother was unable to borrow food the girl said they lived on water

He wants to appeal to the Government's "Christian compassion and sense of justice" to stop moving people around to areas where there are no jobs and little chance of their being able to support themselves

"If this fails I must show the international community the type of thing we are struggling against

"People are being moved just at the whim of somebody Do you think White people know what is happening in their name? I certainly will want to do all I can to try to help stop these removals."

In one of the areas he visited in the Eastern Cape Bishop Tutu was shown a village where Black people have lived for the past 50 years and are now being moved to the Ciskei because a freeway is planned through their village — sometime within the next 20 years.

"It seems clear to these people that apartheid, far from being a corpse, is alive and kicking — painfully so," he said

● Accurate figures of Black unemployment in Johannesburg and the West Rand are not available Official figures are just under 50 000, of which some 22 000 are men. These figures exclude the "illegals" which would make the total very much higher according to the Black Sash

Star 12/7/79 (166)

Labour: pace of change flags

(123)

The once dramatic pace of change on the labour front is flagging. The Star's labour reporter, SIEGFRIED HANNIG, reports on the finding of a survey.

The removal of labour discrimination has slowed down to a "small trend" although most employers say the rate of change is too slow

That is the upshot of a survey of 200 companies employing nearly 500 000 workers in a cross-section of commerce and industry

The survey, by the Fine Spamer Group, is the second conducted so far and is the most comprehensive of its kind

"Employers have reason to be proud of what they have achieved so far by way of black job advancement and desegregation of working places and facilities," commented Mr Bernard Chalmers, the Fine Spamer Group's director responsible for the survey

"But we found only a small trend towards further improvements over the past year

"This is particularly noticeable in remuneration practice and in the training of black employees relative to that of whites

"One is tempted to speculate that it may be becoming increasingly difficult or expensive to notch up further improvements

"Because 80 percent of the companies say they want to grant equal opportunities to all And 73 percent say they subscribe to a code of employment practice

"The majority believe that the rate at which discrimination is being removed is too slow," Mr Chalmers said

Some of the findings, of the survey — carried out just before the publication of the Wiehahn Report on labour legislation — are

- Desegregated offices existed in 89 percent of the 200 firms questioned, compared with 84 percent in the sample of 167 firms surveyed the year before
- Desegregated toilets were reported from 45 percent of the 200 firms, compared with 42 percent in last year's survey.
- More than half the firms paid minimum wages of more than R150 a month The average minimum wage was R154 a month — 14 percent more than the average in last year's survey
- More than two-thirds of the firms reported that they had an "integrated pay structure" and equal pay for equal work — little more than in the previous survey
- Almost six out of every 10 firms said trade unions prevented them from employing blacks in certain positions
- But more than three quarters reported that they had no objections from white staff to black advancement. Where whites objected, the objections came from fewer than a tenth of the whites
- A large number of firms reported that all race groups used the same offices, toilets and canteens without objections from white staff
- While the Wiehahn report may well have changed employers' attitudes towards black (unregistered) trade unions, it is interesting that this pre Wiehahn survey showed 37 percent of the firms ready to recognise unregistered unions

"Our information indicates that most employers will give favourable consideration to the recognition of black unions which become registered in terms of the new labour legislation," Mr Chalmers said

Mennonite Central Committee se Konferensie oor 'Die Rol van Geskiedkundige Vredeskerke', Gaborone, Botswana Verhandeling voorgelê oor 'The Role of Churches in Peace navorsings-Fellows het aansienlik tot die Sentrum se program bygedra: dr Sheila T. van der Horst, afgetrede

14

3

b) Sewentien persone wat gedurende die afgelope 10 jaar lede van die Beheerraad was (* dui stigters-lede aan)

Professor E.V. Axelson
Professor J F. Beekman
Professor J.F. Brock
Mnr C.S Corder*
Professor W.H.B. Dean
Dr J.P. Duminy*
Professor G.F.R. Ellis
Biskop A W. Habelgaarn
Mnr E.V.E Howes*
Professor M F.Kaplan
Ds. W.A. Landman
Mnr G.K. Lindsay
Sir Richard Luyt
Professor S J. Saunders
Professor H W. van der Merwe
Mede-professor D.J. Welsh
Professor Monica Wilson

Rand 13/7/

Prof

Wiehahn forecasts new era

166

LONDON — Professor Nic Wiehahn says his commission's full report on labour relations in South Africa will be finished by next June — and he believes a "new industrial dispensation" will operate in the Republic within five years

Prof Wiehahn left South Africa on May 20 after submitting the first of seven sections of the report He has toured Europe, North America and Britain explaining its findings and the reasoning behind the establishment of the commission

He has met Cabinet Ministers, government officials and business and industrial leaders during his tour

He told a Press conference here the South African Government had done well to introduce legislative changes since the submission of the first part of the report

"Considering the drastic nature of the recommendations and the short time involved, this is quite an achievement," Prof Wiehahn said

He said one of the criticisms he had come across was a disappointment about the gap between the recommendations and the legislative action taken, but he had been able to explain that the process of change was still going on and would not be complete until the report was finished and its full recommendations had been considered by the Government

Prof Wiehahn described the reaction of British government officials as "reserved approval" and said many people he had met were impressed by legal changes that had taken place in the Republic

British trade union leaders had refused to see him They had given no reason for this decision

The remaining parts of the report will include sections dealing with industrial development, training, social security, manpower and mining Migrant workers will also be investigated

Prof Wiehahn forecast "a difficult road ahead" for labour relations in the mining industry "I anticipate resistance We will have to take it into consideraton," he said

He believed his tour had been a success and that he had been able to persuade people not to make snap judgments but to wait until the operation had been completed

Prof Wiehahn will return to South Africa next Wednesday — Sapa-Reuter

to meet the challenge"

F.M. 23/11/79

ILLEGAL WORKERS (166) (205)

No hope left

"Those who believe that the benefits of capitalism and free enterprise can be spread through the whole population and can bring about justice must prove it and must do so now. Tomorrow will be too late."

- **Sheena Duncan, of the Black Sash,** in an emergency report after the moratorium for registering illegal workers

Rage and anger, bitterness and hatred are now all that is left to the people being "endorsed out" to the homelands since the deadline for registering illegal black workers expired on October 31, says Duncan. About 80 a day have sought advice and assistance from the Black Sash offices in Johannesburg since the moratorium lapsed but nothing can be done for them.

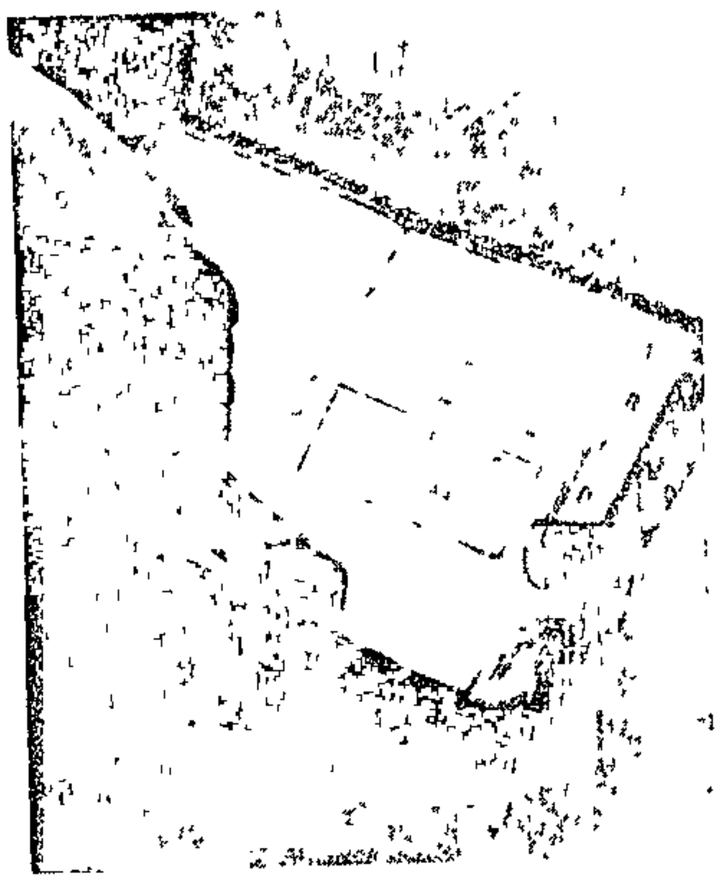
Their numbers are thought to reflect only part of the masses who each year migrate from the rural areas to the towns and industrial centres of SA in search of employment.

The dearth of employment opportunities in the homelands and concomitant poverty means that these workers stand a better chance of improving their living standards in urban areas even if they go to prison for three to nine months in the year (*F.M.* August 12).

The Sash's warning that the fuse to the "powder keg" referred to by the Prime Minister a year ago, is burning shorter by the day, is no exaggeration, says Duncan. 'When their children are threatened by starvation people get very, very angry.'

The three-month moratorium, and the prospect of a R500 fine on employers of "illegals," saw about 75 000 African workers flock to 14 administration boards around the country to obtain annually renewable permits enabling them to work in "white" SA. Many will probably not be in the same job at the end of their contract period and so will be unable to register again.

Apart from urban Africans who may



Endorsed out to a workless homeland

qualify to live and work in urban areas in terms of Section 10 of the Bantu (Urban Areas) Consolidation Act 1945, migrant labourers could legalise their position under the amnesty provided they had worked for one employer continuously for a year before July 31 or for more than one employer for three years. Proof had to be supplied.

Those employed after July 31 this year, as well as those in search of a job, must now return to their homeland. And the yearly entrants of new work-seekers (20 000 in Transkei alone) will now be stuck in the homelands dependent on requisitions for employment through their local bureaux and provided they have approved accommodation in the city.

Up to now, says the Black Sash report, the only saving factor for people controlled by the pass laws has been the total inefficiency of the system. Employers have now been effectively roped in to government's strategy of stemming the flow of work-seekers from the reserves.

Furthermore, the problem of unemployment is being transferred to the homelands, thus compounding the division of SA into two economies: the sub-subsistence economies of the homelands and the industrial economy of white SA.

LABOUR - LEGISLATION

9 JAN. 1980 — 30 April 1980

FATTIS & MONIS STRIKE

Imyanga ngokusele izakuphela abasebenzi abangama - 88 bakwa eBell[illegible] South benogwayimbo. Into ebangele ukuba bagwayimbe sebe[illegible]hlanu ebebesebenza nabo. Bathi unobangela wokugxot bahl[illegible]uba bebengamalungu eTrades Unions Le union [illegible] nonto [illegible]thwano lokuba kunyuswe imali ibeyi - R48 ngevek iyure [illegible] - 8 ngemini. Umphathi weFektri leyo uthe ezizint phezu [illegible]ndla yaye ziya'kwenza uqhushululu efemini.

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Ayanda amanani abantu abazibanakanyileyo nabasebenzi abagw yeentl[illegible], [illegible]iso zokuxhasa abasebenzi kwive-i ephelileyo kube University nakwano Kolegi ababafundi kwe - 500. Ababafundi U.W.C., [illegible]wat, Bellvill Technical College, Peninsula Train bath[illegible]sebenzi mabaphinde baqeshwe kungenjalo yonke imve ingath[illegible]wa.

Umbutho ovi Western Province Traders Association uthe uza awo ukuba angayithengi imveliso yaleFektri de bavume uthet

Umbutho ovi South African Council of Sports SACOS ucele on zonke izikolo ezinonxibelelwano kunye nabo ukuba zixhase phindo baqeshwe. Yaye akufuneki bayithenge imveliso yale

Abanfundi base U.C.T. bayenzile eyabo intlanganiso bebona Bacele ukuba imveliso zakwe Fattis & Monis zingathengwa o

UFattis & Monis uphikele ukuthi akukho ngxabano nakungeval lowa ungumphathi wefem le uthi, ukhathazekile xa kusithiw theng[illegible]abamNyama njengoko inkxaso enkulu ivela kwabo b Fem [illegible]e abasebenzi abangabanye ukuba basebenze endawe ukuze [illegible]qokho imveliso, kodwa imveliso yehlile.

Ngubani [illegible]Fattis & Monis? UFattis & Monis yifektri enezim Re[illegible]elf raising flour, Cake flour, Bread flour, Si Whe[illegible]eat flour; Philadelphia flour; Koeberg Mille Fat[illegible]nis icecream,cones, cake cups and wafers; Fat sp[illegible]hells, ribbons, rings, dilatines; Princess, P Che[illegible]d Roma - macaroni, spagetti, shells, ribbons, Wre[illegible]n Bakery in Observatory; Ultra Bakery in Somer in Elsies River.

Labour court law to change

166

9/1/82

By STEVEN FRIEDMAN
Labour Reporter

MAJOR changes to the controversial legislation which set up South Africa's first fully-fledged labour court are expected early in the forthcoming parliamentary session

A major effect of the changes is likely to be the establishment of a right of appeal from the court's decisions.

The legislation has been criticised because it contains no right of appeal, thus giving it "excessive power", according to its critics

Other changes are expected to rectify drafting errors in the legislation which has left the court without certain powers, other South African courts enjoy

The court, which is expected to play a major part in the new labour dispensation ushered in by the Wiehahn Commission, was intended to have the same powers as a division of the Supreme Court

One of its tasks will be to hear complaints by non-black workers who claim that they have lost their jobs because black workers have been promoted.

Reports late last year indicated the legislation would be changed

It is now understood the Minister of Manpower Utilisation, Mr Fanie Botha, has requested the drafting of amendments be completed as quickly as possible.

The legislation has been criticised by lawyers because it gives the court the power to decide on both "disputes of right" (disputes about the interpretation of an existing law) and "disputes of interest" (issues such as wage negotiations)

The Wiehahn Commission recommended that the court handle disputes of right only

The legislation has also led, lawyers say, to technical problems for the court. It has no right to subpoena witnesses or evidence on oath, for example.

There has also been criticism of the court's "law-making power" — it has the power to develop new legislation by setting precedents

It is not yet known how far the amending legislation will go in meeting these criticisms.

It is, however, certain to remove most of the technical problems facing the court and to bring its powers into line with those of other South African courts

Jobs at the top

166

NOW that the Government has effectively given the green light for Blacks to be appointed to positions of authority over Whites one must conclude that the last stage in the dismantlement of the job reservation laws has been reached.

From now on it will be left to employers to decide whether Blacks should be given positions of authority in their enterprises, and it will be up to them to set the pace in this dramatic new development on the South African labour scene. If they tend to move cautiously, then that will be understandable After all the country has adhered for more than 30 years to a convention which has made authority in the hands of Blacks virtually unthinkable.

However the accession of Blacks to stations of responsibility should be a natural sequence now that doors have been opened to them in so many sectors of commerce and industry It is a question of how quickly people can adapt to a changing order.

At this stage we must be thankful that the discriminatory legislation which precluded this Black advancement has been removed As long as it remained on the statute books it simply made nonsense of the Government's professed intention to move towards equal opportunity for all

Drastic switch in S.A. labour laws

NM 10/1/80 (166) ~~327~~

Political Reporter

"TOILET apartheid" and all other compulsory provisions of separate facilities for workers are to be abolished as part of the Government's drive to remove all reference to race from labour legislation.

The move follows the recommendation by the Wiehahn Commission that the law be repealed and is seen as a further step towards dismantling apartheid.

A Department of Labour spokesman said in Pretoria yesterday the Government was not enforcing the law although it was still on the statute books. The question of sharing was up to employers and workers.

Canteens

He said local option could extend to canteens, washrooms, toilets, recreational facilities and clinics

However, the Mercury could not establish when amending legislation would be considered by Parliament, although the matter was "receiving attention".

A section of the Shops and Offices Act provides for separate facilities for the different races

"We don't want to force anyone to integrate Neither do we want to enforce segregation," the spokesman said He believed most facilities would remain separate by choice.

Mr Andre Malherbe, president of the Trade Union Council of South Africa, said from Johannesburg he welcomed anything which would help eliminate race friction

He did not see the move making much difference to the everyday worker because the Government had been turning a blind eye to shared facilities for a few years

"This will remove one of the sticks with which the Government has been beaten"

Mr Ray Swart, national vice-chairman of the PFP, called for amending legislation to be considered during the coming session of Parliament.

Easy

"There seems to be no reason why this should not be done The Government has never been slow to introduce legislation to enforce its apartheid policies The relevant pieces of existing legislation are easily identifiable"

Mr Vause Raw, leader of the NRP, said "One of the problems I have had with the Government's new direction has been that it has acted by exemption and turned a blind eye to discrimination by legislation It will certainly be a step forward to see this practice changed by abolishing the laws themselves"

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f the mortality associated

in italics in Table I. For Asian and 'coloured' mortality

the South African population from all causes of death. The proportional contribution of the seventeen major disease categories of the International Classification of Disease (8th revision) to the overall mortality of the various communities is summarised in Fig. 5. The whites show a typical 'developed' country spectrum of mortality with Infectious and Parasitic Diseases being of minor importance (2,0%) and Neo-

of the Circulatory system (50

If the mortality rates (Table I) are compared with the proportional mortalities for the seventeen major disease categories (Fig. 5), it will be noted that despite the relatively minor proportional contribution made by circulatory diseases in the 'coloured' community, the actual rates for these diseases are higher than those of the whites. The reason for this apparent inconsistency is that the mortality rates for Infectious and Parasitic Diseases are so high that they effectively swamp the proportional mortality of the Circulatory Diseases in the 'coloured' community. In the white community, the mortality rates for most causes of death are so low, the importance of the Circulatory diseases become disproportionately exaggerated.

Warnings on plan for immigrants

Own Correspondent

JOHANNESBURG — Plans to ease restrictions on overseas immigration to South Africa evoked warnings yesterday on the need to proceed carefully to avoid black resentment and with it a consequent deterioration in race relations

Details of the plans were published in a Sunday Times report quoting the Minister of the Interior, Mr Alwyn Schlebusch A similar report was published in Rapport under the heading ' SA oils gears for immigrants

The shortage of skilled workers and the rising tempo of economic growth were given as two reasons for the decisions to facilitate speedier overseas immigration

Mr Schlebusch was not available for comment yesterday, but according to both reports he is expected to announce soon an increase in the present travel grant of R275 to immigrants, as well as waiving a requirement that overseas artisans have firm employment offers before being allowed into the country

Warning of the danger of black resentment at a sudden inflow of white immigrants, Mrs Helen Suzman, Progressive Federal Party MP, said "It must be made absolutely clear that the move is to relieve the present shortage of skilled workers and not to delay permanently black advance

She suggested two steps to avoid misunderstanding — an immediate advance in the training of black workers and a publicity campaign to explain the motive as economic growth in the interests of all

She said that even with accelerated training of blacks for skilled work, there would be an interim shortage of skilled workers, which would have to made good through overseas immigration

But immigration of overseas skilled workers should be in addition to, not instead of, of training of black workers," she said

The Prime Minister's economic adviser, Dr Simon Brand, said "Past experience has shown that when the growth rate reaches about five percent there are severe difficulties in the supply of skilled labour "

Projections of future economic growth, he said, identified skilled labour shortages as one of the contraints that had to be overcome

Even if the highest priority were given to the training of black workers, it would take some time before the supply would match the demand in an expanding economy

Dr Brand, who has repeatedly recorded his concern about rising black unemployment, emphasized that to reduce unemployment, a higher rate of economic growth was needed and to get faster economic growth, the shortfall in skilled labour had to be made good

Dr Francis Wilson of the University of Cape Town had a different perspective — that importation of skilled workers from overseas was a stop-gap measure to avoid a fundamental restructuring of South Africa in the direction of a non-racial society

"As long as South Africa relies on overseas skilled workers, for so long are we going to avoid restructuring of our education and training system to provide our own skilled workers," he said

South Africa should be aware of the "politicial dimension ' to any programme to encourage overseas or white immigration

This was that the new, white immigrants would be eligible to qualify for South African citizenship at a time when South African-born blacks were being stripped of theirs in terms of the homeland policy

One of the fundamental problems was the industrial colour bar, which restricted the levels to which blacks could rise and therefore put a ceiling on the number of skilled black workers, Dr Wilson said

Bishop Desmond Tutu, secretary-general of the South Africa Council of Churches, said of the prospect of accelerated overseas immigration "It will exacerbate already tense race relations The new whites will soon enjoy rights will indigenous people are denied "

He agreed with Dr Wilson that increased immigration should not be viewed as a temporary measure to solve a problem, but as a means of avoiding the real problem of training blacks and removing the colour bar

A 1978 amendment to the Citizenship Act reduced the period of residence for an immigrant to become a South African citizen from five to two years

Any male immigrant under the age of 25 automatically becomes a citizen by naturalization after two years unless he specifically declares his wish not to become a citizen (in which case he loses his permanent residence permit)

Citizens by naturalization after two years become liable for military service in terms of an amendment to the Defence Act made at the same time as the Citizenship Act amendment

IV DISEASES OF BLOOD AND BLOOD-FORMING ORGANS

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	0,02	0,03	0,20	0,21	0,06	0,16	0,06	0,06
1-4	0,01	0,01	0,02	0,00	0,02	0,04	0,01	0,01
5-24	0,00	0,00	0,01	0,01	0,01	0,01	0,01	0,01
25-44	0,01	0,01	0,01	0,02	0,00	0,01	0,01	0,01
45-64	0,02	0,02	0,03	0,03	0,06	0,04	0,01	0,03
65+	0,11	0,11	0,13	0,15	0,13	0,15	0,03	0,03
ALL	0,01	0,02	0,02	0,02	0,02	0,03	0,01	0,01
NO.	30	34	7	7	21	31	23	21

VI DISEASES OF THE NERVOUS SYSTEM AND SENSE ORGANS

0-1	0,17	0,11	0,21	0,23	0,18	0,16	0,06	0,05	0,20	0,18
1-4	0,37	0,33	0,94	0,72	0,66	0,52	0,12	0,20	0,20	0,18
5-24	3,33	1,85	4,88	2,14	2,75	1,72	0,92	1,46	1,46	1,13
25-44	16,51	13,42	20,07	10,49	9,32	6,19	7,89	11,52	11,52	9,09
45-64	1,22	0,79	2,87	2,22	1,37	1,24	0,97	1,12	1,12	0,97
65+	430	282	3270	2588	2858	1951	2019	2336	2336	2019

Consolidate laws call by professor

C.T. 25/1/80 (166) ~~(206)~~

By VAL CARTER-JOHNSON

THE legislative framework of South Africa could be changed dramatically with a number of small acts consolidated into three comprehensive acts which would cover everything from employment and industrial relations to community development, the deputy chairman of the National Manpower Commission said yesterday

Professor P J van der Merwe was addressing the annual meeting at UCT of the executive council of the SA Institute of Race Relations on "the implications of the Wiehahn and Riekert Commission reports — the government response"

The three new comprehensive acts would be

- The Employment and Training Act which would deal with all employment and training matters on a non-discriminatory basis,
- The Industrial Relations Act which would embody all relevant provisions of the Industrial Conciliation Act of 1956 and the Black Labour Relations Act of 1953, and
- The Black Community Development Act which would be a completely new act embodying only some of the relevant provisions of the Black Areas Consolidation Act of 1945, the Black Affairs Admministration Act of 1971 and the Community Councils Act of 1977

Professor Van der Merwe said the commissions' reports had been concentrated on white areas as it would have taken a far greater length of time to cover a wider area and it was felt the report was needed urgently

Mixed reaction

He said the report had met with mixed reaction, but that both commissions were continuing their investigations and would produce a more detailed report during the early part of 1980

"Admittedly much has to be done in regard to the elimination of discrimination in certain fields, but I think it is important not to take too critical a view on this, as many of the changes that have taken place in 1979 would never have been considered possible in 1978."

Mr Bobby Godsell, a member of the Anglo American Corporation industrial relations team in Johannesburg, said that the most urgent need in South Africa was for a more flexible influx control plan

He said that ideally there should be no influx control

Underdevelopmnent

He compared the situation in South Africa to that in Iran where, he said, much of the trouble had been caused by rapid development in cities while rural areas were undeveloped

He found that most groups in South Africa were either saying "we are changing everything" or "there is no change at all"

This was wrong and the greatest need for South Africa was a change from present rhetoric to a future practical and positive change for all people, he said

Reversal of labour reforms to be sought

Star 31/1/80

166 177 179

By Sieg Hannig, Labour Reporter

Calls for complete reversal of thorny labour reforms will be debated at the two-yearly congress of the 200 000-strong white Confederation of Labour in Pretoria next week.

The calls appear in a "strictly confidential" report compiled on instructions of the confederation's executive by a special committee headed by Mr P J "Arrie" Paulus, leader of the Mineworkers' Union

The report is down for debate next Thursday, a day after the opening speeches which are to be heard by Dr Nic Wiehahn, chairman of the commission responsible for the labour reforms

The most controversial recommendations from Mr Paulus's committee are.

- That the confederation continue to reject the granting of trade-union rights to blacks
- That the Minister (of Manpower Utilisation) be seriously requested to restore the principle of job reservation to the Statute Book, or to provide legislation ensuring security to the white worker.
- That the Minister be requested to prohibit supervision over whites by people of other races.
- That the confederation express itself strongly against the training of black apprentices in "white" areas — and consider action to be taken if the Government permits this.
- That the Government be asked to have black strikers sent back to their homeland or country of origin summarily and that they be prohibited from re-entry to South Africa
- That the confederation demand that white workers' industrial councils remain white as long as Parliament remains white
- That legislation be demanded to prohibit existing and future "mixed" and "parallel" trade unions and federations of unions
- That the existence of any organisation which appears to be a trade union be prohibited unless it is registered in terms of the law
- That the confederation urge the Government to prohibit all foreign labour codes which have not been approved by the State, since foreign companies should not upset South Africa's social order.

The five-man committee which compiled the report supported the creation of the National Manpower Commission and the Industrial Court

It deplored, however, that the commission included races other than white and group interests other than the State, employer and workers' bodies

It also called for the term "unfair labour practice" to be defined in law rather than being left to the Industrial Court's discretion

BUSINESS MERCURY

Big black advance foreseen

Deputy Financial Editor

THE advance of the black worker will run like a scarlet thread through the economic and social fabric of the eighties, Mr Roland Freakes, executive director of the Natal Chamber of Industries, said yestrday.

He was speaking to the Chartered Institute of Secretaries

Mr Freakes said that the differential between the average earnings of a white person and a black person in industry was 4,57 times

This had decreased from the figure in 1973 when whites earned 5,76 times the amount earned by blacks

He said this figure was an index of frustration It was not caused by discrimination, because this was not built into industrial council agreements

Problem

'The problem is that the black worker has been able to reach a certain point and go no further,' Mr Freakes said

He believed that the factor would be slashed The last vestiges of job reservation were being phased out, and while the barriers of blacks by-passing whites were still present as well as problems with apprenticeships, they were receding

The situation of black people would improve if there was an 'unprecedented' expansion of education and training facilities There was a great deal to be done and industry had failed to act adequately in this sphere in the past decade

Recent decisions by the Government to encourage immigrants showed up the shortfall in training against the background of a million or more unemployed black people

Mr Freakes said it would be much better if the Government decided to spend R250 million on expanding training so that the need to import skilled workers would be reduced in future.

Growth

Another factor was the development of trade union rights for black people The decision to limit multiracial unions was wrong, and the current uniracial trade union provisions would promote polarisation

Thirdly, there was a need to have a backdrop of satisfactory economic development Actions such as removing job reservation, influx control, changes to legislation and so on would be of little use if the country was stagnating

It was necessary to have a growth rate of 5,5 to 6 percent, and the seventies were marked by the failure to reach the level set by the planners

Mr Freakes said that a year ago the required growth rate seemed a remote target but 'the outlook has certainly changed and is now almost within reach this year and can be expected to continue, at least, until the latter part of 1981.'

10 - 10.50 a.m.	French I	
10 - 10.50 a.m.	Education	
10 - 10.50 a.m.	Law	

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10 - 10.50 a.m. French
10 - 10.50 a.m. Afrikaans/French
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Monday, 19th February (Course Info
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Religious "
Speech and "
French/Ita "
Political "
History "
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10 - 12.00 p.m. Afrikaans/ "

f gold weighing between 4,25 and 4,725 grams.
Sunday, 18th February (Student Work
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9 - 9.50 a.m.	Social Anthr	
10 - 10.50 a.m.	Archaeology	
10 - 10.50 a.m.	Public Admin	
11 - 11.50 a.m.	Speech and	
2 - 2.50 p.m.	Political S	
2 - 2.50 p.m.	Librarians	
3 - 3.50 p.m.	Cagl	
4 - 4.50 p.m.	History	
5 - 5.50 p.m.	Sociology	
8 - 8.50 p.m.	Religious	
9 - 9.50 p.m.	African La	

They imagine
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Saturday 17th February (Course Info

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its of Tunis ran in a crowd to see it.

From Ibn Khaldun (1332-1406)
History of the Berbers
Penguin Classics 1700

Time Lectur
9 - 9.50 a.m. Social Anthr
10 - 10.50 a.m. Archaeology
10 - 10.50 a.m. Public Admin
11 - 11.50 a.m. Speech and
2 - 2.50 p.m. Political S
2 - 2.50 p.m. Librarians
3 - 3.50 p.m. Cagl
4 - 4.50 p.m. History
5 - 5.50 p.m. Sociology
8 - 8.50 p.m. Religious
9 - 9.50 p.m. African La

Ghiaru possibly lay
Saharan between Tripoli and Lake Chad.
in Tunis in the thirteenth century.
Feb (P7-00) and the Residence
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Please complete and return the
6. 3/...

To the Dean, Faculty of Arts,

DETACHED PROGRAMME

APARTHEID

Start weeding at the roots

The SA statute book contains close on 1 900 pages of law devoted exclusively to the control and administration of blacks. Those laws, in turn, have spawned thousands more pages of administrative regulations — solely for blacks. This implies discrimination on a scale almost too massive to contemplate. To a lesser extent, but no less humiliating, the Statutes of the Republic discriminate against the black minorities (coloureds and Asians).

> **QUOTE** *We can be, and are, well on the way to achieving in my country equality for all people before the law and equal chances and opportunities.*
>
> **Piet Koornhof in the US, June 1979**

The two Bothas (Pik and PW) are committed to a programme of reform, a retreat from discrimination based on colour. This means that the massive restrictive structure of laws, rules and regulations will have to be dismantled to fulfil their public undertakings. And to do so would require the destruction of the fundamental pillars of apartheid.

Not to do so would dash the expectations of millions and invite violent backlash. Changes wrought by the Riekert and Wiehahn recommendations have not materially changed the quality of life for blacks. The post-Wiehahn Industrial Conciliation Act is a major improvement on its predecessor but it is still far from perfect and clearly has not won the confidence of most black workers.

Riekert, on the other hand, favours phasing out the harsher aspects of the pass laws and influx control, but he proposes to replace it with far more subtle control machinery linking the presence of a black man in a prescribed area to the availability of a job and housing.

"People who managed to get jobs illegally in the past just cannot get employment now because the new R500 fines which employers have to pay prevents them from employing unregistered staff," Sheena Duncan, of the Black Sash advice bureau, told the Institute of Race Relations conference in Cape Town last week.

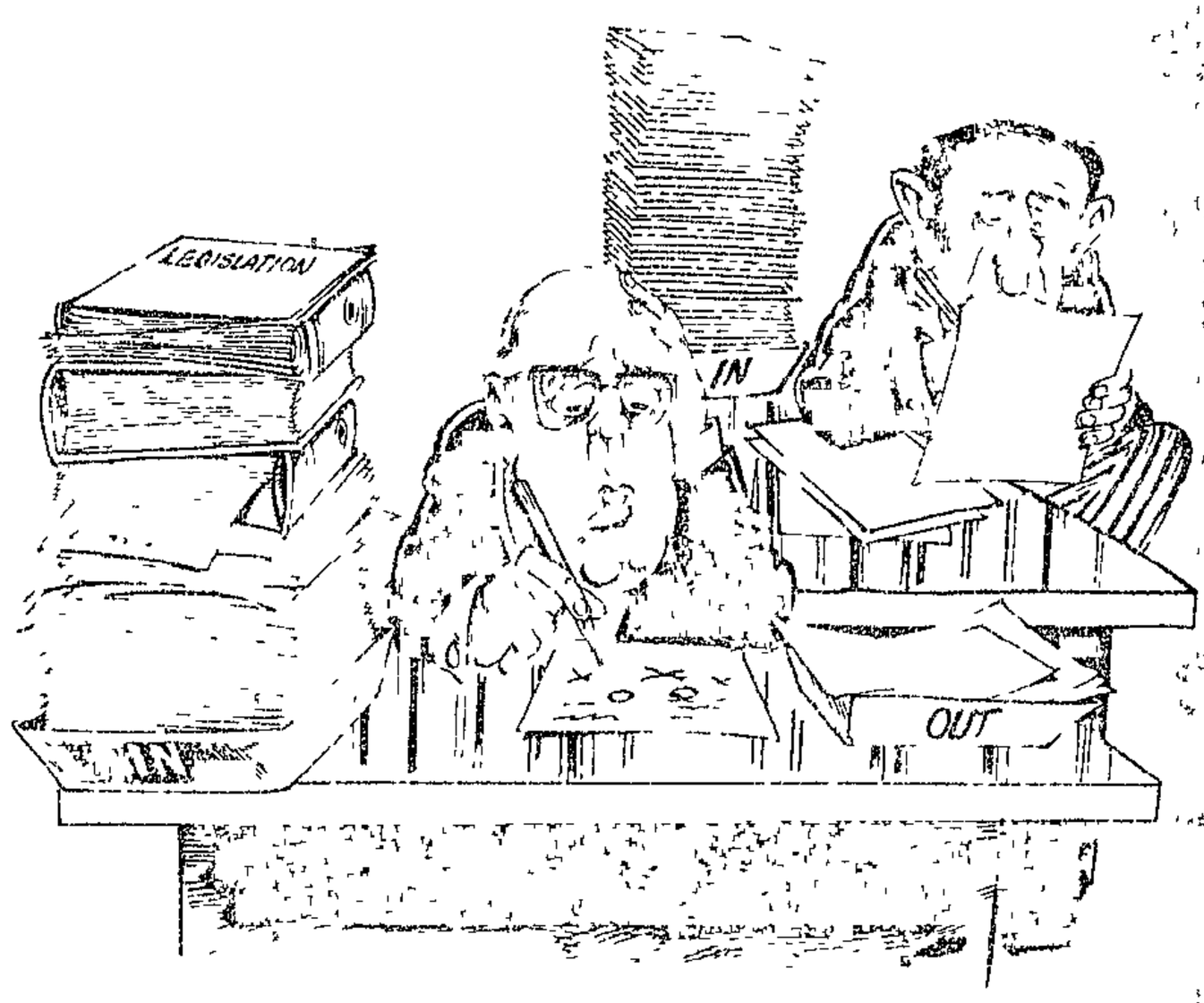
To catch up with the backlog, 63 000 houses a year will have to be provided between now and the end of the century for blacks in the main industrial areas.

The new measures are more efficient but they do not represent a retreat from discrimination. At every turn, unless there is a radical decision to scrap the ideology of separate development, the bureaucrats drafting the new enlightened laws are going to run into conflicts and contradictions between the political dictates of apartheid and the economic dictates of the free market.

It is difficult to understand why a white school leaver from say Eshowe can freely sell his labour in Durban, Johannesburg or Cape Town to the highest bidder, but a Zulu schoolboy wanting to do the same should run into a labyrinth of regulations excluding him, controlling him, restricting him.

Prof. P. J. van der Merwe, deputy chairman of the Manpower Commission, says the legislative framework of the country could be changed dramatically with a number of small Acts consolidated into three comprehensive Acts covering everything from employment and industrial relations to community affairs.

The three new Acts would be the 1) Employment and Training Act dealing with all employment and training matters on a non-discriminatory basis; 2) the Industrial Relations Act embodying all relevant provisions of the IC Act (1956) and the Black Labour Relations Act (1953); and 3) the Black Community Development Act, a new Act incorporating some of the provisions of the Black Urban Areas



Consolidation Act (1945) the Black Affairs Administration Act (1971), and the Black Community Councils Act (1977)

If apartheid is taken out of these pro

QUOTE *Discrimination, a system which seeks to maintain a superiority of one man by force at the cost of another man's dignity, has no place in the world of today*

P W Botha September 6 1979

posed consolidation acts what will be put in its place to soothe growing unease in NP ranks? It's a Catch 22 situation for PW, steering the ship of state between Scylla and Charybdis, but at least he is now in a position to postpone the critical decision on political representation of blacks Before he gets to that there is much he can do to create the right sort of atmosphere for profound constitutional change

Yearly some 240 000 blacks are arrested and prosecuted under the pass laws In a paper to the SA Institute of Race Relations in 1977 Michael Savage of UCT calculated the cost of the arrests — the cost of SAP and administration board patrols, the prosecution, the loss of production, imprisonment, the issue of new passes, administration of labour bureaux migrant labour contracts, aid centres, transit camps, the cost of endorsements out — and he arrived at a figure of R112,8m a year

At a conservative estimate it will cost R2 billion to launch the remaining homelands to independence plus another R2 billion to effect radical consolidation without which viable independence will not be possible

Then there is the cost of administering the Group Areas Act By December 31 1977, 106 074 coloured and Asian families had been moved This involved 536 739 people at an average expense of R100 a person In addition 819 white group areas 550 coloured areas and 250 group areas for Asians were in the course of establishment

And what of the cost of maintaining a system of oscillating migration and homelands commuters It is possible that in the past 20 years the application of apartheid dogma has cost the country about R18 billion in abortive spending —and that does not include the human cost and the cost of bitterness engendered

The idea seems to be gaining ground at least among NP editors, academics and intelligentsia that the loyalty of blacks must be secured by conceding them SA citizenship if they want it

A fifth column

The alternative, as Magnus Malan and other verligte generals have pointed out is that the country must face its enemies with a fifth column of 20m people at its rear The creation of work and the elimination of the industrial colour bar are obvious short term priorities but sooner or later government will have to get around to dismantling laws and practices conferring inferior status on blacks

These include

The Population Registration Act which divides South Africans into first second and third-class citizens

The Group Areas Act which allocates social and residential rights according to the colour of a person's skin

The Reservation of Separate Amenities Act, a reinforcement of the Group Areas Act

Prohibition of Mixed Marriages Act a flagrant travesty of the holy sacrament to which NP politicians pay lip service

Section 16 of the Immorality Act a relic of the national socialist notion of racial purity

Prohibition of Improper Political Interference Act This 10-year-old instrument preventing racial mixing in political parties serves no purpose today as coloureds, Indians and blacks are not represented in Parliament and cannot vote for white parties

The Status Acts of the three independent homelands These must be amended to restore the right of option of black citizens to retain their South African citizenship

The Black Urban Areas Consolidation Act This law which embodies the pass laws is a crass violation of human rights in that a man is penalised for looking for work in his own country and an employer can be fined R500 for employing a man without the right ideological credentials

The Black Labour Act and the Black Administration Act

QUOTE *As far as black labour is concerned it is our aim to simplify the identification system of black people in other words, to do away with the so-called "dompas" as soon as possible and replace it with an identification document similar to the one carried by whites and other population groups*

Piet Koornhof, February 8 1979

In addition all tertiary and technical education should be desegregated and placed under a single government department to eliminate wasteful separate budgetary appropriation for education

This then is the awesome work of reconstruction facing government if it is not to be accused of failing to match its words with deeds The *FM* hopes this parliamentary session will see a vigorous start to the reforms to which the Botha administration has clearly and repeatedly pledged itself

Hansard

Slute Mrs. address

Hansard 1 (8) 1/2/80.

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The other outstanding feature of the past year in the field of labour and employment was the release of the report of the Wiehahn Commission of Inquiry The Wiehahn Report dealt with sensitive key issues in industrial and labour relations which have not been subjected to systematic study since 1952 In accepting the majority of the Commission's recommendations the Government has demonstrated its determination to lay solid foundations for a dynamic and adaptable labour policy in a complex society

In essence the Commission's report puts forward the principle of a uniform and co-ordinated industrial relations system as the key to continued industrial peace and the optimum utilization and development of manpower Together with the Riekert Report it has paved the way for a new framework of labour relations in South Africa The National Manpower Commission has introduced a fresh dispensation into industrial relations in the Republic since it will continually monitor both the labour market and the industrial relations system and advise the Government on developments and changes deemed necessary to maintain industrial peace

The Wiehahn Commission also held that the rational solution to the question of the alleged unfair displacement of workers lay in deliberation and consensus and, in the last resort, a right of recourse to an industrial court The establishment of this body has also ushered in a significant era in our system of industrial relations It will give impetus to the development of South Africa's labour laws and also be an important instrument in the attainment of equity and the entrenchment of the market system

State President's address 1/2/80

Hansard 1 (8)

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Considerable progress has been made towards the necessary restructuring, consolidation and bringing up to date of legislation relating to training and employment as proposed by the Commission The necessary preliminary steps have, for example, been taken to establish a Standing Committee on Labour Legislation and a permanent secretariat which will fall under the Department of Manpower Utilization

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MIN. FANIE KAP PAULUS OOR SY DREIGEMENTE

Verregaande vermetel!

Deur JOHAN VOSLOO

MNR. ARRIE PAULUS, hoofsekretaris van die Mynwerkersunie, se volgehoue rassistiese en konfrontasie-taal word deur die Regering in 'n baie ernstige lig beskou. Sy bedekte dreigemente hou die gevaar van die verstoring van die delikate arbeidsverhoudinge in die land in.

Dié afleiding maak RAPPORT na 'n lang gesprek met mnr Fanie Botha, Minister van Mannekragbenutting Hy is genader na aanleiding van mnr. Paulus se jongste aanvalle op die Regering waarin hy onder meer gedreig het dat 1980 'n jaar van konfrontasie tussen die blanke werker en die Regering kan word".

Min Botha sê dat mnr. Paulus die Regering verlede jaar met 'n mynstaking probeer konfronteer het Die helfte van sy eie vakbondlede (skieters in die myne) was egter nie bereid om hom daarin te volg nie.

Die Minister wys daarop dat niemand behalwe mnr. Paulus self konfrontasie wil hê nie Hy gaan uit sy pad om dit te probeer afdwing

Die gevaar van sulke konfrontasie waaroor mnr. Paulus so lig praat, strek vér Dit kan die ekonomie knou, dit kan 'n politiese reaksie tot gevolg hê wat die gevolge verreikend kan wees en dit kan die huidige goeie en delikate verhoudinge in die arbeidsveld benadeel wat so noodsaaklik vir arbeidsvrede is, sê mnr Botha

Op sy beurt kan arbeidsonrus uitkring tot die benadeling van verhoudinge op ander vlakke binne die veelvolkige struktuur van Suid-Afrika „Soek mnr Paulus in hierdie tye hierna?" vra mnr Botha.

Hy sê dat voor 'n mens egter mnr. Paulus en sy dreigemente te hoog aanslaan, daar 'n bietjie gevra moet word of mnr Paulus namens meer as een of twee van die 84 blanke vakbonde in die land praat Om die waarheid te sê, praat hy nie eens namens al agt mynwerkersvakbonde nie

Dié week het mnr. Paulus hom onder meer uitgespreek teen die standpunt van die Minister van Mynwese, mnr. F W de Klerk, dat die Regering sal voortgaan met die opleiding van swart werkers in Suid Afrika en Bophuthatswana Volgens mnr Paulus kom dié standpunt 'n ultimatum neer.

Mnr. Botha sluit hom by Min De Klerk se standpunt aan en sê dat die Regering verbind is om alle werkers, ongeag ras of kleur, in Suid-Afrika op te lei Bedoel mnr Paulus dat anderkleuriges nie opgelei moet word nie, en wat bedoel hy met 'n ultimatum? Beteken dit dat daar konfrontasie gaan kom as die Regering anderkleuriges ook oplei? wil die Minister weet

Hy beklemtoon dit dat as enige werker, oor die blanke, hom verontreg voel, daar 'n hof is waarheen hy hom kan wend Waarom hierdie konfrontasie-taal, vra mnr. Botha.

Die Minister het hom sterk uitgespreek teen 'n ander uitlating van mnr Paulus, soos berig in die dagbladpers. Mnr Paulus sou gesê het dat hy die Regering se versekering verwerp dat die blanke werker voldoende beskerming onder die nuwe arbeidswetgewing geniet

Hy het bygevoeg: „Watter beskerming het die blanke werker onder die wet bo en behalwe wat gekleurde werkers het? Daar word geen onderdrukkingsposisie aan die blanke werker toegestaan nie."

Hierop antwoord mnr. Botha: „Dié uitlating is verregaande vermetel Hoekom moet het blanke werkers afsonderlike beskermingsmaatreels geniet? Ons is hier vir gelyke behandeling en ons regstelsel is ingestel op billikheid vir almal Hoekom wil mnr Paulus billikheid verwerp?

„Sy standpunt is 'n voorbeeld van brutaliteit — hy wil namlik standaarde vir blanke werkers [illegible] wat moet verskil van die van werkers van 'n ander kleur."

Op mnr Paulus se ander beskuldiging dat samesprekinge met die Konfederasie van Arbeid oor veranderinge in arbeidswetgewing eers gevoer is ná die opstel van konsepwetgewing antwoord mnr Botha: „Dié uitlating is verregaande vermetel Hoekom moet die blanke werkers afsonderlike beskermingsmaatreels geniet? Ons is hier vir gelyke behandeling en ons regstelsel is ingestel op billikheid vir almal Hoekom wil mnr Paulus billikheid verwerp?

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Mnr Botha wetgewing het voorgeg-

vloei uit die verslag van die Wiehahn-kommissie waarin mnr Paulus se eie president, mnr Attie Nieuwoudt, sitting en inspraak gehad het Dié vakbonde wat sitting in die kommissie gehad het, het nie net inspraak gehad nie, maar ook help skep aan al die beginsels wat in die kommissieverslag opgeneem is."

Dit is algemene gebruik dat konseptwetgewing opgestel of gepubliseer word vir 'n basis in die finale onderhandelingsfase Dit is bekend dat mnr. Botha nie net die konsepwetgewing uitgestuur het nie, maar ook persoonlike moeite gedoen het om by 'n paar geleenthede die betrokke instansies te gaan inlig.

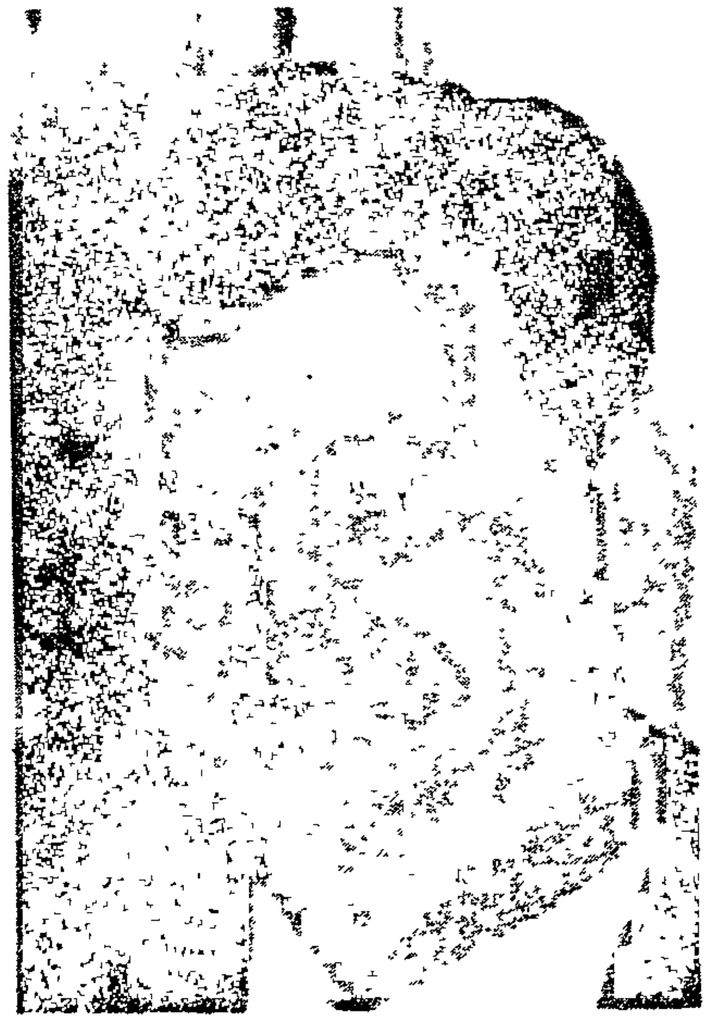
Mnr. Paulus het hom ook uitgespreek teen die werwing van swart mynwerkers in buurstate en daarop gewys dat die trekarbeiders 80 persent van alle swart mynwerkers in Suid-Afrika uitmaak. As hulle uitgehou kan word, sal daar geen gevaar van werkloosheid onder ons swartes bestaan nie, aldus mnr Paulus

Volgens die minister word swart mynwerkers aan buite ingebring omdat plaaslike swartes nie geneë is om in myne te werk nie Hulle het 'n ingeboude afkeer daaraan om ondergronds te gaan. In Bophuthatswana maak die owerheid byvoorbeeld grootliks staat op vreemde swart arbeid in sy myne.

„As jy nie voldoende swart arbeid binnelands kan trek nie, sal dit gevolglik daartoe lei dat myne nie op volle sterkte bedryf sal kan word nie. Kortkom sal dit beteken dat baie blanke werkers sonder werk sal sit. Dink mnr. Paulus aan hierdie dinge as hy sulke stellinge maak?" vra mnr Botha.

Oor mnr. Paulus se herhaalde agtering dat werkafbakening weer ingestel moet word, wys die minister daarop dat net drie soorte werke in die myne deur werkafbakening geraak is Monsternemers, opmeters en ventilasiewerkers. Volgens wat RAPPORT kan vasstel, word nie meer as 1 300 van die sowat 80 000 blanke mynwerkers hierdeur geraak nie.

'n Belangrike aspek van die saak, volgens mnr. Botha, is dat mnr. Paulus se eie vakbond nie eens deur werkafbakening geraak is nie „Hy het al die jare nooit daarop aangedring en vir beskerming van sy vakbond-



MNR ARRIE PAULUS . . sy konfrontasie-taal word 'n ernstige lig beskou

MIN FANIE BOTHA „die uitlating (van mnr Paulus) is verregaande vermetel"

Background

Unions' bigger role in politics

ARGUS 6/2/80

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WHITE trade unions must prepare to play a greater political role in South African affairs because of drastic changes in Nationalist policy-making processes.

That was the message of Professor Willem Kleynhans, Professor of Political Science at Unisa to the congress of the SA Confederation of Labour, the most influential conservative labour movement in the country, in Pretoria.

Professor Kleynhans said that, as things now looked, white trade unions' traditional role in the country's economic and political life was going to change radically

They would have to play a political part when their interests were at stake

This was because of the 'drastic changes' in the existing extra-parliamentary methods of the National Party in respect of its political policy-making processes'.

It now appeared that the white trade unions, which had supported the Government for years, would clash with certain aspect of party policy as interpreted by the Cabinet and that their access to the party congresses was closed

'If that becomes a reality, the white trade unions will be forced by a feeling of powerlessness and political frustration to enter the political arena directly', he said

Unions would be compelled then to act in one of four ways

- Act as pressure groups, contacting Ministers, MPs and officials through delegations
- Use their voting strength at the polls as happened during certain by-elections last year
- Start their own white workers' party, or,
- In a crisis, resort to legal and illegal strikes

'I am aware that this is very controversial But I just cannot see how white trade union members can realise their political and economic interests other than by direct political action if the existing party political channels are closed to them,' Professor Kleynhans said

Explaining why existing channels appeared to have been closed to trade unions, he focused on the decision of the Prime Minister, Mr P W Botha, last year in terms of which he would no longer be bound by party congress resolutions on day-to day policy-making matters

The professor quoted extensively from past ministerial statements to show how the Government had always previously regarded congresses as the highest policy-making forums in the party

Previous ministerial statements had also for many years firmly opposed the recognition of black trade unions and had taken an absolute stand on the retention of job reservation — both of which policies had since been changed in the recommendation of Wiehahn Commission

By JOHN PATTEN

Professor Kleynhans claimed Mr Botha's attitude on the role of congresses clashed with the views that had obtained from the days of Dr Malan's leadership to those of Mr Vorster

He pointed out that when Mr Botha made his proposal, and challenged them to find another leader if they rejected it, no vote was taken on the resolution at the Transvaal congress

The reason why white trade unions had not previously acted as pressure groups on the Government was because the party had accorded them full opportunity to use it as intermediary in making their political representations to the authorities.

Professor Kleynhans quoted Mr Marais Viljoen, then Minister of Labour, saying in 1972 'It is only a fool who votes for his own downfall' And Mr Viljoen said of Tucsa demands for for skilled black workers in white areas 'The National Party will definitely not deliver the white worker to that golden calf'

Professor Kleynhans then quoted the present Minister of Labour, Mr Fanie Botha, as saying in 1976 'So far the National Party policy has been not to recognise black trade unions. That is still the policy and I believe that is not the road we must walk...'

Later in the same speech, Mr Botha said 'Where I said white workers get the necessary protection, I want to add that I believe the white worker in South Africa must be protected and that the job reservation determination must stay on the Statute Book'

When the Government attitude changed on black trade unions and job reservation, Mr Botha was subjected to booing at a meeting in Welkom in 1978

Professor Kleynhans said the National Party had managed to remain strong when the Opposition disintegrated because the party had functioned according to its traditional ways and conventions

It had been particularly strengthened through its way of allowing its members and pro-party unions full participation in the governing processes of the country

Particular changes in the traditional ways of the party under Mr P W Botha would have far-reaching political consequences.

The party can lose its most loyal and active workers who represent its political base at the polls . . . our governmental system will suffer because a weakening of the only remaining party of our two-party system, will affect the stability and quality of our Government,' he said

'Govt-labour clash not healthy for SA'

Labour Reporter

South Africa cannot afford the emergence of an unstable government from the existing confrontation between the Government and its erstwhile labour supporters says political scientist, Professor Willem Kleynhans

He was replying to questions after a controversial speech to the white Confederation of Labour's congress in Pretoria yesterday

He saw little hope for viable workers' party — one of the options he raised when suggesting that white trade unions should prepare to play a greater political role

There had been 80 attempts to create political parties in the past 100 years, but only one party had survived this long, the National Party, he said

CRISIS

He saw room for the restoration of party democracy as a means of overcoming the crisis now existing in the National Party — a crisis which could affect the Government and which South Africa could not afford at this stage

Professor Kleynhans was congratulated by Mr P J "Arrie" Paulus, who took the speech as proof that the labour reforms of the past year were "nothing but treachery against the white worker"

... his funeral yesterday.
Pics THOMAS KHOSA

RIGHTISTS HIT AT WORK CHANGES

A STRONG attack on Government policy changes, particularly in labour relations, marked the opening of the Confederation of Labour congress in Pretoria yesterday

The attack came from Mr Attie Niewoudt, president of the conservative white workers union, who said the Government was saddling a horse it would not be able to ride when it granted rights to blacks in white areas

And he warned that the Government should not expect support from white workers when it possibly tried to take preventive measures against "unheard of demands" from other races

'This is for the simple reason that the white worker was scandalously not considered when such rights were given to other races in white areas," he said

The past year had seen the confederation's fundamental principles of work reservation and of mixed and black unions "stripped away"

Mr Nieuwoudt said South Africa was increasingly referred to as a country with a heterogenous population

"We now find the tremendous anomaly that equal rights must be created for all races in the labour, sport and other fields while the Parliament which made the laws will not allow integration in its own ranks

"The one concession leads to the other and this was one of the most important reasons which led to the breakdown of job reservation"

"The new laws will have to be changed in years to come when it becomes apparent that the Government acted too quickly in granting trade union rights to blacks"

A black mass was being mobilised in South Africa for the first time — "What the consequences of this will be, I do not know," Mr Nieuwoudt said

sembly after the Prime Minister, Mr P W Botha, had refused her to ask a question during his speech in the no-confidence debate

Mr Botha was dealing with the Department of National Security when Mrs Suzman rose to ask him a question

On his refusal, Mrs Suzman left the Assembly

Before Mrs Suzman left, Mr Botha spoke about the American CIA secret service and how it had deteriorated after its operations had been exposed

He added "I take that responsibility and will do so before the whole country I will not allow the intelligence service (its operations) to be exposed to unscrupulous thugs (skurke)" — Sapa

Kgabi hangs: grief lives on

Lucille Davie

The Bible says, 'He who kills shall be killed'"

The parents of another victim, eight-year-old Elaine Mokoena of Atteridgeville, were at work as usual

Elaine's older brother Victor was playing records after returning from school

The home where little Gemma Shabangu had lived was locked

Mrs Beauty Ramalekane, who lives a few houses from the Kgabi home in Atteridgeville said she pitied the killer's family

She went on "He lives only a few metres from my house and I could not believe it when he was arrested for the murder of my child"

He was a month-old boy, Tebogo, which means gratitude

"I had planned a family of three children. The first was 10, the second Jeniffer was eight and the last born was six I was happy

"Then Kgabi killed Jeniffer

'Now we have the consolation in the little fellow here. That is why we call him Tebogo"

Mrs Annah Kgabi, Phuko's mother, peeped through the door and then shut it when she realised we were reporters.

There was no sign of mourning The windows were not painted the traditional white Phuko's teacher-brother Jacob was at the nearby secondary school

On the eve of the execution, Mrs Kgabi did talk to **POST**. "The law has taken its course What more do you want me to say? You are merciless"

She was crying as she shut the door

German look at SA labour

By Sieg Hannig
- Labour Reporter

A conference likely to play a crucial role in shaping foreign attitudes towards South Africa is to take place in Frankfurt, West Germany, later this month

The list of participants indicates that, since the Wiehahn report, this will be the most peretrating foreign review of South African labour relations

The conference has been organised by West Germany's gigantic metal union led by Mr Eugen Loderer, also president of the 14 million strong International Metalworkers' Federation (IMF)

The participants include representatives of the IMF, West Germany's political parties, its two major churches and its foreign and economic ministries American, British and Swedish trade unions the 10 most important West German investors in South Africa, and the Press

The chairman of the Wiehahn Commission, Professor Nic Wiehahn, cannot find time to accept an invitation to speak but may send someone to speak on his behalf

Other South Africans due to address the two-day conference are a university lecturer and two trade unionists

Inyan eBelli abahlanu ebebesebenza nabo. Bathi unobangela wokugxothwa kwaba-basebenzi ba kukuba bebengamalungu eTrade Unions Le union ibe izama ukwenza uphando noth thethwano lokuba kunyuswe imali ibeyi - R40 ngeveki yaye kusetyenzwe iyure 8 ngemini. Umphathi wefektri leyo uthe ezizinto bazifunayo zingaphezu kwama ziya kwenza uqushululu efemini.

Abasemagunyeni kumbutho weUnion onamalungu ayi 10 000 (amawaka alishumi) ob ngokuba yi (Food and Canning Workers Union) bathi abo bagxothiweyo bebesayi amaphepha anika iUnion igunya lokuba benze uthethathethwano ngemeko ezibete thi kusetyenzwe phantsi kwazo. Ifektri leyo ilalile oluthethathethwano neUn Ifektri ibalula into yokuba omatshini ekusetyenzwa ngabo bathathe indawo ya lento kunyanzeleke ukuba kuphungulwe abasebenzi.

Nangona aba bagxothiweyo ingabantu beBala uninzi lwabo bagwayimbileyo ngama abamnyama. Nangona bathe bagrogriswa ngokugxothwa babuyele emphandleni aba bamnyama bame bemi kwicala lebeBala ababathatha ngokuba bangabantu kwabo. N lokugala logwayimbo indoda imele icala losebenzi ezame ukubohlula abeBala k abamnyama xa bebemengaphandle kweFektri. Abasebenzi balile ukwahlulwa, omnye wabo uthe "Silaphà sonke yaye iinjongo zethu zinye."

Ayanda amanani abantu abazibandakanyileyo nabasebenzi kwiveki ephillileyo kubekho abafundi base University nakwano Kolegi abangaphezu kwe - 500. Abafundi bavelu kwezi zikolo U.W.C., Hewat, Peninsula Training College ne Bellville Technical College. Abafundi bathe abasebenzi mabaphinde baqeshwe kungenjalo yonke imveliso yakwa Fattis & Monis ingathengwa.

Umbutho oyi Western Province Traders Association uthe uza kuxelela onke amalungu awo ukuba angayithengi imveliso yaleFektri de bavume uthethwathethwano.

Umbutho oyi South African Council of Sports SACOS ucele onke amalungu awo nazo zonke izikolo ezinonxibelelwane kunye nabo ukuba zixhase abo bagxothiwyo de baphinde bageshwe. Yaye akufuneki bayithenge imveliso yale fektri.

Abafundi base U.C.T. bayenzile eyabo intlanganiso bebona kalisa ubunye nabasebenzi. Bacele ukuba imveliso zakwa Fattis & Monis zingathengwa okanye zingasetyenziswa.

Umbutho oyi Women for Peace Movement ucele ukuba efektri yenzi uphando nothethwathethwano kunye nabasebenzi.

Umbutho walapha eKapa oyi National African Federated Chamber of Commerce ubhalile wakhupha istatement uxhasa abasebenzi abagxothiweyo.

UFattis & Monis uphikele ukuthi akukho ngxabano nakungevani kulefektri. Kodwa ke lowo ungumphati wefem le uthi, ukhathazekile xa kusithiwa imveliso yabo mayingathengwa ngabamNyama njengoko inkxaso enkulu ivelo kwabo bamNyama. Abaphathi bale Fem baqashe abasebenzi abangabanye ukuba basebenze endaweni yabo bagwayimbileyo ukuze kubekho imveliso, kodwa imveliso yehlile

Ngubani uFattis & Monis? UFattis & Monis yiFektri enezimveliso zilandelayo:
Record Self Raising Flour, Record Cake Flour, Record Bread Flour, Record Sifted Flour, Record Unsifted Flour, Record Wheatie Treat Flour; Philadelphia Flour; Koeberg Mille pack Mealie Meal; Fattis & Monis icecream cones, wafers and cake cups; Fattis and Monis Macaroni, spagetti, shells, ribbons, rings, dilatines; Princess macaroni, spagetti, shells, rings, ribbons, dilatines; Checkers, Poto' Gold, Pick 'n Pay macaroni, spagetti, rings, ribbons, shells, dilatines; Wrench Town Bakery, Observatory ; Good Hope Bakery, Elsies River; Ultra Bakery, Somerset West.

Published by Comm.Comm.
Printed by S.R.C. Press, U.C.T.

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Commission of Inquiry into Legislation Affecting the Utilization of Manpower

*4 Mrs H SUZMAN asked the Minister of Co-operation and Development

Whether he has taken any steps to implement the recommendations made by the Commission of Inquiry into Legislation Affecting the Utilization of Manpower (excluding the Legislation administered by the Departments of Labour and of Mines) in respect of influx control, the pass laws and curfew regulations, if so, what steps, if not, why not?

†The MINISTER OF CO-OPERATION AND DEVELOPMENT

The following steps have been taken to implement the decisions of the Government regarding the recommendations made by the Commission of Inquiry into Legislation Affecting the Utilization of Manpower (excluding the Legislation administered by the Departments of Labour and of Mines) in respect of

— *Influx control*
As has already been announced, a test survey, based *inter alia* on the gathering of statistical data, is to be conducted in the prescribed areas of Pretoria and Bloemfontein with the view to establishing the further practicability or otherwise of the recommendations in this connection

— *Pass laws* (so-called)
In this connection also I have already announced that the Department of Co-operation and Development is investigating the matter in conjunction with the Black states with the view to replacing the existing reference book with a new document

— *Curfew*
The matter is the subject of investigation and discussion with a view to establishing the effects in practice should the recommendations be implemented

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72-hour curfew

*11 Mr D J N MALCOMESS asked the Minister of Co-operation and Development

As from what date will the 72-hour curfew applicable to Blacks in White prescribed areas be lifted in (a) Pretoria and (b) Bloemfontein?

The DEPUTY MINISTER OF CO-OPERATION

It is assumed that the question relates to the 72-hour period mentioned in section 10(1) of the Blacks (Urban Areas) Consolidation Act 1945 This provision is not at present to be lifted in either (a) Pretoria or (b) Bloemfontein To give expression however to the Government's standpoint on this matter as set out in the White Paper on the Report of the Commission of Inquiry into Legislation Affecting the Utilization of Manpower (excluding the Legislation administered by the Departments of Labour and of Mines), a test survey based *inter alia* on the gathering of statistical data is to be conducted in the prescribed areas of Pretoria and Bloemfontein with the view to establishing the further practicability or otherwise of the recommendations of the said Commission in this connection

MIXED UNIONS

Phasing them in?

Government ruled against an outright move towards mixed trade unions last year sticking to its usual practice of allowing them by exemption only But the issue is probably not settled The second part of the Wiehahn Commission report which should be released within the next two months is expected to make further pronouncements on this matter

In its first report the Commission recommended full freedom of association, saying Maintenance of the status quo of a prohibition on mixed membership would be a curtailment of freedom of choice ' Now proposals on how to move towards mixed unions are expected

A formula government may consider is employees membership having to move through a trade union in four stages That is, in stage one, they acquire membership, benefits follow in stage two, privileges in stage three, and rights in stage four

Some unions already operate along similar lines, where, for instance members cannot sit on the executive unless they have been shop stewards for a stipulated period

Says one unionist "My union wants to remain white But, if the Commission suggests, which I think it might do outlawing discriminatory clauses in unions' constitutions and government went along with this this formula might help us out of a dilemma

This could help to allay fears among conservative white unions of whites ending up being dominated by Africans if mixed unions are allowed

This principle is applied in other countries, and is generally accepted internationally However, in SA, unless very rigid non-racial rules are laid down the potential for discrimination against black members of a union is enormous Asserts Henry Mallet-Veale, general secretary of the Technical Officials Association 'I can't believe anybody would bite at this particular cherry, except some right-wing unions "

Says Alec Erwin general secretary of Fosatu the largest unregistered union umbrella body What white unions want to do about their constitutions is their problem and not the State's If the State legislates on the basis of that formula I think it will be a retrogressive step "

No doubt this is because he believes it contrary to the very principle of freedom of association which is what Wiehahn appears to espouse

Nevertheless the *FM* believes the whole question needs very close examination as it could be something of a Pandora's box

WHITE LABOUR (136) (166) FM 15/2/80

Custer's last stand

Attie Nieuwoudt glares through his black-rimmed spectacles and speaks in fast, clipped tones He is angry "Trade union rights were granted overhastily to blacks to avoid overseas boycotts against us," he says "What is going to be the next step?"

He answers his own question

"For the first time in SA the black man is going to be fully organised and mobilised The result will be a tremendous black force They now have a new weapon No longer are their weapons the kierie and the assegaai

"Mixed trade unions will follow with whites in the minority Then there will be demands for seats in Parliament for blacks What if the pressure from abroad comes for one man, one vote? Can we stop that?"

His listeners are delegates to the congress, held last week, of the SA Confederation of Labour, of which Nieuwoudt is president Together they represent the conservative white workers of the country, totalling nearly 200 000

Similar sentiments were aired at the official opening of the Mineworkers' Union s general council the previous week

At the heart of the outcry over registered African trade unions and the erosion of statutory job reservation is the feeling that government is no longer listening to the Confederation For years, the voices of white workers carried great weight within the National Party Now, they increasingly feel the door is being shut in their faces Nieuwoudt and others complain that decisions are taken without consultation Government, long in tune with white wishes, now appears to be lending an ear towards Africans

So what can be done?

We will fight for our rights," promised Nieuwoudt at the congress "We will use those channels open to us "

Addressing the congress, Professor Willem Kleynhans, Unisa political scientist, outlined four courses white workers could follow to be heard by government They could form pressure groups to lobby ministers or state officials, use their vote, establish a white worker party, or stage legal or illegal strikes should matters reach a crisis

A ballot box revolt by a group of conservative white workers would not seriously dent the NP's power But a further move to the right in the Transvaal would strengthen Transvaal NP leader Andries Treurnicht's stand — something which Prime Minister P W Botha and his clan would probably want to avoid So, the ballot box could help the conservative white workers' case for a hearing, particularly if a general election is called this year

On the issue of a white worker party, Wessels Bornman, general secretary of the right-wing Iron, Steel and Allied Workers' Union, and secretary of the Confederation, says "Up to, now we have been steering clear of establishing a workers' party And we have no intention of doing so at this time But, depending on developments, it could become necessary However, I still believe it shouldn t and needn't be necessary "

This probably wouldn't help either, for such a party could find itself out in the cold, isolated from those who wield the power

Many assert that a major confrontation with government is not on and a repetition of the 1922 miners' strikes are unlikely

Granted the miners are unique in the Confederation, along with a few other semi-skilled workers backing the MWU Artisans can get protection from African competition by having their unions blocking black advancement on apprenticeship boards Scrapping statutory job reservation spells disaster for white miners, since they rely on these mechanisms to ensure job security

Nor does MWU general secretary Arrie Paulus think much of the Industrial Court — as suggested by the Wiehahn Commission — as a protective device "Wiehahn is the father of the Commission, so he will not let the Commission down, and the white miner is not the child of Wiehahn He did not single out the white worker All workers get the same protection," he asserts

Nonetheless, the strike, lost by the MWU last year, must still be fresh in the minds of miners They received a slap in the face from government — something the MWU is unlikely to go looking for again And Paulus still appears to be in favour of consultation rather than confrontation "We don t know what the future holds for us But we have written to government and are waiting for a letter from the Minister (of Mines), he says

In addition many Confederation affiliates do not agree with right-wing utterances on the plight of the white worker, and are unlikely to rally behind them in the event of a strike Some believe the new legislation protects white workers' interests, while others have adopted a wait-and-see attitude Even Bornman's union went along with the Minister of Labour who said the Industrial Court would protect white workers It agreed to the scrapping of the job determinaton affecting its members once "the Industrial Court became a reality "

The test for right-wing support in the Confederation will come when a decision is passed on the so-called Paulus report in May The report, compiled by a sub-committee set up by the Confederation, calls for the banning of African, mixed and "parallel" unions the return of statutory job reservation, a law which will send Africans to the homelands for good if they strike and a ban on black apprentices in "white" areas The report was signed by representatives of the MWU, the Iron Steel and Allied Workers' Union, the White Building Workers' Union, and the SA Association of Municipal Employees, of which Nieuwoudt is president

According to one source "The report is old hat, whatever you say or do about it It is silly to adopt resolutions about points the Minister cannot accept They should look at other practical ways of dealing with these issues I think the report will die a natural death, particularly since the rest of Wiehahn will be out by May "

Nieuwoudt . drastic steps?

Some unions will find it very difficult to go along with all the points in the report For instance, how can the Technical Officials Association, which has applied for mixed status, align itself with the report?

However, they insist, whether there is consensus or not on the report, a split in the Confederation is unlikely The majority of unions would not leave the Confederation Paulus threatened to do so last year over Wiehahn but the executive ruled against it Union leaders are aware that leaving means the loss of a strong platform from which they can lobby their views

"Words, words, words," is how one unionist has described the last few weeks It is possible we could be watching something like Custer's last stand Changes to the Industrial Conciliation Act were rushed through Parliament faster than expected So, surrounded by the changes, with no chance of escape Paulus and some others are staging their last fight, knowing they cannot win

But there could be another good reason for the rhetoric at the moment The second Wiehahn Commission report, which will have recommendations on two contentious issues — mixed unions, and the future labour structure of the mining industry — is expected to be released by April Shout loudly enough now about objections to past changes and the way they were rushed through Parliament, and perhaps the Confederation can reckon it won t be completely slighted again There's always the chance of slowing down the pace of change

On the issue of consultation, Nieuwoudt says Government has been requested that before any more amendments to labour legislation be made the Confederation be given the time and opportunity of making representation in writing Should government not consult on future major decisions, the Confederation will consider taking more drastic steps

Government has already said it will listen At the opening of the MWU's general council, Minister of Mines, Frederik de Klerk, called on white workers "to discuss our differences and avoid confrontation " But it has also indicated it will make changes regardless of agreement between government and a group of conservative white workers So the only talking point can be the pace of change, rather than change itself Part of the rhetoric may be aimed at preparing the way to trying to exert some control over this If this is the intention of the right-wing unions success will depend largely on how indispensable they are to the National Party

So far Pretoria has acted as if they are dispensable But there are signs of P W Botha s government taking a little more note of the right-wing in the party Witness the about-turn by Piet Koornhof on dropping the 72-hour curfew in Bloemfontein and Pretoria as an experiment, after an uproar from NP officials in the towns

RAND DAILY MAIL

Govt considers 'graded' union plan for blacks

By STEVEN FRIEDMAN
Labour Reporter

A CONTROVERSIAL plan to grant some workers more trade union rights than others is being mooted by senior Government officials

It is said that the plan would allow certain workers (nearly all blacks) to be "phased in" to trade union rights

The proposal comes at a time when speculation is mounting that the Government will soon introduce legislation to allow racially mixed unions

The plan's supporters say it could allay white workers' fears about the granting of union rights to blacks Though they argue that it is only a "theory" at this stage, they suggest that it is definitely a "real possibility"

It has been suggested that "freedom of association need not be an all-or-nothing thing" — and it is possible to grant some workers union rights while not allowing them some of the rights union members traditionally enjoy

Some workers could, for example, be granted the right to belong to a union, but be barred for a time from taking part in a strike ballot They could also be prohibited from becoming union officials for a time

Specific suggestions along these lines have also been made They are

- Unions registered by the Government could be "graded" into A, B and C class unions There would be differential rights according to their status So, for example, some unions could be barred from negotiating binding wage awards, others barred from striking
- Unions could grade their own members Some would be allowed to draw benefits from the union, others to vote but not stand for election, others to vote for officials, but not take part in a strike ballot

Supporters of the suggestion argue that such a scheme would have to be formally non-racial They also claim that other Western countries impose restrictions on the holding of elected office in a union In some, for example, convicted criminals may not hold office

In South Africa most registered unions do not allow members to hold office until they have belonged to a union for a certain time, or have attended a stipulated number of union meetings

Though the plan, if implemented, would be formally non-racial, it could well be used to allay the fears of white unionists who believe that allowing blacks unions rights will enable them to "swamp" non-black workers in union elections

It would enable the authorities — and these unions — to formally allow black workers into the union movement, but to "phase them in" to full union rights over an indefinite period

Many unionists, however, are likely to bitterly oppose to any plan of this sort, arguing that it discriminates against new entrants into the union movement, most of whom will be black

AY FEBRUARY 19 1980 Argus 19/2/80

Hopes high for black apprentices

(166)

Argus Correspondent

JOHANNESBURG — Hopes are high that the Government will be able to resolve the controversy about black apprentices soon, now that part 2 of the Wiehahn Report has been signed

'I hope to submit it to the State President and the Government within the next week,' the chairman of the commission, Professor Nic Wiehahn, said after the signing in Pretoria yesterday

He said the commission would hold a whole series of meetings in March and April to consider the remaining four parts of its review of labour legislation.

These would deal with social security, the mining industry safety standards employment and industrial relations matters not yet covered in Part 1.

The newly completed part deals with all aspects of training including training in industrial relations. Professor Wiehahn confirmed that this rport dealt with apprenticeship matters, including the relationship between apprenticeship training and military service.

The Black Building Workers' Act — which prohibits the employment or black artisans in white areas — is also covered in this report

So far only four blacks are known to have been indentured as apprentices in white areas, although it is taken for granted that large numbers will have to be indentured if South Africa's economic growth target is to be met

The building industry has been clamouring for the removal of the Black Building Workers' Act ever since part 1 of the Wiehahn report was published last May.

Part 11 approved

PRETORIA — The chairman of the commission of inquiry into labour legislation Professor Nick Wiehahn announced here yesterday that the commission had signed and approved part 11 of its report dealing with the development of human resources.

This part of the report would now be handed over to the government.

The remaining four parts of the report would hopefully be completed before the end of April, Professor Wiehahn reported good progress on work on the remaining parts of the report. — Sapa

processes is essential; and the division will have to be more fine the more discriminating public decisions can be.[10]

The results of programme budgeting may be valuable in themselves, although the mere procedure does not necessarily ensure that better decisions will be made. Their potential is realised only if there follows an assessment of the value of expenditure in each programme.

2.2 Programme Evaluation

Methods of evaluation range from simple procedures for looking at costs, where the conclusions are left largely to intuition, to highly complicated processes which present more or less clear-cut solutions. For these more precise methods, most of the value judgements have to be made explicitly in advance. Some points on the spectrum between these two extremes are analysed below.

2.3 Looking at Expenditure

Basically, one is looking for inconsistencies. It was noted that a logical axiom, basic to economics, is that a rand should yield approximately the same value in whichever programme it is spent. If the net social benefit from the marginal expenditure on one programme much exceeds that on another, one can do better by withdrawing funds from the second programme and increasing expenditure on the first. By simply looking at a bre
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the wide variation in benefits attributable to a particular type of spend-

Wiehahn signs Part 2 of report

By Sieg Hannig
Labour Reporter

Hopes are high that the Government will be able to resolve the controversy about black apprentices soon, now that Part 2 of the Wiehahn Report has been signed.

"I hope to submit it to the State President and the Government within the next week," the chairman of the commission, Professor Nic Wiehahn, said after the signing in Pretoria yesterday.

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So far only four blacks are known to have been indentured as apprentices in white areas, although it is taken for granted that large numbers will have to be indentured if South Africa's economic growth target is to be met.

ing. This is partly due to a deficiency in information on the results of the programmes which can be resolved by recourse to appropriate data. Nevertheless, there will also be differences of judgement which cannot be resolved without prior agreement on the relative valuation of different benefits which have to be fed into the analysis; and in the intuitive process, these two factors may not be differentiated.

A very large proportion of decisions are now taken with no further analysis than this. Any further steps involve a way of systematically valuing the benefits of different programmes to render them comparable to one another.

2.4 An Informal Method for Setting Objectives

The following method for guiding the choice of priorities has been described by John Bryant.[12] It has been used by medical and nursing students in Thailand, and one of its advantages is that it can be used where no numerical data is available. It, therefore, lends itself to discussion, to draw on the experience of a group of people.

Potential health problems are first listed, and then given a score (from one to four pluses) under each of four headings:

Diagram 1: A method of ranking health problems

Problem	Prevalence	Severity	Community concern	Vulnerability to management	Total
				++	96
				+++	48
				++	36
				++	32
				++	16
				++	16
				++	54
Common cold*	++++	+	+	-	0
Yaws*	-	++	+++	++++	0

* Added to test scoring method

Union split over Wiehahn report

Own Correspondent

PRETORIA — The South African Association of Municipal Employees (Saame), yesterday summarily broke away from the right-wing South African Confederation of Labour.

Saame officials said last night that the basic reason was the conflict which has surfaced between the Confederation and the government on the implementation of the Wiehahn Commission report and its recommendations.

It is understood that at yesterday's meeting of the Saame executive committee the intransigent attitude of Mr Arrie Paulus to the Wiehahn report was condemned.

Mr Paulus, the secretary of the Mineworkers' Union, was chairman of a Confederation committee which tabled a report opposing the government's implementation of the Wiehahn Commission's recommendations.

The Saame executive unqualifiedly distanced itself from the so-called confidential 'Paulus report'. The executive claimed that through the report Saame was thrust into the party political arena, in conflict with its constitution.

A second Confederation affiliate, the Johannesburg Municipal Employees' Association, yesterday announced that it too would break away if the Paulus report was accepted. Mr Sarel van der Berg, general secretary, said the JMEA agreed with the position taken by the Saame executive.

Govt eyes labour in 2 000

RDM 22/2/86

By HELEN ZILLE
Political Correspondent

CAPE TOWN — The Government yesterday took another major step in forging an alliance with the private sector by establishing a joint committee to prepare South Africa for the country's labour requirements by the year 2 000

The committee is planning another top-level Carlton-style conference in Johannesburg on March 31 to launch the programme called Manpower 2 000

Black industrialists and trade union representatives were also present at yesterday's meeting in Stellenbosch, indicating the Government s design to draw this sector into planning its labour programme

Mr Fanie Botha, the Minister of Labour, is chairman of the steering committee, with Mr Francis le Riche, deputy chairman of Sentrachem and chairman of Atlas Aircraft Corporation

Mr Botha said yesterday Manpower 2 000 would be a promotions project to make the private sector fully aware of the advances required to meet the labour demands of the next century

The project would include black businessmen and trade unions, Mr Botha said

The main objectives were

- Promoting labour peace in South Africa,
- Creating new job opportunities,
- Promoting training and in service traning,
- Increasing productivity

TABLE I

MORTALITY RATES FOR THE 17 MAJOR DIVISIONS OF THE ICD (8th REVISION)

(Note: There are no tables for divisions V, XI, XII, XIII because of the small numbers in each of these categories).

	W		A		C		B	
	M	F	M	F	M	F	M	F
0-1	0,17	0,13	0,00	0,21	0,06	0,16	0,04	0,06
1-4	0,03	0,07	0,07	0,00	0,07	0,05	0,03	0,04
5-24	0,39	0,05	0,07	0,05	0,06	0,04	0,05	[illegible]
[illegible]-44	[illegible]	[illegible]	[illegible]	0,26	[illegible]	[illegible]		

							B	
							M	F
							[illegible]	1,96
							[illegible]	1,29
[illegible]	[illegible]	0,01	0,01	0,01	[illegible]	[illegible]	0,02	[illegible]
25-44	0,02	0,02	0,08	0,08	[illegible]	[illegible]	0,06	[illegible]
45-64	[illegible]	0,12	0,39	0,88	[illegible]	0,42	0,24	[illegible]
65+	0,39	0,59	1,61	2,59	[illegible]	1,28	1,01	1,44
ALL	[illegible]	[illegible]	0,12	[illegible]	[illegible]	0,26	0,22	[illegible]
NO	[illegible]	[illegible]	43	[illegible]	[illegible]	307	455	530

5-24	0,02	0,02	0,07	0,08	0,21	0,21	0,20	0,22
25-44	0,06	0,03	0,17	0,20	1,14	0,78	0,36	0,45
45-64	0,25	0,13	0,75	0,45	3,30	1,37	2,15	1,27
65+	1,01	0,72	1,61	1,98	5,48	2,78	5,45	2,93
ALL	0,19	0,15	0,56	0,45	3,33	2,69	1,66	1,61
NO.	399	315	198	159	3792	3146	3472	2593

Argus 22/2/80

Boost for labour relations

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Political Staff

THE Government yesterday launched a high-powered campaign to 'sell' its new labour policies.

At a Press conference, the Minister of Manpower Utilisation, Mr Fanie Botha, announced that a committee to launch and administer the country-wide programme — Manpower 2000 — had been formed

On the committee were representatives of commerce, industry, education and trade union leaders.

'Manpower 2000 is an information and education project aimed at creating a new awareness and attitude in the country so that the numerous problems and deficiencies in the manpower situation can be overcome,' he said

Mr Botha said that the promotional programme had not been initiated to overcome resistance to the Government's new labour policies by certain trade union leaders

'There is a sense of responsibility among trade union leaders and they are more positive in their approach than is generally thought,' he added

The Manpower 2000 programme would be officially launched by the State President, Mr Marais Viljoen, in Johannesburg on March 31

The main objectives were

- To further the rationalisation of vocational guidance and all forms of training
- To identify problems and provide solutions;
- To increase productivity
- To promote re-training and in service training programmes
- To create employment opportunities.
- To promote a peaceful labour force.

'An enormous task lies ahead for the country and the people in training and the creation of jobs There will be 50-million people in South Africa by the end of the century and they will need jobs,' said the Minister

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Commission of Inquiry into Labour Legislation

(211) 27/2/80 (103)

*17 Dr A L BORAINE asked the Minister of Manpower Utilization.

(1) Whether he has received any further report from the Commission of Inquiry into Labour Legislation, if so, when will this report be laid upon the Table,

(2) when is it expected that the remaining reports will be (a) submitted and (b) laid upon the Table?

The MINISTER OF MANPOWER UTILIZATION

(1) No, but Part Two of the Commission's Report is expected within this week when it will be presented to the State President. Thereafter the report will be tabled as soon as possible.

(2) (a) and (b) The remaining parts of the report are at present being finalized by the Commission which has been requested to expedite the submission thereof Those parts will be laid upon the table as soon as possible

(166) RDM 28/2/80

THE second part of the Riekert Commission's report on labour legislation was expected this week, the Minister of Manpower Utilisation, Mr Fanie Botha, said yesterday in reply to a question by Dr Alex Boraine (PFP Pinelands) Mr Botha said the report would be presented to the State President and tabled as soon as possible The commission was at present finalising the remaining parts of its report, he said

Koroba ge xewe

Wiehahn Part II

(166)

28/2/80

Political Staff

HOUSE OF ASSEMBLY

The second part of the Wiehahn Commission report is to be presented to the State President this week, the Minister of Manpower Mr Fanie Botha, said.

The report would be tabled in the House of Assembly as soon as possible.

Replying to a question tabled by Dr Alex Boraine (PFP Pinelands) Mr Botha said the remaining parts of the report were being finalized by the Commission which has been requested to expedite the submission thereof.

• The second part of the Riekert Commission's report on labour legislation was also expected this week, Mr Botha told Dr Boraine. — Sapa

POST

Telephone 27-6081

Blacks are human too

Post 28/2/80 166

WHEN the Government announced that it had accepted most of the recommendations of the Wiehahn Commission on labour reform, this country was applauded throughout the world.

Almost immediately, right-wing unions accused the Government of "selling out" to the blacks. This, despite the fact that there was back-tracking by the Government on some of the recommendations they had accepted, and the fact that even then, blacks viewed the so-called changes in the labour laws of this country as too little, too late.

The reason for Government back-tracking was obvious: It was fear of losing support from the right-wingers, and most of the previsos attached to the reforms were added to try to appease them.

It is therefore encouraging to see that the SA Confederation of Labour Union member, the South African Railways Police Personnel Association, has rejected the Paulus Committee call for the reimposition of job reservation and withdrawal of trade union rights for blacks

This follows a similar step by the SA Association of Municipal Employees last week.

People like Mr Arrie Paulos must know that they cannot expect to be treated better at the expense of blacks. They must know that blacks are human beings, and they are entitled to all the freedoms that are the backbone of a democratic society.

We have had this kind of thinking rule us for far too long, and the more people standing up against Mr Paulos and company, the nearer we will get to working out a peaceful solution to the problems that beset this country.

(16) (60) (140ex)

EMPLOYMENT CODES

FM 29/2/80

Monitoring problems

In the past two weeks the credibility of employment codes has taken a knock Two reports — one by the Federation of South African Trade Unions (Fosatu), the other by the SA Institute of Race Relations (SAIRR) on Ford — highlight the need for proper code monitoring and the gap between stated policy and its implementation

Ford commissioned the SAIRR to conduct an independent study of the company's operations in terms of the Sullivan Principles Three academics from Rhodes University undertook the probe They were Prof M G Whisson, head of the anthropology department, Dr M Roux, senior lecturer in sociology, and C W Manona, of the Institute of Social and Economic Research Fosatu, the largest unregistered union umbrella body, gathered evidence from workers to assess the accuracy of British firms' reports to the British Department of Trade on their implementation of the EEC code It also reported extensively on firms' alleged attempts at evading and delaying union recognition

The SAIRR report is all the more significant because of Ford's high rating by Sullivan Ford is regarded as one of the leaders in industrial relations It recognises the unregistered United Auto Workers' Union, it has integrated facilities, has implemented training programmes to advance blacks, and claims equal pay for equal work

Nonetheless, states the academics' report "The company has a very long way still to go before it can be said that it is implementing the principles in the manner and spirit intended by Sullivan "

The Fosatu document alleges companies are both going against the spirit of the EEC code and misreporting to the British Department of Trade

It looked at parent companies' reports on Crabtree (an Eveready subsidiary, both of the British Berec Group), Cadbury Schweppes (SA), Revertex, and Raleigh Cycles (the British Tube Investment Group) In each case, Fosatu found "untrue and misleading statements " And Fosatu accuses the majority of firms investigated of contravening the EEC code by

Multi-nationals : poor record on employment codes

refusing or delaying union recognition

What is wrong with the codes? Fosatu reckons they will do little to improve the lot of Africans, unless action is taken against firms not implementing them And, as a forerunner to that, it advocates a proper check on companies

The SAIRR report also illustrates the need for effective monitoring Outstanding in this report is the discrepancy between company policy and its implementation The report quoting shop stewards, says "The top labour representatives are co-operative, but production managers, general foreman down to foremen, are opposed and are not implementing anything They are only after production and do not care about us "

Practice is what is most important But it is policy that gets the publicity and is recorded in reports

An example is Ford's policy of equal and fair employment practices for all employees Says the SAIRR report "Our conversations with staff in managerial positions outside the directorate of industrial relations would tend to confirm that the policy is being implemented with notable lack of enthusiasm "

Fosatu makes numerous allegations of misreporting Employers do not always refute them For instance, the Eveready report on facilities and benefits at its subsidiary, Crabtree, "shocked" Crabtree workers, according to Fosatu Eveready claimed Crabtree had a subsidised canteen, segregated toilet facilities, but all of identical standard and construction all workers and immediate dependents were covered by hospitalisation and free medical supplies, and had life insurance and disability cover Workers say the firm provides none of these

Crabtree says the industrial council pension fund includes life cover, and adds that Africans are not part of the medical aid scheme because it is cheaper to use the local hospital Apart from this, Crabtree does not dispute Fosatu's claims

Ron Allin, Eveready and Crabtree chairman, says all these facilities are provided at Eveready And his report merely spoke of "similar" but not exact facilities at Crabtree When quizzed on why he did not briefly mention which are not available at Crabtree, he replied "These unions are grasping at straws They are picking out silly items such as toilet facilities Crabtree employs around 120 people You can't expect a small company like that to provide the same conditions as a big company "

Both the EEC codes and the Sullivan Principles recommend wages considerably above subsistence levels Many firms fail here, although, asserts Fosatu, they state otherwise

At Ford, because of short-time, the majority of African and Coloured workers are earning less than the Household Subsistence Level calculated by Professor J Potgieter at the University of Port Elizabeth, says the SAIRR report

On union recognition, Ford scores well It was among the first multi-nationals to recognise an African union

But most of the multi-nationals referred to in the Fosatu report have an extremely poor record on this score Although there is nothing stopping firms from recognising unregistered unions — and the EEC code points this out — Revertex, Raleigh, Glacier Bearings and Sarmcol (parent is British Tyre and Rubber) refuse to do so And they are not in the minority

The open question is will anything be done to jack up employment codes? Lack of action will give substance to the criticism that codes exist to take the political pressure off multi-nationals in SA, rather than to help break down apartheid

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MINE OFFICIALS (151) (166)

To Industrial Court?

RDM 30/2/80

The Chamber of Mines could be the first to face an unfair labour practice charge in the Industrial Court

The SA Technical Officials Association (TOA) has called for the appointment of a conciliation board — a prerequisite before any case can go to the Industrial Court — to resolve a seven-year disagreement If the board cannot settle the matter, it will be passed to the Industrial Court

The tussle dates back to early 1973, when winding engine drivers and reduction workers chose to abandon union status for "official" status The Chamber agreed to the formation of a third official's association, the SA Technical Officials Association. The new union intended to represent winding engine drivers and reduction operators. But membership was not restricted solely to these

The Mine Surface Officials Association (MSOA) and the SA Underground Officials Association (UOA) strongly opposed this Henry Mallet-Veale, general secretary of TOA, claims that since his association is more outspoken and militant, the others feared losing members to it The membership of both totals around 20 000, while TOA has a membership of about 2 800.

According to Mallet-Veale, the Chamber initially agreed that those who were members of UOA and MSOA at the time of formation could not resign from them and join TOA. But the reverse was possible This was agreed between the three parties and the Chamber, to be reviewed four years later, according to Mallet-Veale But, he says, this was altered without TOA's consent to include both new and old members, and has remained that way ever since. Johann Liebenberg, the Chamber's industrial relations adviser, denies this, saying this was the case from the start

In 1977, TOA asked for the 1973 arrangement to be reviewed The Chamber had discussions with the UOA and MSOA, but they refused to change their agreement with it

So members can leave the TOA for the other associations. But, once one is a member of MSOA or UOA, it is not possible to move across to TOA

Says Liebenberg. "We have been invited by the Department of Trade to comment within 14 days on this issue and will do so But we've reached the conclusion that we are not free to force the MSOA and UOA to review the condition they set, if they don't wish to"

Mallet-Veale reckons that, because of the Chamber's stand, the conciliation board will have little success in resolving the issue, and thus a hearing in the Industrial Court is highly likely.

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VOL. 176] PRETORIA, 29 FEBRUARY FEBRUARIE 1980 [No. 6870

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER UTILISATION

No R 371 29 February 1980

WORKMEN'S COMPENSATION ACT, 1941 (ACT 30 OF 1941), AS AMENDED

I, Ockert Grobbelaar, Workmen's Compensation Commissioner, hereby notify that, after consultation with the Medical Association of South Africa, and acting under the powers vested in me by section 79 of the Workmen's Compensation Act, 1941 (Act 30 of 1941), as amended, I withdraw the "Scale of Fees and charges for Medical and Dental Aid" published in Government Notice R 314 of 24 February 1978, and any amendments to such Scale of Fees, and prescribe the "Scale of Fees for Medical Aid" inclusive of the General Rules and General Modifiers applicable thereto, appearing in the Schedule to this notice, with effect from 1 March 1980, and stipulate that the Scale of Fees in the Schedule where relevant to dental services, applies to dentists

The fees appearing in the Schedule are applicable in respect of payments authorised with effect from 1 March 1980 irrespective of the date of the accident in respect of which payments are made.

O GROBBELAAR, Workmen's Compensation Commissioner.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG-BENUTTING

No R. 371 29 Februarie 1980

ONGEVALLEWET, 1941 (WET 30 VAN 1941), SOOS GEWYSIG

Ek, Ockert Grobbelaar, Ongevallekommissaris, maak hierby bekend dat ek, na beraadslaging met die Mediese Vereniging van Suid-Afrika en handelende kragtens die bevoegdheid my verleen by artikel 79 van die Ongevallewet, 1941 (Wet 30 van 1941), soos gewysig, die "Tarief vir Geneeskundige en Tandheelkundige Behandeling" soos gepubliseer by Goewermentskennisgewing R. 314 van 24 Februarie 1978, en enige wysigings van sodanige Tarief, intrek en die "Tarief vir Geneeskundige Behandeling", met inbegrip van die Algemene Reels en Algemene Wysigers wat daarop van toepassing is, en wat in die Bylae van hierdie kennisgewing verskyn, met ingang vanaf 1 Maart 1980 voorskryf, en bepaal dat die Tarief in die Bylae, waar dit met tandheelkundige dienste verband hou, op tandartse van toepassing is

Die tariewe wat in die Bylae voorkom, is op betalings wat met ingang vanaf 1 Maart 1980 goedgekeur word van toepassing ongeag die datum van die ongeval ten opsigte waarvan betalings gemaak word

O GROBBELAAR, Ongevallekommissaris

SCHEDULE/BYLAE

INDEX/INHOUDSOPGAWE

80 000 workers to get pay rise

STAR 4/3/80

Eighty thousand workers in the civil engineering industry are to get a pay rise

The increases ranging from 3c to 5c an hour, came into effect yesterday and take the top minimum wage in the industry from 61c to 65c an hour and the lowest from 39c to 42c an hour

The pay proposal was made by the 250-member South African Federation of Civil Engineering Contractors (Safec), in terms of the Black Labour Relations Act of 1953

It was sanctioned by the Department of Manpower Utilisation in consultation with the Wage Board and Central Black Labour Board

ATTACK

The pay rise follows an increase in September when the previous minimum wage of 33c an hour came under sharp attack from the former president of the Steel and Engineering Federation (Seifsa), Mr Doug Ellis

Today the director of Safec, Mr Kees Lagaay said his federation wished to reduce the gap between wages in the civil engineering industry and building and metal industries

The increases affected unskilled workers he said Wages paid to trained workers — such as plant operators — went higher to R1 or R1 50 an hour

"A leader of promotion in the industry ranges from labourers through four grades to operator Grade 1," he said

INFLATION

Mr Lagaay said inflationary pressures still existed and a second increase later in the year was possible

In Bloemfontein, the president of the South African Association of Municipal Employees, Mr A I Nieuwoudt, said yesterday the deletion of section 77 of the Industrial Conciliation Act meant that the crisis hour had arrived for white workers

Whites could no longer turn to the Minister of Manpower Utilisation if an employer appointed a person of a different colour to a traditionally white post"

Such a case would now have to be taken to a conciliation board or an industrial council or if necessary to the Industrial Court, Mr Nieuwoudt said

'Crisis hour for white workers'

RDM 4/3/80.

BLOEMFONTEIN — The deletion of Section 77 of the Industrial Conciliation Act meant that the crisis hour had arrived for white workers, Mr Attie Nieuwoudt, president of the South African Association of Municipal Employees, said in Bloemfontein on Monday

Delivering his presidential address Mr Nieuwoudt said whites could no longer, as in the past, turn to the Minister of Manpower Utilisation if an employer appointed "a person of a different colour to a traditionally white post'

Such a case would now have to be taken to a conciliation board or in industrial council or, if necessary, to an industrial court, he said

But as a trade union, we will have to stand firm and, whatever the cost we will have to oppose case after case if there is no merit in the appointment in question '

Mr Nieuwoudt said now that trade union rights had been extended to black workers, he wondered whether the Minister would prohibit unregistered trade unions by legislation

This would appear to be the only manner in which the Government can prevent large sums of money from overseas flowing to unregistered trade unions ' he added — Sapa

'Crisis hour' for white workers

(166)

RDM 5/3/80

BLOEMFONTEIN. — The deletion of Section 77 of the Industrial Conciliation Act meant that the crisis hour had arrived for white workers, Mr Attie Nieuwoudt, president of the South African Association of Municipal Employees, said in Bloemfontein on Monday.

Delivering his presidential address, Mr Nieuwoudt said white could no longer, as in the past, turn to the Minister of Manpower Utilisation if an employer appointed "a person of a different colour to a traditionally white post".

Such a case would now have to be taken to a conciliation board or an industrial council or, if necessary, to an industrial court, he said.

"But as a trade union, we will have to stand firm and, whatever the cost, we will have to oppose case after case if there is no merit in the appointment in question."

Mr Nieuwoudt said now that trade union rights had been extended to black workers, he wondered whether the Minister would prohibit unregistered trade unions by legislation.

"This would appear to be the only manner in which the Government can prevent large sums of money from overseas flowing to unregistered trade unions," he added — Sapa

Union quits labour body

DURBAN -- The 1 000 strong Durban Municipal Employees Society has decided to withdraw from the Confederation of Labour

The decision was taken at a meeting convened to discuss a report of a no committee of the confederation, under the chairmanship of Mr Arrie Paulus, dealing with recommendations of the Wiehahn Commission

The secretary of the Society, Mr J Maree, said yesterday the confederation's policy on black trade unions and the training of black workers was irreconcilable with decisions already taken by his society He said differences of principle had existed since 1973

Although the society would now be in a weaker bargaining position when making representations to certain bodies this was preferable to the existing state of affairs in which there was no unanimity

He said there was no question of black municipal employees joining the society, but if they wanted to establish their own trade union there would be no objection to their enjoying the same service privileges as whites

He said the Confederation of Labour would be notified of the decision to break membership and this would take effect in three months time - SAPA

WHITE LABOUR (136) (166)

Another union out

FM 7/3/80

A second union has withdrawn from the Confederation of Labour — despite attempts at trying to stop a split in the organisation

At a meeting on Tuesday, the Durban Municipal Employees Society (DMES) decided to follow the South African Association of Municipal Employees (Saame), which left two weeks ago

The DMES's move further substantiates predictions of a split in the Confederation What's more, the general secretary of the Johannesburg Municipal Employers Association, Sarel van den Berg, says "There is a possibility we may leave before May"

In May the Confederation affiliates will cast their vote on the so-called Paulus report, which rejects the Wiehahn recommendations and government changes in labour legislation

Rightwing faction

Saame ostensibly withdrew over the rightwing faction in the Confederaton and the Paulus report Some unionists are sceptical of this, citing unhappiness with their president, Attie Nieuwoudt (also president of the Confederation) as the more likely reason As one put it "Saame had a problem The union is in favour of Wiehahn, but Attie Nieuwoudt (Saame's president) was humouring Arrie Paulus and Gert Beetge" Says another "They dragged the Confederation into their domestic affairs"

But DMES cites the same reasons as Saame for withdrawing According to DMES chairman Henry Weber "We don't go along with the Paulus report, and last year we decided to accept government's changes There are other reasons I don't want to comment on" When quizzed on why the union did not stay to vote against the report, Weber replied "We felt it was fruitless pursuing the matter"

Van den Berg says he was surprised at the strong opposition to the report at the Confederation's congress last month But, he asserts "This does not mean there is a united front" In fact, Van den Berg reckons the Confederation is crumbling, and it is only a matter of time before it breaks up

Taken control

He adds that the decision to stay, at least until May, does not only depend on using the union's votes against the report "A small rightwing group has taken control This may change now that Nieuwoudt is out So at the moment we are sitting on the fence watching what develops"

Despite these withdrawals, some still reckon a split before May is unlikely Many stand firm on staying, at least until they can vote against the report But, as Saame's breakaway has shown, anything can happen between then and now

Everything hinges on the report It has driven a wedge into the Confederation The question is whether it will be strong enough to split the Confederation, and if it is, which side will be driven out?

RDM 11/3/80

NP pamphlet: unregistered is unpatriotic

166 139 140 145

By RIAAN DE VILLIERS
Labour Correspondent

THE National Party has launched a remarkable pamphlet campaign aimed at allaying white workers' fears about granting registration to black trade unions

The pamphlet, issued by the NP's Parliamentary manpower study group, is backed by private funds

Entitled "We are worried about black trade unions", the pamphlet argues that the registration of black unions is necessary to enable the Government to exercise control over their activities

The pamphlet describes the activities of unregistered black unions as a "danger to the white worker and the country"

Among its claims are that black unions "send their leaders in certain ways behind the Iron Curtain"

Others are that unregistered unions are free to engage in politics and that they join "strange international bodies"

Arguing that this state of affairs could not be allowed to continue, it concludes "The National Party has acted The black trade unions must now come under the law where we can see them and know what they do

"The National Party protects its people and its country"

The pamphlet was sharply criticised yesterday by Mr Alec Erwin, secretary of the predominantly black Federation of South African Trade Unions, who said "The ignorance displayed, and the absurd allegations made, does not bode well for sound labour relations in the future"

Mr Hans Ungerer, MP and secretary of the study group in whose name the pamphlet was issued, said yesterday it would be distributed to as many white workers as possible

"There is a degree of unrest among white workers and the pamphlet is aimed at allaying their fears," he said

Mr Ungerer said the pamphlet was funded by private funds channeled through the study group

But he would not give details

Mr Erwin said it was views such as those expressed in the pamphlet which caused suspicions among unregistered unions over the intention of new labour legislation

"If decisions about unregistered unions are going to be taken on the basis of these kinds of facts, then I foresee danger for the long-term future of labour relations

"I sincerely hope the Minister of Manpower Utilisation is better informed and considers our registration applications on a more rational basis," he said

Kyk net —

- ☆ In 1978 het Swart vakbonde R700 000 op allerl gekry
- ☆ hulle kan buitelanders in hul besture aanstel
- ☆ hulle hoef nie 'n konstitusie in te dien nie
- ☆ hulle hoef nie jaarverslae voor te lê nie
- ☆ hulle hoef nie ledelyste te laat nasien nie
- ☆ hulle hoef nie finansies te laat oudit nie
- ☆ hulle kan politiek en ander sake bedryf nes hull
- ☆ groot maatskappye hou amptelike vergaderings

Wat vind ons? Ons vind daar is 27 ongeregistreerd in 'n dosyn belangrike bedrywe Hulle het 'n ledeta vreemde internasionale liggame Hulle stuur hu Ystergordyn in

An extract from the pamphlet

AS AT 29 02 80 PAGE 1

EXAMINATION RESULTS IN FACULTY ARTS
YEAR : 2

15026

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KwaZulu unemployment danger emphasised

NM 13/3/80

Assocom hits at Riekert report

(166)

JOHANNESBURG — If the recommendations of the Riekert Commission on influx control were fully implemented, they would drive a wedge between urban and rural blacks, according to the Association of Chambers of Commerce of South Africa

In a document submitted during a meeting with Cabinet ministers in Cape Town last week and released here yesterday, Assocom said it agreed with the commission that the uncontrolled migration of blacks to urban areas would give rise to serious social and welfare problems

But it feared that the measures proposed by the commission — and now implemented — would not solve those problems and were likely to give rise to further distortions in the labour market and to other dangerous economic and socio-political problems They were also likely to result in substantially increased unemployment in the rural areas and black States

'This factor is of particular significance in Natal because the borders of that province encompass the whole of the black State of KwaZulu,' the document stated

'Assocom wishes to emphasise the dangers of increased poverty and unemployment in this particular homeland, which abuts on to Mozambique The problem is not one merely of the control of migrant labour, but of the economic stability of the entire Republic and associated black States

Assocom said the creation of additional employment opportunities should be accorded priority by the Government and could not remain solely a responsibility of the governments of the various black States, which were not qualified administratively or financially to cope with it

The document also stated that the present system of black labour bureaus should be terminated and official employment services established for all race groups under one Government department

It said the Riekert Commission had suggested that black labour bureaus should still fall under the control of the administration boards acting as agents for the Department of Manpower Utilisation, so effectively maintaining the complete separation of employment services on a racial basis — (Sapa)

LL 15/3/80

Call for 99-year lease in urban townships

EAST LONDON — The Associated Chamber of Commerce (Assocom) has called on the government to introduce a form of 99-year lease in urban areas adjoining black states.

Commenting on the implementation of the Riekert report on manpower utilisation, the chamber said the shortage of housing in these areas was thought to be the root of many manpower problems.

In a statement released as a result of a meeting with Cabinet members last week, it was suggested a scheme similar to the 99-year lease could be introduced in tribal areas to provide security which would enable building societies to make advances to black residents.

The chamber said additional housing should be provided in urban areas to accomodate migratory black labour, and said it felt the Riekert proposals on influx control would not have much impact on migration.

"It is likely there will be an increase rather than a decrease in the incidence of unlawful employment," the statement said.

This would worsen the problem of squatters, which was already causing headaches.

Turning to the commission's suggestions on influx control the chamber said they would drive a wedge etween urban and rua blacks if implemented.

"Assocom agrees that the uncontrolled migration of blacks to urban areas would give rise to serious social and welfare problems.

"But it fears the measures proposed by the commission will not solve these problems and are likely to give rise to further distortions in the labour market and to other dangerous economic and socio-political problems."

They congratulated the commission on their suggestion that the "present plethora of legislation" controlling labour should be replaced by two consolidating Acts of Parliament.

However, the chamber warned there should be consultation between the technical committee appointed by the government and the private sector.

Assocom called for the termination of the present system of black labour bureaux and said there should rather be an official employment service for all race groups under the control of the government department.

Turning to the question of in-service training, the chamber said the Riekert recommendations closely followed their own beliefs.

However, there was a "divergence of views" where tax concessions were concerned. Assocom rejected the commission's suggestion that tax concessions be phased out for employers who offered in-service training.

"This argument is rejected by Assocom, who believes the fault lies in the cumbersome procedures at present necessary for obtaining approval for courses under the in-service training Act." —DDR

IN FACULTY ARTS
YEAR = 1

FIRST NAMES	COURSE	DESCRIPT	AS
	004101	PSYCHOLOGY	
JANE	115101	FRENCH I	
JOHAN	004101	PSYCHOLOGY	
	908101	GEOGRAPHY I	
	911101	MATHEMATICS	
	911102	MATHEMATICS	
	104101	ARCHAEOLOGY	
AD CARDIGA	115101	FRENCH I	
THONY	107101	ENGLISH I (	
CHULAS	110101	CULTURAL HI	
IN	004101	PSYCHOLOGY	
	105202	SOCIAL ANT	
	908101	GEOGRAPHY	
AN	101103	AFR LANG IN	
	502113	HISTORY OF	
ALISON JANE	106104	ECONOMICS I	
EL	107101	ENGLISH I (	
	605102	ROMAN LAW	
RITA	115102	FRENCH INTE	
	116120	DRAMA I	
D	110101	HISTORY I	
	117101	POLITICAL SC	
	107101	ENGLISH I (	
LIFFORD	106104	ECONOMICS I	
	110101	HISTORY I	
ANCIS CORNELIUS	117101	POLITICAL SC	
OHN	107101	ENGLISH I (	
	911101	MATHEMATICS	
	911102	MATHEMATICS	
ETHCA	910102	ANIMAL DIV	

MIXED UNIONS

Controls to stay?

FM 14/3/80

In the past two weeks, rumblings of unease among the NP's "labour" MPs (those with strong white labour support) about black trade unions have come to light It appears that Minister of Manpower Utilisation, Fanie Botha, will have great difficulty rallying support from them for a reduction in controls of unions

The *FM* learns that two weeks ago government called a few trade unionists to Cape Town to discuss mixed unions For some, the meeting squashed hopes that there would be a significant amendment of the Industrial Conciliation Act

The "labour" MPs, who were at the meeting, are apparently not prepared to see government control of mixed trade unions relinquished And a pamphlet released this week by the group tends to confirm this impression

The pamphlet, said to be funded from private sources, is entitled, "We are worried about black trade unions" and will be distributed among white workers

It argues that unregistered black unions endanger white workers, and the country It accuses them of sending their leaders behind the Iron Curtain, and of joining "strange" international bodies In addition, it says, as long as they are unregistered, these unions can engage in politics, are not required to have their finances audited, and can have foreigners in their management

But most important is the motivation for insisting on their registration — namely that government can control union activities This is not contrary to Pretoria's reasons for bringing African unions into the government-centred system. The White Paper on the Wiehahn Commission report is spattered with references to this. However, the pamphlet indicates a shaky confidence in changes to labour legislation, and so it is unlikely that any of its supporters will go along with any loosening up of controls.

So authorising mixed unions on the basis of exemptions is likely to remain, for at least another year

But are conservative National Party MPs restraining Botha? As far as exemptions are concerned, probably not Some unionists have been a bit too hopeful.

Last year, government rejected scrapping exemptions It also made no bones about wanting African unions to be registered so they would fall under government control Exemptions suit this aim By withdrawing them, they could be used to try and put the unions, unpopular with government, out of business.

There are certainly some unregistered unions which are not in government's good books at the moment Recently, government refused passports to Alec Erwin, general secretary of the Federation of South African Trade Unions (Fosatu), and Junerose Nala, general secretary of the affiliated Metal & Allied Workers Union — while George Manase, national organiser of the United Auto Workers Union, has had his withdrawn

In addition, Fosatu is still waiting for a fund-raising permit, which was expected over a month ago

Manpower Minister Fanie Botha . . . facing difficulties

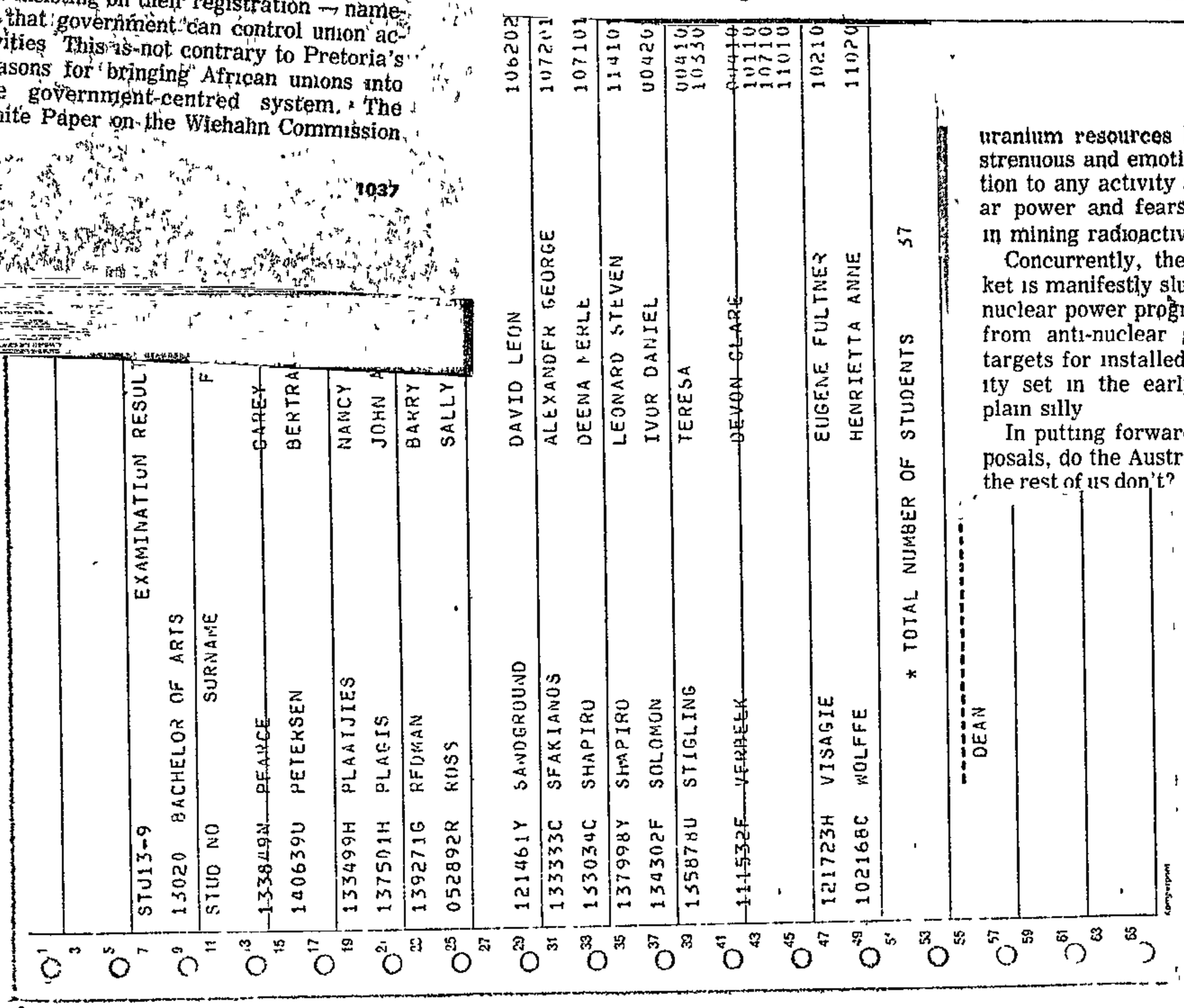
All unions affiliated to Fosatu want mixed status Applications to Botha and the Industrial Registrar have started going out But, says Erwin, "things don't look good"

What government will probably do this parliamentary session is extend the provisions for authorising mixed status At the moment there are only two In addition to considering whether there are enough members of one population group to form an effective union, the Minister of Manpower Utilisation can take the ratio of different population groups into account "if deemed expedient"

uranium resources has been retarded by strenuous and emotive trade union opposition to any activity associated with nuclear power and fears of occupational risk in mining radioactive material.

Concurrently, the world uranium market is manifestly sluggish Most countries' nuclear power programmes are under fire from anti-nuclear groups and ambitious targets for installed nuclear power capacity set in the early Seventies now look plain silly

In putting forward these ambitious proposals, do the Australians know something the rest of us don't?



EXAMINATION RESULTS

STU13-9

13020 BACHELOR OF ARTS

STUD NO	SURNAME	
133849N	PEARCE	F
140639U	PETERSEN	CAREY
133499H	PLAATJIES	BERTRA
137501H	PLAGIS	NANCY
139271G	RFDMAN	JOHN A
052892R	ROSS	BARRY
		SALLY
121461Y	SANDGROUND	DAVID LEON
133333C	SFAKIANOS	ALEXANDER GEORGE
153034C	SHAPIRO	DEENA MERLE
137998Y	SHAPIRO	LEONARD STEVEN
134302F	SOLOMON	IVOR DANIEL
155878U	STIGLING	TERESA
111532F	VERBEEK	DEVON CLARE
121723H	VISAGIE	EUGENE FULTNER
102168C	WOLFFE	HENRIETTA ANNE
* TOTAL NUMBER OF STUDENTS		57
	DEAN	

STU13-9 EXAMINATION RESULTS IN FACULTY ARTS AS AT 29 02 80 PAGE 1

13020 BACHELOR OF ARTS YEAR : 2 13020

STUD NO	SURNAME	FIRST NAMES	COURSE	DESCRIPTION	SYMBOL			
~~1342047~~	~~ADAMS~~	~~FADLUNESSA~~	~~110202~~	~~HISTORY II~~	~~3~~	~~(52)~~	~~3~~	~~1342047~~
137452E	ALLIX	MARK LORAINE	104101	ARCHAEOLOGY I	ABS		7	137452E
		~~ANDREW MICHAEL~~	~~107201~~	~~ENGLISH II~~	~~ABS~~		~~1~~	~~140746K~~
		[illegible]-MARIE	003301	SOCIOLOGY III	ABS		7	120414K
			117201	POLITICAL SCIENCE II	ABS			
				PHILOSOPHY I	2-	(67)	1	1384970
				SOCIAL ANTHROPOLOGY II(PRE	F	(48)	7	136110N
			8	AFR LANG INTENSIVE (XHOSA)	2-	(60)	1	136962X
			3	ITALIAN INTENSIVE	3	(51)		
			~~8~~	~~DRAMA II~~	~~F~~	~~(46)~~	~~1~~	~~111207C~~
			1	CULTURAL HISTORY OF W.E. I	ABS		1	113763F
			07	HISTORY & THEORY OF ART I	ABS			
			02	SOCIAL ANTHROPOLOGY I(PRE	12-	(60)	1	137811V
			01	ENGLISH II	2-	(60)		
			~~05~~	~~LATIN ELEMENTARY~~	~~UP~~	~~(54)~~	~~1~~	~~113790K~~
			01	PSYCHOLOGY I	3	(58)	1	113526Y
			04	PHILOSOPHY I	F	(30)		
			02	LATIN II	2-	(65)	1	134419H
			01	RELIGIOUS STUDIES II	ABS		1	0987178
			201	MATHEMATICS IIA M204	2-	(68)	1	139706E
			201	ENGLISH II	3	(55)	1	135266E
			201	ENGLISH II	2-	(63)	1	1146920
			201	RELIGIOUS STUDIES II	2+	(72)		
			201	FRENCH II	2-	(63)		
			101	POLITICAL SCIENCE I	F	(47)	1	139615F
1328280	MEYER		202	ECONOMICS II	3	(50)	1	1328280
133615J	MILLER	DARLENE RUTH	1103	AFR LANG INTENSIVE (XHOSA)	F	(38)	1	133615J
133140T	OLIVA DAY	DIANA EMMA	107101	ENGLISH I (PRE-1980)	3NX		1	133140T
133546J	UMAR	ABDUL RASHIED	106202	ECONOMICS II	3	(52)	1	133546J

UCT

Assocom 72-hour rule Repeal

Post 14/3/80

IN a major memorandum on the Riekert Manpower Report Assocom states the 72-hour influx rule for blacks as "seriously disturbing race relations" and causing great harm to the country's image overseas

The Association of Chambers of Commerce calls for the reference books carried by blacks to be used solely for identification and not for influx control

It urges that blacks from black states should have passports while black residents in white areas should be provided with a "book of life" in the same way as whites

The Association reports that in practice the 72-hour restriction is not effective in preventing the influx of blacks into major urban areas

The three-day concession affords no guarantee against summary arrest since the onus is on the black person to prove his right to be in an area

Assocom says that where blacks commute daily from adjacent black homelands "the restriction has become meaningless"

REPEAL

It calls on the Government to consider a total repeal of the 72-hour provision In the meanwhile it recommends that the concessionary period be extended to 14 days

The memorandum says that in the present social and economic circumstances the Riekert recommendations on influx control — even if strictly implemented — will have little real impact on blacks moving to the cities to look for work

Greater mobility in labour market

166

THE expected legislation this year that will prevent early cash pay-outs from pension funds could have far-reaching effects on the South African labour force, says Mr Eric Speyers, assistant general manager of the Southern Life Association.

Mr Speyers points out that the registrar of financial institutions has been consulting with the representatives of the private pension fund industry for some two years now and a high degree of consensus on basic principles would now seem to exist

One of the main new developments could be that the prevention of early pre-retirement cash pay-outs could result in greater job mobility, which will compound the already high turnover of skilled labour

Older long-service employees have been the most stable staff sector as the threat of pension losses often acted as a strong deterrent to job changes

"However with a more realistic slice of the cake coming their way on retirement, this obstacle will be partly removed and it will become easier for them to test the demand for their skills and experience on the labour market" says Mr Speyers

Employers may well see their older, long-service staff leaving unexpectedly

New recruitment policies could also be a feature More employers especially larger organizations tend to shy away from employing older people This reluctance is partly linked to the associated obligation to provide realistic retirement benefits — a costly exercise, particularly when long periods of back service are involved

But the transfer of substantial benefits from a previous pension fund could make older, more experienced employees an increasingly attractive recruitment prospect This will lead to changes in the selection process too

Mr Speyers also points out that existing legislation allows employers to provide housing assistance against the security of pension fund contributions Compensation in the event of dishonesty or misconduct can also be claimed from the source But with the possible abolition of cash payments on withdrawal this source of security will be removed

It is hoped that legislation will not be back-dated to include past contributions as a very real danger could arise in that it may trigger a wave of resignations by people, in particular females, determined to get their hands on the cash before the law becomes effective says Mr Speyers

Mr Bob McArthur has been appointed manager of the new Milnerton branch of Barclays National Bank He was formerly accountant at the Plein Street branch in Cape Town

Accountants as tax counsellors

At a lunch organized by the Cape Chartered Accountants (SA) Students' Society Mr Costa Divaris, a co-editor of Businessman's Law, encouraged the 195 articled clerks attending to take advantage of the expanding demand for Chartered Accountants (SA) prepared to specialize in tax counselling

Many audit firms, he said, were setting up specialized tax departments where CA's could find not only a rewarding occupation but also a tremendous amount of practical experience

In commerce and industry too he said large companies were creating in-house tax departments offering challenging and worthwhile careers to CA s

Opportunities for training and also for teaching experience were also being widened as more universities offered new tax courses and improved existing courses

Mr Divaris ascribed these developments which he said, were a fairly recent phenomenon to the increasing awareness of the advantages of tax planning as a means of keeping tax payments to a minimum

STU13-9 EXAMINATION RESULTS IN FACULTY ARTS AS AT 29 02 80

13010 BACHELOR OF ARTS YEAR = 1 PAGE 4

STUD NO	SURNAME	FIRST NAMES	COURSE	DESCRIPTION	SYMBOL			
155148P	JERVIS	JOSEPHINE ALEXANDRA	115103	ITALIAN INTENSIVE	F	(47)	1	1
156426D						(44)		1
160764U								1
162323N								1
157049M								1
157519R								1
160448A								1
157025E								1
160168W								1
137458L								1
159478W								1
158804P								1
130847A								1
137330X								
159321A								1
150182R								1
155800Y								
157772R								7
158259W								1
156326V								1
157549Z								1
159154W								1
		ADRIAN	103202	SOCIAL ANTHROPOLOGY I (PRE 1UP				
		RICCARDO EDWARD GREGORIO	115103	ITALIAN INTENSIVE	F	(45)	1	1
		SANDRA ROCHEL	106103	ECONOMICS IA	ABS			1
		CECILIA AGNES	107101	ENGLISH I (PRE-1980)	3NK		1	1
		MELISSA JANE	911101	MATHEMATICS I M102	F	(48)	1	1

Acid test for new labour set-up

(166)

By RIAAN DE VILLIERS
Labour Correspondent

BLACK affiliate unions of the Federation of South African Trade Unions (Fosatu) have begun applying for registration in terms of the new labour laws

Announcing this yesterday, the 50 000-strong predominantly black union co-ordinating body said the applications constituted the first "major test" for the legislation and its intentions

Applications would be for non-racial unions, ie complete exemption from clauses 4(6) and 8(3) of the Industrial Conciliation Act, and all would be for final registration

Also, registration would be sought for those areas and interests where affiliates had membership and could effectively represent them

According to the statement, the central issue at stake was the non-racial nature of the applications

"Are we to advance towards the elimination of racism from industrial relations or are we to remain with racism as a serious divisive and polarising force?" a Fosatu statement said

Fosatu affiliates had submitted what they believed to be well founded applications, except that they were non-racial

"We now await the Minister's response on this vital question to the future of industrial relations in South Africa"

The applications are a sequel to a "summit" meeting of trade unions convened by Fosatu in November last year

Eventually 12 unregistered unions — 10 of whom are affiliated to Fosatu — agreed not to accept registration unless certain conditions were met

They were that unions should be completely non-racial, that provisional registration would not be accepted, that no additional controls over unions would be accepted and that unions should not be fragmented by registration.

Unions then split on strategy The Fosatu affiliates deciding to apply for registration on the basis of these criteria, while the two others, the Western Province General Workers' Union and the African Food and Canning Workers' Union, decided not to seek registration until the laws were changed to meet the criteria

159173R								
159186D	1		(55)	UP	FRENCH I	101		
158211U	1		(60)	UP	PSYCHOLOGY I	004101	JANET FAY	GREEN
*153855J	7			ABS	ECONOMIC HISTORY 1	106102	KIRSTIN CHARLOTTE GERDA	GRUSSE
162285X	1		(50)	UP	ECONOMICS IA	106103	SUZANNE COLLINGS	HALLIER
161662V	1			3NX	ENGLISH I (PRE-1980)	107101	EDWINA ANNE	HANCOCK
162109F	1		(49)	F	RELIGIOUS STUDIES I	114101	GWYNETH JULIA MARY	HARRIS
			(50)	UP	DRAMA I	116120		
155641A	1		(65)	2- 3NX	PSYCHOLOGY I ENGLISH I (PRE-1980)	004101 107101	TIMOTHY JAMES GRAHAM	HART
115954M	1			ABS	MATHEMATICS I M102	911101	MARGARET JOANNE	HARVEY
159604H	1		(50)	UP	AFRIKAANS	102101	SUSAN MARGARET	HEESE
			(65)	UP	RELIGIOUS STUDIES I	114101		
161491J	1		(48)	F	POLITICAL SCIENCE I	117101	TREVOR RONALD	HENECK
152126E	7		(37)	F	FRENCH I	115101	RONALD ALAN	HENSON
155720L	1			ABS	FRENCH I	115101	UTE	HOPPEN
152889J	7			ABS	DRAMA I	116120	SALLY	HUDSON
155148P	1		(57) (59) (56)	3 3 3	PSYCHOLOGY I ENGLISH I (PRE-1980) FRENCH I	004101 107101 115101	JOSEPHINE ALEXANDRA	JERVIS

Row over union registration looms

(166) RDM 19/3/80

By STEVEN FRIEDMAN
Labour Reporter

COMPULSORY registration of trade unions may be on the cards and with it angry protest from black unions who have refused to register — or to do so only on their own terms

The Department of Manpower Utilisation has asked the Wiehahn Commission to consider the desirability of compelling all trade unions to register under the new labour laws

The department it is understood wrote to the commission last September asking it to look at and express itself on the desirability of ' compulsory registration in its final report

Compulsory registration would mean unions would have to register or cease to operate, and would spark protests from many black unions

However, influential registered unions strongly favour compulsory registration and have privately urged the Government to introduce it

Senior officials in the department have stressed that compulsory registration was in force before 1956, and speculation that it will be introduced has mounted in recent months

So far only two unregistered unions have categorically refused to register They argue that controls in the new labour system will weaken them

Fourteen unions affiliated to the Federation of SA Trade Unions have decided to register — but only, they insist if they are given nonracial status

The Secretary for Manpower Utilisation, Mr Jaap Cilliers, said yesterday that he could not recall a request from his department to the commission

He added that "we obviously look at issues like these as they arise"

The chairman of the Wiehahn Commission, Professor Nic Wiehahn, declined comment saying ' Compulsory registration is an administrative matter We are concerned with issues of principle '

It is also understood that the department has asked the commission to examine the definition of trade union representativeness in the Industrial Conciliation Act

The Act says unions who apply for a conciliation board to resolve a dispute — as well as unions who want binding industrial wage agreements extended to non-union labour — must be "sufficiently representative"

Before this stipulation meant only that the unions had to represent enough white, coloured and Asian workers

But the extension of registered union rights to black migrant workers and "commuters" means registered unions now represent only a small portion of workers eligible for union membership

It is feared industrial agreements could be challenged in the courts because the unions which negotiated them are no longer representative

Labour experts consulted yesterday said that an agreement could be challenged on these grounds

But Mr Cilliers argued yesterday that the Minister has the discretion to decide whether the parties to an agreement are representative

He added that "registered unions do not have to worry about agreements being challenged"

EXAMINATION RESULTS IN FACULTY ARTS

YEAR : 1

	STU13-9				
	13010 BACHELOR OF ARTS				
	STUD NO	SURNAME	FIRST NAMES	COURSE	DES
1	162004R	BURNE	SUZANNE ELIZABETH	106103	ECONO
3	158955C	CARO	SALLY-ANN	107101	ENGLI
5				116120	DRAMA
7				114101	CULTU
9	162195Z	CHAIT	CHERYL	102101	AFRIK
11	153965D	CLARKE	PENELOPE JILL	103202	SOCIA
13	157789K	COHEN	DAVID	104101	ARCHA
15				110101	HISTO
17	156503M	COLLIER	LINDSEY JEANNE	911101	MATHE
19				916103	ANINA
21	153999D	COLLINS	BEVERLEY RAYMON	116120	DRAMA
23	153621E	COUCHER	ROBERT GEORGE RENESON	004101	PSYCH
25	153872X	COURTENAY	COLETTE	107101	ENGLI
27	153796V	DAVIS	CASSANDRA ELAINE	107101	ENGLI
29	140457N	DELAHUNTY	ANNA TERESE	904101	SEDGE
31	162364E	DOMAN	MICHAEL EDWARD	106102	ECONO
33	155931D	DU PLESSIS	MARCIA ELIZABETH	107101	ENGLI
35	158919N	DUNCAN	ANDREW SYMON	003101	SOCIO
				004101	PSYCH
37	156415R	ERASMUS	ARNO JACQUES ERASMUS	601101	COMME
39				910106	STATI
41	162310Z	EVANS	GAVIN MARK READ	101103	AFR L
43	161480X	FAFAK	GIULIETTA	107101	ENGLI
45	153863T	FARQUHAR	GILLIAN DEBORAH	115101	FRENCH
47	152866J	FARRELL	MICHAEL BRUCE	004101	PSYCH
49	157359T	FINLAY	PAMELA JOAN	104104	ECONO
				115102	FRENCH
				115103	ITALIA
51	159744K	FIORAVANTI	LUIGINA	214102	PHYSIC

'Influx laws split union on unity'

(116) 15/3/80

By STEVEN FRIEDMAN
Labour Reporter

BLACK trade unions will increasingly be forced to challenge the system of influx control, according to Mr Loet Douwes-Dekker, a lecturer at the Wits Business School who has close links with the black union movement.

Mr Douwes-Dekker was recently unbanned.

The text of his address to a seminar on South African labour being held this week in Frankfurt was released yesterday. The seminar has been organised by an influential German trade union, IG Metall.

Mr Douwes-Dekker said black unions faced a dilemma as a result of a conflict between recent changes in labour law and the recommendations of the Riekert Commission report.

While migrant workers were now allowed to join registered trade unions the Riekert proposals would only allow migrants to enter urban areas if there were no unemployed urban dwellers.

"How can a trade union follow a consistent policy when some of its members, the permanent urban dwellers, are given better opportunities for employment than those members who are migrants?" he asked.

Mr Douwes-Dekker said migrant trade union members would have to raise the discrimination they experience at meetings and mandate their executives to pursue the matter.

Black unions "will increasingly have to challenge the system of influx control as it will discriminate between their members."

Mr Douwes-Dekker also argued that black unions and political organisations like Azapo would have to draw up a solidarity contract in which they would agree on "the boundary lines" between trade union and political work.

It is known that Azapo has made overtures to some black unions and Mr Douwes-Dekker said at times political and labour movements will find that their interests overlap. But

156503M	COLLIER	LINDSEY JEANNE	911101 916103	MATHEMATICS I M102 ANIMAL BIOLOGY (HALF COURSE	UP UP	(69) (54)	1	156503M
~~1539990~~	~~COLLINS~~	~~BEVERLEY ROYNON~~	~~116120~~	~~DRAMA I~~	~~F~~		~~1~~	~~1539990~~
153621E	COUCHER	ROBERT GEORGE RENESON	004101	PSYCHOLOGY I	UP	(56)	1	153621E
~~138572X~~	~~COURTENAY~~	~~COLETTE~~	~~107101~~	~~ENGLISH I (PRE-1980)~~	~~3NX~~		~~1~~	~~138572X~~
153796V	DAVIS	CASSANDRA ELAINE	107101	ENGLISH I (PRE-1980)	3NX		1	153796V
~~140457W~~	~~DELAHUNTY~~	~~ANNA TERESE~~	~~908101~~	~~GEOGRAPHY I~~	~~ABS~~		~~1~~	~~140457W~~
162384E	DOMAN	MICHAEL EDWARD	106102	ECONOMIC HISTORY I	F	(8)	1	162384E
~~1559310~~	~~DU PLESSIS~~	~~MARCIA ELIZABETH~~	~~107101~~	~~ENGLISH I (PRE-1980)~~	~~3~~	~~(57)~~	~~1~~	~~155931U~~
158919N	DUNCAN	ANDREW SYMON	003101 004101	SOCIOLOGY I PSYCHOLOGY I	F F	(49) (49)	7	158919N
156415R	ERASMUS	ARNO JACQUES ERASMUS	601101 910108	COMMERCIAL LAW A STATISTICS IC(HALF CRSE)	F F	(35) (48)	1	156415R
~~1623107~~	~~EVANS~~	~~GAVIN MARK READ~~	~~101103~~	~~AFR LANG INTENSIVE (XHOSA)~~	~~3~~	~~(57)~~	~~1~~	~~162310Z~~
161480X	FAFAK	GIULIETTA	107101	ENGLISH I (PRE-1980)	3NX		1	161480X
~~153863T~~	~~FARQUHAR~~	~~GILLIAN DEBORAH~~	~~115101~~	~~FRENCH I~~	~~UP~~	~~(57)~~	~~1~~	~~153863T~~
152866J	FARRELL	MICHAEL BRUCE	004101	PSYCHOLOGY I	UP	(55)	1	152866J
~~157359T~~	~~FINLAY~~	~~PAMELA JOAN~~	~~106104~~ 115102 115103	~~ECONOMICS IB~~ FRENCH INTENSIVE ITALIAN INTENSIVE	~~UP~~ UP UP	~~(52)~~ (58) (54)	~~1~~	~~157359T~~
~~159744K~~	~~FIORAVANTI~~	~~LUIGINA~~	~~914102~~	~~PHYSICS IB~~	~~UP~~	~~(58)~~	~~1~~	~~159744K~~

UCT

Black Building Workers Act may be repealed

RDM 20/3/80.

166

By STEVEN FRIEDMAN
Labour Reporter

CONTROVERSIAL changes allowing black building workers to do skilled work in "white" areas — if only on a "temporary" basis — are on the cards

It is understood that Government labour advisors will soon recommend the repeal of the Black Building Workers Act, which prohibits skilled work by blacks in "white" areas

And employers are likely to soon be granted exemptions from the Act which will operate until the Government responds to this proposal

If the Government accepts, the colour bar in the industry will become a matter for negotiation between employers and registered trade unions

Registered unions would, therefore, still have some power to forestall change through industrial agreements with employers

Such a move would have immediate political implications One of the registered unions in the industry is the White Building Workers Union whose general secretary is Mr Gert Beetge of the Herstigte Nasionale Party

The union is certain to fight any attempt to repeal the Act

Although employers expect the repeal of the Act, the Building Industries Federation has asked for temporary exemptions to allow employers to train black artisans

A Government decision on this request is now imminent

Recently, talks between employers and trade unions aimed at securing a relaxation of job reservation in the industry, collapsed when trade unions walked out of negotiations

Yesterday, Die Vaderland reported that Mr Fanie Botha, Minister of Manpower Utilisation, was investigating allowing blacks to perform skilled work in the "white" areas on a temporary basis

It said that the Minister was considering granting "temporary" exemptions "to try to save the situation in the industry"

The matter was enjoying "the highest priority", it said

A spokesman for the Department of Manpower Utilisation said yesterday that a statement on the matter would be issued soon

It is understood however, that some form of exemption is certain

Providing jobs is top priority — Wassenaar

SOUTH AFRICA'S top current priority should be to provide employment opportunities, the chairman of Sanlam, Dr A D Wassenaar, said in Cape Town yesterday.

He told the company s annual meeting that ' unless we have speedy and imaginative action, huge socio-political problems could await us

Dr Wassenaar said the economy was healthy, and the prospects of sound growth were the best in years It was extremely important however that the current gold earnings should be seen purely as a windfall to be utilized for the long-term benefit of South Africa in projects such as meaningful consolidation and development of homelands and further energy projects to make us as independant as possible from imported fuel

He welcomed government action to make the economy freer and to offer the largest possible scope to private initiative

This shift of emphasis on growth in the private, rather than in the public sector to my mind is one of the most significant economic developments in many years

In conjunction with this I welcome the great value government attaches to the extension of opportunities for in-depth and sustained consultations on matters of policy between the authorities and the private sector

The new economic development programme approach was an important advance It clearly focussed attention on the most important impediments of our economy The problem of unemployment particularly among the black population, causes grave concern

The recommended trends towards a more important role for the private sector, lower direct taxes better utilization of manpower and an intensified export effort must be actively pursued

I myself think that we should go even further

I welcome the implementation of the recommendations of the Wiehahn and Riekert commissions aimed, inter alia, at raising the level of training of employees and to achieve increased mobility of workers between sectors professions and regions

In this way we shall be able better to utilize our manpower as a production factor and in doing so promote the competitiveness of labour-intensive as against capital-intensive production methods

' Making available capital at a cost which better reflects the real position of supply of and demand for capital will certainly help to improve the cost ratio of labour in relation to that of capital

In view of this, the further recommendations of the De Kock Commission are being awaited with great expectations I hope particularly that they will lead to steps for establishing a broader and active capital market in South Africa

It is my opinion that the utilization of labour too, should be promoted by suitable fiscal measures In this regard I propose that the tax benefit should depend not merely on the absolute size of the capital investment but should be related also to the number of employment opportunities created

'Further, I believe that by stimulating enterprise a very important contribution can be made towards creating more employment opportunities

It was imperative that impediments and administrative red tape should be removed and that small enterprise should come to its own

More should also be done towards black family planning and by developing the homelands more rapidly

' It is, further vitally important to exploit the agricultural potential of the homelands as the basis of economic growth in these regions In this way the maximum employment opportunities can be created with the limited capital available, Dr Wassenaar added — Sapa

sing prices

EXAMINATION RESULTS IN FACULTY ARTS

YEAR : 2

STH13-9

15026 B.A./LL.B.

STUD NO	SURNAME	FIRST NAMES
133011C	SCHWEITZER	ANTONY GIDEON
1349658	SMITH	ROBERT TRAVERS
135195B	SMUTS	PETER WESSEL
100311J	SNYMAN	GRAHAM THEO
132288R	SONNENBERG	GRAHAM JOHN
138545T	STRAUSS	JENIFER SUSAN
133262A	TEE	RICHARD JOHN
139650U	THOMAS	HELEN CAREN
101565V	WILLERS	JOHAN MARITZ

* TOTAL NUMBER OF STUDENTS

DEAN

AS AT 29 02 80

PAGE 2

Group Areas 'holds up' SA

Argus 21/3/80 (166)

Parliamentary Staff

ANY future constitutional development would be unsuccessful while the Group Areas Act remained on South Africa's statute books, Senator Eric Winchester (PFP, Natal) said in the Senate yesterday.

Senator Winchester was introducing a private members' motion calling for the repeal of the Act in the interests of good race relations and the economic well-being of all South Africans.

'Until the Group Areas Act is scrapped, the key to unlock race discrimination and to open the door on a better and more just society will be unattainable,' he said.

'The Act is eating at the heart of South Africa and nothing we hold worthwhile will survive the ravages it does to human relations.'

The Act had been condemned by almost every black and brown person in South Africa.

It had also been condemned by major Government commissions such as the Cillie, Theron, Wiehahn and Riekert commissions.

'The injustices brought about be this piece of legislation has made it one of the most cruel and unjust ever imposed on a voiceless people anywhere in the Western World,' he said

During its thirty years of existence, it had caused hardship to thousands, misery and death.

One of the Act's greatest evils was the way in which it prevented the youth of different race groups from getting to know each other.

It was seen by blacks as evidence of the white man's greed.

But other population groups were expanding faster than the whites and sooner or later more group areas would have to be found for blacks and would inevitably have to be taken from the whites, he said

Senator Winchester said it was illogical to call for the scrapping of the Act and still want to retain separate residential areas.

It was also dishonest to call for the abolition of race discrimination and at the same time want to retain separate residential areas

Senator Bill Horak (NRP, Cape) said that every community had a right to protect its identity and this should be decided at local authority level according to the NRP's policy of local option.

The Minister of Community Development, Mr Marais Steyn, said that 79 percent of people rehoused under the Act would have had to be rehoused anyway because of the abject conditions under which they had lived

RAND DAILY MAIL, Friday, March 21, 1980 3

(166)

RDM 21/3/80.

Unionist sees change in law

(132)

By RIAAN DE VILLIERS
Labour Correspondent

A LEADING South African trade unionist has told an overseas audience that an increasing number of established trade unions in the country were committed to removing race discrimination from the labour field.

He also said South African unions "fully expected legislation within a very short time" allowing them to become completely non-racial.

Addressing a seminar on industrial relations in South Africa, held in Frankfurt by the company I G Metall, Mr Ike van der Watt, secretary of the Boilermakers' Society, said many white unions had abandoned the idea of the intermediate stage of parallel unions for blacks

The transition was now seen as moving from exclusively white unions directly to mixed unions

Criticising parallel unionism, Mr Van der Watt said some unions still saw them as a solution, but this could at best only be an interim solution

There were black unions which insisted on separate unions — which could be understood "all too well" But this was the equivalent of the white protectionist reaction and could be equally destructive

"In the end neither of these reactions can benefit anyone," Mr Van der Watt said.

South Africa could not afford a divided trade union movement operating on different levels, divided along ethnic lines or the lines of registered and unregistered unions striving after different objectives.

"What we will need is a united trade union movement with a clear view of what its objectives and aspirations are."

He said many "white" unions were committed to change and were bearing a large part of the burden of change.

"We do not wish to belittle those unions which see change purely in terms of ethnic liberation, but we must point out we see change as a non-racial process," Mr Van der Watt said

He warned that at the same time, unions were not prepared to sacrifice standards relating to conditions of employment, standards of living or professional work standards

"Our commitment is to the extension of optimum standards to all without reference to race or sex

Mr Van der Watt said the policies of Mr Arrie Paulus, secretary of the Mineworkers' Union, and his supporters were similar to that of the more extreme black unions, both adhering to an ideal of a South Africa under the domination of one ethnic group

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STU13-9 EXAMINATION RESULTS IN FACUL
13010 BACHELOR OF ARTS YEAR

STUD NO	SURNAME	FIRST NAMES						
~~1620048~~	~~BURNE~~	~~SUZANNE ELIZA~~						
158955C	CARO	SALLY-ANN						
162195Z	CHAIT	CHERYL						
~~153945D~~	~~CLARKE~~	~~PENELOPE JILL~~						
157789K	COHEN	DAVID						
156503M	COLLIER	LINDSEY JEANNE						
~~153999D~~	~~COLLINS~~	~~BEVERLEY ROYNON~~						
153621E	COUCHER	ROBERT GEORGE REN						
~~138572X~~	~~COURTENAY~~	~~COLETTE~~						
153796V	DAVIS	CASSANDRA ELAINE						
~~140457W~~	~~DELAHUNTY~~	~~ANNA TERESE~~	~~908101~~	~~GEOGRAPHY I~~	~~ABS~~		~~1~~	~~140457W~~
162384E	DOMAN	MICHAEL EDWARD	106102	ECONOMIC HISTORY I	F	(8)	1	162384E
~~155931D~~	~~DU PLESSIS~~	~~MARCIA ELIZABETH~~	~~107101~~	~~ENGLISH I (PRE-1980)~~	~~3~~	~~(57)~~	~~1~~	~~155931D~~
158919N	DUNCAN	ANDREW SYMON	003101 004101	SOCIOLOGY I PSYCHOLOGY I	F F	(49) (49)	7	158919N
156415R	ERASMUS	ARNO JACQUES ERASMUS	601101 910108	COMMERCIAL LAW A STATISTICS IC(HALF CRSE)	F F	(35) (48)	1	156415R
~~162310Z~~	~~EVANS~~	~~GAVIN MARK READ~~	~~101103~~	~~AFR LANG INTENSIVE (XHOSA)~~	~~3~~	~~(57)~~	~~1~~	~~162310Z~~
161480X	FAFAK	GIULIETTA	107101	ENGLISH I (PRE-1980)	3NX		1	161480X
~~153863T~~	~~FARQUHAR~~	~~GILLIAN DEBORAH~~	~~115101~~	~~FRENCH I~~	~~UP~~	~~(57)~~	~~1~~	~~153863T~~
152866J	FARRELL	MICHAEL BRUCE	004101	PSYCHOLOGY I	UP	(55)	1	152866J
~~157359T~~	~~FINLAY~~	~~PAMELA JOAN~~	~~106104~~ 115102 115103	~~ECONOMICS IB~~ FRENCH INTENSIVE ITALIAN INTENSIVE	~~UP~~ UP UP	~~(52)~~ (58) (54)	~~1~~	~~157359T~~
~~159744K~~	~~FIORAVANTI~~	~~LUIGINA~~	~~214102~~	~~PHYSICS IB~~	~~UP~~	~~(58)~~	~~1~~	~~159744K~~

Govt to scrap black labour law

Political Staff

JOHANNESBURG — The government is to scrap the 1967 law which prevented industrialists from employing additional black people outside the homelands without official permission

The Riekert Commission last year recommended that the provision be withdrawn The law had been strongly criticized by both industrialists and opposition MPs since it was introduced

The South African Party MP for Walmer, Mr Theo Aronson, who tabled questions on the provision in the House of Assembly for a number of years and who had criticized its negative effect on economic growth, yesterday welcomed the move

"It would seem that the present disadvantages and negative results produced by the existing section three of the Physical Planning Act will now be done away with, and this could lead to industrial growth in areas which have been depressed for many years as a result of these restrictions," he said

Details of the new government policy were given in the Physical Planning Bill, which was released in Parliament yesterday and will replace the existing act

In an explanatory memorandum the government said that the bill provided for the removal of section three of the old act "in terms of which control is exercised over the employment of black labour in factories"

The new bill creates controls only for the establishment and extension of factories in "so-called non-industrial land"

No control in future

In future, the employment of blacks in the establishment and extension of factories in industrial areas will not be controlled

The memorandum said this move gave "partial effect" to the recommendations of the Riekert Commission, as accepted by the government in a White Paper

AS AT 29 02 80 PAGE 1

EXAMINATION RESULTS IN FACULTY ARTS

DIP (SPEECH & DRAMA) YEAR : 1

STUD NO	SURNAME	FIRST NAMES	COURSE
1523377	~~DUMILE~~	~~JOHN~~	~~110120~~
1523660	POGRUND	JENNIFER SOLANGE	115101

* TOTAL NUMBER OF STUDENTS 2

DRAMA 1 FRENCH 1

Black labour law change

(166)

RDM 22/3/80.

By STEVEN FRIEDMAN
Labour Reporter

THE Government is to scrap a much-criticised law which places a ceiling on the number of black workers that industrialists can employ outside the homelands, and which has cost tens of thousands of black people their jobs.

But the law, Section 3 of the Environment Planning Act, will remain in force until new controls on the use of black labour in the cities are introduced.

The new controls are currently being investigated by the Committee on Economic Co-operation and Strategy, under the chairmanship of the Prime Minister's Economic Advisor, Dr Simon Brand.

Section 3 was designed to persuade industrialists who employ large quantities of black labour to move to the homelands, and laid down a ratio of black to white employees (2 to 1 in some cases, 15 to 2 in others) which industrialists could not exceed without Government permission.

Between 1971 and 1976, 41 918 black people lost their jobs as a result of its implementation, according to an answer to a question in Parliament. In 1978 alone, 4 933 black workers were adversely affected.

It was mainly used against clothing factories, and a spate of prosecutions caused a number of them to close in the Witwatersrand.

Details of its repeal were given yesterday in the Physical Planning Amendment Bill, released in Parliament.

The new Bill will remove Section 3 "in terms of which control is exercised over the employment of black labour in factories," according to an explanatory memorandum released with the Bill yesterday.

However, the Secretary for Planning, Mr J F Otto, said yesterday the new Bill would not be promulgated until the Brand Committee had formulated its proposals. The existing controls on employment of blacks would remain until the new controls were in force.

Mr Otto said the new controls would "achieve the same object as Section 3 while removing the disadvantages."

This is in line with the Government's response to the Riekert Commission report last May. The Commission recommended the Act be scrapped. The Government accepted this proposal with the proviso that new controls be found.

It said these should "not be discriminatory," but achieve the same object as Section 3.

The director of the Federated Chamber of Industries, Dr Johan van Zyl, yesterday expressed surprise at the Government's decision to introduce legislation before the Brand Committee had reported.

"This is obviously intended as a sign of good faith to overseas critics who say the Government is dragging its feet, and we welcome it."

Mrs Lucy Mvubelo, general secretary of the National Union of Clothing Workers, also welcomed the move but expressed the hope that the Brand Committee "will make things better, not worse, for us."

| | | |

New curbs replace labour 'ratio' law

RDM 26/3/80.

166

By STEVEN FRIEDMAN
Labour Reporter

NEW controls on the use of black labour in "white" industrial areas will be announced soon after the Easter parliamentary recess

They will replace Section 3 of the Environment Planning Act, which limits the number of black workers that industrialists outside the homelands can employ without Government permission.

A Bill scrapping Section 3 was released by the Government last week

Section 3, which has cost tens of thousands of black workers their jobs, was strongly opposed by industrialists and black trade unions

Between 1971 and 1976, nearly 42 000 black workers lost their jobs as a result of Section 3's implementation, according to answers to questions in Parliament In 1978 alone, nearly 5 000 black workers were adversely affected

A ratio of black to white workers — two to one in some areas, five to two in others — was laid down. Industrialists could only exceed the ratio with official permission.

It was used against industries in the cities, and its implementation caused the closure of a number of Rand clothing firms

Trade unions have attacked Section 3 for discriminating against black workers, and industrialists have complained that it restricts industrial growth in the cities

Last week, the Government published the Physical Planning Amendment Bill, which abolishes the controls on black labour contained in Section 3

However, the Secretary for Planning, Mr J F Otto, told the Rand Daily Mail that Section 3 would not be abolished until the Committee on Economic Co-Operation and Strategy, under the chairmanship of the Prime Minister's Economic Adviser, Dr Simon Brand, had formulated new controls.

These, he said, would "achieve the same purpose as Section 3 without many of the disadvantages".

The existing controls would remain until the new ones were introduced

Yesterday a spokesman for the Brand Committee, Mr Marius de Waal, said it had completed its investigation into new controls Its findings would be submitted to the Cabinet soon

"The details of our findings will be ready for release just after the Easter recess They should be released as soon as the Cabinet has considered them," he said

Mr De Waal confirmed that the committee would be recommending new controls "We were asked to look at them and have included them in our findings"

The Riekert Commission recommended last year that Section 3 be repealed The Government's White Paper in response to the report agreed to this proposal, provided new controls were introduced

These, it said, should be "non-discriminatory."

The Brand Committee, which was established late last year, has been investigating controls in line with this recommendation

STU13-9
13010 BACHELOR OF ARTS
SURNAME
EXAMINATION RESULTS IN FACULTY ARTS
YEAR : 1
FIRST MARKS
COURSE

AS AT 29 02 80

PAGE 5

13010

	DESCRIPTION	SYMBOL				
1102	MATHEMATICS IA	3	(50)	1	1594454V	14
5102	GERMAN INTENSIVE	ABS				
5103	CHEMISTRY IB	F				
	ANIMAL BIOLOGY (HALF COURSEF		{ 27}	7	1529658R	16
			{ 39}			
6101	HISTORY I	ABS		1	1570950	18
3101	SOCIOLOGY I	ABS				
4101	PSYCHOLOGY I	UP	(50)	1	1557470	22
7101	ENGLISH I (PRE-1980)	3NX				
	CULTURAL HISTORY OF W.E. I UP		(50)	1	1584697	24
8101	PSYCHOLOGY I	UP	(59)	1	1578150	28
4101	ENGLISH I (PRE-1980)	3NX				
7101	ITALIAN INTENSIVE	F	(48)			
5103						
0101	RELIGIOUS STUDIES I	UP	(62)	1	1501190P	32
1101	HISTORY I	UP	(50)	1	1507830	34
4101	DRAMA I	ABS				
7101	ENGLISH I (PRE-1980)	3NX		7	1379836	38
1101	PSYCHOLOGY I	2-	{ 61}	1	1575601	40
5102	FRENCH INTENSIVE	F	{ 47}			
4101	MATHEMATICS I #102	UP	(65)	1	1559248H	42
1101	POLITICAL SCIENCE I	UP	(52)	1	1579136	44
6120	RELIGIOUS STUDIES I	UP	(57)	1	1558788	46
7101	PSYCHOLOGY I	3	(52)	7	1621160-	48
4101	ENGLISH I (PRE-1980)	3NX		1	1541676	50
5102	HISTORY I	F	(40)			
1101	AFRIKAANS EN NEDERLANDS I	UP	(50)	1	1562860	54
1101	DRAMA I	UP	(50)			
1101	CHEMISTRY IM	F	(49)	1	1561340	56
1101	ENGLISH I (PRE-1980)	3NX				
1101	HISTORY I	UP	(50)	1	1501540	58
5102	FRENCH INTENSIVE	F	(40)	1	1334060	32
5103	ITALIAN INTENSIVE	UP	(54)			

Skilled blacks to work in white areas

(166) (177)

UDM 28/3/80

By STEVEN FRIEDMAN
Labour Reporter

GOVERNMENT concessions allowing blacks to do skilled work in "white" areas will be announced next week

They are expected to spark off protest from non-black unions in the industry, one of which is the White Building Workers Union, whose leader is HNP veteran Mr Gert Beetge

The concessions are a response to representations made to the Government by the Building Industries Federation (Bifsa), which asked the Minister of Manpower Utilisation to grant exemptions from the Black Building Workers Act.

The Act prohibits skilled work by blacks in "white" areas

Bifsa approached the Minister after talks between it and building unions on the relaxation of job reservation in the industry had broken down

The Secretary for Manpower Utilisation, Mr Jaap Cilliers, said yesterday that a decision on the Bifsa recommendations would be announced next week

While he was unwilling to give details of the concessions, he said that the department was "acutely aware of the need for more hands to do the work in the industry"

According to some sources, the concessions will be of a "temporary" nature as the Black Building Workers Act is expected to be repealed soon

The concessions will be opposed by both Mr Beetge's union and the Amalgamated Union of Building Trades Workers, which represents white and coloured workers

The AUBTW has claimed that employers will not offer guarantees about the future of coloured artisans in the industry and has said it will not agree to changes unless these guarantees are offered.

Observers regard the impending concessions as evidence of the Government's increasing alienation from sections of the white trade union movement

EXAMINATION RESULTS IN FACULTY ARTS AS AT 29 02 80

13100 PERFORMERS DIPLOMA IN SPEECH & DRAMA YEAR : N/A PAGE 1

STUD NO SURNAME FIRST NAMES COURSE DESCRIPTION SYMBOL

STU13-9 13100

~~1623214 STEAN JOCELYN ALEILA 116113 PRACT SU I AFRIKAANS LUNFRIAAS~~

11b117 PRACT ACT I AFRIKAANS LONERAAS 3 ~~1623214~~

TOTAL NUMBER OF STUDENTS 1

~~REGISTRAR (ACADEMIC)~~

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NM 1/4/80 (166) (~~206~~) (~~347~~) (~~137~~)

Call for minimum wage

Mercury Reporter

THE South African Allied Workers' Union has called for a national minimum wage of R50 a week, indexed to inflation, for all workers in commerce and industry

At a conference in Durban the union also called for the abolition of the Group Areas Act, the Influx Control Regulation Act, the Separate Amenities Act and the migratory labour system

Declaring 1980 as Workers' Year, SAAWU rejected trade union registration on the basis that the Wiehahn and Riekert Commissions had not sought the views and recommendations of unregistered trade unions Instead, they had 'climbed into the racist laager and had done all the thinking for unregistered unions

The conference called for an R80 minimum monthly salary for all domestic workers and also made a plea for an eight-hour day and a 40 hour working week for employees in industry and commerce

In addition, overtime should not be compulsory, the union asserted If overtime was worked, the total of hours worked a week should not exceed 50

SAAWU called for four weeks' paid annual leave for every worker

Campaign

The union, which represents 22 affiliates, urged the final abolition of the pass laws and launched an unemployed workers' campaign which would demand the right to work for all It urged the Government to create more jobs, schools and clinics

The union issued an appeal to foreign companies to abide by their codes of conduct, which had been accepted by both foreign and local workers

Van die instansies het goedgunstiglik opr
BEO vir tussentydse ontleding beskikbaar
ontledings is reeds sedertdien met behul
van die Universiteit van Stellenbosch vo
van die data was reeds meer as drie jaar
bv. deur opnames, maar om 'n verskeidenhe
die betrokke instansies tot dusver die d
of die ontleding daarvan voltooi nie.

Bronne is nou opgespoor wat van fundamentele belang sou gewees het vir die Kaapse Metropolitaanse vervoerstudie, maar omdat elemente van die inligting net by spesifieke instellings beskikbaar is, en hulle onderling onbewus was van die bestaan van die bykomende inligting word die databronne hoegenaamd nie benut nie.

Soms was daar ook twyfel insake eiendomsreg oor databronne bv. in gevalle waarby opnames deels deur buitebronne gefinansier was en selfs ook die semantiese bestek van die woord "publiseer" het by geleentheid verwarring veroorsaak.

Bykomende onsekerheid ontstaan in gevalle waar geen opnamefasiliteite institusioneel bestaan nie en noodsaaklike data op 'n vertrouens- of informele grondslag aan 'n navorsingsinstansie beskikbaar gestel word. Afgesien van die beperkte verdere bruikbaarheid van die data d.i. buite die fisiese

too ambitious, but the commission is not the only party delaying matters

Due to the urgency of SA's skilled labour problem, in February the commission gave government the second report (which covers training), with the remainder to be completed by the end of April The *FM* learns the commission has finished two more and the other two are in draft form Apparently, government is expecting all the reports by June

Why the delay in releasing the second report, which according to *FM* sources, should have been tabled in Parliament on Monday? The excuse of translation problems does not hold much weight, when considering the speed at which the Steyn Commission report was released And the tabling of the Cillie Commission report, after being delayed, allegedly for translation purposes, was urgently released in Afrikaans at the height of the P W Botha-Treurnicht row

An official informs the *FM* that the hold-up is at Cabinet level, which is working on the white paper It could be several weeks before it is released

Labour observers reckon there is not the same urgency as before about pushing through Parliament all labour legislation changes this year In fact, some think the only major change will be some amendments to Industrial Court legislation

According to one observer "It appears labour has shifted down in government's list of priorities"

WIEHAHN REPORTS

Still waiting

FM 18/4/80 (166)

It has long been a truism in labour circles that waiting for the Wiehahn Commission reports is like waiting for Godot

After years of waiting for the first report, in September last year Fanie Botha Minister of Manpower Utilisation, instructed the commission to speed up its work and complete the remaining five reports "hopefully in December" At the time he said, "We cannot play around with the thing for a long period We must complete the work soon" Botha expected all labour legislation changes through by mid-1980 His expectations proved to be

In a competitive environment, this function represents a market determined datum to the firm. If we disregard the effect of a change in D on the variability of the effective interest return to the depositors, or assume that the latter do not pay any attention to this variability, the market will see to it that a change in D (or W = A-D) will always be compensated such through an adjustment in i that t remains constant (as long as market constellations stay constant). The price function i(D) is then implicitly determined by the expression for t (equation 18).

The owners of the bank (as a group) obtain an amount

$$Y - iD - C(D) \qquad \text{if} \quad Y > \hat{Y}, \text{ and}$$

$$-(A-D) \qquad \text{if} \quad Y < \hat{Y} \text{ (i.e. they loose their equity capital)}$$

with expected value

$$\int_{\hat{Y}}^{\infty} [Y-iD-C(D)]\, g(Y)\,dY - \int_{-\infty}^{\hat{Y}} (A-D)\, g(Y)\,dY \qquad (20)$$

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(21)

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'Scrap Cape labour laws'

(166) 18/1/80

STELLENBOSCH — The Government's policy of favouring coloured unemployed workers over blacks in the Western Cape should be scrapped because it is not to the coloureds' advantage, according to a report issued by the University of Stellenbosch's Department of Sociology.

It said the policy could hamper economic progress, particularly in the Peninsula, and could cause increasing frustration among trained black workers.

The lengthy report was completed after two years of investigation by Mr S P Cilliers and Professor S B Bekker.

In 1978 the Department of Co-operation and Development asked them to investigate the labour situation of blacks in the Western Cape with particular emphasis on those in the Peninsula.

The report said the Government started its policy of labour preference in 1962.

There [illegible] policy was to control systematically the flow of blacks to the Western Cape and replace blacks with coloureds.

Most Cape Town employers [illegible] number of black workers would hamper economic progress in the area.

"Employers are of the opinion that the decrease of blacks in greater Cape Town will directly and detrimentally affect their concerns."

As a result of the policy black workers at all levels [illegible] now had to accept the lowest paid jobs.

The investigation also showed that the rapidly growing number of trained coloureds were not being influenced by the policy.

The report recommends that [illegible] Commission [illegible] for the fuller use of the country's manpower and for removal of unnecessary [illegible] control and [illegible] applied to the Western Cape.

It is also recommended that "rights and privileges accorded to settled blacks in other parts of the country should be extended to settled blacks in the Western Cape" — Sapa

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explaining your guiding princip ations. Both jobs
would last 12 months; no other ne or are likely
to be offered.

BD 19/4/80

Scrap Coloured job policy says report

STELLENBOSCH — The government's policy of favouring Coloured unemployed workers over blacks in the Western Cape should be scrapped because it was not to the Coloureds advantage as originally envisaged claims a report issued by the University of Stellenbosch's department of sociology

It said the policy could hamper economic progress, particularly in the Peninsula, and could cause increasing frustration among trained black workers

The lengthy report was completed after two years of investigation by Mr S P Cilliers and Prof S B Bekker

The report recommends that the Riekert Commission suggestions for the fuller utilisation of the country's manpower and for removing unnecessary friction, conflict and discrimination should also be applied to the Western Cape

It is also recommended that "rights and privileges accorded to settled blacks in other parts of the country should be extended to settled blacks in the Western Cape" — DDC

Industrial court 'legal nightmare'

STAR 19/4/80 (166)

By Sieg Hannig

Labour experts fear the widely welcomed Wiehahn reforms will soon grind to a halt and come to nothing. The new Industrial Court, at the centre of the reforms, has been a failure.

The experts say existing legislation leaves the court "ineffective, toothless and inaccessible to most ordinary workers"

That was why the court had not yet begun to play its role as a guardian against unfair labour practices, they claim

One lawyer described the situation as "a lawyer's nightmare"

Professor Nic Wiehahn, who became the court's president on December 1, admits the court has not so far dealt with a single case of unfair labour practices.

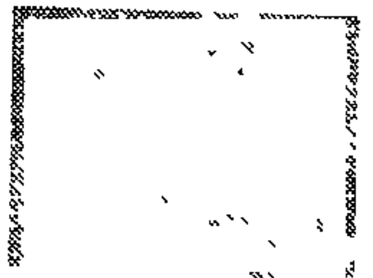
But he declines to explain the delay And he refuses to comment on the allegations.

He told The Star, that as the court's president he could not comment.

It is believed legislation aimed at correcting some of the "serious deficiencies" is in the offing But experts are worried that all the problems may not be overcome

This could pose enormous difficulties to black advancement because even reasonable white and coloured labour leaders would dig in their heels against reforms without protection of existing jobs, it is argued

Labour lawyers confirmed the following deficiencies in the Industrial Court's capacity as a court of law against unfair labour practices



Professor Nick Wiehahn

cont

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ns' duration at interest rates that are more
tive to short-term business conditions than
he long-term borrowing rates These short-
term loans are paid off ("laid-off" or "unemployed") when the firm reduces output in transient recessions

Every resource used in the firm is available under a variety of risk-bearing, insuring arrangements. Labor seems to make risk sharing arrangements with the employer, probably because of the higher costs (less security) for an em-

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Criminal cases

● The individual worker has no direct access to the court and can be thwarted in attempts to bring unfair labour practices to the court's attention.

● The court has no express powers of enforcement or execution such as normal courts have.

● It has no power to hear criminal cases — a matter for concern in view of past complaints about the way criminal charges in the labour field have been handled by the Department of Manpower Utilisation and/or the Department of Justice.

● The concept of unfair labour practice remains undefined in law. This is seen as giving the court arbitrary power without definite guidelines which would prevent potential wrongdoers from coming into conflict with the court.

● The court is not part of the Department of Justice, and its top judicial officers, the president and deputy president, are appointed by the Minister of Manpower Utilisation.

This can be seen as being in conflict with the principle of an independent judiciary, particularly since the Minister of Manpower Utilisation could become a party to disputes before this court.

● There is no clear right of appeal to the Supreme Court against the court's ruling.

"Teething troubles"

In addition to all these shortcomings, the Industrial Court in some circumstances may find itself held in contempt or even ridiculed without the power to act summarily against the offender.

The Minister of Manpower Utilisation, Mr Fanie Botha, commented: "I said in Parliament, and I say it again, that the court could have teething troubles and shortcomings. But the intention is still to rectify any difficulties as soon as possible.

"I hold high expectations for the court as an instrument that will have the confidence of all the parties concerned with it.

"Everybody wants this court to be a success and I shall do my best to make it so."

Boraine calls for mixed unions

CT 24/4/80

(166)

HOUSE OF ASSEMBLY. — The chief opposition spokesman on manpower utilization, Dr Alex Boraine, yesterday urged the government to accept multiracial trade unions to promote and preserve industrial peace.

Government policy was already moving towards the acceptance of mixed unions in accordance with the Wiehahn Commission's recommendation on freedom of association, Dr Boraine said in the debate on the Manpower Utilization vote during the committee stage of the Appropriation Bill

There was a need to accept the Wiehahn Commission's recommendations on freedom of association

"It seems clear to me that the fairly general use of ministerial exemption indicates that the government policy is moving towards the acceptance of mixed unions "

The acid test would be the application of black unions for full multiracial status including the right to have racially mixed branches and a mixed executive

The government should move ahead "not merely by exemption but to enshrine in the laws of our land the concept of freedom of association"

Competing but racially separated trade unions operating in the same enterprises would damage, more than anything else, the prospect of industrial peace

Industrial conflict, if it came, would emerge on the shop floors and "we must give far greater attention to shopfloor mechanisms"

White trade unions had not been strong on the shop floors as they had enjoyed many other advantages

"But all this is going to change for all workers and we must be ready for it "

South Africa also had to recognize that the days of the passive black worker were over

Dr Boraine suggested

- The beefing-up of works committees at local level in partnership with the management and the trade unions concerned,
- Incorporation of the Industrial Court into the judicial system, to be presided over by a judge of the Supreme Court,
- The strengthening of black trade unions, and
- Acceptance of freedom of association

He associated himself with a finding of the Wiehahn Commission in its first report that "further economic development is dependent on the adequate education and training of the workforce"

The private sector had to share part of the blame It often hid behind the government or the white trade unions

Some employers took the attitude that in boom periods there was simply no time to train workers while in slack periods they excused themselves that they could not afford training programmes

The government had made it clear that it had no objection to the training and placement of blacks in white areas

Despite that, many business concerns had complained that bureaucratic red tape was strangling genuine attempts at implenting training schemes

Six out of 96

"Only six of the 96 schemes proposed since October in terms of the In-service Training Act have won final approval "

Other factors restricting training were the attitude of white trade unions, the basic educational qualifications of blacks and black suspicions that they would be employed as second-class artisans

The government should reassure white workers that their jobs were not at risk Technicons should be opened to all races, artisans should be trained together and standards, opportunities and remuneration should be equal

Dr Boraine asked when the Wiehahn Commission's latest report, handed to the State President several weeks ago, would be tabled and whether legislation would stem from it — Sapa

Coloured jobs policy may be scrapped

Argus 24/4/80 (166)

Political Correspondent

THE National Manpower Commission is giving urgent attention to the question of scrapping the coloured labour preference policy in the Western Cape.

This is stated in the first report of the commission which has been tabled in Parliament

The report says the commission has received representations on the desirability of the Western Cape being a coloured labour preference area.

It points out that the Theron Commission had recommended that this policy be retained and that the Government had gone along with this

Since the appearance of the Riekert report on manpower use and legislation affecting it, there had been questions about the desirability of the policy regarding manpower in the Western Cape.

'The essential question is whether this policy can be reconciled with certain policy statements by the Government and whether the system of control over the geographical mobility of manpower as recommended by the Riekert Commission does not in any case make a separate policy in regard to the Western Cape superfluous,' the report says

The Riekert Commission has recommended a revision of pass laws to make the availability of jobs and accommodation the main criteria for influx control in urban areas

Last year Professor Erika Theron, chairman of the committee on matters affecting the coloured people, and Professor J B du Toit, its secretary, announced that they had revised their earlier opinions and that they were now in favour of having the policy scrapped

Coloured leaders have supported this suggestion, stating that coloured workers do not feel threatened by the presence of blacks

The department of sociology of the University of Stellenbosch produced a report recently in which it also recommended that the policy be scrapped.

The commission has instructed its executive committee to investigate the matter urgently.

● See page 23.

MOVE TO SCRAP CT 24/4/80

labour policy

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By DIANA POWELL

HOUSE OF ASSEMBLY. — The National Manpower Commission has hinted that it will recommend that the government scrap its policy of coloured labour preference in the Western Cape.

In the commission's first report, tabled yesterday, the chairman, Dr Hennie Reynders, suggested that a separate labour policy for the Western Cape could be regarded as superfluous in terms of the system of controlling the movement of manpower outlined in the report of the Riekert Commission last year.

A key recommendation of the Riekert Commission, which examined legislation affecting the use of manpower, was a revision of the pass laws to make the availability of jobs and accommodation the criteria for controlling the influx of workers to urban areas.

Control

The policy of preferential job opportunity for coloured and white workers in effect controlled the number of blacks able to work in the Western Cape.

Dr Reynders said that representations had been made to the National Manpower Commission concerning the desirability of the existence of the Western Cape as a coloured preference area.

He quoted the report of the Erika Theron Commission, which supported the policy, and the government's reaction, which stated that efforts were being made to apply it strictly.

Dr Reynders said, however: "Since the appearance of the report of the Riekerk Commission and the government's white paper on this commission, there have been questions from various sources about the desirability of the existing policy regarding manpower in the Western Cape.

Superfluous

"The essential question is whether this policy can be reconciled with certain policy statements by the government, and whether the system of control over the geographical mobility of manpower, as recommended by the Riekert Commission, does not in any case make a separate policy in regard to the Western Cape superfluous."

The Western Cape is the only area in the country where job preference on racial grounds is enforced.

The issue raised an avalanche of public comment last year when two members of the Theron Commission, Professor J B du Toit and Dr Theron herself, reversed their viewpoint on coloured labour preference and called for the scrapping of the policy.

Jobs policy becomes a labour of love . . .

Argus 24/4/80 (177) (179) (166) (176)

View from the Gallery
by John Pattersby

THERE is nothing like the Government's reformist labour policies to achieve near-consensus in the Assembly and yesterday's budget debate on the manpower utilisation vote had traditional political enemies showering each other with compliments and praise

It is true that in no other area, with the possible exception of sport, has the Government taken such visible strides towards normalisation and the removal of racial discrimination.

AMUSED

But insofar as many of the changes flowing from the Wiehahn and Riekert Commissions are what the opposition has been preaching for decades the spectacle of veteran Government speakers preaching the wonders of labour reform is not without its irony.

As Mrs Helen Suzman (PFP Houghton) put it she could not help being wryly amused at the National Party's chief labour spokesman, Mr Jood Henning, underlining the necessity to train black workers after he had ardently supported job reservation for many years.

'Year after year I have listened to him play on the fear and prejudice of white workers,' Mrs Suzman said

IRONIC

'Now he and the honourable member for Stilfontein (Mr Koeks Rossouw) are cooing like doves about the training of black workers.'

It was indeed ironic to see the former miner, and colleague of the fiery leader of the Mineworkers' Union, Mr Arrie Paulus, speaking up for racial equality and rebuking Mr Paulus for his intransigent stand

The veteran, Mr Rossouw, is one of the characters of the Assembly and, although his permanently hoarse voice and grand manner help in creating a certain distance between him and the opposition, he speaks with a sincerity which made his remarks all the more astounding

And even the distance between Mr Henning and Mrs Suzman seemed to close fractionally

While he indicated by way of interjection that he was just as disgusted with her as he had been in 1970, she replied by saying that she was not as disgusted with him yesterday as she had been then

Mrs Suzman also congratulated the new MP for Randburg, Mr Wynand Malan for his remark on the closed shop principle, during which he rebuked Mr Paulus, and referred him to thoughts on the subject by the former leader of the HNP Dr Albert Hertzog

Even the opposition's interjector-in-chief Mr Horace van Rensburg, who draws moans of disapproval from the Government benches every time he rises to speak, had only praise for the Minister of Manpower Utilisation Mr Fanie Botha, and his department

'The Minister's speech rose up like a light in this House,' Mr van Rensburg began

Argus 24/4/80

Plea on white workers

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Parliamentary Staff

A PLEA was made to the Minister of Manpower Utilisation, Mr S P Botha, from the Government side in the Assembly yesterday to ensure that no white worker would be forced to accept racial integration.

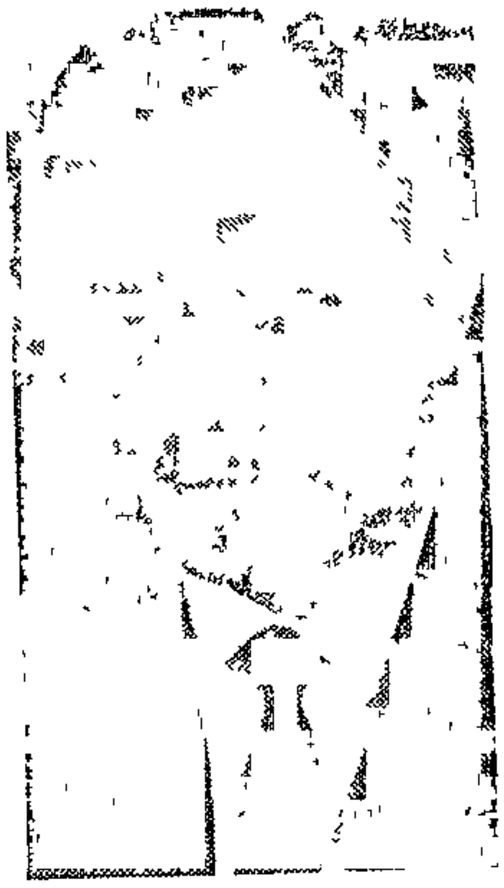
Mr J G Swiegers (NP Uitenhage) said white workers had serious misgivings about certain aspects of the Wiehahn Commission's recommendations.

The Minister, Mr S P Botha, said every effort would be made to ensure that labour peace was maintained.

Surprise up the manpower report's sleeve

(173) (166) (206)

RDM 24/4/80.



DR H REYNDERS
first report

THE MANPOWER VOTE

Political Staff

HOUSE OF ASSEMBLY

The National Manpower Commission (NMC) has hinted that it will recommend that the Government scraps the coloured labour preference policy in the Western Cape

In the commission's first report, tabled in Parliament yesterday, the chairman Dr Hennie Reynders, suggests that a separate labour policy for the Western Cape could be regarded as superfluous in terms of the system of controlling the movement of manpower outlined in the report of the Riekert Commission last year

A key recommendation of the Riekert Commission, which inquired into manpower legislation was a revision of the pass laws to make the availability of jobs and accommodation the criteria for controlling the influx of workers to the urban areas

The policy of preferential jobs for coloured and white workers in effect controls the number of blacks legally able to live and work in the Western Cape

Dr Reynders said in the report that representations had been made to the NMC concerning the desirability of the continued existence of the Western Cape as a coloured preference area

He quoted the report of the Theron Commission, which supported the policy, and the Government's reaction which stated that efforts were constantly being made to apply it strictly in the public and private sectors

However, Dr Reynders says "Since the appearance of the Riekert Commission report and the Government's White Paper on this commission there have been questions from various sources about the desirability of the existing policy regarding manpower in the Western Cape

"The essential question is whether this policy can be reconciled with certain policy statements by the Government and whether the system of control over the geographical mobility of manpower as recommended by the Riekert Commission does not in any case make a separate policy in regard to the Western Cape superfluous"

He says the comission decided at its first meeting in November that the matter merited urgent attention and instructed its executive committee to give it consideration

The Western Cape is the only area in the country where job preference on racial grounds is enforced

The report also said there has been a noticeable decline in the number of registered unemployed since 1979, reported Sapa

The number of registered unemployed in all four population groups increased in the period 1974 to 1978, but this trend was reversed in the beginning of 1979 in the case of whites, coloureds and Asians and later in the year in the case of blacks

The total number of registered unemployed persons was 195 511 in September 1979, as against 173 159 in December of the same year

Dr Reynders also said that the educational level of the economically active population is improving

This process, says the report, will be accelerated by the great increases in the numbers of lower primary and higher primary pupils — particularly coloured and blacks — owing to the work of the Department of Education and Training since 1976

FOOTNOTE Temporary legislation would be introduced this session after the second part of the Wiehahn Commission report was tabled in Parliament during the next week or two, the Minister of Manpower Utilisation Mr Fanie Botha, announced yesterday

Speaking in committee on his vote Mr Botha said he would have liked to introduce more comprehensive legislation But this would have to wait until the remainder of the commission's reports were handed to him next year

He had already received the second part of the report but it still had to be translated The report will be accompanied by a White Paper

City clergymen in open letter plea to Steyn

Argus 25/4/80 (166)

AN APPEAL by leading Cape Town clergymen, teachers and a union leader forurgent action to prevent the present school unrest from escalating into something more serious has been made in an open letter to the Minister of Coloured Relations, Mr Marais Steyn.

The letter is signed by the Rt Rev Stephen Naidoo, Auxiliary Bishop of the Roman Catholic Archdiocese of Cape Town, the Rt Rev. George Swartz, Anglican Suffragan Bishop of Cape Town, Dr Alan Boezak, chaplain of the University of the Western Cape, The Rev Abel Hendrickse, chairman of the district of the Cape of Good Hope Methodist Church, Mr Franklin Sonn, president of the Union of Teachers Associations and the Cape Teachers Professional Association; Professor Jakes Gerwel, Professor of Afrikaans Nederlands at UWC, and Mr Norman Daniels, general secretary of the Textile Workers Industrial Union and general secretary of the National Union of Biscuit Makers and Packers

COMMON GOOD

The letter said the men were placing before Mr Steyn a matter to which they hoped he would give serious and immediate consideration

'We are addressing you publicly on this matter because we believe that this is something which affects common good and we would like it to be known publicly where we stand'

The wave of unrest that was sweeping schools and institutions of learning could escalate into something serious for the country if certain factors were not given attention

'The unrest should be analysed carefully and not superficially It was naive to believe that the unrest was the work only of a handful of "agitators"

'We have here an expression of the deep dissatisfaction and frustration being experienced in our community because of the secondary and inferior role we are being forced to play in virtually the whole of life'

It was simplistic to suppose that the students could not think for themselves or that they were unaware of their inferior position in their own country.

BACKGROUND

'We ask that attention be given to the findings of the Cillie Commission regarding the deeper background causes of the unrest and that these be addressed

'At the same time the genuine grievances of the students and their institutions should be given immediate attention It should be carefully noted that some of the appalling conditions they have had to experience while at school have been there for three years or more.

'The claim is constantly being made that time is needed to address these grievances Perhaps time has been wasted Only genuinely sincere attempts and not empty promises will be acceptable for the future'

GRIEVANCES

They wished to make it clear that they did not subscribe to violence Neither were they in favour of a continued disruption of the pupils' schooling. But they were in sympathy with the fundamental grievances that they were trying to articulate

'We hope that for the good of our community, our children and our future, you will give this matter the serious and immediate attention it deserves,' the statement concluded.

Towards free trade

Argus 25/4/80 (166) (176) (259)

'OTHER races' would be allowed to trade in parts of the white central business districts before the end of the year, the Minister of Community Development, Mr Marais Steyn, said yesterday As usual when relaxations in discriminatory legislation are announced, they are hedged about with qualifications and equivocations However, the general direction of the Minister's initiative is to be applauded It is as manifestly unfair to pen black businessmen in tightly demarcated black areas as it is to push people out of traditional homes in 'white' areas into distant black townships

(166) RDM 25/4/80.

Black apprentices get the green light

By RIAAN DE VILLERS
Labour Correspondent

CAPE TOWN — The Government has approved 14 applications for blacks to be trained as artisans and a further 36 applications are receiving attention

This was disclosed by officials of the Department of Manpower Utilisation yesterday, as increasing attention was focused on issues surrounding the training of skilled black workers — on the eve of the tabling of the second Wiehahn report, which deals with training

In a wide-ranging interview following the Manpower Vote in Parliament this week Mr Fanie Botha, Minister of Manpower Utilisation said yesterday that employers were free to apply to indenture blacks as apprentices 'where shortages existed"

Mr Botha clarified his threat in Parliament to act against white unions who adopt an obstructive attitude to the indenturing of blacks as apprentices

During the interview he also disclosed that

- No legislation arising from the second Wiehahn report will be tabled this year
- Only "technical" amendments to the Industrial Conciliation Act are to be tabled, and there will be no other amendments dealing with controversial issues such as compulsory registration, the closed shop or mixed unionism
- Training institutions for blacks which at present fall under the Department of Education and Training are to be transferred to his department

Mr Botha said that while no legislation arising from the second Wiehahn report would be tabled this year, there were no legal restrictions on the training of blacks as artisans

It had not been Government policy to approve applications up to last year but employers were now free to submit applications

Dealing with the role of apprenticeship committees, Mr Botha said applications were first submitted to the committees, who then sent their recommendations to the Registrar of Apprentices The Government could override their recommendations

"The committees have to be realistic and should be able to judge when a shortage exists" he said "Artificial shortages can seriously damage the economy

"I don't want to clash with the committees, but if I feel they acted unreasonably in deciding against applications I will refer the matter to the National Manpower Commission to determine what the needs of the industry are

"If it finds the committee concerned has been unreasonable, I will override it and approve the application," he said

Mr Botha said this would apply equally to applications for blacks, coloureds or Asians

Mr Botha said he had identified a "number of deficiencies" in the Apprenticeship Act, which had to be "modernised and restructured' pending the second Wiehahn report

He declined to comment on the future of skilled black workers, including suggestions that a "two-tier" system for blacks and whites may emerge, that blafcks may receive training in separate institutions or that artisans' jobs may be eroded

Mr Botha said the Government would take a final decision on whether or not to introduce compulsory registration of unions after receiving the final reports of the Wiehahn Commission, and there would be no legislation on this issue this year

There would be no changes to the Industrial Conciliation Act involving mixed unions this year There was no "embargo" on mixed unions

Mr Botha again gave an indication that the Government may scrap the closed shop principle

He emphasised this was a "delicate issue" which was receiving the attention of the National Manpower Commission

At the same time, he described the closed shop as "nothing but a form of job reservation" and said it had "certain shortcomings"

Unionists interpret this to mean most black, coloured and Asian skilled workers will be trained under this Act They insist the training it provides is inferior to that offered under the Apprenticeship Act, which caters for the training of most artisans at present

A Department of Manpower Utilisation official confirmed yesterday that this opened training under the Act to all races He said it had been introduced because the Department had already launched a training scheme under the Act for Asians and planned one for coloured workers

He added "It would also allow blacks to be admitted later on"

A major stumbling block to black apprenticeships is the fact that apprentices must receive theoretical training at technical colleges, which are closed to blacks

But a leading artisan unionist, Mr Ben Nicholson, said yesterday that technical college principals were prepared to accept blacks because the colleges were short of students

"So why not simply allow them into these colleges?"

. . . but they may travel 2nd class

By STEVEN FRIEDMAN
Labour Reporter

THE Government has introduced a measure which, trade unionists fear, paves the way for racially segregated training systems for artisans

There are fears such a system would mean "second class status" for black artisans

This has been prompted by a Government decision to open training under the Training of Artisans Act to black, coloured and Asian workers

The Government is now committed to black artisan training in "white" areas But labour observers said most blacks would be trained in a separate — and "inferior" — system to that now in force for whites

White trade unionists take the new measure as evidence of this and say they are "determined to fight this trend tooth and nail"

They fear that a "dual" training system will mean that less qualified black workers will be introduced into skilled jobs at lower rates of pay than white workers, thus threatening the jobs of existing artisans

The new measure changes the conditions for training under the 1951 Training of Artisans Act, which enables workers over the age of 21 who have worked in industry but have not become apprentices to be trained as artisans

It has always been non-racial but with a stipulation that artisan training must be at a centre run by the Department of National Education This has, in effect, limited it to whites

But new regulations published recently stipulate that training may now take place "at an institution approved by the Minister (of Manpower)"

Unionists accuse Botha of passing the buck

Labour Reporter

ARTISAN trade unionists said yesterday that they would not approve black apprenticeships until employers assured them the quality of black skilled training would be the same as that for whites

They were reacting to a threat by the Minister of Manpower Utilisation, Mr Fanie Botha, to act against unions which "blocked" black apprenticeships He was speaking during the Manpower Vote in Parliament on Wednesday

Trade unionists accused Mr Botha of "passing the buck to the unions" on the apprenticeship issue

All applications for new apprenticeships must be referred to an apprenticeship committee, which has 50% union representation Some unions have been voting against black apprentices at these committees

But the Government can override these committees and register black apprentices despite union objections It had not done so, unionists said

"If the Minister is so keen to see black apprentices, why didn't he simply approve the applications?," said one.

"He appears to be blaming us for preventing something which we have no power to stop," said Mr Ben Nicholson, general secretary of the SA Electrical Workers' Association

Mr Botha has since told the Rand Daily Mail that he will now use his powers to override the committees "where labour shortages exist"

Unionists also said they were not prepared to agree to black apprenticeships until they were convinced that the applicants had the same educational qualifications and would receive the same training as whites

"Black education is inadequate and most black applicants don't have the same qualifications We are concerned about a lowering of standards That's why we have called for the upgrading of black education," Mr Nicholson said

He added that employers had refused to give us safeguards ensuring that black training will be the same as that for whites"

The president of the Amalgamated Engineering Union, Mr Johan Faure, expressed surprise at the Minister's statement "He has repeatedly told us that we will be consulted about changes Until he tells us anything to the contrary, we must accept that" His union had accepted black training in the past and was prepared to continue to do so as long as change was "orderly and controlled"

SUNDAY TIMES, Business Times, April 27, 1980

(54) (60) (166) S. Times (Business) 27/4/80

Black labour new target

By ANDREW McNULTY

THE EEC and Sullivan codes of conduct should be seen as a precursor for mounting Western pressure towards enhancing advancement of South Africa's black employees through training, trade unionism and worker mobility.

This is the view of Peter Vale, lecturer in international relations at the University of the Witwatersrand

Mr Vale, a former assistant to the Director of the South African Institute of International Affairs and Research Associate at the International Institute of Strategic Studies in London, has just completed research for a doctoral thesis on the economic ties between the Atlantic community and South Africa

In it he devotes considerable attention to the sanctions issue

He believes the threat of economic sanctions against South Africa has receded and now looks far more remote than it did two years ago

A much more likely development in coming months is greater concentration of pressure in the field of labour relations as already foreshadowed by the EEC and Sullivan codes of conduct

He believes a marked change has taken place in the thinking of Western governments since late-1977 and 1978, when the prospect of sanctions looked extremely serious

Surprised

"I did not take seriously the latest UN debate on sanctions a fortnight ago and was surprised it even reached the resolution stage," he says

This view — which carries the caveat that an incident such as violence between police and coloured students could change the whole picture — is based on these events

- The West's difficulty in reaching consensus on embargo or boycott action against Iran or the Soviet Union in reaction to the Iranian hostage deadlock or the Soviet invasion of Afghanistan
- The present economic climate, in which Western industrial countries are drifting into a recession, making any form of sanctions potentially more painful for their own economies
- The resolution of the Zimbabwean issue This formally was seen as a possible pretext for sanctions against South Africa because of her role in supporting the UDI Government

But it now appears to militate against sanctions with South Africa being recognised as a key force for economic stability and advancement in the region

"Latent splits in the West have been exposed by Iran and Afghanistan I believe there would be an extreme reluctance at the present time for these countries to test their unity over South Africa," he says

However, the fact that EEC members reached agreement in principle on Tuesday to support President Carter s sanctions programme against Iran suggests that these countries will have a major test case, as well as accumulating experience in implementing sanctions, should this programme be successful

World turns the pressure on jobs

Unity could be severely tested on the South African issue by the divergence of interests between South Africa s major Western trading partners, with Britain in particular over a barrel

Estimates of British unemployment that could result from the loss of South African market range between 25 000 and 300 000

Studies

Recent studies by the United Kingdom-South Africa Trade Association (TUKSA) find that the loss of South African markets would eliminate some 70 000 jobs in Britain

Arndt Spandau, former Professor of Business Economics at the University of the Witwatersrand and author of a book published last year entitled Economic Boycott of South Africa ', notes that for Germany a boycott of South Africa would cost 80 000 jobs with some 250 000 at stake for the EEC as a whole

Direct French involvement, on the other hand, is relatively small and difficult to assess The United States would clearly be unaffected by sanctions — except that all these countries would probably suffer in the short to medium term from a possible loss of South Africa's minerals

Unity and consensus would be a pre-requisite to sanctions, as has been shown by Dr Deon Geldenhuys, assistant director (research) at the South African Institute of International Affairs, who was secretary of a recent study group on the subject

He notes that while pretexts such as the maintenance of apartheid, the South African presence in South West Africa, or its military incursions into neighbouring states could all legally be used for sanctions by the United Nations, four stages of agreement would be required

First, a situation requiring collective action has to be reached, second, goals have to be determined, third measures have to be selected, fourth, the measures have to be implemented

Concensus

Like Mr Vale, Dr Geldenhuys believes that prospects for the necessary consensus on these factors are slight, although an extended range of limited selective measures are probable

The great variety of forms which ' creeping'' sanctions could assume include

- Official and unofficial restrictions on loans
- Withdrawal of commercial attaches, restrictions on export guarantees and tax credits and other official actions designed to discourage trade
- Withdrawal of investment
- Termination of preferential trade agreements
- Embargoes on the sale of high-technology items such as heavy machinery and computers
- Scrupulous official monitoring of companies' adherence to codes of employment conduct, specifically the EEC and Sullivan codes

Mr Vale considers the last course the most likely

"Most Western countries are adopting the 'reform-by-growth' thesis, which assumes that apartheid will be dismantled if economic growth is successfully encouraged," he says

"The codes were based partly on this principle and it is important to realise that they are only the start

' There will be much greater pressure in this direction Future areas of attack could include moves towards worker participation, in which EEC countries have considerable experience "

He believes also that the theory of the "hassle factor" — that large corporations could decide to withdraw from South Africa because their flourishing but globally-insignificant South African operations are not worth the trouble — has gone out of the window

' It may be true that IBM, for example, has only one per cent of its interests in South Africa," he adds

Prospects

"But people forget that for them this is one of the most important areas outside Europe and is a market with good prospects

The profitability of investment in South Africa is well proven, earnings by US companies in the 1960s having averaged 22% compared with 9% in the rest of the world The West has, and will continue, to let the market be the main arbiter of its interests here

"Finally, it seems naive to assume they will have to take an either/or choice between black Africa or us

Surely the whole ethos of political and business efficacy is to take advantage of all the permutations between the two extremes, as has been shown by Britain s relationship with Nigeria and South Africa "

Plan to break union power to bar blacks

By STEVEN FRIEDMAN
Labour Reporter

A MOVE which would weaken the hold of trade unions over skilled jobs has support among some Government labour advisers.

If implemented, such a move would make it more difficult for white unions to block black apprenticeships. But it could also ultimately be used to erode the power of all skilled workers, by making it easier for employers to hand over parts of the skilled job to semi-skilled workers.

A move along these lines is likely to be bitterly opposed by trade unions.

It is understood that some Government labour advisers believe the authorities should reduce union representation on apprenticeship committees.

At present unions and employers have equal representation on these committees, which means the unions have a 'blocking' power.

But a plan now being floated by some Government labour advisers would reduce the union representation to one-third, with one-third going to employers and the remaining third to people involved in technical training.

This would make it possible for the committees to make decisions despite union opposition.

Although the committees do not make binding decisions – they can be overruled by higher Government authorities – they have considerable influence over skilled work.

They examine all new applications for apprenticeships and some white unions have been using their representation to vote against black applications.

The Minister of Manpower Utilisation, Mr Fanie Botha, last week threatened to move against unions which block black applications where skilled labour shortages exist.

Mr Botha subsequently told the Rand Daily Mail he would do this by overruling the committee's decisions, but a more far-reaching move could also be in the pipeline.

Asked about possible apprenticeship changes in an interview last week, Mr Botha would only say that he was planning to modernise the Apprenticeship Act. This could include changes to the committees.

Trade unionists enraged on such a move said it would be totally unacceptable.

Said one unionist: "The training people have very little understanding of the realities of the factory floor. They tend to be very academic and we don't believe they are competent to serve on the committees."

Such a move would not only remove the unions' power to fight new applications by black workers.

The committees also discuss the content of skilled jobs and reducing union representation could make it easier for employers to fragment skilled jobs. Some employers are known to favour a downgrading of artisan jobs, with portions of skilled work being handed over to semi-skilled workers.

A change in representation on the apprenticeship committees could make this easier.

This policy should have been scrapped long ago

Argus 29/4/80 (166) (173) (201)

A LENGTHY report compiled over a period of two years by Professor S P Cilliers and Professor Simon Bekker calls for the scrapping of the Coloured Labour Preference Policy in the Western Cape (The Argus April 18)

We find it even more encouraging that this research was undertaken because of a request by the Department of Co-operation and Development

We can only urge the Government to heed this advice and that of so many other organisations and community leaders including Professor E Theron

This coloured labour preference policy has been a basic evil responsible over the last quarter of a century for much extra hardship experienced by Africans in the Western Cape Because of it new houses were not built for people regarded as 'temporary sojourners', and the recent home-ownership scheme available elsewhere was withheld from Africans here in spite of the costly improvements made at their own expense by many, because of this preferential policy new schools in the area were refused and boarding schools in far off places were ironically the only alternative for people in the lowest of income groups

This is the policy that over the years has given additional momentum to the ongoing and massive pass arrest campaign and that denied an amnesty for 'illegal' workers here when it was granted in other urban areas last year, and this is the policy that has so substantially added to the frustrations of well-qualified Africans born and bred in the area, in their pursuit of worthwhile employment

Now there is an in depth report flowing from two years research by two eminent sociologists calling for the repeal of this restrictive and crippling policy May the Government at last be poised to take this most important step

D WILSON
Chairman Cape Western Region,
SA Institute of Race Relations
Mowbray

CALL ON WEST CAPE REJECTED

Argus 30/4/80 (166)

(206)

Parliamentary Staff

THE Prime Minister, Mr P W Botha, yesterday rejected opposition calls to scrap labour restrictions in the Western Cape but indicated that the Government would consider altering the influx control system

Speaking in the Assembly debate on his budget vote, Mr Botha said the Leader of the Opposition had said some members of the Theron Commission had changed their viewpoint on the Western Cape as a coloured labour preference area.

But not all the members of the commission had changed their minds, Mr Botha said

The Manpower Commission had reported that the Western Cape as a coloured preference area should be reconsidered, but the commission had abstained from making recommendations on the issue.

But if the labour mechanism recommended by the Riekert Commission worked out well in practice, then the same goal would be reached. It would not be a switch of policy, but merely a change of instruments.

The whole question of labour preference in the Western Cape had a bearing on social conditions.

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LABOUR LEGISLATION

1-5-80 - 31-12-80

WEDNESDAY, 16 APRIL 1980

†Indicates translated version

For oral reply

9(569) **Wiehahn Commission** 16/4/80 (166)

*1 Dr A. L. BORAINE asked the Minister of Manpower Utilization

Whether representations were recently made to him by the Association of Chambers of Commerce of South Africa in regard to the recommendations of the Wiehahn Commission, if so, what was the nature of (a) the representations and (b) the reply thereto?

†The MINISTER OF MANPOWER UTILIZATION

Yes

(a) The representations concerned the early implementation of the key recommendations of the Wiehahn Commission

(b) The delegation was informed that the more important recommendations have already been implemented and that the remaining recommendations, accepted by the Government, are under constant consideration bearing in mind that the other parts of the Wiehahn Commission's report are not yet available and that the National Manpower Commission are consider-

ing certain matters arising from the first part of the Commission's report.

hon the Minister had suppo- evidence of circumstances the legislation The hon that it was merely a that the situations to the Minister referred, could probably the advantage an has, particularly if an irresponsible, as the one we can sit back and wait and see the Government adopts, and the Government adopts, If the hon the Minister rward with this measure, and as that which the hon the ward as a possibility, were to official Opposition would have say "The hon the Minister Why did he not make an eventuality by way of should have foreseen it " It is be right in one's own eyes, ward an alternative for any on, and to maintain that it a better alternative, whereas

y that the two hon members en failed to advance any oever that caused or could to have any doubt about the ation and I take pleasure in the hon member wants to may do so now

LER Mr Speaker, I should member whether he is t that a Minister who is manner proposed by the Bill explain his doings in the of the Appropriation Bill, appointed Minister may not answer questions regarding

VAN RENSBURG (Mossel repeatedly that such a untable to the Cabinet full-fledged member of the he must surely account ne Cabinet as well And if ues, the Cabinet accepts for that, and therefore it is no accountability for this on a later occasion, when elected, the House can

always call him to account for his actions before he was an elected member of this House or of the Other Place Indeed, how often does it not happen that hon members of the Opposition charge hon Ministers with things that happened years ago? The argument which the hon member for Durban North is now advancing viz the argument that at a specific moment the Minister in question cannot be called to account, does not hold water

Mr I F A DE VILLIERS Mr Speaker, the hon member for Mossel Bay has used a number of arguments, most of them of a purely pragmatic nature, to try to refute the constitutional arguments which have been raised against the Bill before us today [Interjections] It is not really an argument to say that members of the Opposition are obstinate, arrogant, unreasonable and suspicious and that these are the reasons why they bring up these arguments This is merely argument by epithet It is not argument by logic, and I do not think that it can be expected that one should take very serious account of such arguments What we are really fundamentally and basically concerned with here is the question of an extension of executive power It is an extension of executive power because what we are proposing here is that the right of the executive to appoint members of its Cabinet should be extended beyond the period hitherto allowed in our Constitution That is what it is basically about. This is clearly an extension of executive power We have to ask ourselves why in the original legislation in the existing Constitution, it was deemed right, or rather in the framing of the constitution it was right, that there should be a three-month limit Why is there a three-month limit? Why this short period? It is quite clearly because it is recognized that the period should be as short as reasonably possible That is why It is because the three-month period of service by a member of the Cabinet, without responsibility to the electorate, is in fact contrary to basic constitutional principle Because he has to be allowed a degree of latitude for his appointment, however, it was decided that three months was the minimum period in which a Minister could reasonably be allowed to take his seat and to find a constituency Suddenly the hon the Minister asks us why, if we accept the principle of three months, it should not be 12 months I could ask the hon member for Cape Town Gardens or the hon member for Mossel Bay Why not three years? After all, time is not the essence of the argument, we are told by these hon gentlemen The hon the Minister thinks so too Time is not the essence of the matter, it is said If one allows three months, why not three years? What is the difference between 12 months and three years for this purpose? Why not 15 years? Let us be generous, let us give this person a good-long run There is, however, reason in the three-month period, substantial reason, and let me say wherein the reason lies

In accordance with Standing Order No 22, the House adjourned at 18h00

WEDNESDAY, 23 APRIL 1980

Prayers—14h15

QUESTIONS (see QUESTIONS AND REPLIES")

APPROPRIATION BILL

(Committee Stage resumed)

Vote No 5 —"Manpower Utilization".

Dr A L BORAINE Mr Chairman, I ask for the privilege of the half-hour

Since we last met to discuss this particular Vote several developments have taken place and I should like to mention them very briefly First of all there was the appointment of the Manpower Commission, which we heard about in the debate last year, a commission headed by Dr Reynders and Prof Van der Merwe I think it is in order for us to congratulate both these gentlemen on their appointment There is also the appointment of the president of the industrial court, Prof Nic Wiehahn This is also a very senior and strategic appointment, and I shall have a little more to say about that a little later in my speech Then, of course, there was also the appointment of Mr Jaap Cilliers as one of the

Directors General in terms of the new approach adopted in the Public Service It is a very well-deserved promotion and I should like to pay tribute to him and his staff in fact the department as a whole for the courteous and efficient way in which they have responded to questions I have tried to put from time to time

I should like to ask the hon the Minister of Manpower Utilization why it is that we have yet to have sight of the Wiehahn Commission's second report I understood from Prof Wiehahn himself that this report had been handed to the State President some several weeks ago If that information is correct I am wondering why such an important report should be delayed So I should like to ask the hon the Minister whether, in the course of this debate he would give us some information if he is able to about when this report will be tabled I should also like to ask the hon the Minister whether or not it is contemplated that there will come before this House legislation arising out of the second report of the Wiehahn Commission

I should now immediately like to move on to basic premises as outlined in the first Wiehahn report Time will only allow me to focus on two of these but I do believe that they are both central and for the sake of a meaningful debate this afternoon and this evening I hope that the two items I am going to raise now will be referred to by hon members on both sides of the House

First I should like to refer to an objective stated in the Wiehahn report to the effect that industrial peace should be preserved and promoted One often overlooks the fact that South Africa's labour history e g between 1880 and 1920 was beset with labour unrest Those who know this period will understand that the relative labour and industrial peace that South Africa enjoys can only be traced back to about the middle of the 1920s, rather than to the very beginning of industrial development in this country So when we look at 1979, we see that by South African standards this was not a good year Official statistics of work stoppages indicate that more man-days were lost in 1979, viz 67 099 than in any other year in the 'seventies, of course with the exception of 1973 and 1974, which were very unusual years, as the hon the Minister knows Quite clearly the mineworkers strike involving White mineworkers, contributed substantially to the increase in man-days lost However—and I think it is important for the House to take note of this—in addition the number of work stoppages involving Blacks increased, as did the duration of some of the stoppages and I am sketching this in relation to earlier years with the exception of 1973 and 1974 We can, and indeed must, recognize that the days of the so-called passive Black worker are over and gone forever This means that management itself requires much more skill at the interface than has been displayed heretofore In addition I would like to suggest that we must give far greater attention than we have to what I would call, for the purposes of debate shop-floor mechanisms, because I believe that is where the conflict will come, if it comes at all The Wiehahn Commission understandably, up to now at least stressed the legal framework and the key role of the industrial council system but I hope that the commission itself has given and will be giving specific attention to the shop floor

White trade unions in the past have not been all that strong on the shop floor at the interface Obviously there have been and still exist shop stewards but in the main at that interface level between worker and management direct and now between worker and worker sometimes between Black and White workers operating in the same area in the same job there is, I believe a vacuum, and any vacuum can be dangerous I believe that one of the reasons why specific attention has not been given to this in the past is that White workers have had enormous advantages going for them I am, however prepared to forecast today that this is going to change for all workers, and we must be ready for it

I want to suggest several ways in which we could improve this situation Firstly, I am convinced that the way out of this dilemma is to beef up or strengthen works committees I want to stress immediately that these works committees or works councils at the local level must be organized, and the election supervised, by management and the trade union concerned in partnership I have referred many times in the House to the two-tier system in Germany which has such an outstanding record For the works committee or council at the local level to have teeth and to assist in the maintenance of industrial peace, it must not be seen as an institution in

place of the trade union but rather as an expression of it as a part thereof, provided the constitution and the organization are worked out between the trade union or labour and management in partnership

Secondly, another way of approaching the promotion of industrial peace at the interface is to take another look at the industrial court I feel very strongly—and this is not the first time I have said it—that this court ought to be part of the judiciary and that therefore its president ought to be a judge Labour relations is something that has enormous potential for good but also for conflict Therefore the industrial court must be seen to be concerned not merely with interests but with rights In this House and publicly elsewhere I have always stated my profound respect for Professor Wiehahn, but I do not believe that his appointment as president of the industrial court was a wise one If one by way of comparison looks at the situation in Germany, at the industrial tribunal in Great Britain or even nearer home at the labour court or the industrial court in Kenya which has been working very well, one sees that the industrial court in all of these countries is part of the judicial system I am persuaded that that is how it ought to be for us also I put it to the hon the Minister that this would assist the industrial court in its very necessary and vital work When one considers the number of cases and the variety and intricacy of the cases that will come before the court it seems to me that I do not have to motivate this argument any further In any event over and above that suggestion, I believe the industrial court must publish as soon as possible its rules and procedures It may be that they have been published already but I certainly have not seen them and I hope the hon the Minister will tell us when one can expect that There must also, without delay, be a clear definition given of what constitutes 'unfair labour practices If we do not have that it seems to me that the industrial court cannot really even begin to do its work There is a lack of clarity surrounding this court, which in some instances has led to suspicion I watched Prof Wiehahn being interviewed on television and I gained the impression, perhaps quite wrongly that one of the assurances given to White workers who are concerned about the developments that are taking place, was that if job reservation was going to be scrapped, for example, they should not worry because they would be protected by the industrial court I am not saying that that is the intention but I am saying that there is considerable suspicion at the moment amongst trade-unionists, particularly Black trade-unionists who believe that this may be used against them That of course, strengthens my argument of why there should be a judge, rather than someone who is actually part and parcel of the Department of Manpower Utilization itself

Mr R B DURRANT Where did you get that information?

Dr A L BORAINE I cannot hear what that hon member is saying but even if I could I would not bother to answer

Another way in which we can reduce the conflict at shop-floor level and elsewhere is, I believe, to strengthen and not to weaken Black trade unions I say that because I believe that one must have strong management and strong labour if one is going to have a healthy partnership There is nothing worse than a weak manager or a weak trade union and instead of some people trying to weaken the trade unions, whether they be White or Black, one should rather ensure that they are strong so that they can maintain the necessary discipline over as many workers as possible Here I am not merely referring to the need for sensitivity and for training but also and particularly to the need to avoid the scurrilous pamphlet which was issued by the hon member for Sasolburg in his capacity as secretary of the Government's Manpower Study Group This pamphlet entitled "Ons is Bekommerd oor Swart Vakbonde", reflects a hostile suspicious

*Mr P CRONJE Mr Chairman on a point of order May the hon member speak of a "scurrilous pamphlet"?

*The CHAIRMAN Order! The hon member for Pinelands may proceed

Dr A L BORAINE Thank you, Mr Chairman [Interjections] I am actually understating the case This pamphlet, which was distributed very widely on the Reef and perhaps also elsewhere reflects a hostile, suspicious attitude towards Black trade un-

ions and will certainly not fill any of the leaders of the union movement with any confidence at all This pamphlet is I believe political a sop to right wing White workers, and I hope that the hon the Minister will during this debate dissociate himself from what I can only describe as a negative and destructive approach

The final point I want to make under the heading of preservation and promotion of industrial peace is the need to accept the Wiehahn recommendation relating to freedom of association It seems clear to me that a fairly general use of ministerial exemption indicates that Government policy is moving towards the acceptance of 'mixed' unions for want of a better word However the acid-test lies ahead namely the application of Black unions for full multi-racial status including the right to have racially mixed branches and racially mixed executives I want to urge the hon the Minister as strongly as I can to move ahead not merely by exemption but also by enshrining in the laws of the land the concept of the freedom of association I can see nothing more damaging to the prospect of industrial peace in South Africa than having two competing, racially defined unions in a single enterprise and the recent events at the Ford Motor Company, are but a single example of this The second major point I want to make with regard to the preservation of industrial peace is to take yet another sentence from the Wiehahn Commission s report something which has my full support, and that is—

> Further economic development is dependent on the adequate education and training of the work force

We have a grim story of waste and neglect of precious human resources in South Africa today That is the harvest we are reaping The blame for this must be shared by the private sector on the one hand often hiding behind the Government or behind White trade unions or its White employees, often finding it more profitable in the short term to employ so-called cheap Black labour in abundance, and on the other hand he Government more especially by its educational policy and its restrictive legislation which is nothing short of naked racism However, now the harsh economic facts have caught up with South Africa and there is general agreement that training of the total work force is one of our major priorities In this one is greatly encouraged by the hon the Minister and his department s initiative with regard to 'Manpower 2000 Unfortunately I do not have the time to dwell on this It is something very new, we are looking at it and I hope that we are going to hear a little bit more about it and its objectives from the hon the Minister or from hon members on the other side of the House

I am also encouraged by statements made recently by the hon the Minister, in particular by a speech which he made at a conference in Natal In essence that speech made it clear that the Government had no objection to both the training and placement of skilled Black workers in so-called White areas Despite this there are any number of hindrances to the adequate usage of the total work force I want to list some of these briefly Firstly I believe that the attitude of some employers remains negative It is an attitude which I have experienced at first hand and which can be spelt out as follows In a boom period when things are going well the employers say that there is simply no time to train workers at all as they have to get on with the job When on the other hand, there is a slack period they say they cannot afford to train workers because the situation is working against them

This is a vicious circle and I believe that it must be stopped In this regard I am wondering about the significance of the statement made by the hon the Minister of Finance in his budget speech when he referred to "a central training fund to ensure that the financing of all training functions is co-ordinated ' I want to ask the hon the Minister whether this means that we can anticipate what could be called a pay-roll levy or charge on the wage bill of all companies to ensure that education and training are adequate, or what other plans does the hon the Minister have in this regard? I believe that the attitude of some employers is one of the limiting factors on training in South Africa

Secondly, I want to refer to the attitude of the bureaucracy There have been numerous complaints from management stressing that red tape is strangling many genuine attempts Some officials seem to delight in giving management representatives what I can only term a real "run around" The situation is so

serious that only six of the 96 schemes proposed since October in terms of the In-service Training Act have won final approval One prominent managing director of a company said only recently that the rebate in terms of this Act applies only to formalized training schemes and not on-the-job training which of course is so vital and important Sometimes approval has to be gained from not only one Government department but two or three In addition the documentation required is formidable and places a heavy administrative burden on companies that want to be involved in training schemes There are those managements that are prepared to do this but they have a major reservation Rightly or wrongly, some of them seem to be of the opinion that the training rebate will be stopped in the near future or will be cut down I would appreciate the hon the Minister s comments on this aspect

I also believe that the attitude of some White trade unions is restricting training It is very understandable that some of them are confused, suspicious and sceptical because of the emphasis being placed on Black training They are not altogether sure whether management, in particular is just using this as another way to secure cheap labour I believe that it is up to management and Government to give the necessary assurance to White workers that their jobs are not at risk and that reverse discrimination will not take place The fact of the matter is that there are jobs for all in South Africa if only Black and White would co-operate Co-operation is needed between management, labour and the Government and between Black and White workers

Finally a further hindrance to training is the basic educational standards There is no question that again and again a company wishes to take a group of Black trainees only to find that they simply lack the basic fundamentals So anything one does in training has to give attention to the basic educational system in South Africa There are suspicions amongst Black workers and leaders that Blacks will be drawn into the artisan level, even to apprenticeships, but that they will be on a second-class level In order to off-set this suspicion I believe that all workers must enjoy freedom of movement that training of artisans should be done together, that all technikons should be open to all races and that standards, opportunities and rewards must be equal Blacks who are trained must like any otheer worker, be afforded first-class status otherwise Government statements and management intentions will be seen to be nothing more than a gigantic fraud

*Mr J M HENNING Mr Chairman it is very clear that the hon member who has just resumed his seat was not present last year when we discussed the Industrial Conciliation Act and the amendments thereto Unfortunately he was in hospital when the debate he wants to conduct today was concluded last year In the second place, the hon member is now referring to the strikes we had last year Unfortunately this is true, but the hon member is just as aware as any one in this House that they were illegal strikes caused by Mr Arrie Paulus and others The hon member is therefore using an extremely poor example

The hon member for Pinelands opened the debate in a very calm way today Last week, however he made quite a scathing attack on the Government and on the hon the Minister of Manpower Utilization in the budget debate The hon member singled out two points in particular, namely the issues of unemployment and the shortage of skilled manpower

*Dr A L BORAINE Are they not important?

*Mr J M HENNING The hon member also referred to the paradox that we have unemployment and at the same time a shortage of skilled manpower I say this is important, and I am still coming to that What is not important is the accusation made by the hon member that this side of the House, the Government, in particular the hon the Minister, did not do what they ought to have done to prevent unemployment and promote the training of manpower in South Africa It is for that reason that I am taking the hon member to task, and why I want to spend some time dealing with him

*Dr A L BORAINE Very well, carry on

*Mr J M HENNING Let me say this. The training of manpower in South Africa is a problem The hon member for Durban North,

who is a responsible member, made the prediction here that we can expect a shortage of 50 000 skilled workers by the year 1984 I agree wholeheartedly but what has the Government done as regards the training of manpower in South Africa that it should be accused of doing nothing? We need only look at our latest budget and the amount voted for education and training in South Africa, and add to that what is spent by the provinces on the education and training of our youth, to see that it amounts to a sum of R1 720 million, whereas five years ago it was only R964 million One cannot therefore accuse the Government of not having done its duty as far as education and training are concerned Surely, however it was also this side of the House which some years ago allowed tax concessions relating to the training of manpower I do not want to say that this had the desired effect There may have been problems in that regard I too have my reservations about that and I am coming back to that However, the Government went further Who was it who came up with in-service training schemes pre-in-service training schemes the training of adults improvement of artisan training and the curtailing of the period of training of an artisan? It was this very Government However the Opposition comes along with these accusations Who appointed the Wiehahr Commission? The NP appointed it What did it give rise to? It was on the basis of the recommendations of the Wiehahn Commission and in terms of the legislation we passed last year that a National Manpower Commission was established under the chairmanship of prof Hennie Reynders I want to congratulate him on his appointment because I do not think we could have had a better or more suitable person to perform that task The terms of reference the function, of that National Manpower Commission is to investigate these very issues of the requirements of our manpower the training of our manpower and also the utilization of our manpower Thus the Government has taken positive action

Now however I want to deal with the shortcomings which in my opinion, exist and which contribute towards the shortage of skilled manpower that we have in South Africa In this regard I asked a very responsible firm to perform some research for me I refer to Iscor Iscor s Pretoria works signed up and employed 700 apprentices this year To train an apprentice costs R12 000 over a period of three years He has to do practical work for 93 weeks that is two years His study time consists of a further year In other words, he is in one s employment for three years For one-third of that period he is totally unproductive It is calculated that his productivity over the three years in which he is being trained is worth R5 000 to a firm In other words, to train one skilled man over a period of three years means a financial loss of R7 000 Therefore, if a firm had an intake of 700 artisans in only one of its industries, that represents a financial loss of R5 million I therefore maintain that the concessions available to industrialists to obtain tax relief are inadequate

Now I want to point a finger at the private sector They are the people—and I do not mean all of them—who complain from morning to night and blame the Government for the fact that the country does not have trained manpower Surely it is their task, too to train people but unfortunately we in South Africa are in the position that people who want to expand their workshops are engaged in despoliation on the biggest scale ever What do they do? They wait until a man is trained and they then pay him a few rands or a few cents more per hour and he is poached Basically those people in the private sector are not doing their rightful share You level the accusation that the Government has not done its share

Dr A L BORAINE I talked about the private sector

*Mr J M HENNING Yes wait, I want to mention this to you Last year a total of 9 800 apprentices were signed on

*The CHAIRMAN Order! Hon members must address one another as "hon members"

*Mr J M HENNING I am sorry if I did not do so Last year, 9 800 apprentices were signed on and 1 200 of them went to the Railways That means 13% of them Then those hon members still accuses the Government of not doing its share as far as training is concerned The S A Railways, the Post Office and the city councils all train people

but they cannot get those tax concession because they are not tax-payers Therefore the taxpayer has to contribute towards making up the losses of those people The taxpayer has to pay to get those people trained

I therefore want to make a very earnest plea in this regard today and propose that we will only be able to solve this position in South Africa if we give serious consideration to imposing on every one in industry, every employer who does not train people, a levy of R20 to R30 per month per artisan in his employment If he has had that man in his employment for 20 to 30 years, then he will have contributed compensation of at least R7 000 towards the other man who trained him Then we could distribute those funds we obtain from those people who do not train back to the firms that are prepared to train people in South Africa [Interjections]

We must consider our future in South Africa and I believe we can maintain a 5½% growth rate—and we must maintain it because by the year 2000 we shall have to create almost 8 million employment opportunities I say this here today very frankly and without hesitation If we are to man this country properly, and if we want our Black national States to develop properly and evolve towards autonomy, if we want to develop our border industries we shall have to make use of the people of colour and train them as artisans We shall have to do so We shall have to electrify Soweto and other places

Dr A L BORAINE [Inaudible]

*Mr J M HENNING Yes, I am speaking about everyone One cannot expect of the Whites to carry out the construction work in those homelands as well We have enough work for those people in the White area of South Africa

There is a second issue which I regard as a problem, viz the issue of the young men performing military service I want to say to hon members that I am not pleading for exemption or postponement of national service because I think it is the duty of every young citizen of South Africa to do his military training However, there is concern about many of the young men performing military service who have not matriculated When he has completed his two years military service [Time expired]

*Dr A L BORAINE Mr Chairman I rise merely to afford the hon member the opportunity to complete his speech

*Mr J M HENNING Thank you very much I am discussing those young men who perform military service After that young man has completed his compulsory military service—others, perhaps, need not perform compulsory military service—he has leeway to make up He may then go and do an ordinary operator's job in a factory because that gives him an immediate financial benefit We shall also have to give very serious consideration to ensuring that that young boy is trained as a properly skilled artisan after he has completed his military service I now want to deal with the unemployment to which reference was made I am the last to say that we should be indifferent towards unemployment Unemployment poses a threat to any country in which it occurs It creates problems But surely it is not only South Africa that is faced with an unemployment situation The whole world is in a state of economic recession It is cause for gratitude that we are moving out of it It goes without saying that unemployment had to increase in recent years When we consider the growth rate which dropped to 1,5% we can surely understand why we are faced with unemployment

We should really begin by looking carefully at the real unemployment situation in South Africa According to the figures at my disposal towards the end of February 1980 there were 25 000 unemployed among the Whites, Coloureds and Indians This represents a meagre 1,1% of the economically active White, Coloured and Indian population That is minimal

*Dr A L BORAINE You are living in a fools' paradise

*Mr J M HENNING Towards the end of February there were 168 000 Black registered unemployed workers in the White areas—unfortunately those are the only people about whom we have details That is disturbing The hon member for Pinelands included the Black states in his figure of 634 000 in regard

to 19[illegible] I do not dispute that Projections are being made varying from 500 000 to 2 million Everyone works it out his own way The question is who and what is an unemployed person? However, we cannot be indifferent to it Has the Government been indifferent to it? On the contrary the Government has done everything in its power to create employment opportunities in South Africa. We debated the matter the whole of last week It is a pity to have to talk about it all over again, but sometimes one has to do it two or three times to get it into some people's heads As far as State expenditure is concerned the Government has cut its budgets to the bone over the past few years There has been no real growth in Government expenditure The Government has curbed its expenditure but has nevertheless done everything in its power to providing incentives specifically for the industrialist the private sector and the individual In the year 1978-'79 more than R1 5[illegible] million was replaced directly in the hands of the private sector What happened then? Over that period of two years our growth rate increased from 1,5% to 3 75% In the latest budget the Government is making R1 560 million available—an amount equal to both the amounts for the previous two financial years and is putting it back in the hands of the private sector Clearly now that our growth rate has increased from 1 5% to 3,75% in the course of two years and now that we have stimulated the economy to the extent we have done this year with an amount equal to the amount spent over the past two years we must expect our growth rate to increase more rapidly in the coming year Therefore we need not be so pessimistic as far as unemployment in South Africa is concerned

There is a company that carries out surveys regularly in this country and publishes projections with the aim of ascertaining the employment potential in South Africa Very recently we received the report of *Manpower* which arose out of the 16th quarterly survey they carried out What was the finding? Those peoples finding was that in the quarter April to June this year the situation will be rosier than ever before as regards the employment of people, and in any event better than in the previous 15 surveys they carried out Therefore I cannot share the pessimism of some people I believe that in view of the stimulation provided by the budget the question of unemployment is going to disappear in the future like mist before the sun

I now come to a third aspect and in this regard I associate myself with the hon member's congratulations to prof Nic Wiehahn and to Mr Jaap Cilliers, the former secretary who has now been promoted I also want to deal with the hon the Minister This side of the House, under the leadership of the hon the Minister, is being accused of lacking the necessary planning and of being too shortsighted Indeed the hon member for Pinelands spoke about a comedy of errors What has the hon the Minister done? He has shown the initiative to come forward with the idea of "Manpower 2000" In February I had the privilege of being in Stellenbosch where the project was launched The biggest industrialists in South Africa are being brought into the picture as well as our trade unions and the educational world The programme was launched on 31 March this year by the State President The aim is to make every young person every citizen whether he be Black, Brown or White, aware of our labour situation in the country We all have to co-exist here and therefore everyone in this country must work We must utilize to the full the potential of everyone in this country To me it is important that the hon the Minister took the initiative of coming forward with this project On behalf of this side of the House, I want to convey my sincere congratulations to him on his leadership in having launching so important a project in the interests of the nation

*Mr R B MILLER Mr Chairman I want to begin by telling the hon member for Vanderbijlpark that we agree with him on many of the factors to which he referred I am referring, for example to the question of using people of other race groups to train them as artisans There are other aspects which he mentioned in the course of his speech with which we also agree Of course one may expect that there are many aspects about which we do not agree I trust that the hon member will understand that I shall not be able to deal with every aspect individually and to discuss them with him In the course of my speech, however, I shall have some remarks to make about them

My party would very much like to associate itself with the compliments and best wishes to Dr Hennie Reynders who has been appointed as chairman of the Manpower Commission and Prof Van der Merwe We should also like to wish the Director-General Mr Jaap Cilliers, the best of luck Our felicitations also go to Prof Nic Wiehahn on his appointment as president of the Industrial Court In fact, if one reviews the past year, one will see that in terms of the implementation of the Wiehahn recommendations, these two bodies, with the august people who are leading them probably represent the most significant change in labour relations and the development of labour potential and employment in South Africa in our short history of industrial development Allow me now to deal straight away with the hon member for Pinelands I should like to indicate to him that we in this party have a slightly different attitude towards industrial courts It is strange that at the time when the Wiehahn recommendations were made in the report, we did not hear very much about that from the PFP at all At that stage they did not really reveal their attitude towards the establishment of an industrial court

Dr A L BORAINE We did We did so in the debate

Mr R B MILLER I should like to know whether the hon member for Pinelands has in fact changed his stance in any way regarding the comments he and his party made in 1979

Dr A L BORAINE Go and read the record of the debate

Mr R B MILLER The hon member says I should read the record of the debate I should just like to know from the hon member for Pinelands whether he has in fact changed his stance at all I should like to point out to the hon member that when it comes to the question of multiracial trade unions, we in the NRP feel very strongly about local options We believe it is the right of the members of a trade union to decide for themselves whether they want a mixed or a uniracial trade union

The hon member for Pinelands very strongly advocated mixed trade unions in terms of his argument put forward with regard to freedom of association, and one suspects that he would preferably not like to see local options offered at all but that he would in fact like to reach the end of the development road before he has even started the process of constructively building sound interracial relations

Dr A L BORAINE [Inaudible]

Mr R B MILLER I should also like to point out to the hon member for Pinelands that although one may be aiming for specific objectives in terms of industrial relations patterns similar to those to be found overseas—he did quote West Germany as an example—he should nevertheless remember that we really have a unique situation in South Africa, a situation requiring unique solutions I believe that with unique ingenuity we can achieve those objectives I do not believe that the parallel in terms of what had happened in other countries particularly Western Europe, necessarily applies to the South African scene There however, I should like to leave the hon member for Pinelands I am not going to say anything more about his speech All I should like to add is that, like the hon member for Vanderbijlpark, I do agree with him in other respects

I think the reveiw of the past few months has also indicated a considerable change in the attitude of the Government, and in particular we should like to record our appreciation of the hon the Minister's lifting of certain restrictions formerly existing in the Black Building Workers Act This is something which will help the building industry in South Africa to a considerable extent Not only will it help the building industry, but it will certainly also help with the development and the promotion of employment in the skilled categories amongst other race groups This has been a contentious issue in the building industry and in employment relations for a long time We are particularly appreciative of the fact that the hon the Minister has seen fit to change direction in this particular aspect

We also look forward with interest to the debate which is going to take place during the discussion of another hon Minister's portfolio I am referring to the proposed legislation on physical planning Without wanting to

begin the debate on that particular legislation prematurely I should like to state that we believe that there again we are going to find a change in attitude towards the employment of members of other race groups I leave the proposed physical planning legislation at that for the time being

Then there is also the question of the finances provided by the hon the Minister of Finance the allocation of the R4 million for the promotion and training of skills and also the possibility of the establishment of a central training fund In this respect I should particularly like to ask the hon the Minister whether he will take this opportunity of explaining to the House what he envisages—although he may not yet have discussed it with the hon the Minister of Finance—in terms of the objectives the functions and the scope of the central training fund I think this is important particularly in the light of what the hon member for Vanderbijlpark said here earlier this afternoon We are most interested in hearing from the hon the Minister what he envisages

Then, unfortunately there is also the other side of the coin in the South African labour scene We have now had a look at some of the positives We do however, also sit with negatives Among these is the increased unemployment I venture to say—and I should be delighted to give any hon member the figures should he wish to look at the analysis at a later stage, unfortunately I do not have the time now—that I believe that South Africa's unemployment currently stands at 1 5 million people

That could mean if one looks at the dependency ratios of breadwinners or money earners to the people dependent on their salaries, that 25% of South Africa's total population does not receive a regular income This is a most disturbing factor—whether the figure is 1 million, 1½ million or 2 million—and will obviously become a top priority item, not only for the attention of the hon the Minister, but also for the objectives, priorities and strategy to be employed by the manpower commission in its recommendations

Then there is also the question of under-employment. The mobility of labour is absolutely essential in South Africa, not only geographic mobility, which will be facilitated by the amended Physical Planning Act, but also the upward mobility of labour, which we certainly require The hon member for Pinelands has reiterated what I called for in the Part Appropriation debate and that is the fact that literacy training for existing employees is absolutely vital In this respect I believe that the Manpower Commission itself will have to consider as one of its top priorities, literacy training in the companies themselves or in in-service training centres If we are to fill the skilled positions that we are desperately going to need in the next few years, we are going to have to train existing employees upward and move them up the skills ladder It has been mentioned by the hon member for Vanderbijlpark that I have previously mentioned—and the hon the Minister will concur with me—that by 1984 the engineering and mining industries of South Africa will be short of a minimum of 50 000 artisans Those are the people who at great expense, are going to have to be trained in South Africa The concessions granted by the hon the Minister of the Interior in regard to immigration can obviously only be a short-term solution I believe that we must use the vast reservoir of people who have the intellectual capacity in industry by giving them literacy training so that they can take advantage of the skills training available both in the companies by way of apprenticeships, and also in in service training centres

There is also the question of where the jobs are going to come from Here, in particular the Manpower Commission has an absolute responsibility in determining and planning the strategy for South Africa in the future and the future is the next five years not some distant point of time When one considers, as predicted by the hon the Minister of Finance, an expected 5% growth factor in South Africa for the coming financial year, one realizes the desperate situation we are in in terms of trying to create sufficient work for all the people A 5% growth rate with the current economically active population only represents employment for an additional 475 000 people When one considers that there are over 1½ million people currently unemployed who were previously employed and that there are 200 000 school-leavers entering the labour market every year, one appreciates that we require considerably more than a 5% growth rate in our GDP The training of skilled workers from other race groups and the recruitment of workers by way of immigration are, of course, factors of vital importance and must receive the attention of the hon the Minister and the Manpower Commission For every skilled worker employed one also creates work for a further three unskilled workers to assist him

The Manpower Commission will obviously have to take a holistic view of the macro-economic and social situation in South Africa when doing its planning So I should like to know from the hon the Minister what has happened so far in terms of the functions of the Manpower Commission What have the members of that commission done? I know they have met on a number of occasions, but have they issued reports and what are their recommendations, with specific reference to the priorities recommended by that commission? I say this because one finds a disturbing trend in the South African labour market and that is that companies due to inflation and pressure for wages have tended to convert from labour-intensive industry in South Africa, particularly in the manufacturing and mining sectors, to capital-intensive industry [Time expired]

*Mr J T ALBERTYN Mr Chairman, I am merely rising to give the hon member an opportunity to complete his speech

*Mr R B MILLER Mr Chairman, I thank the hon Whip very sincerely for the opportunity I know it is perhaps not very easy for him to do something like this, and for that reason I appreciate it

†The hon the Minister and the Manpower Commission will, amongst the various priorities, have to look at the shift that has occurred in our manufacturing and mining industries from labour-intensive to capital-intensive industry If one only looks at the agricultural sector it will be found that of the 1½ million unemployed I quoted, at least 300 000 farm workers who were previously employed are now out of work because of the decline in the agricultural industry The number of active farming units in South Africa has dropped by 20 000 in the present day from the over 100 000 units in the past

I should like to come back to what obviously is one of the most important

Mr R B DURRANT [Inaudible]

Mr R B MILLER The hon member for Von Brandis has badgered me for a long time in many debates on where the statistics come from I should like to point out to him that there is a little pamphlet available in which things are set out very simply The hon member will therefore understand it quite easily if he has a calculator It is entitled *RSA Statistics in Brief—1980*

Mr R B DURRANT I am aware of that But it does not show a decline

Mr R B MILLER All the figures I am using have been extracted from this pamphlet issued by the Department of Statistics If the hon member reads it in conjunction with the short-term economic indicators of January 1980 issued by the same department, he will arrive at exactly the same figures I did However if the hon member has difficulty counting on his toes and fingers, I shall be happy to help him with an abacus

I should like to move on to something I believe to be of paramount importance as well I refer to the question of the in-service training centres I want to relate this particularly to my previous statements that the in-service training centres probably form one of the most vital links in the training of skilled Black, Indian and Coloured workers We find that there are however, a number of difficulties related to the in-service training centres I need not tell the hon the Minister—we have told him before—that one of the great difficulties is that there are two departments dealing with in-service training centres I should like to know from the hon the Minister what he is going to do about a consolidation of the two in-service training laws to bring them under his own department There are certain in-service training centres which are experiencing considerable difficulty due to the fact that they are only allowed to train Blacks and not Asian and Coloured workers as well I should also like to mention to the hon the Minister that, if one looks at the figures for most of these in-service training centres and one sees what occupations people are being trained in, the result is quite disturbing The Manpower Commission will have to pay considerable attention to this question In the Pinetown-Durban area there are approximately 130 000 Black workers and only 1,4% of those people went through

the hands of the Pinetown in-service training centre What is very disturbing is that of the 1 531 people who were trained by the in-service training centre only 85 were trained as welders and mechanical fitters The rest went into supervision, which is also important, into salesmanship the operating of construction plants driving, etc If we are to find skilled engineering workers, it is obvious that we are going to have to pay attention to the critical factors influencing the effectiveness of the in-service training centres

Firstly, to reiterate there are legislative problems The two Acts need to be consolidated They should both fall under the Department of Manpower Utilization We shall also have to attend to the other difficulties being experienced the financing of their building programme, their *curriculum* and literacy training They will form a vital part of the literacy training programme In order to achieve this we must come down to practicalities If we are going to train uneducated illiterate workers in literacy training programmes or in technical-skills training programmes I believe it is vital that the hon the Minister s department should set up a special work force of professional officers who are skilled in the administration and use of aptitude tests The hon the Minister has these people in his department He has psychologists psychometrists and psychotechnicians, but they pay attention particularly to disabled people, mentally handicapped people and the people who seek guidance

That is important but what is equally important is that the hon the Minister and his department should establish a fairly large work force of people trained in the use of aptitude tests to service industry They should be able to go into industry and the in-service training centres to assist companies with giving the Black workers aptitude tests In particular, I refer to those groups spoken about earlier, i e those who will benefit from literacy training These are the people who have already left school and who are probably over the age of 25 They will never return to school but they have the intellectual and mental capacity to benefit from further training They have, however, never had the opportunity of literacy training These are the people who must be tested If we are going to spend a lot of money on training programmes, we must at least find out what the capabilities of those people are I should like to appeal to the hon the Minister to pay very specific attention to this very great need We have tremendous organizations in South Africa who can train these people and provide equipment The National Institute for Personnel Research of the CSIR is in a very well-positioned situation to assist the hon the Minister in this regard I believe it is absolutely imperative that we should have this, and I appeal to the hon the Minister to devote his attention to it

I would also like to ask the hon the Minister whether he will consider passing on tax benefits, fiscal benefits and monetary incentives to companies who want to conduct basic literacy training of their workers at in-service training centres or within their own companies Unless we have some literacy training, it is going to be impossible to get the upward mobility of labour which is so essential in South Africa I also want to ask the hon the Minister as previous speakers did, when the second report of the Wiehahn Commission is going to be tabled The central training fund is of particular interest to my party as well and I trust that the hon the Minister will be able to give us some indication of his intentions in this regard

Regrettably, I must also refer to the deadlock which appears to have occurred in negotiations between the Department of Manpower Utilization and the White Mineworkers' Union and other unions We would be interested to know what the strategy is and we would be pleased if the hon the Minister could tell us what his participation is in getting unions to register in terms of the envisaged objective of the Wiehahn Commission It is also obviously of considerable concern to us that the White Mineworkers' Union and the Government seem to be having very limited contact in recent times These are important aspects for a vital part of our industry, and we would be interested to know what the hon the Minister's strategy is going to be in that regard

Lastly, I want to say to the hon the Minister that the problem which we have in South Africa is not one of sharing differently the cake that we have What we must do is to make this cake bigger

HON MEMBERS Hear, hear!

Mr R B MILLER If we are going to make the cake bigger, we must make use of the vast reservoir of goodwill and capability amongst the other race groups in South Africa It is the responsibility of the hon the Minister as the key man to establish a sound foundation for political social and economic development in South Africa

*Mr J G SWIEGERS Mr Chairman, the hon member for Durban North will pardon me if I do not follow up on his arguments as I want to give attention to another subject.

South Africa finds itself at an exceptionally interesting and challenging stage of its existence Consequently the importance of the Riekert and Wiehahn Reports and the attendant White Papers cannot be overemphasized It can indeed be said that these reports have brought about a new dynamic approach to the utilization of labour However it is true that these reports have also placed many disturbing warning signs on the road ahead, in all probability more than in any other period of our history Consequently it is true that in the rank and file of our White work force as I see it there are many reservations on some of the recommendations contained in these reports However, there are also many recommendations that are commendable, recommendations which, if they had been introduced years ago, would have succeeded in curbing the shortage of manpower

If we look at the world situation, there are serious misgivings in developed as well as developing countries about the creation of adequate employment opportunities It is estimated that between the years 1970 and 1980 there will be a shortage of more than 8 million employment opportunities in developed countries, with the result that unemployment will amount to approximately 19 million by the end of 1980 and will be even higher by 1990 However, the situation is even more alarming in developing countries It is estimated that the shortage of employment opportunities will rise by 17 million between the years 1970 and 1980 and the unemployment figure will amount to 66 million by the end of 1980 and approximately 88 million by 1990 In South Africa, as has happened elsewhere in the world, the increase in employment opportunities has not kept pace with the population growth The shortage of employment opportunities rose by more than 1 million during the period 1970 to 1977 This shortage does not apply to the agricultural sector and may consequently be regarded as very conservative What is particularly alarming is that the unemployment problem has intensified considerably among the Blacks According to estimates that have been made by certain labour economists, there was an increase of 274 000 in the labour force in 1978, of whom Blacks comprised 77% and Whites 9% It is estimated that the annual increase in the labour market will amount to approximately 430 000 people by the year 2000, of whom Blacks will constitute approximately 83% and Whites 4% These details form a limited picture of the real challenge which is facing South Africa in future

We shall therefore have to make it our business in this country to create employment opportunities by maintaining a sound growth rate and accelerating the economic development in underutilized areas In this regard the reports and recommendations of the Wiehahn and Riekert Commissions are of cardinal importance and lay the foundationstone for a new and dynamic approach to the better utilization of manpower

We must also take cognizance of the practical implementation of certain recommendations, as well as of certain crucial issues on the road ahead We shall therefore have to look at the creation of more employment opportunities the training and retraining of workers and the preservation of industrial peace The preservation of industrial peace must not be sacrificed when some of these recommendations are being implemented Consequently I want to make an appeal today to those who are involved in this, to ensure that industrial peace will be accorded top priority

It is my privilege to represent what is mainly a workers' a constituency, and after 15 years I certainly ought, by this time, to understand the language of the White worker I am utterly convinced of the fact that I am interpreting the feelings of my voters correctly when I tell the hon the Minister that the White worker has serious reservations about certain recommendations of the Wiehahn and Riekert Commissions

When we come to the training of other population groups, something which is obviously essential, clear guidelines and

strong leadership will be required at all levels so that the White worker need not fear that his survival will be endangered Therefore the private sector will have to take careful note of this They will have to bear in mind that it is the duty of every employer every employers' organization and every employees' organization to improve interrelations, to increase productivity and to effect changes in the trade practices with a view to changing circumstances, but with due regard to the preservation of labour peace

In the past too many employers failed to derive full benefit from all the opportunities that existed within the framework of official policy Some employers even maintained that the existing policy handicapped them in their efforts to effect changes which they could in fact have effected within the existing policy

The efforts of the Wiehahn and Riekert Commissions to promote a free market system by means of the elimination of discrimination in the work sphere will undoubtedly result in increasing competition in the labour market and this in turn could lead to possible labour unrest owing in particular to the heterogeneous composition of the labour force in most industries and areas Consequently employers will have to act with circumspection particularly in the area of appointments dismissals promotions the introduction of trade practices and the sharing of facilities on the factory floor, all of this in order to ensure that labour peace is preserved

The sharing of facilities on the factory floor is something in respect of which the White worker is extremely sensitive This is stirred up by the pride which he as White has in him and which is part of his being This is an irrevocable fact, because by giving one person a privilege which he did not have before, a privilege is being taken away from someone else

As far as the sharing of facilities is concerned, the hon the Minister laid down the following guidelines Firstly, it is the responsibility of the employer to preserve labour peace at all times in his sphere of industry Secondly, when employers want to make adjustments in this field, they must do so after consultation with employees or with trade unions where they exist The employees must be afforded the opportunity of speaking and their wishes must be taken into account Thirdly, no employee may be compelled to accept changes I address a friendly, yet cordial request to the hon the Minister to ensure that all employers adhere religiously to these guidelines that have been laid down in order to preserve the labour peace, so that no threat is presented to our economic growth, development and stability

I should now like to refer to the question of separate amenities and social security, as set out in chapter 6 of the Wiehahn Report I want to confine myself principally to the Factories Act As was pointed out by the commission contemporary development, in the social sphere in particular has given rise to the gradual relaxation of compulsory divisions between races, in respect of eating and other facilities in factories These developments could be an expression of the general desire to move away from discrimination and has mostly taken place in consultation with the parties concerned Some of the practices however are in conflict with existing statutory provisions, and consequently an unco-ordinated development seems to be taking place in certain areas which creates uncertainty and constitutes a potential danger to industrial peace

In the White Paper the Government consequently spelt out its standpoint very clearly Although the Government accepted the commission s recommendations, it stated unequivocally that it was not its intention to allow employers to exceed the desired rate of development If it appeared necessary for the Government to intervene afresh, it would not hesitate to do so Therefore I should like to request the hon the Minister in the last respect to ensure that this matter is approached with circumspection and that the provisions of the Factory Act are strictly applied if circumstances justify this

In sensitive areas where offence could be taken as a result of certain actions, employers will have to act very adroitly indeed We shall thus have to cultivate sound relations and bear in mind that we shall have to stand united at home as we have very few friends abroad It is an undeniable fact that a prosperous South Africa will be built on sound labour relations, and I trust that the reports of the Wiehahn and Riekert Commissions will contribute to bringing about a better dispensation in the labour sphere I am convinced that if all of us are prepared to

co-operate and act positively, we can achieve this goal

*Mr J H B UNGERER Mr Chairman, allow me a few short moments only to refer to the hon member for Durban North There are not many things about which I want to cross swords with him, because he is a responsible member I see his sense of responsibility is increasing too, because he has come round as far as to separate the concepts of "shortage of trained manpower" and "unemployment", two things which are really not relevant

The hon member for Pinelands referred here to a pamphlet which was ostensibly published under my name by the manpower study group of the NP

*Dr A L BORAINE Yes, it is a disgrace

*Mr J H B UNGERER I want to ask the hon member for Pinelands whether he has any objection to any of the facts mentioned and stated in this pamphlet

*Dr A L BORAINE Are they facts?

*Mr J H B UNGERER Does he object to us saying that R700 000 has been channelled to these people in all sorts of ways?

*Dr A L BORAINE Where do you get that information from?

*Mr J H B UNGERER That is a good question We have the information at our disposal I also want to ask whether the hon member objects to saying that they join international bodies, which after all is a fact and can be certified

*Dr A L BORAINE The spirit of the pamphlet

*Mr J H B UNGERER Now the hon member is referring to the spirit of the pamphlet Surely it is strange that both the hon member for Pinelands and the hon member for Houghton are outraged as soon as we touch on people who are pink to red in colour What makes it more interesting is that a great deal of interest is also being shown in this pamphlet from other regions, and the hon member for Houghton will probably be very interested if I tell her that the Hoover Institution on War, Revolution and Peace, specially requested a copy of this particular pamphlet because they are interested in it in America In the past there has been an unhealthy cross-reference between American interests in South Africa and hon members of the Opposition I want to leave it at that

I want to say a few words this afternoon about the relationships between employers and employees with special reference to the trade unions, with regard to the extent to which employees are concerned in particular Trade unionism or the real concept of the trade union is about 130 years old In about 1852 a farm workers' union was established in Great Britain—and this is very interesting It was the first one in history Imagine At the moment there is not yet any such thing in South Africa At that early stage the then Government of Britain apparently had a premonition of the monstrous proportions which trade unions would assume in Britain, and they banned this union or declared it illegal They tried these people and on conviction they were sentenced to be deported to Australia That is how a good number of British farm workers landed up in Australia at the time

Since the advent of industrialization it has been increasingly important for the worker to organize himself in so-called trade unions in order to protect his interests and to negotiate on his behalf Trade unionism in South Africa is in fact a direct legacy from the trade union system of Great Britain, but thank the Lord, our trade unions in South Africa, unlike those in Britain, are not obsessed with politics Great Britain is one of the most glaring examples of how disastrous it is for a country when the trade unions of that particular country manipulate and control the country's political system In South Africa strangely enough, we find that the tendency to political obsession, is only to be found amongst the extremists, the leftists, but in recent times also in the rightest movement At the same time I want to pay tribute this afternoon to the trade union leaders of South Africa for what I want to describe as absolutely responsible and loyal South Africanship in the manner in which they conduct their trade union movement

I wish I had the glowing language of the

pod to pay tribute to these people for the absolute responsibility with which they have fulfilled their task as trade union leaders over the past decades I can tell hon members that over the past 18 months it has been my privilege to be able to communicate and exchange ideas on various occasions with smaller and larger groups of leading trade union leaders in South Africa both English and Afrikaans speaking One thing struck me throughout and this was the quality of the people, some of them rough diamonds The quality of their characters, their sense of responsibility and the loyalty of these people towards South Africa comes first even before their own interests South Africa is a very fortunate country to be able to have trade union leaders of this particular calibre I want to pay tribute to these people this afternoon for the fact that they have freed themselves from the less favourable tendencies of British trade unionism of which they are legacy, viz political obsession However, at the same time I want to give these people a bit of advice and this is that they should free themselves completely from the other error of reasoning in the British trade union philosophy viz that the boss the employer is the enemy of the trade union or worker because this is not true The State employer and employee form tripartite partnership and are indispensable to one another for ensuring each other's, and ultimately the country's welfare and prosperity in the future In Britain the idea that the employer is the enemy of the trade union and worker has become quite acceptable and this has ultimately led to the culmination of trade unionism in what is known amongst the British as the 'closed shop' agreement I can just tell hon members that this means that an employer who is attached to such a "closed shop" may not employ, or keep, any worker who is not a member of the trade union If a worker quarrels with his trade union and resigns from it as a result, the employer is obliged to discharge him immediately Can hon members realize what a sinister hold such an agreement must have over a business?

I also want to give some advice in the same vein to employers today They must also move away from the old British concept that the two factions the employer and employee, are one another's enemies A healthy reciprocal goodwill cannot but give greater sense content and meaning to the employer-employee partnership and cannot but stimulate their productivity I have a practical example in my constituency that I should like to mention to hon members One of the biggest businesses there, which has an affinity for the British system, also had such a closed shop agreement As a result of their practical, sympathetic approach to the worker, the management ultimately proceeded to establish new liaison machinery, more or less along the lines of the works and liaison committees The whole thing functioned so rewardingly and so satisfactorily that the workers ultimately went to the management and said Sir, can you help us to get rid of the closed shop agreement? I can tell hon members that they were successful They destroyed the trade union and dissolved the agreement and I think I can perhaps say that in this regard Sasolburg once again represents a first in South Africa. I heard about the anomaly I asked for an interview with the so-called works council of the business I enquired from them how they managed to succeed The spokesman who acted on their behalf, sketched the whole history to me and summed it up in the following few short sentences—

> You see, Sir we eventually came to the conclusion that the traditional trade union concept that the boss is your enemy is false In fact, he is the guy who feeds and clothes you and your family and there, Sir, everything started

We can learn many lessons from this, but I just want to tell hon members that far be it from me to ask for and defend the further strengthening of trade unions in South Africa, but the fact is that they exist, and that employers welcome them in many cases as a very handy instrument for negotiation and they use them as such. Whether trade unionism is ultimately going to become a monster as it has become in Britain, will depend exclusively on the attitudes which prevail between employer and employee

I have already pointed out what benevolent behaviour on the part of an employer in my constituency accomplished in this regard I now want to tell hon members that this is only one of the first manifestations—and I want hon members to listen to this very carefully—of a new facet of an industrial revolution which was initiated by the department and the Minister in South Africa This afternoon the hon member for Uitenhage already pointed out that the department and the Minister have propagated the philosophy that the employer is primarily responsible for maintaining peace and order on his floors in the industrial world in South Africa to an increasing extent This is important, because it is a single component of a global and, in fact, enormous organization It is much easier and more sensible to do it in this way than for a single department to try to control this entire conglomerate and maintain order [Time expired]

Mr R J LORIMER Mr Chairman, I found the debate so far very interesting indeed, because the sentiments that have been expressed by hon members on that side of the House who participated in this debate, are so very different from the sentiments they have expressed in past years It appears to me that at last we are getting somewhere How times have changed! Today I have heard utterances from the hon member for Vanderbijlpark I would never have believed possible if I look at the debates of four or five years ago

*Mr J M HENNING You are stupid, man

*Dr A L BORAINE Saul of Tarsus He has been converted

Mr R J LORIMER The hon member for Uitenhage has talked about a dynamic new situation I have heard words in praise of trade unions and trade union leaders coming from the hon member for Sasolburg It is a very different situation from the past and something to be welcomed It appears that there is a degree of common cause in this debate for the first time in many years

I just want to address one brief remark to the hon member for Durban North, who has made on the whole a very good speech He questioned whether the hon member for Pinelands had changed his attitude to the industrial court during the last year If he, as chief spokesman of his party on labour matters, cannot remember what happened last year in the debate on the Labour Vote and on the legislation resulting from the Wiehahn and Riekert reports, I would have thought that he would have brushed up a little bit and have read them again before suggesting that we have changed our minds on the matter of the industrial court

There is one matter I should like to mention to the hon the Minister I regret that we have not yet received a report from the Department of Labour Utilization this year It is unfortunate to have to take part in a debate of this nature without that report I believe the report of the National Manpower Commission has just been made available It is in my pigeon-hole at the moment I wish that we could have had the opportunity to study it before the beginning of this debate

Mr B W B PAGE Has it just been put there now?

Mr R J LORIMER It has just been put there

I want to discuss the whole situation with regard to unemployment, which I believe can in many ways be regarded as the most pressing problem facing us in South Africa today There can be no argument about it at all that this problem is an enormous one The hon the Minister himself has been reported to have described it as a 'broeimes van onheil' He himself has assessed that there are more than a million people unemployed in South Africa today Others, some of them academics have suggested that the problem is even larger and that as many as 2,2 million people could be regarded as being without work Whatever the actual figure there is no doubt at all that the problem is enormous In what the hon member for Vanderbijlpark has described as a paradoxical situation, South Africa has a shortage of skilled labour and a high rate of unemployment at the same time

The reason for this is quite clear in that we have an undersupply of skilled labour and an oversupply of unskilled labour Of course, the way to rectify this is to create the circumstances in which as many unskilled workers as possible can acquire as fast as possible the skills that are so desperately needed It is common cause that our first economic priority is growth, and I should suggest that the most important feason for wanting growth is to provide jobs to people who do not have jobs If we are unable to provide jobs, I believe, we are in an extremely dangerous situation The

industrialist Mr Anton Rupert has described us as sitting on the gunpowder keg of the jobless Job creation is a pressing need because a man without a job is a desperate man In this Dr Rupert is quite right Those who may wish to incite revolution in our country would find a fertile field among the unemployed The situation is explosive It is dangerous It is getting worse

Something over 270 000 additional people, largely Blacks, pour into the job market every year, and various economic development programmes have indicated that growth must be in the region of 6% or a little more a year in order to create sufficient jobs to absorb this intake

I believe the hon the Minister will probably agree with me that up to that 3% growth rate increase we could probably cope with the skilled labour requirement With a growth rate of 5% or even 6% or more that could create tremendous problems The training of people takes time It cannot be done overnight There is no way, even with the best possible intentions and the maximum amount of money, in which we could possibly train in a short while a skilled labour force adequate for our needs We are for some time not going to be in a situation in which economic growth can be at its maximum because we are going to be inhibited—indeed badly inhibited—by this lack of skilled manpower It is already manifesting itself as the hon the Minister knows

In this unfortunate set of circumstances, I believe the responsibility rests on the shoulders of the hon the Minister to create a situation in which unskilled and semi-skilled labour—and we cannot train them all—can be used to a greater degree Even if economic growth is at its maximum we are still going to be faced with the problem of what to do with enormous numbers of unskilled workers and if the population growth continues at its present rate, I sometimes wonder whether we will ever be able to keep up There are, however, measures that can be taken in order to give incentive to industrialists to become more labour intensive The first of these measures involves a change of direction in Government policy, and we might be getting this The stringent requirements of the Physical Planning Act have until now been an active disincentive to employers of labour in urban areas to engage more Black labour It has been the Government s policy over a long period to discourage industrialists and others from creating job opportunities for Blacks in the towns The hon member for Vanderbijl park—I see he is not in the House now—said the Government had done everything in its power to create job opportunities That is not entirely true They did everything in their power to create job opportunities as long as it was outside the so-called White areas

I think we also have to accept that administrative procedures involved in the employment of Black people are a great deterrent The result has been that industrialists have tended, when giving consideration to new projects, to plan for maximum automation and minimum use of labour I will be the first one to admit that we have had to in the past and will have to automate in future in many industries in order that we can remain competitive in the world economy On the other hand however there are many projects which could well be chosen to be planned as labour-intensive projects I discussed this recently with somebody who has been associated with the compilation of over 500 capital expenditure plans prepared for some of the largest companies in South Africa In many of these plans numbers of alternatives were considered, and very often a decision had to be taken between alternatives requiring more or less labour In many cases the financial return from the alternatives of employing more labour on the one hand and less labour on the other hand were very much of a muchness

There was not any great difference He tells me however that in most cases the decision was taken to go for the less labour intensive schemes because management was worried that schemes employing a greater amount of labour might take them over the boundaries laid down by the Physical Planning Act Employers also felt that there were tremendous potential problems in employing a large Black labour force It was a tremendous nuisance registering this labour He added that the same problems were taken into account in considering capital expenditure on work to be done in some of the remoter areas of South Africa In some cases this inhibited the benefits that might have been obtained from decentralization There are many administrative problems too, because of the lack of mobility which will be talked about

by other hon members in these benches I think that the hon the Minister and the Government as a whole must ask themselves a very simple question Is it better to have a large number of Blacks gainfully employed in the so-called White areas or a vast number of unemployed? Is it better to have a Black population that has work, albeit in towns than a tremendous number of unemployed who might be in the towns or might be in the country, because situations of unemployment tend to accentuate the flood of people to the towns, in many instances illegally? If this Government is prepared to create the circumstances in which there is advantage, rather than disadvantage in employing more people I believe that we could see many more labour-intensive projects coming into operation but I believe that we could see many more labour-intensive projects coming into operation, but I believe that the hon the Minister and the Government as a whole must go further Employers must be offered incentives to employ more labour The hon member for Pinelands raised this in the Second Reading debate of the budget and had an answer from the hon the Minister of Finance who said he was prepared to go into the matter [Time expired]

Mr R B DURRANT Mr Chairman I found it most extraordinary to hear from the hon member for Orange Grove that he was speaking in his party, on behalf of a trade union I have never known that hon party at any time giving any thought to a trade union, White worker interests or Black worker interests of South Africa I find it extraordinary in the extreme I do not want to digress from what I wish to say, but I wish the hon member for Orange Grove would stop this over-exaggeration when talking about unemployment I do not disagree with him about the fact that we have a problem in this connection Not at all!

Mr H E J VAN RENSBURG Rip von Brandis

Mr R B DURRANT The hon member for Durban North, too, should not give a Miller interpretation of statistics The figure he quoted here today I heard the hon member quoting in the debate on this Vote last year, but he cannot produce any single fact to substantiate a figure of 1½ million The hon member for Orange Grove, not wanting to be outdone, gives an unemployment figure of 2 2 million [Interjections] Nobody, however gives any consideration to the migratory labour problem we have in South Africa, or to other factors that are coupled to this I do not want to state what has been stated so often, in the course of this session and more specifically in the budget debate, i e that the single most inhibiting factor in our economy is

Mr H E J VAN RENSBURG The Nat Government

Mr R B DURRANT the demand for skilled labour if we hope to have a growth rate of some 5% According to a researcher in the Chamber of Mines it is estimated that the shortage of White skilled labour in South Africa in the next 10 years, i e in 10 budgets' time, will be 750 000 There have been other estimates made This however, is one I obtained from the Chamber of Mines' manpower researcher In all the researches there are indications of the very same trend throughout, i e the demand for skilled workers is rising at a much faster rate

Mr H E J VAN RENSBURG You don t say

Mr R B DURRANT than the growth rate in the White population

Mr H E J VAN RENSBURG You don t say

Mr R B DURRANT This plainly means that in the producing sectors of our economy alone

Mr H E J VAN RENSBURG Rip von Brandis

Mr R B DURRANT The hon member for Bryanston is so thick in the skull that we can rarely get any intelligence out of him in a normal debate Perhaps he would be prepared to keep quiet in this one?

Mr H E J VAN RENSBURG I am congratulating you on finally waking up

Mr R B DURRANT This trend therefore clearly indicates that the producing sectors of our economy will become more and more dependent on Black skilled labour This is the case in the mining sector, the agricultural sector and the industrial sector, which are the three main producing sectors of our whole economy and on which our whole economy rests According to all sources I have researched less than 25% of our White population are employed in a productive capacity in these sectors of our economy, on which the whole structure rests The bulk of the White population are employed in the service sectors of our economy, in service categories of our economic national life According to statistics as recent as October last year, of the 2 473 000 workers in the mining, manufacturing and construction industries, less than 600 000 were White workers In quoting these figures I am not even taking into consideration those employed in the agricultural industry

I am of the opinion that in terms of percentages too few of our White youths in this regard are entering the skilled labour fields of our economy Perhaps there are many reasons for that One can in fact quote many reasons, for example the question of the social status attached to a person who is an artisan and not a white-collar worker The fact remains that too few of our White youths are entering the skilled occupations I think it is essential in the national interest that steps should be taken to motivate our White youths to enter in larger numbers into the producing fields of our economy rather than the service industries and that we should look elsewhere in regard to the service fields

We are, however faced with economic reality today We cannot afford to have the economy stand still and consequently face the development of vast unemployed Black masses Hence more and more workers of other colours have to be absorbed and trained As far as the country's labour situation is concerned and as far as the economy is concerned, we are in fact engaged in a race against time in South Africa We have now for years worked on the old system of apprenticeship and training in which from time to time, as the occasion has arisen, we have effected some changes The fact remains, however that in regard to the training of non-White workers there are stumbling-blocks in our existing legislation To a large extent they are stumbling-blocks in the way of the further training of Black workers in South Africa I think this is clearly indicated when one has to read in a prominent newspaper in our country, namely *The Star* of Johannesburg, of 15 January 1980 the headline "The First Three Blacks Break the Apprenticeship Barrier" While we have been talking for the last 15 to 18 months of the absolutely urgent need to train non-Whites in skilled occupations only in January this year do we read in a newspaper, as if it is a news story, that the first three Blacks have broken the apprenticeship barrier I believe we should take another look at the apprenticeship legislation and that this should be done in conjunction with the trade unions Whether we like to admit it or not, the fear has existed over the years on the part of White workers that the training of Black workers would permit unscrupulous employers to exploit such labour to the detriment of White labour interests I think that the White workers of South Africa today take another view of the situation They look at it realistically because today they see greater security for their position in a booming economy than in a stagnant economy

With the recognition of Black trade unions a step taken by this Government and the recognition by the hon the Minister of mixed trade unions, also a step taken by the Government, all workers, regardless of the colour of their skin, now share the same interests in the protection of their rights, their wage and their salary scales

Dr A L BORAINE That is music to my ears!

*Mr H E J VAN RENSBURG Better late than never!

Mr R B DURRANT Mr Chairman I wonder whether the hon member for Pinelands lives in an Alice-in-Wonderland situation He comes here today as if he has discovered something new Has he been hospitalized for the past year?

In this regard it is interesting to note the attitude of trade union leaders I want to quote the attitude of a prominent trade union leader talking about the past fears that were held by White workers I am not going to quote his whole speech as my time is limited, but he did say, *inter alia*—

> In die huidige opset waar verandering die tendens is, moet ons onsself nie blindelings wend op 'n pad van vrees nie omdat dit maklik met ons kan gebeur dat die vrees vir 'n verandering baie erger sal wees as die verandering self

He goes on to indicate that there is no need for a White worker in South Africa to fear the urgent training of a Black worker to maintain an economy and a growth rate in South Africa, because it would be economically to the benefit of both the White worker and the Black worker I want to say to the hon the Minister that the time has come that the White workers of South Africa are prepared in the interests of South Africa to have another look taken at some of the old and out-dated outlook towards the training of labour in skills in industry in our country [Time expired]

*The MINISTER OF MANPOWER UTILIZATION Mr Chairman, for the sake of good order and because a few of the matters which were raised are now being disposed of I think I shall now enter the debate I wish to extend my sincere thanks to hon members on both sides of the House who participated in the debate this afternoon Mr Chairman, you will allow me to say that it was interesting to listen to the great variety of subjects which were broached and discussed in greater depth something which indicates that a very great change has indeed taken place here in the Committee as well I wish to express my appreciation for that When I say that I say it for no other reason than to emphasize the initiative which the Government has taken in these urgent times to do quite a number of things in this important sphere—and has in fact done them—to bring South Africa into a state of preparedness in the field of labour in the situation in which we find ourselves

Initially I wish to associate myself with hon members on both sides of the House who conveyed congratulations through the new faces which we have here in the Officials Benches today I am referring to the Chairman and the Deputy Chairman of the National Manpower Commission, i e Dr Reynders and Prof Van der Merwe Both these gentlemen have been actively involved in the activities of this organization since November last year I wish to extend a cordial welcome to them and thank them for the exceptional zeal which both of them have displayed since their appointment last year

Since mention has been made of an annual report which did not appear, I wish to draw the attention of the Committee to the fact that it is very difficult for the department to publish annual reports in time for the debates because our annual reports contain an enormous quantity of statistics that have to be processed and for which the department is dependent on other organizations However, we have before us today the first report of the National Manpower commission, and hon members will agree with me that not one of them expected to have a report I did not expect one either, because the National Manpower Commission only began its activities at the end of last year I wish to thank the hon gentlemen for having brought out a report at this stage in any case I understand that they would very much have liked to have tabled it earlier Unfortunately it could not be made available to hon members earlier, but the fact that we have it to hand today is in itself an exceptional achievement for which I express my thanks

With reference to the question of what the commission does, I wish to point out that if hon members were to look at the report, they would realize that it was worthwhile appointing the commission Its targets and work programme are contained in the report Every member of this Committee will, if he pages through the report, be left with the profound impression that as regards its own targets, its work programme and also what it has already done, the commission signifies much that is good for South Africa It is an ambitious plan, but it is being set out with very great enthusiasm in this publication as well, and for this we are very grateful

I also wish to associate myself with the congratulations conveyed to Mr Cilliers, who accepted the appointment as Director-General

Before I proceed to deal with the matters broached by hon members, I should like to dispose of two matters, which I think should be disposed of at the beginning of the discussion, and also because I undertook to discuss them today The first is concerned

with a matter which has not yet been raised here Although it could be referred to later, I feel that I should say something about it at this stage I am referring to matters concerning our third level of government and more specifically to the municipalities and the Organization for Municipal Employees the organization which is known as SAAME

I should like to refer to this organization because a query-mark has been placed against it as one of the trade unions That question has been widely discussed and I should like to clear it up pursuant to an assurance which I gave a short while ago when I opened the congress of that organization I told them that they need not be afraid that the Government or I myself intended at this stage or within the foreseeable future to deny the organization the right of negotiation under the Industrial Conciliation Act It would be wrong to take such a step We are dealing here with a vast organization, with a trade union which has more than 40 000 members If one were to take it out of this machinery, one would be creating a void and there would be great confusion Before we go any further I am now repeating the reassurance which I gave them

The other matter to which I wish to refer is in connection with something that has already been broached in the course of the discussion I am referring to the issue of White trade unions and the question of what the position of the White man, who will experience keener competition in future, will be The speeches which were made indicate o will have to be greater training and greater employment as regards the many people who are already in the country and who will be here in future They will be trained in a strong economy and within a situation in which the White component will become smaller simply because its numerical composition is of such a nature

Hon members will understand if we say from these benches to South Africa that there are many more people who have to participate in the great economic machine of the country It is expected that, up to the end of the century several million additional people will have to enter an economy which has to produce a gross national product three to four times the size of what it is today South Africa is on its way to becoming a great power a great industrial country, but what is to become, within this constellation, of the competitive position of the older component the more established component, i e the White component those people who were the first to operate in South Africa as industrialists and workers? Naturally the Coloureds also counted among the first industrialists This older section has a very great fear in its heart for what its position is going to be in future in the light of keener competition

I think a comment was made in this connection, but although I have spelt it out in the past I shall gladly do so again so that it may be placed on record I foresee a serious shortage over many years to come, and whatever we do there will for many years be a serious shortage of trained people in this country Even a supreme effort on the part of the Government as well as the private sector to train people and to conduct them through the process of many years of training until they are prepared and can be employed, will not easily alleviate the position Any person who becomes a trained person does not do so in a day It takes several years before that has been achieved With the shortages which exist in South Africa it must be a very poor workman who cannot maintain himself in this country

But apart from that, the principle which we have laid down is that many more will be allowed into the industries, which does not mean that anyone need be afraid that his position will be threatened No person who does his work will be in a threatened position in this country After all, legislation has been introduced for that purpose Our trade unions need not have any fears in this connection either because my reason for referring to this is that it is constantly being said that the White man is now being threatened But no White man is being threatened, no Coloured person is being threatened and no Asiatic person is being threatened No one will be threatened in his work situation To tell the truth, those who already occupy skilled and semi-skilled positions in industries will in fact have to be placed in a position where they are able to undergo further training That is why we are creating new institutes to provide people who are employed with further training and also to provide adults with further training, if they so wish In other words the tendency is forward-looking, not backward The tendency is to afford people further

opportunities not to endanger them in their positions If we can arrive at a situation in South Africa in future where we have trained everyone whom we wish to train and are able to find positions for them in the industries—and there are great shortages—then our macro-problem is in fact in the other direction I just wish to give the assurance in general that no one need be afraid Our legislation is aimed at the protection of those who are there and also at further training in future No one need be afraid that he need feel threatened in his work situation

While I am referring to these two matters now, I wish to refer to the question put to me by the hon member for Pinelands about the tabling of the first part of the Wiehahn Report Surely it is understandable that all of us would like to have it Actually it is a question of whether we should have produced the report piecemeal I think I discussed this last year as well I have of course received the additional report but I received it in an untranslated form It had to be translated and has been delayed I hope to be able to table it within a week or two when an accompanying White Paper will also have been prepared and printed I have already perused the report and I do not think hon members need think that because the report has not been tabled now, there is legislation which could have emerged but will not now emerge I could also mention in passing that there will in fact be further legislation this year I would very much have liked far more comprehensive legislation to have emerged but we are waiting for the rest of the Wiehahn Commission s reports, which I hope and trust will be in our hands within the next few months so that when we come back next year we will be able to dispose of all the legislation emanating from those reports early in the year

I think the two matters which occupy the thoughts of everyone in the labour sphere are the issues of unemployment and training' I found it very interesting to hear the speeches made in this connection, and I wish to predict that further speeches will be devoted to these subjects because it is indeed true that it is in this labour sphere that one finds South Africa's two greatest problems Let me begin with the unemployment issue On previous occasions I have argued and adopted the standpoint that we should be very careful about simply accepting a figure in the context of the Republic of South Africa, when we argue about unemployment It is not that easy Our definition in South Africa is perhaps a more difficult definition than that in other countries of the world We are differently structured, and our progress is different In fact, South Africa simply presents a different aspect Hon members must allow me to say a few things about this and to argue the matter afresh The first thing I want to say in this connection is that we must not adopt the standpoint that in spite of our population structure, we have a situation here which is difficult in comparison with that in other countries On the contrary That is not true Let me annumerate the figures quickly for hon members

Before I do that, however I just wish to tell this House that there are three ways in which one obtains a figure The first is by means of our registration bureau s In South Africa however the bureau's function is primarily to work out unemployment benefits and not to serve as an instrument to give an indication of who is unemployed and who is not unemployed The bureau's are not yet functioning effectively as far as this is concerned The figure which we have for all population groups registered with us is still less than 200 000 Surely it is obvious that this is too small Surely we know that it is more Consequently they are not a good source The other source is that of the ongoing statistics which are being recorded It is not as though these were merely a small sample They are a proper sample They are a sample taken on a regular monthly basis of 10 000 Black families and 3 000 Coloured families In terms of these figures it is statistically speaking, adequate enough to be very close to the mark, because they are well distributed The figures are that we have approximately 10 000 unemployed Whites This is a very small figure In fact we have major over-employment There are approximately 3 500 Asiatics who are unemployed Approximately 60 000 Coloureds are unemployed, as determined on this basis, and approximately 486 000 Black. If one adds all these figures together, it is still less than 600 000 Thirdly, we can determine the figures on the basis of estimates, and I have warned against estimates There is no university which is not working out estimates

There is no organization active in this sphere which is not working out estimates Then we found ourselves faced with a definition of who and what an unemployed person is in the South African context First of all I just wish to say that the employment figure in general when we add these figures together, is 6% In the South African context is 6% a good or a bad figure? Let us compare it with the rest of the world The facts are as follows The figure for the USA is 6% for Britain it is 5,8%, for Italy it is 8 1% and for Australia it is 6 4% Those are the facts Therefore South Africa, even with its difficult population structure is not in a poor position In fact, our achievement is an excellent one

I come now to the second point i e what the definition is On a previous occasion I said that if a person has been looking for work for a week and was unable to find any or has been unemployed for a month and is prepared to accept any work offered to him immediately he is an unemployed person That is the definition which we have to apply But we must be careful now for in the South African context when it comes to the question of the definition of unemployment, we must just understand that if one lumps together all persons who are unemployed in all sectors one arrives at the figure with which I furnished hon members a moment ago But we must also understand that there are great variations and fluctuations in South Africa For example we can take cognizance of the fact that there are no unemployed persons in our agriculture sector Hon members can ask any farmer whether there are unemployed persons walking around on his farm There are none Even in the agricultural area of the homelands there are no redundant people who are sitting about and who one can call unemployed in this context. Furthermore we must in our circumstances be careful because extreme variations occur There is for example the difference in respect of population groups in respect of ages for example, the under-20 and the over-50 age group There is a very big difference in this regard There is also the difference in the unemployment figure in respect of men and women, even in respect of young women and married women These things vary tremendously

I want to tell hon members that there are many kinds of unemployment In the first place there is cyclical unemployment, which is the result of unsatisfactory conditions in the economy This runs parallel to cyclical movements in the economy Then there is structural employment i e people who cannot work even though they want to, because they have not been trained So too, there are other kinds of unemployment even discriminatory unemployment Not the kind of discrimination at which some people prick up the ears so quickly, but discrimination in the sense that an employer discriminates against one kind of worker in favour of a worker who makes fewer demands of him There are also people who are unemployed because they decided to be, or because they are finicky If they have to work at night or have to move from Cape Town to Paarl in order to find work they prefer to remain unemployed and prefer to live with their children or whatever the case may be In our context we must therefore be very careful how we define the subject

*The MINISTER OF NATIONAL EDUCATION There are droughts as well which cause unemployment from time to time

*The MINISTER OF MANPOWER UTILIZATION Precisely I maintain that what the South African economy has achieved was achieved in spite of a prevailing recession and in spite of our difficult population structure In spite of these factors we attained the position in which we are able to say today that measured against all norms the South Africa achievement is an exceptional one I am not including the continents of Africa and Asia in this comparison because they cannot be compared with South Africa I am comparing South Africa with countries such as the USA, the big countries, and not the weaker ones Then our achievement is an exceptional one

I want to issue a warning If one listens to the clever people it sounds as though it is the easiest thing under the sun to conjure up figures and arrive in a trite at a figure of a few million, but in our circumstances it is not realistic to adopt such an approach here I cannot calculate another figure A great deal of trouble has been taken to calculate the precise figures It is not a good thing to use the wrong figures when we speak of unemployment

The second important matter which was

referred to and which dominated the debate was the question of training The question which arises is what should one do with those people who fall into the category of structural unemployment and who have to be trained I just wish to state that if a country wants to be an industrial country and wants to develop in future it must remember that the mere fact of training with a view to the improvement of services in future can make a major difference to the gross national product There are many people who do not wish to argue in this way and who do not wish to accept this fact They argue the other way round Hon members would be astonished to hear who these people are The mere fact that the USA, between 1955 and 1956 spent more on training than on anything else, made a difference of 42% per capita to their gross national product The fact that, from 1960 to 1980 they paid greater attention to training and to the improvement of the worker made a difference of 40% per capita to the gross national product Do hon members know what a tremendously important fact this is? In other words if one can succeed in schooling the people in the country better so that they become more serviceable people and are able to increase their production then in that way alone without taking additional factors into account one increases the gross national product Hon members can now begin to make calculations with our population figures and calculate what it would cost to invest in training They will then find that one of the best investments a nation can make is to provide its people with better training An untrained person is of no use to anyone Who wants to employ him The hon the Minister of Transport Affairs does not want him, for what must he do with him?

*The MINISTER OF TRANSPORT AFFAIRS Definitely not.

*The MINISTER OF MANPOWER UTILIZATION What must I do with him Nobody wants him A farmer does not want him either In other words the best investment which an individual himself can make is to help ensure, of his own accord, that he is trained because it is in his own interests, since his earnings will be increased

The Eenheid vir Toekomskunde at Stellenbosch is looking into the situation and has told us—and we accept this—that during the next 20 years we shall witness a certain phenomenon This phenomenon will be that South Africa will on the one hand, if nothing much is done about it have in the region of up to 1 8 million people who are unskilled or semi-skilled, in other words people who—and this is why I am quoting the figure—will have a low potential as against, on the other hand, a demand for people who are not there What is our task therefore? One knows on the one hand that one has them and one knows on the other that one is going to need them If one knows it is going to pay, there is only one thing to do, and that is to ensure that they are trained That is why it is so imperative that everything we do is bolstered up by training, training and more training, so that we can do the things which have to be done

I do not wish to repeat the figures which are already known have been quoted here and have been published There are many figures Hon members can look them up and scrutinize them again, they are still true The fact remains that we are going to require a tremendous number of trained people in future The next questions are Who should train them? What is the policy? Where are we going?

I should like to reply at this juncture while I am on the subject to the hon member for Durban North on the question of training The responsibility of the State is to take people through school, to provide formal training, but only up to a point In other words this is the educational part It is tof a point. In other words' this The State trains people in the responsibility of the State The State trains people in the primary and high schools universities, technikons, etc However we arrive at a point at which the responsibility shifts to the industrialist who requires that worker It is being argued a great deal today—the hon member for Vanderbijlpark also discussed this, and it is a very important matter—that the responsibility should be accepted by the industries of South Africa, as for example in a specific industry for which I have very great appreciation The people from my department and I spent a whole day looking at how the private sector is doing what it is not asking the State to do, but decided to get stuck in and do itself We saw an enormous training programme of its own, of which it had informed no one It did so in

its own interests In one year 37 000 people were trained and millions of rands were spent It was worthwhile seeing that the very best and latest training methods were being used The products of this training were then being funelled into all the industries services and mines over which the industrialist has control I am referring to one of the biggest concerns in South Africa which can afford it

I do not have much time I shall have to make haste and tell hon members that there is a whole variety of schemes I do not wish to discuss this any further at the moment *Inter alia*, hon members will find these in the documents of the department There are great opportunities for in-service training and of course for other training as well In service training is of the utmost importance We shall have to do so in the service, but—and this is the point I should like to make in the debate today—I myself place a query-mark against this training Are our training methods and standards correct ' I do not know I place a query-mark against these methods and standards I think many of the training periods are wrong I think the standards are wrong I think all these things should be revised We could modernize many of these things in future, and it is the task of the National Manpower Commission to look into this whole question of training That is its responsibility and consequently it is engaged in doing so I also want to say that if one looks at the programme one will see that it has divided itself up into seven different divisions Hon members can go and have a look at them afterwards I am sorry that the report was tabled at such a late juncture Hon members will find in the report that there are seven divisions, *inter alia*, those which occupy themselves with the major issue of training, and then the following question was put to me in this connection What are we going to do? Are we now—and this is concerned with the question of the fund to which the hon. the Minister of Finance referred—going to impose a tax or levy on all industrialists in South Africa? It is not for me to say what should happen All I can tell hon members is that I am pleased about such a nest-egg To this nest-egg a contribution has to be made by the private sector and by the State Hon members must remember that we made a start with this only three or four months ago We really cannot get everything out of the pipeline within three months All I can tell hon members is what the rate is The rate is at a point which indicates that we must obtain far more funds from he State as well as from the private sector to be able to accomplish this task, for we can no longer continue with the kind of policy where an industrialist tells one "It is cheaper to buy than to train them" That is nonsense One cannot allow a situation where they buy workers away from one another

In any case, that is not in the interests of the country We cannot train people only to have them lured away by others One cannot in this way make progress in South Africa, for we will eventually reach a situation where there is such a shortage of workers that the wages which they receive are far higher than the intrinsic value of such wages can possibly be Nor is it a good thing for a country's economy Therefore the whole question of training and where we are going with it, must be seen against this background

I just wanted to make these two matters, and the principles involved, clear here so that hon members can understand where we are actually going Now I shall have to make haste in order to come to the specific matters to which hon members referred in their speeches

The hon member for Pinelands maintained that we had had less labour peace last year than in the previous year That is true of course Matters do not take the same course every year But the hon member must take the facts into consideration Even with the strikes we had last year—hon members know about them—the South African achievement in this field is still streets ahead of the best in the world It can be tested against the achievement of any other country The overall labour peace which prevailed last year could of course not continue indefinitely To have expected anything like this to happen, would have been totally unrealistic What are the facts? The number of work stoppages per annum, from 1974 to 1979, were in chronological order 374, 274, 245, 90, 106 and 104 In the South African context, last year's figure of 104 is completely insignificant. Let us take cognizance of the number of workers who were involved Despite the fact that we think we had enormous problems last year, they were really so negligible that the figures are very interesting The number of workers

involved in strikes between 1974 and 1979 were, in chronological order 59 000, 23 000, 28 000, 15 000, 14 000 and 22 000

In this connection I should like to repeat something I have already said before I do not know whether it was here in this House, but hon members must please pardon me if I say this here for the second time now Recently, when I was in Germany, I paid a visit to the Volkswagen factory there The day I walked into the factory there happened to be a count of strikers in progress Someone told me then that there were 50 000 people employed in that factory During the lunch break I asked what had become of the count, whereupon I was informed that the count had been positive, that it was 83% and that they would therefore go on strike the next day I was then able to tell those people in Germany that the situation in South Africa, the country in which they thought labour dissatisfaction was prevailing, the situation was entirely different I was then able to point out to them that if that factory, with its 50 000 employees were to go on strike from 8 a m the next morning, they would by 10h20, in that single factory, have lost a total of just as many man-days as the Republic of South Africa, with its 5 5 million people in 31 000 factories That is something which no country can beat

That is why I believe that even that is an exceptional achievement, an achievement which we are trying to maintain However, there is only one way in which we can do so That is by trying, on the shop floor itself, to preserve sound relations at all costs

The hon member for Pinelands also spoke about the shop floor mechanism" I want to point out to the hon member that this is in fact the reason why we still have the Labour Relations Act. In future legislation we shall probably come forward with a plan for the creation of a system which will no longer be dualistic, but which will also be expanded to other spheres Furthermore, the hon member also referred to the Industrial Court and said that there seemed to be a problem I know about the problem I read in the Press, and it was also brought to my attention, that a problem had arisen over the definition of an 'unfair practice" Of course I have already stated here that when we make a start with something new and subsequently discover that we made a mistake somewhere or that we did not formulate things correctly, we shall try to rectify it at the first possible opportunity That is true After all it is a fact that we are starting here with a new court, a court to which we have allocated new standards, issued new instructions, and can then only watch to see how things work out in practice I am aware that a problem exists there I know about it because our lay advisers informed me of it Consequently I am aware of it We shall rectify the matter as soon as possible So hon members need not have any problems with it

I think I have said enough about the training of people in South Africa and I think I have replied fully to questions in connection with the central training fund I want to thank the hon member for Pinelands for his contribution I have finished replying now to the points he raised

I want to thank the hon member for Vanderbijlpark very sincerely for his contribution He made it unnecessary for me to reply to many of the arguments put forward by the Opposition members I want to thank him for his contribution on training, but I also wish to thank him very sincerely for his contribution over the years for he takes a specific interest in this very important problem and has over the years played a very major role in this sense that he has helped us with the formulation of policy

The hon member also referred to a second aspect, and that is the Manpower 2000 programme I want to say a few things about this programme We have come forward with certain targets We have stated what our policy is and we now know what our destination is We have also established a commission which is occupying itself with creative and formative work for the road ahead In spite of these aspects there is nevertheless one important aspect which is this How does one tell 25 million people about the things which have to be done? The answer is that one does so in a perfectly normal way by allowing them to participate That is why a programme was launched in which all of them can participate, the private sector as well as the public sector They are both participating in a programme of promotion on the road ahead I am also very pleased that the schools are participating in this, and also have their own programme If we can succeed, with one imaginative programme, in

telling every schoolchild in this country—Brown Yellow, White, Black, all of them—that he must think this year about how he can work better, more effectively and harder for South Africa to produce more so that we can withstand the threats from outside, we will already have achieved a great deal, and every schoolchild can try to find an answer to this question One of the school programmes conveys this idea How can we all co-operate to help make South Africa prepared for the future so that in the year 2000 we can be a great, strong country without any need to fear the future? I thank the hon member for Vanderbijlpark for his comment on this subject

The hon member for Durban North discussed labour mobility Of course it is not possible for one to have industrial development in a country if one does not have upward and lateral mobility among the workers This will happen I just wish to furnish a few figures here Any country, particularly an industrialized country has a specific relationship between the top structure and the rest of the population One cannot have a country with highly industrialized undertakings, for example the USA or Switzerland, if there is not such a specific relationship in other words if there are insufficient entrepreneurs or leaders at the top In the USA the relationship between leadership, in other words highly-skilled persons—in our country it will be those who have attained the matriculation level of development or a higher level—and the lower levels is 1 6 In Japan it is 1 15, in Australia, 1 11 and in South Africa, 1 42 What does that tell us? It tells us that if we wish to involve an increasing number of people in an industrial community in future more people will have to rise to the executive position at the top—and this applies to people from other race groups as well The entire question of how they are going to be accommodated is a question which I have argued with hon members on a previous occasion This has to be decided on by the three components The State, the employer and the employee They must reply to this question Who works where, and at what price? Once we have found that formula, a formula which we have in our opinion already obtained, on the shop floor, we have indeed obtained a sound formula.

That brings me at once to the hon member for Uitenhage He said that the work force hears about these things and has reservations I replied to that right at the outset, when I spoke about the fears in the hearts of people Of course we must give them a reassurance, and that is why I gave the White worker of South Africa a reassurance when I rose He can also tell his voters that we shall retain the Factories Act We shall have to try, at all costs, to preserve peace on the shop floor, according to the four guidelines I have laid down These four guidelines have up to now given us an exceptional measure of peace

Is any hon member in this House aware of any major problem which we experienced on the shop floors of South Africa, and bear in mind we have more than 30 000 large factories in this country? Do we have major problems there? No, for with these four sets of rules which we have laid down, we have always been able to control the situation so that there has always been peace I want to give the reassurance that if things were to happen on a shop floor which indicated that certain people were browbeating other people, that employers were being unfair to employees and were forcing employees to do things which they did not want to do, we would act immediately We have an industrial court which has an understanding of unfair practices and which can intervene

The hon member for Sasolburg paid tribute to our trade unions I want to tell the hon member that I agree with him If we did not have the sense of responsibility which has been an integral part of the work force of South Africa for generations, we would not have been able to build up this country to where it is today I wish to associate myself with the hon member and say that we must just remember that on the road ahead, when competition will increase and the situation will become more complex and more sophisticated, it will also be necessary for our own people to be better trained They must be better trained This is also one of the recommendations of the Wiehahn Commission, and we are laying down guidelines to improve the training of trade union people as leaders If we do not do so we shall find that some of the Blacks will flee to Lesotho to be trained by leftists there They will also go to Maputo or America and be trained there, not as leaders, but as agitators We must try to prevent this at all costs

Reference was also made to the question of closed shops I just want to tell the hon member that I do not wish to discuss this matter now because we are in the process of looking into it further The best example which there is in South Africa of a difficult task in which we have succeeded—and I wish this can be said to everyone in the country—is that we have succeeded here in bringing together a group of employers and employees, and that it was said on that occasion 'Let us create relationships of trust and let us forget the closed shop and similar issues' This is an excellent example of what ought to happen in future

I think I have already, in the course of what I have said replied to the speech made by the hon member for Orange Grove, or is there something to which I have not yet replied? He referred to the annual report and I have replied to that He also referred to training

The hon member for Von Brandis discussed the question of apprentices We are also looking into the training of apprentices Let me say that one of the reasons why we do not have enough apprentices and trained people is that the apprenticeship committees are sometimes selfish and hold people back so that they are unable to undergo training Consequently I have decided that if employers become recalcitrant and oppose some of their employees receiving training as artisans, and cause the situation to miscarry in this way, I shall not hesitate, if it is in the interests of South Africa, to refer the matter to the Manpower Commission and to ask it to look into the matter and see whether it is fair to prevent these people from receiving further training, and what the effect of such action will be on the economy of the country After the commission has advised me in this connection, I shall, if necessary, introduce legislation and act in the best interests of South Africa if it so happens that there are people who are being wilful

With this I think I have replied to the questions which were put to me

*Dr M H VELDMAN Mr Chairman, to begin with I just want to convey a word of hearty thanks to the hon the Minister for the exceptional way in which he guides us as head of this department I think we are all very grateful for that

One of the undertakings contained in the preamble to the constitution of the country is 'to further the contentment and spiritual and material welfare of all in our midst" It is true that this idea has been included practically word for word in the constitution of the NP as a clause relating to principle Nor is it any wonder that the Government directed an investigation by the Riekert and Wiehahn Commissions to determine a manpower strategy for the Republic in good time via the established Manpower Commission As a result of that, a special committee of experts are involved with an in-depth study of our country's training requirements

Then we also had the idea of Manpower 2000, which is the brain-child of people who are approaching the period of progress and advancement that is awaiting us, with realism, with key objectives of which I want to mention a few They are the nationalization and promotion of vocational guidance and training the improvement and stimulation of productivity, retraining and in-service training the creation of more employment opportunities, the promotion of labour peace and the generation of confidence in the future of the country

The Government does not want a repeat here of conditions in other parts of the world, where starving people are yearning for a roof over their heads The Government quickly realized the obvious truth that greater growth creates more employment opportunities for more people and that labour peace then remains part of the labour pattern When we talk of growth, we mean growth in which all the inhabitants of the country will be pleased to share and when we talk about manpower utilization, we know that we do in fact have the manpower at our disposal, but that Whites, Coloureds, Blacks and Asians will have to serve in the country in an orderly programme When we talk about peace on the labour front, it is the peace after which not only the White man is striving, but the people of colour too, because if labour unrest becomes part of the labour pattern of the country, no one will escape the consequences of it

What will the programme need in order to be able to ensure peace and progress in the labour sphere? Training, retraining and inservice training from the person in the highest management position to the unskilled labourer

A recent piece of information is that the general conclusion of a study by the HSRC on the demand for and the supply of manpower, is that the education system has already produced a trained labour force amongst the non-Whites We may not stop education at the secondary school level, not for the Whites or the people of colour If we were to make this mistake, a state of stagnation would follow which would lead to frustration and labour unrest. As a country develops economically, a need arises for a labour force with a variety of skills and we must bear this in mind in the advance planning for the rationalized training programme

When Dr Simon Brand was recently asked whether the RSA could maintain a growth rate of 6% which would establish the essential employment opportunities, he said Yes, but on certain conditions" The conditions were not a lower rate of inflation or improved world conditions in the first instance but that we should have people in our country with exceptional managerial skill In other words the training must be carried through from the highest to the lowest positions It is necessary to note that the total annual growth of the labour force will amount to a ¼ million units I am mentioning this because I think we can expect the Black leaders to tell this to their people too and to inform them in this regard and that it will be their aim to train their people, ultimately to provide services within their own ethnic context and in their own areas

In 1948 there were 500 000 motor vehicles on our roads and now we are almost approaching the 5 million mark, of which 1,5 million belong to people of colour Therefore, it is obvious that a motor mechanic can fulfil a special service in the homelands if he is trained in that line, to mention only one example It is just as important to note that the basic cause of the problem lies in the particularly high growth rate of the Black and Coloured population in particular, which exerts an unhealthy pressure on economic growth On the long term, economic growth cannot be thought of as a solution to the problem and it is absolutely essential to limit the growth Black leaders may also do well to bring this to the attention of their people

It is the right of every person to live comfortably, it is his right to be comfortably housed It is his right to be well fed and well clothed This will be possible if we can have labour peace here Labour peace will be possible if every person in the country has the maximum opportunity to be trained for the employment opportunities that there will be, but then the worker must take his place willingly, intelligently and honestly and with a sense of responsibility towards his country

*Mr H E J VAN RENSBURG Mr Chairman, in my opinion the speech of the hon the Minister was a ray of light in this House, because it was an indication—and I think that the discussion thus far has been on a very positive level—that the Government has complied, at last, in our opinion, with the requests which the Opposition has been addressing to the Government over the past few decades already with regard to the removal of apartheid measures in the labour set-up in South Africa and the training of all workers in order to improve the productivity ability of those workers Now we must congratulate the Government on the fact that positive steps are being taken at this stage in order to implement these ideas We foresee that this will make a tremendous contribution not only towards improving the productivity of our industries in South Africa, but also to ensure a better livelihood for all South African workers as well as bringing about better race relations between the various racial groups

I want to break a lance for a certain group of workers These are workers who are injured or die as a result of accidents at work and who do not succeed in claiming the compensation which is due to them Therefore, I want to ask the hon the Minister to investigate this matter once again I know this has already been done on several occasions and I also know that the department has already taken various steps in the past to improve the situation

For instance, it is interesting to note that in 1977 there were 906 Whites, Coloureds and Asians who did not claim their compensation and that in 1979, the figure had dropped to 594 However, as far as the Blacks in South Africa are concerned, the figure was 8 796 in 1977 and in 1979 it was 7 444 If we look at the sums of money that were not claimed, it was R83 901 in 1977 for Whites, Coloureds and Asians and R42 379 in 1979, i e there is a definite improvement in the situation there,

but not for the Blacks There the amounts were R623 808 in 1977 and R507 995 in 1979 Consequently, we cannot detect the same improvement with regard to the Black people I think it is obvious why this is the situation It is because the Black people are not as sophisticated as the Whites and the Coloureds and perhaps do not have the ability to follow all the directives which can be followed in this case

In reply to a question of mine, the hon the Minister gave an explanation of the steps which the department is taking in order to see that these compensation awards can in fact be claimed The full procedure is explained in it, and I feel that one can say that the department is in fact taking all possible steps on its part

*The MINISTER OF MANPOWER UTILIZATION There is no other reply than the one the hon member has

*Mr H E J VAN RENSBURG Yes, but I should like to ask the hon the Minister to take further steps From his point of view, I feel that the steps that the department is taking are adequate and I feel that they are acceptable too However, I do nevertheless feel that there are further steps that can be taken by the department and that can oblige the employer to see that he will also ensure on his part that this problem is solved and that those who have to receive compensation awards, can in fact claim them

For instance, the department says, which also learned as a result of inquiries that I made, that the forms which the employers have to complete for each employee, are seldom if ever completed The information that is required in them, is not always indicated For instance, it is often found that only the first name of the employee is indicated on the form, or that there is no address for the employee, or for instance, that his beneficiary or his next-of-kin are not mentioned, in the event of his death. It is one of the most common errors that the forms are not filled in correctly, that all the information that is required, is not provided

I feel it is the responsibility of the department and its inspectors to insist that employers provide all the necessary information, and that they complete the forms correctly The result of neglecting to do so, is that the employee who is injured, cannot excercise his full rights and that he cannot claim that grant which is due to him Then it is not his fault, it is often the fault of the employer

For instance, where Black people are involved, one often finds that the Black employees disappear after they have been injured, or that they do not return to the same employer This can be prevented if, when an employee is appointed, certain particulars about him are recorded For instance not only his address, but also that of his next-of-kin and of any beneficiary can be recorded should he be injured, as well as perhaps the address of certain members of his family who do not reside at the same address as the employee If this is done, if the employee's reference number and other information is carefully recorded such information can be presented in case such a person has to be traced to present a grant to him

It is also found that in many cases there are long delays with regard to the report which the employer or the medical practitioner has to present It is alleged that in some cases months or even a year may pass before such reports are sent in As a result of that delay such an employee can disappear in the meantime and it may be impossible to trace him I feel that here too it is the responsibility of the department to ensure that such delays do not take place, and that the employers, the medical practitioners and all the others concerned should fulfill their responsibilities in that regard properly

I believe there is inadequate guidance for employees There are industries that appoint public relations officers who have a training programme and who ensure that every new employee is fully informed about all his rights However, this is not the case in the vast majority of South Africa's industries New employees are not fully informed about their rights or what they should do if they have to exercise those rights I feel that it should be the obligation of an employer to see that every employee is fully informed as to his rights and what he should do if he wants to exercise those rights

I want to raise another matter

†I should like to refer to those people who are unfortunate enough to find themselves in sheltered employment—I should like to know whether the hon the Minister is listening,

because this is rather an important matter—in institutions either operated or subsidized by the State I should like to be assured by the hon the Minister that as far as these institutions are concerned, everything in the power of the department and these institutions is done to ensure that the people who find themselves in those institutions, are given additional training and are assisted in rehabilitating themselves in order to put themselves in a position to earn adequate incomes [Time expired]

*Mr W J C ROSSOUW Mr Chairman, I am not going to elaborate on or react to the speech made by the hon member for Bryanston I think the hon the Minister will reply to it thoroughly If I am not mistaken, the hon the Minister has already furnished him with a three-page reply in respect of those unfortunate persons who cannot be traced so that the claims owing to them can be paid out to them I just want to tell him that the position is not as bad in the case of the Whites and the Coloureds. However, a tremendous problem is being experienced among the Blacks In any case, the hon the Minister will deal with it.

This year is Manpower Year 2000 I want to congratulate the hon the Minister on this Like the hon member for Vanderbijlpark I want to express my gratitude to him for the invitation to the inaugural meeting in Stellenbosch which I had to honour of attending It was very instructive and fruitful It was also enlightening to see what co-operation the hon the Minister received in this fine effort from all the important organizations in this country

The training of our manpower is one of the major tasks at which we shall definitely have to work hard Heavy demands are going to be made I do not want to elaborate on this at length, except to say that the Opposition, as I deduced from their statements, are only concerned about the training of the Black man in our industries I want to dwell on this It is essential I also want to express my gratitude for the exemption which the hon. the Minister has granted the Black man, enabling him to work in the building industry in certain parts of our country I know that from both sides vehement objections are being raised by people who do not agree with this However, I shall come back to this later

The primary task as far as training is concerned, is school training, and this is the responsibility of the state But what is being done for that White or Coloured once he leaves school? I want to dwell on the position of the Black man too What is expected of him once he has completed his primary school training, in which he received assistance from the State There is today a tremendous demand for such persons We, the Government, and the various independent Black states, will have to co-operate to see what we can do, because I see it as the success with which our efforts for the sake of the development of the independent Black States and the others that are still striving for independence have been crowned that some of their people are being trained to do the work in the homelands which at this stage is still being done mainly by Whites

The Black man's assistance and labour will have to be harnessed to assist in the electrification and building of houses in a city like Soweto Thank goodness that as far as the training of builders or bricklayers is concerned, we started many years ago The houses standing there were for the most part built with the manual labour of trained Black artisans but Soweto requires the Blacks themselves just as they work in their own police station today, nurse their own people in their hospitals and are active in many other spheres, should do their own construction work, electrification and road building Enough of them will have to be trained for that purpose By the year 2000 the Blacks in South Africa will already own more than 2 million motor-cars Who is going to repair their motor-cars? The Whites have to do it today, and I am being very frank when I say that one finds very few young White men today who are interested in being trained as motor mechanics Today the small group of Whites still have to look after the Black man's motor-car as well Let me tell hon members that one does not find White artisans in the building industry, and only a small number of Coloureds who enroll to be trained in that industry I feel that, irrespective of what various people or certain trade unions are saying, such artisans are necessary

If we dwell on the homelands for a moment today and see what large cities, including capitals, are being planned for

every homeland, we ask who is going to build these cities I say the Black man must be trained to build cities, and not only houses The Black man must be trained on the administrative level as well That is why Manpower 2000 has a tremendous task today to meet the needs This will contribute to a reduction in unemployment as well

However, I want to add that the fear felt by the Whites is that they are going to be supplanted by cheap labour Now I want to put it to the hon the Minister that I am not ashamed or afraid of plastering or laying bricks on the same scaffold as the Black man if he is as well trained as I am and receives the same salary

*Mr J J NIEMANN And lays the same number of bricks

*Mr W J C ROSSOUW The White man's fear, his concern, is that he will be supplanted by cheap labour, and if the Black man has the same qualifications as I do and stands on the scaffold with me, and he too earns his R100 and R150 per week that the White bricklayer receives today, and lays the same number of bricks and has the same qualifications, I am satisfied However, I as White must not be trained for five years as an electrician, or fitter and turner or plumber, whereas the Black man need only receive one year's training in the same trade Then I object If my training lasts for three years his must last just as long If I have to write an examination, he must write the same one When I have to work for R80 or R100 per week, the Act must stipulate that he too must receive his R80 or R100 per week Then I do not fear that I will be ousted or overwhelmed by his numerical superiority Then I believe it is reasonable and fair Then it is also reasonable and fair that I compete with him, and do so on separate levels because I am then affording him the opportunity of competing as well Consequently it is unnecessary for the White man to be so reticent After all he will receive protection in terms of this proposed legislation.

I often have to hear that the mineworkers are agitating I am a former mineworker myself Surely it was mineworkers who trained the Black man to practise mining today He need not still be trained for that. Four or five years ago I lodged certain objections with the previous Minister of Mines The Secretary of the Mineworkers' Union, Mr Arrie Paulus, wanted to lynch me He told me to keep my nose out of his affairs However, what has he done in the meantime? He has been training Black mineworkers Today he is afraid of something he created himself At that stage I warned him against it Today he is afraid of what he himself has created

If the Black man has the same qualifications as the White, I believe he must also receive the same remuneration for the same work Let us now be frank with the general public In this way alone, I believe that only in this way will the idea that the White man can be supplanted by cheap labour be nipped in the bud But if, we do not make a start with this training now, there is another danger which exists The programme of the Chamber of Mines for the next two years does not amount to millions of rands It amounts to several billion rands But today they do not have the workers at their disposal to make a start with those large-scale planned projects What is the point of undertaking a large-scale project when one has to rely on the know-how and the labour of people who have been trained elsewhere? Consequently that is why I want to advocate that the courses at our universities and technicons should be drastically revised How are these people being trained? [Time expired]

*Mr J H W MENTZ Mr Chairman, I should like to associate myself with what was said by the hon. member for Stilfontein I think he broached very important aspects here He also cleared up much of the confusion prevailing in the building industry at the moment.

The hon the Minister issued a Press statement on this matter on 10 April Subsequently, on 13 April—it was a Sunday evening—the secretary of the Building Workers Trade Union, Mr Beech, appeared in a television interview I believe that his conduct on television was very disappointing. It created a great deal of confusion as well He displayed real ostrich tactics with regard to the question of the utilization of skilled Black labourers in the building industry There is no point in our saying in South Africa that this cannot be or that the figures are incorrect Nor is it any use refusing to

accept the situation, let alone refusing to believe when we are confronted with facts All of this does not benefit us in any way

Let us just note for a moment what really happened in this case, what made the hon the Minister decide to take this step Representations were made to the hon the Minister over a long period In all quarters the building industry and other individuals discussed the serious shortage of labour and the tremendous magnitude of building programmes awaiting us They also pointed out the widespread problems in this industry The hon the Minister was very responsible and held the representations in abeyance At the request of others he brought together the various building industries and trade unions and discussed the problem with them He went out of his way to obtain agreement on this matter The hon the Minister pointed out to them that as a result of this problem an agreement had already been negotiated in terms of which, for example, 80% of the work in the Transvaal is being done by Black people He pointed out that the economic upswing in the building industry would aggravate the shortages He also pointed out that there would be a 25% increase in building activities and that as far back as March 1979 the shortage in the building industry was 10,3% The negotiations reached a deadlock, but once again the hon the Minister consulted with the trade unions, although the negotiations were unsuccessful He pointed out to them that there was protection for them in terms of the industrial conciliation agreement He also pointed out to them the recommendations of the Wiehahn Commission in connection with building activities After he had once again pointed out that the shortage was increasing, and that this was causing delays and suspensions in the building industry, the Minister proceeded to take this step, a step which is fully justified in the circumstances

I personally know of a case in my constituency which I should like to quote There was a considerable revival in building activities as a result of the construction of the Richard's Bay line and the development of mining activities in Northern Natal also caused a considerable revival in the building industry at Vryheid Because there are no Indians in the part of the country from which I come, and because there are very few Coloureds, only Blacks are used in the building industry As a result of the fact that no Whites were available, strong representations spontaneously arose in my constituency, pointing out that there were building activities amounting to approximately R12 million last year which simply could not be carried out In one month a sum of almost R2½ million was involved The hon the Minister was urgently requested in the representations to reconsider the question of Black people in the building industry while the fact of the matter was that the people were in fact being used illegally in the building industry

One has only to consider the situation in Newcastle There was a great revival as a result of the coming of Iscor Black people were used illegally to do the construction work, and if the inspectors arrived, the people simply paid the fines Black people were used on such a scale that the inspectors eventually decided to remain on the building sites, because each one had a good look-out to warn him of the arrival of the inspectors When the inspectors began to stay on the building sites, the building industry began to suffer serious losses, because the plaster began to dry out, as did the various mixtures that had been prepared However, some of the clever builders circumvented the problem by not handing the Black people trowels, but giving them a similar instrument The same situation arose in my constituency In any event, costs in the building industry are simply being pushed up, because builders are obliged to employ look-outs to warn them of the arrival of the building inspectors If a person resembling a building inspector arrives there, all building activities come to a standstill As a result of this, of course the houses that are being built become unnecessarily expensive We must definitely bear in mind that this is the year 1980 We must take into account the fact that between 3 500 and 5 000 apprentices have to enter the trade annually, whereas only 400 are entering at present, only 200 of whom are Whites We must take into account the fact that almost no bricklayers and plasterers are entering the industry, and I have said, concessions have already been made in this regard in the Transvaal

South Africa definitely does not have enough Whites to do all the work The population of South Africa was 5 million in 1904 in 1970 it was 22 million, and it is

estimated that at the end of the century it will be 74 million We must take into account the fact that the Blacks will constitute 73% of the population by the end of the century, as against the 12% to 14% of the Whites We must also take into account the fact that 43,3% of the Black population is under 15 years of age at present and that they will have to be provided with work in future

South Africa has a very large labour force at its disposal, but a strong economy is indispensable in our case For this reason, economic growth, manpower, employment and training are of vital importance For this reason, too, it may rightly be said that South Africa has the potential to become one of the economic wonders of the world if we can lift our heads out of the sand

Finally I just want to say that the hon the Minister has shown great initiative He foresaw the shortages and had the courage to tackle this major problem of South Africa. I want to express my sincere gratitude to him for doing so

*Mr R B MILLER Mr Chairman, the hon. members for Sulfontein and Vryheid have succeeded in highlighting the problems that are being experienced in the building industry They have very clearly stated their attitude and also that of the Government in this regard I am specifically referring to this because the building industry is so important in the overall economic set-up in South Africa. It is to be welcomed that this changed attitude has occurred I just wish to point out to the hon members that the policy of the NRP has always been that the same wage should be paid for the same responsibility We find it encouraging to see that the NRP is now moving in this direction which we have been advocating here for years

I wish to tell the hon the Minister that it is actually a pity that the report of the Manpower Commission was delayed Last year we had the problem that the First Report of the Wiehahn Commission was late and we were not able to discuss it in the debate on the Vote of the hon the Minister We would have preferred the debate to be postponed rather than to have had to conduct a debate without reference to this excellent report We trust that in future, and particularly next year, the hon the Minister will take this consideration into account when it is decided when this Vote is to be discussed

I just wish to come back to the replies the hon the Minister furnished in his speech Unfortunately, there was one matter I raised, which he did not deal with I refer to the question of in-service training centres

†I should like to stress this and I hope the hon the Minister will see his way clear to providing me with some answers regarding his attitude and the attitude of his department towards the problems being experienced by the in-service training centres The hon the Minister will remember that last year the In-service Training Act, Act No 95 of 1979, was passed here This new measure, which all parties in the House supported and which came into operation on 1 October 1979, provides for the promotion and regulation of training of all persons other than Blacks For this there are tax concessions which are made available to employers in terms of the amendments contained in the Income Tax Act, Act No 104 of 1979 I am sure that many of the in-service training centres, particularly the one in Pinetown, has found that this is causing them considerable difficulty because their sanction is governed by Act No 86 of 1976, in terms of which it is only possible for them to train Blacks But the need in Natal, in particular, is for the greater training of Asian and Coloured workers as well

I want to ask the hon the Minister specifically whether he will let us know what the attitude of his department is towards changing the legal position in order to make this possible I appreciate the fact that the one Act is administered by another hon Minister in another department while the other one is administered by the hon the Minister of Manpower Utilization, but in practice we find Asians, Coloureds and Blacks working together shoulder to shoulder, yet they have to go to separate in-service training centres This is causing considerable difficulty Not only are we reducing the through-put of people in each of the training centres, but there is also—the hon member for Pinelands also made this point—a suspicion in the minds of the Blacks that the training they are receiving at their specialized training institution is second grade and not equal to that being given to other race groups. It seems totally ridiculous, not only from a cost point

of view, but also from industrial peace point of view, that people of different race groups who work together shoulder to shoulder have to be separated for training purposes and sent to separate training institutions The in-service training centre at Pinetown is doing a magnificent job I took the trouble to go see how they are operating, and they are really doing a first-class job However, they have a problem in that the demand for services in Durban is disproportionate in terms of the ratio between Asians and Blacks to what one finds in other provinces I am sure one would find exactly the same situation with the in-service training centres in the Cape, where they would have to cater for the Coloureds and the Blacks and one would have a disproportionate relationship because of the numbers of these population groups This does cause difficulties I seem to recollect that the hon the Minister indicated in his Third Reading speech when the Act of 1979 was introduced that he and his department would attempt to see what they could do to bring about an amalgamation, or at least to make it legally possible for members of different race groups to be trained at the same in-service training centre, and I have already asked the hon the Minister during my first speech in this debate whether he would comment on this aspect

I now want to come back to literacy training I have not had a reply from the hon the Minister on this although he admitted that literacy training was obviously very important from an in-company training point of view But what about the in-service training centres? Can the in-service training centres not also be used for basic literacy training and will the tax concessions available, in terms of the Income Tax Act, also be made available for literacy training? The argument has been used for quite some time because I know representations have been made in this respect, that it is not the function of the Department of Manpower Utilization to do educational training, but I want to re-emphasize that we are talking about existing employees Their average age is probably well above 25 These people are unlikely to ever have the opportunity to return to school The blockage in developing the underemployed people lies in literacy training, and one is cutting down severely on the number of potential candidates who would be available for further skills training at the in-service training centres, because these people lack basic literacy—the three "r's" reading, writing and arithmetic If the hon the Minister, through his powers, policy and attempts, could make it possible for the tax concessions which are available for skills training to be made available for literacy training he would be going a long way towards solving the problem of underemployment and the mobility of labour That is not a function of education For historical reasons these people never had the opportunity for formal training at school, but they have the intellectual capacity and the aptitude to do the job I want to impress upon the hon the Minister how important it is that his department should apply their minds to that specific area.

I also want to ask the hon the Minister whether in terms of the Manpower Commission's terms of reference and objectives they will also be concerning themselves with the better utilization of manpower in the Defence Force In this regard I am referring specifically to the national serviceman who goes through a two-year training period

I think this matter has also been raised by the hon member for Vanderbijlpark, but I would like to know from the hon the Minister whether his department will also concern itself with that two-year period during which a man is doing his national service, in terms of offering advice to the military services on the better utilization of manpower The bulk of the male youths of South Africa are sitting in the Army at any one time for two years, and on many occasions it has been reported to me that they sit there for a two-year period, receiving no training which can help them in their future careers Perhaps in an investigation by the Manpower Commission it will be possible for them to advise the military on how to use those people in terms of their training facilities, etc The question is Does the Manpower Commission have the responsibility and is it part of their terms of reference to look at that specific matter?

The MINISTER OF MANPOWER UTILIZATION We are attending to that matter at the moment

Mr R B MILLER Thank you.
In conclusion I should just like to say that

as far as the unemployment figure is concerned, I know it is always a problem to determine scientifically what the extent of unemployment is in South Africa But if the hon the Minister or the Manpower Commission is working on a figure which is unrealistic in terms of what is happening outside, in the working place, then I am afraid that the strategies which are going to be developed are going to be inadequate Last year the hon the Minister maintained that the figure was 650 000 while I said that it was one million At the end of last year the hon the Minister admitted—I saw a report in a newspaper—that it probably was one million We do not want to make political capital out of this, but we are sensitive to the issue and we are concerned about the terms of reference of the Manpower Commission Are they using the right figures, a realistic figure in terms of the number of unemployed If they are not using a realistic figure, then the strategies which they develop will be ineffective

Mr F J LE ROUX (Brakpan) Mr Chairman, the hon member for Durban North referred amongst other things to the question whether there was sufficient liaison between the Defence Force and the Manpower Commission He will recall that the Wiehahn Commission specifically stated that very strong representations were made by the Defence Force to that commission for the establishment of the Manpower Commission He will also recall that Gen Boshoff is a member of the Manpower Commission The hon member can therefore accept that there is a very good and effective liaison between the Defence Force and the Manpower Commission

The hon member also mentioned the question of in-service training I am quite sure that the hon the Minister will reply to that aspect of his speech.

At the beginning of his speech he said that he was very pleased to see that the NP was now also in favour of the payment of higher wages to, amongst others, masons, a matter that was raised by the hon member for Stilfontein and the hon member for Vryheid Surely the hon member knows that no National Government ever limited the right of anybody to pay wages Only a minimum wage was stipulated, never a maximum wage The hon member is therefore quite wrong if he talks in that fashion

Mr R B MILLER Equal pay for equal responsibilities

*Mr F J LE ROUX (Brakpan) The hon the Minister once said that labour and labour matters should in future be approached with just as much earnestness as Defence Force matters I think the pivot on which labour matters will turn to an increasing extent, is the activities of the National Manpower Commission In passing, the hon the Minister referred to the establishment of this commission, which has already begun its activities

On 30 March 1980, with the launching of "Manpower 2000", the State President envisaged that from then to the year 2000, 1 600 employment opportunities per day would have to be created in the Republic of South Africa to satisfy the growing demand for employment opportunities if we wished to maintain our present growth rate On page 22 of the National Manpower Commission report we see very interesting figures in respect of future manpower needs It is stated here—

> The work force is at present increasing by 242 000 persons per annum, of whom 73,1% are Blacks, 12,0% Whites and 11,8% Coloureds Between 1990 and 2000 the work force will increase by 292 000 persons per annum—81,4% Blacks, 7,3% Whites, 8,7% Coloureds and 2,7% Asians

Consequently it is an enormous task which awaits the Manpower Commission to ensure that South Africa in its planning to become an industrial giant in Africa does not forfeit the opportunities awaiting it, that it does not miss the bus of progress which is approaching The Manpower Commission was established on 1 November 1979, and it is interesting to note that by 16 November 1979, this commission had already met, and on that date 38 of its 42 members were present. It is also interesting to see that the members of this commission consists of persons who are experts in their own right in some field or other of labour matters, or any combination of such fields

If we consider only a few of the activities of the Manpower Commission, in these few minutes during which I am speaking, I think

it would perhaps be advisable for us to confine ourselves in the first place to the preservation of industrial peace There are probably few beacons of achievement in South Africa, under the NP Government, which are comparable with the establishment of the Industrial Conciliation Act It ensured labour peace and promoted economic growth and stability In terms of the Act, Black trade unions are also being recognized. A consequential task which flows from this is that the art of negotiation on industrial level ought to be acquired, furthered and refined

Only this morning I read in the newspaper that there is tension in the ranks of the metal workers' trade unions Apparently Black people are dissatisfied about the establishment of parallel trade unions Yet it seems to me the obvious course to adopt in order to make these people proficient in the sphere of trade unionism Their objection is that they are controlled by non-Black trade union members It ought to be reasonably easy to solve such a problem No problems ought to be experienced in obtaining co-operation on the workshop floor for the improvement of everyone's positions The General Secretary of the Boilermaker's Union was correct in stating that there are many areas of co-operation which can be outlined and developed.

What arises from this is that managers as well as employees should be thoroughly trained in disciplined and well-planned processes of communication It is important that there should be consensus among employers in a given sphere in regard to policy and procedures according to which industrial relationships ought to be arranged

Finally I should like to refer to a speech by Dr Gouws He is associated with Freight Services, and is also the Vice-President of Staff Administration in South Africa. Dr Gouws arrived at the following conclusion in a speech in Manila—

> Management in the first instance will carry the responsibility for ensuring its survival To do this, management will need to adapt and develop the system to handle the stresses of South Africa without being dependent on authoritarian control to achieve lasting industrial order It will be essential to develop leaders capable of commanding the respect of all workers Such leadership is essential if conflicts are to be resolved within an institutional framework and are not to degenerate into anarchy The attainment of sound industrial relations is not welfare activity but an integral part of successful business management.

Time does not allow me to elaborate further on the various activities of the Manpower Commission Suffice it for me just to say at this stage that the good wishes of this side of the House accompany Dr Reynders, Prof Van der Merwe and their colleagues in their enormous task in the present, dynamic South African set-up

*Mr F J LE ROUX (Hercules) Mr Chairman, I should very much like to associate myself with the hon member for Brakpan, who broached various matters He referred, *inter alia*, to the National Manpower Commission, and in this regard in particular I want to agree with him wholeheartedly

Probably every country in the world today desires a strong economy because we are living in a dangerous world One of the corner-stones of preparedness is a strong economy Disreali rightly said, "There can be no economy where there is no efficiency" Efficiency embodies a world of ideas one can express on this matter Efficiency is probably the watchword particularly when we approach the economy and when we want to attain a position of power as far as the economy is concerned

Consequently it is a very pleasant privilege for me to be able to say something about the idea of Manpower 2000 Hon members will recall that some years ago, during the discussion of this Vote, I said that it should be our ideal in South Africa that capital and labour become partners and that there would be closer liaison and a much better relationship between management and worker because this was so important for the economy and prosperity of this country

The hon the Minister has come up with this wonderful idea. I think that if one had to praise this idea, one would be able to say a great deal about it. The entire population has been involved in Manpower 2000 Everyone feels that they are involved in this matter If one takes a quick look at this, one sees that commerce and industry, representing capital,

all kinds of workers, and the education and training sectors, from the primary up to the tertiary level, including the academic and technical spheres, are being involved in this matter One could continue in this vein Actually one has only to say that the entire population is being involved in Manpower 2000, the objective of which is the development of the economy of this country This is the second corner-stone of the preparedness of a country

I wish the hon the Minister everything of the best in this effort. I not only hope, but also believe that the launching of Manpower 2000, in co-operation with all the branches of our economy involved in it, viz management, labour and training, etc , will be a resounding success

In this debate on the Manpower Utilization Vote I want to say something about the worker of today We are living in a time in which people feel that the responsibility is everyone's but theirs In South Africa so far we have fortunately escaped this to a certain extent. However, it is a world-wide phenomenon that people are making increasing demands for themselves and are less and less willing to work and exert themselves When I was a child, even when I was a youth, we said that it was a privilege to be able to work, and it is true that it is a privilege to be able to work Today people say that to work is a right They regard it as a right. However, they are forgetting that there is another right as well, viz that when one demands a right for oneself, this goes hand in hand with responsibility When one says that one has to work and that there must be work for one, then one should also show oneself willing to work, because just as much as it is the factory or industry of the entrepreneur, the person who has to toss about on his bed at night to keep his capital in order, it is my factory too, because it is the place which provides me with food, a roof over my head and clothes to wear It is the place which provides for my needs, and I wonder whether our workers always see it in that light If we show that we are willing, we shall also be much better off and happier in our work.

This brings me to a group of people I want to say something this evening about sheltered labour This is one of the fine labour schemes we have in this country Its purpose is spiritual revitalization, to employ people who are physically and mentally handicapped, to give them work which can keep them busy and simultaneously allow them to receive an income of sorts There are so many people who unnecessarily come to ask the Government for charity, for a livelihood, as though the Government were a tree from which one picked money, whereas the handicapped try to work to the best of their ability to earn their money One has to respect these people There are 13 of these factories in this country, providing 2 000 jobs for handicapped people By 31 March 1979, there were 1 800 handicapped people in the employ of these factories Looking at their remuneration, I wondered whether it would not be possible to give them a little more assistance Because the factories operate at a loss—there are only two out of the 13 that do not operate at a loss—this has already cost the State a considerable sum of money, viz R1½ million per annum. I was wondering whether the starting-point in particular should not be investigated, when the people start to work for sheltered labour I have calculated that such a person receives R104 after three months Although he can still apply for assistance for his family from the Department of Social Welfare and Pensions, I feel that we should perhaps examine the starting-point for these people

*Dr A L BORAINE Hear, hear!

*Mr F J LE ROUX (Hercules) I am sure that we all have sympathy for these people I must tell hon members quite frankly that this will probably cost more or less an additional R½ million per annum Once one starts making contributions from one's resources, the more one makes the smaller they become Nevertheless I think it will be worthwhile to re-examine this situation, and I would greatly appreciate it if these people could be accommodated in some way

*Mr W C MALAN (Randburg) Mr Chairman I want to broach a very sensitive subject this evening, i e the practice of closed shop agreements, to which the hon member for Sasolburg referred and about which the hon the Minister made a few remarks too I think the Government was wise in deciding not to accept the majority recommendations of the Wiehahn report, but in fact to follow the minority recommenda-

tion in terms of which the extension of the practice of closed shop agreements is prohibited As a result, in the process the ball has been placed in the count of the employer and employee to negotiate with a view to getting rid of this undesirable practice

The provision that no further agreements will be allowed is, however, somewhat vague and confusing and also leaves room for differing interpretations The first possible interpretation is that no new agreements are allowed, but that, after expiry of the agreement, the closed shop provision is once again negotiable What the second interpretation amounts to is that further negotiation is prohibited after expiry of the term What a third interpretation amounts to is that with the entry of trade unions into existing industrial boards, these new trade unions will not be entitled to the closed shop provision and that there will in other words be people within the industrial board who may utilize the closed shop clause and others who may not do so A fourth interpretation is so wide that it even entails that mixed trade unions may not be allowed to avail themselves of this practice, because this would amount to an extension of the closed shop principle to include Blacks as well, whereas this has traditionally been restricted to Whites only However, it is not my intention at this point to attempt to give an interpretation of what is correct, and in this way perhaps anticipate the industrial court or even recommendations of the Manpower Commission However, I do want to issue several warnings to those who advocate its retention, and specifically the Afrikaner trade union member of whom Mr Arrie Paulus is the symbol.

The closed shop had its origin in the industrial revolution in Britain It was designed to protect the conditions of service of the worker and to exclude all outsiders from the place of work before he became a member of the trade union and, *inter alia*, also undertook not to accept less favourable conditions from the employer In practice this means that a member of a trade union who is out of step can lose his membership immediately, can be dismissed at once and might also have to summarily vacate the house his employer has made available to him and consequently end up on the street.

There is another very important aspect which I should also just like to point out This is the practice which arises in which these agreements are by implication extended, in that when an application is made to employ a Black man, it is approved by the trade union on condition that he becomes a member of the parallel trade union that exists for him. This is something which requires attention too However, I now come back to the Afrikaner trade union man, a person about whom I am indeed concerned In this respect I want to refer to a book by Louis Naudé. The title of the book is *Dr Albert Hertzog, die Nasionale Party en die Mynwerker* People who are central figures in this book allege that Dr Albert Hertzog wrote it himself In it he warns against the danger of the closed shop agreement Let me just quote a short extract—

> In verkeerde hande kan hierdie mag misbruik word om van teenstanders ontslae te raak So kan 'n vakbond 'n lid sy lidmaatskap ontneem, en kragtens die bepalings van die 'closed shop'' is die werkgewer dan verplig om so 'n persoon uit sy diens te ontslaan

I think that the history of the establishment of the "Afrikanerbond van Mynwerkers, ' as a counter to the Mineworkers' Union—the frustration that was felt, its powerlessness and the eventual swing of the action so that the Afrikaner was able to take over the Mineworkers' Union from within—is also a piece of history which the mineworker and the trade union member would do well to consider today I believe that Arrie Paulus should read this book too He ought to interpret history and ascertain where he is heading

We cannot allow the closed shop to end up in the wrong hands This is recognized by every member of the Committee To refuse the extension in no way assures protection Allowing it results in tension and conflict in any plural society This is why this practice has been prohibited in countries such as Belgium, Switzerland and France Perhaps it is not generally known that a Black man, a certain Mr Motha, is organizing a separate Black mineworkers' union today I ask Mr Arrie Paulus whether this is not perhaps Black nationalism's Afrikanerbond van Mynwerkers Will he not perhaps take over the Mineworkers' Union from Arrie Paulus one day, just as Hertzog took over the Mineworkers' Union from Harris, in a continuation of the present dispensation? This is something he should consider if he continues to maintain his present standpoint.

Mr B W B PAGE That is very interesting

*Mr W C MALAN (Randburg) The resistance to the prohibition on the closed shop agreement emanates from the employers as well Fundamentally there are two parallel philosophies, the one ideological and the other pragmatic

In the first place there is the philosophy of "divide and rule" The argument is that if I can divide my employees, I can play them off against each other and can win It is significant that Kate Jowell refers in a publication to an interview she conducted with Sir Robert Clark, director of British Leyland He said that Leyland's downfall had been caused by the very fact that he had had to negotiate with 29 different employees' organizations He rejected this philosophy of "divide and rule"

The second philosophy is of a more pragmatic nature and is almost a diabolical view The philosophy is to perpetuate what is undesirable if this can be beneficial in the short term The employer says he is not at this stage concerned about the long-term risk He is concerned only about the position today He wants labour peace today and he wants to make profits today Consequently he will simply perpetuate a certain thing, which he is essentially opposed to and which is undesirable, for the sake of the peace and the profits of today

What is the answer? I do not think that the problem will be solved merely by placing the ball in the court of the labour components Accordingly I want to appeal to the hon the Minister to pressurize the employer's and employee's factions into negotiating I know that the Manpower Commission is also investigating this and that the matter probably requires a great deal of study as well I am not instructing the hon the Minister, but I am merely asking him with all due respect to consider the full implementation of the principle of freedom of association

Freedom of association entails the freedom and right to disassociate Indeed, this gives me the right of organizing among my own people, and no one can compel me to take in anyone else As a member of an Afrikaner trade union, a White trade union, I can maintain my situation by the very right of free association I can be exclusive Mixed trade unions will not be the rule The Black man is opposed to them as well The Black nationalism is too strong It is also interesting that at the September congress of Tucsa, a Coloured trade union leader stood up and warned that there should be no interference in an effort to establish mixed trade unions and that Blacks should be allowed to establish their own ethnic trade unions

In the second place I want to suggest that the hon the Minister pressurize the parties, as he did with work reservation, by spelling out the undesirability of certain trends and by saying that the day will come when he will have to prohibit them The hon the Minister must exercise pressure on them to negotiate The equilibrium is not being maintained by two large weights in the scales, of the employee and employer This is a question of a number of small weights maintaining the balance, and the removal of the small weight of closed shops can be substituted by other small weights that could in conjunction give rise to White security of employment, which can be provided by things like salary increases, improved conditions of service, indemnity against dismissal and guarantees of better training and retraining The NP cannot allow the White worker to be undermined. Smuts enabled NP men like Hertzog to take over from Harris in his day We would be disloyal to our White voters if we did not point out to them that they must help themselves We should be disloyal if we do not help them, to help themselves

Mrs H SUZMAN Mr Chairman, I wish I had more time to reply to the hon. member for Randburg who made a very thoughtful speech this afternoon on the question of the "closed shop" principle This is something that interests me a great deal and I have had a lot to say about it in the past in this House I do, however, hope there will be other opportunities I just want to tell him that the real protection for the White worker is fair competition, proper training, and mixed unions so that he can bargain together with Black workers for better working conditions for everybody

I cannot help wondering as I stand here this

afternoon what we would have been discussing in this Vote today if the Government had over the past 25 years followed the labour policy the hon the Minister enunciated in Bloemfontein last month when he spoke at the national conference of the Municipal Employees Association He said then, at the launching of "Manpower 2000", that the labour forces of all the races in the Republic would have to be trained I am sure that if the Government had followed that policy for the past 25 years we would not today be talking about the acute shortage of skilled manpower and we would not be worrying about the 50 000 missing artisans the hon the Minister himself has mentioned That is the result of the policy the Government has followed and which is diametrically different from the policy the hon the Minister announces should be followed in the future We are discussing the legacy of the failure to train Black workers in South Africa over the last 25 years

As I listened this afternoon, I could not help being wryly amused—and pleased, I might add, because one is always glad to see the advancement of thinking in the House—at the speech made by the hon member for Vanderbijlpark. I am sorry he is not here now [Interjections] Where is he? Oh, there he is Let him come forward so that I can see him [Interjections] Well, why is he skulking in a corner? Let him come and sit where he belongs

*An HON MEMBER He can sit where he likes

Mr J M HENNING [Inaudible]

Mrs H SUZMAN I was very amused about that, because year after year in the House I have listened to that hon member playing on the fears and prejudices of White workers I have heard him telling them that employers were trying to—and I quote him—"twist the arm of the Government and force it to do away with the colour bar" He said that way back in 1965 I can give him the column reference if he wants it [Interjections]

Mr P A PYPER He does not want it.

Mrs H SUZMAN He went on to say "In my opinion this manpower shortage of which we hear so much is greatly exaggerated" Five years later the hon member was still at it He then said. "The Government must now allow non-Whites to stream into industries and it must ensure that White workers will not be swamped by opening the flood-gates of Black labour" He was disgusted with me because way back in 1964

Mr J M HENNING I still am.

Mrs H SUZMAN Well, I am not so disgusted with the hon member anymore I think he is coming along very nicely, although it has been a very slow advance He was disgusted with me because in 1964 I advocated a policy to train non-White workers to meet the bottleneck created by the scarcity of skilled workers Today we have him and the hon member for Stilfontein cooing like doves about the training of Black artisans I am very glad indeed about that

Fortunately I was able to page through the report of the Department of Manpower Utilization before speaking

The MINISTER OF MANPOWER UTILIZATION It is the report of the Manpower Commission

Mrs H SUZMAN All right, it is the report of the Manpower Commission The report says on the cover 'Department of Manpower Utilization"

*The MINISTER OF MANPOWER UTILIZATION But it is a different thing altogether

Mrs H SUZMAN So it is the report of the Manpower Commission on "Manpower 2000" It is not my fault if it is entitled "Department of Manpower Utilization" Anyway, it is the Commission's report. I want to make a few comments on it. I want to say first of all that it contains some very valuable tables of statistics at the back They are very useful indeed

The MINISTER OF AGRICULTURE AND FISHERIES Hear, hear!

Mrs H SUZMAN It is high time we had some such up-to-date statistics I have been enjoying myself looking at them

Dr A L BORAINE You had better read it

The MINISTER OF AGRICULTURE AND FISHERIES I did On Sunday afternoon

Mrs H SUZMAN On page 5 one finds the Minister's summary of the task of the National Manpower Commission He said—

> For economic development and growth it is necessary that we have at all times workers of the right type, in sufficient numbers, in the right places, at the right times, who are satisfied with their remuneration and conditions of employment. Add to this the question of unemployment and you have, in a nutshell, the matter which the National Manpower Commission will have to consider

All I can say is that that is some nutshell! It is a coconut-shell It is the biggest nutshell I have ever heard of I am, however, with the hon the Minister and if we can do that, we would have achieved an absolute miracle

I am glad to see that the Commission has decided to recommend that the transfer of the training function in respect of Black employees from the Department of Education and Training to the Department of Manpower Utilization be expedited I think it is absolutely necessary It has also recommended that all public training centres should be open to Black people

Mr B W B PAGE And also to non-Blacks

Mrs H SUZMAN Yes, to everybody It should of course not be done by exemption, but as of right. I was also very glad to see that the Commission recommends the reconsideration of the ridiculous policy of reserving the Western Cape as a Coloured labour reserve [Interjections] Oh yes, they do On page 20 the Commission says that this must be reconsidered because it does not fit in with the general labour policy which is advocated

The population projections are very interesting indeed Even unto the year 2000, the population projections for the Republic include the populations of the independent States of Bophuthatswana, Transkei and Venda This is very interesting to me I thought those were independent territories, yet the population figures for the Republic include the population figures for those territories We see that the Black population would have increased over 20 years, that is for the years 1980 to 2000, from 71,4% of the population to 75,4%, while the White population is going to decline, the projection says, from 16,4% to 12,9% Page 22 of the report contains the most interesting statistics of the lot. There it gives the economically active population, and the interesting thing is that the White economically active population will decrease from 20,6% to 16,4% and the Black population excluding Coloureds and Indians, will increase from 16,7% to 70,9% Other interesting correlations are the low educational qualifications of Blacks on page 23 These figures are very frightening because they reveal that in 1970 as many as 39,9% of the 1,9 million male Black workers in the urban areas had no educational qualifications Can one believe that? It has improved since then, but not by a great deal 22,6% of the 0,8 million female Black workers also had no educational qualifications I do not believe that one has to be a trained economist or a sociologist to realize how these figures correlate with the low earning capacity of the Black population of this country Indeed the Manpower Commission comments on the cardinal importance of education on page 27 of the report. I want to echo what the hon member for Pinelands said and that is that we are reaping the harvest of bad basic education, which makes it impossible to extend technical training to Black people in the Republic at the present stage. My final comment on the report is to draw attention to the disturbing emigration figures of professional people, artisans and production workers

I want to end in the time at my disposal by saying that there are a number of other special problems which I hope the National Manpower Commission will tackle, probably together with the Department of Co-operation and Development, because these departments overlap very much First of all, there is no sign of any implementation of the positive recommendations in the report of the Riekert Commission to increase the vertical and horizontal mobility of Black labour We have had a lot of punitive recommendations which

have been implemented, but no positive ones, and I hope they are going to come very soon [Time expired]

*Mr J J LLOYD Mr Chairman, the hon member for Houghton gave a reasonably comprehensive analysis of the statistics in the report to which she has just referred, but the hon member must not think that I am becoming personal when I say that she entered the past for a while It seems to me that when one reaches a certain age, one goes back to 1964

Mrs H SUZMAN We all get old, even you

*Mr J J LLOYD I agree Since she referred to the chief spokesman of the NP, the hon. member for Vanderbijlpark, I want to point out that the hon member for Vanderbijlpark naturally has the interests of his voters at heart at all times I also want to remind the hon member that they are White voters It was never a question of the fears of the White workers, but of the interests of the White voters in the constituency of the hon member in question

Many people have been congratulated today on positions etc Accordingly I want to associate myself with the congratulations and in addition, congratulate two people, viz. Mr N J Hechter and Mr M Van Noordwyk, two of the most senior officials of the department I want to express my sincere gratitude to these two people from whom all the hon members of this House receive information whenever we need it.

I want to dwell for a moment on the speech made by the hon member for Pinelands The hon member surprised us today with the positive attitude his speech revealed I want to tell him that I agree with him The maintenance of industrial and labour peace in South Africa is fundamental to the task of the Department of Manpower Utilization The hon member began by dealing with that, and I think we all agree. However, the hon member made another very important statement He said that we should rather forget about trade unions, etc , but that we would have to preserve the peace on the factory floor I agree The hon member touched on another important matter, something about which he knows a great deal I am referring to the view that the relations committees should play the part of staff advisory committees, on which there would be equal representation of employer and employee

However, he then came forward with a discordant note, and I did not know why He said ,But the industrial court, the new creation, cannot work The hon member has a fair knowledge of the industrial court and you, Mr Chairman, will recall that the previous commission, the Botha Commission, recommended a court of law based on either that of Australia or that of Canada, but in its wisdom the Government at that stage decided that we should rather establish a tribunal Since 1956 that tribunal has been a resounding success in South Africa. It has been such a resounding success that employer and employee have had respect and confidence in its integrity and judgment. I think we are greatly indebted to that old industrial court for the order and peace in the labour sphere in South Africa However, what is the hon member doing now? He immediately casts suspicion on the new industrial court

*Dr A L BORAINE No

*Mr J J LLOYD Let me go on, I want to quote the hon member's words The hon member said that Black trade unions say that this industrial court is going to be used against them Why does the hon member come forward with this discordant note in this House?

*Dr A L BORAINE You are talking nonsense

*Mr J J LLOYD The hon member must give me a chance now I did not interrupt him This court has not even had the opportunity of hearing a case

*Dr A. L BORAINE Why not?

*Mr J J LLOYD Because no arbitration has been before it yet.

Why now cast suspicion on a body which was established with every confidence, in all honesty and as a result of certain recommendations and in which everyone, including the hon member, has confidence? The hon member has respect for it too Why, then, introduce this discordant note here? I think

that when one comes forward with a new dispensation such as this, and one is basically satisfied with it, it is the responsibility of each one of us who is responsible and who is interested in labour peace to ensure that the image of that new instrument is projected and improved in order to achieve maximum labour peace in South Africa However, if we in this House are already beginning to undermine the foundation of that body, surely it will be off to a negative start. Surely we cannot then expect positive results I think the hon member owes that court an apology [Interjections] I do not think the hon member should laugh about this This is a very important matter That hon member is also attached to large organizations These organizations, when they want to show a profit, and when they want happy employees, also want to know that there is an independent tribunal or body which can ensure that the balance of interest between employer and employee is preserved It is of cardinal importance that the trade union, which represents the employee, and the employer, should have full confidence in that body I do not believe the hon member has succeeded in giving us that impression

In the few moments left at my disposal, I just want to say something to the hon member for Orange Grove That hon member said that we should really throw open the urban area now so that the Blacks could obtain employment in the cities Is the hon member not at all concerned about squatters, shacks, etc ? It is nice to say popular things if you do not need to implement them However, if one wants to govern in a responsible way, one must consider all the socio-economic problems one could encounter

I now want to turn to a very sensitive area. I do not think there is an hon member in this House who does not want every employee in South Africa to enjoy a good salary or wage increase I think all of us want all employees to have a good increase There has been a fine upswing in the South African economy, the mines have fared well, the gold price has risen, farming has fared reasonably well under a good Minister

*The MINISTER OF AGRICULTURE AND FISHERIES They are complaining that the farmers are faring a little better than they did last year

*Mr J J LLOYD Similarly, commerce and industry have also gained momentum once again However, there is something bothering me I say that every employee in South Africa who is worth his salt is entitled to lay claim to the golden eggs laid by the goose I think every employee has that right, particularly in view of the high rate of inflation However, when certain groups make noises which cause us to come to the conclusion that we must slaughter the goose, we become concerned, because we then gain the impression that certain people are insatiable One gains the impression that certain people can simply never be satisfied

I think that, unless the views of groups are being reflected incorrectly by spokesmen, or are being reported incorrectly in the Press, this is the logical conclusion one must draw I think that because there is at present an upswing in the economy, great discipline and self-control must be displayed, and that goes for our workers too After all, we know our workers On a former occasion, when the hon Minister made an appeal not to ask for more than 70% of the rate of inflation in the form of increases, our workers reacted positively

Consequently I believe that if we want this upswing in the economy to bring us prosperity tomorrow and in the future, a very heavy responsibility rests on all groups of South African employees to ensure that this economic growth will be a protracted and long term growth If we do not do so, we shall be killing the goose which lays the golden eggs and then we could find ourselves in the same position as we were in a year ago

*Mr G T GELDENHUYS Mr Chairman, the hon member for Pretoria East will forgive me if I do not react to his speech. I should like to reply to the speech made by the hon member for Bryanston The Workman's Compensation Act has been very severely criticized over the past two years The hon member for Bryanston also referred to it. He did so in a very reasonable way, and therefore I shall not quarrel with him I shall only try to prove to the house that the Workmen's Compensation Commissioner and his officials are doing everything in their power to implement this Act effectively

*The MINISTER OF AGRICULTURE AND FISHERIES That fellow needs workmen's compensation himself [Interjections]

*Mr G T GELDENHUYS Section 51(1) of the Workmen's Compensation Act of 1941 provides that when an employee is injured while on duty, it is incumbent upon the employer to report the accident to the Workmen's Compensation Commissioner on a prescribed form or, in certain cases, to the divisional inspector of the Department of Manpower Utilization On this prescribed form the employer is expressly requested to provide the residential address as well as the identity number of the employee The notification by the employer is acknowledged by means of a card bearing the further request that the employer should keep the address of the injured workman with a view to the possible payment of compensation to this workman at a later date

Because Black people are inclined to move around a lot, the workman s compensation commissioner made arrangements with the Post Office for the money of these Black people to be invested in the Post Office Savings Bank in the case of fairly large amounts The beneficiary is then provided with a Post Office Savings Bank book which enables him to draw his money at any place in South Africa or in South West Africa It also safeguards his money In the case of smaller amounts, a cheque is sent to the employer or to the address supplied by the employer on the form concerned Usually the employer is also requested to help the employee to cash this cheque However, it often happens that those cheques are sent back marked "Undelivered"

I now want to explain the procedure that is followed in such a case in respect of Whites, Asians and Coloureds The claims file is checked to make quite sure that the cheque has been sent to the right address and to acertain whether there is not a second address to which that cheque can be sent If this cheque is still not collected after this, the money is then deposited in the Unclaimed Moneys Account and further attemps are made to trace the beneficiary by means of the telephone directory by making inquiries at his previous place of employment and also by asking his next of kin When a cheque becomes stale because it has not been cashed after three months, exactly the same procedure is followed and only then is the amount deposited into the Unclaimed Moneys Account. When money has remained in this account for 12 months, full particulars concerning the money and the person involved are published in the *Government Gazette*

In the case of Black beneficiaries, even more trouble is taken to trace them In this way, for example, the Reference Bureau is requested to help trace the people, and for this purpose such a person's identity number is supplied to the bureau If it is found that a beneficiary has moved to some magistrate's district or to a commissioner's area, full particulars are given to these people with the request that they should try to trace the beneficiary and ensure that the necessary payment is made to him If the beneficiary still cannot be traced, the money is deposited into the Unclaimed Moneys Account

In the case of stale cheques to Black people, the very same procedure is followed Once again the tracing method and the Reference Bureau are used, and only when the beneficiary cannot be traced is the money paid into the Unclaimed Moneys Account.

If the money remains unclaimed for 12 months, full particulars are published every three months in the *Government Gazette*, and a number of copies are made available to the Department of Foreign Affairs and Information so that the information may be published in several magazines read only or mainly by Black people When the particulars have been published in the *Government Gazette*, all the relevant identity numbers are again supplied to the Reference Bureau and placed on their search register All information obtained in this way is then fed back to the Workmen's Compensation office, which starts searching all over again

Everything possible is done to trace beneficiaries Officials of the workmen's compensation office make a point of requesting employers to stay in contact with injured workers, if possible, so that the people may receive the payment they are entitled to, and not disappear, but because of the fact that Black people are inclined to move around a great deal, even employers find it difficult to keep in touch with these people

We may expect that with the rationalization of the Public Service, there will be close liaison between various departments, such as the Department of Co-operation and the Department of Manpower Utilization, and that the tracing of beneficiaries will be considerably facilitated The close liaison between Manpower Utilization and Employment, and the close liaison with the Administration Boards, as well as the freer movement of Black people, will also help to make it easier to trace the beneficiaries Money that is owing to beneficiaries is not simply deposited into the Unclaimed Moneys Account. When the amount is R100 or more, the matter is first referred to the senior accountant, and in cases where the amount exceeds R1 000, it is first referred to the Assistent Workmen's Compensation Commissioner (Claims Department), before the money is thus deposited It must be remembered that when a worker is injured while on duty, he is entitled to compensation. The duty of the Workmen's Compensation Commissioner is to ensure that he receives it Whether such a worker is in the area legally or illegally is not really important to him

Business suspended at 18h30 and resumed at 20h00

Evening Sitting

*Mr J P I BLANCHÉ Mr Chairman, I want to begin by congratulating the hon. the Minister and the Department of Manpower Utilization on the great achievements of the past year We have witnessed major progress with regard to the implementation of the recommendations of the Wiehahn and Riekert reports, and we have also learnt with appreciation of the way in which the hon the Minister has gone out of his way to create good relations between trade unions and employers' organizations We have also learnt of "Manpower 2000", a project which I believe will mean just as much to South Africa, if not more, as the Water Year and the Green Heritage Year

"Manpower 2000" already bears the stamp of the hon the Minister's enthusiasm, drive and the dedication with which he is serving South Africa. He is determined to turn the labour force of South Africa to the very best account. Because this department has received a new name as well as a new task, I believe, it is also important that we should discuss with the hon the Minister this instrument which he has created to facilitate the task of the department and of the Manpower Commission I want to ask the hon the Minister to react in his reply to my view of the task of our "Manpower 2000" I agree with the hon the Minister that if we succeed in fully utilizing South Africa's available human potential, we shall not only remain the most developed country in Southern Africa, but we shall also succeed in convincing Africa of our good intentions Then those States forming part of the constellation of Southern Africa will prosper with us and we shall have peace and stability on the Southern subcontinent of Africa. We shall become a constellation of States which will command the respect of the world in the economic, military, educational, sporting, agricultural, mining, transport, energy and almost every other sphere of society In all those spheres we shall take the lead in Africa. Then, however, we must not sit back and expect "Manpower 2000" to achieve all these things without our having to lift a finger

In recent years, a tendency has been developing in South Africa which gives cause for concern. More and more often one reads in the newspapers of South Africans who complain and ask what the Government is doing for them They want to know why the Government is not improving their educational facilities, why their taxes are not being reduced, why they cannot work shorter hours, why the Government cannot favour their profession above others, and why they cannot drastically increase their fees for the services they render to South Africans In asking these things of one's Government, one is actually asking them of one's country I concede that many people in South Africa have the right to ask these questions

The teachers have the right to ask them The policemen, the nurses, the doctors, the men on the border, the warders, all of us, in fact, have the right to ask these questions Then, however, South Africa can also ask us ' What are you doing for your country?" Then South Africa can also ak us 'What are you doing to be more productive? Is your contribution enough to enable South Africa to compensate these people according to their merit?"

I believe that with the aid of "Manpower 2000" we should encourage and inspire one

another to be more productive, more patriotic and less materialistic Only then shall we succeed in doing justice to all these people in the professions to which I have referred, people to whom we owe so much

For this reason, therefore, I not only want to support the hon the Minister in his "Manpower 2000" project, but I also want to appeal to all South Africans not only to read the pamphlet about "Manpower 2000", but to roll up their sleeves, to take off their ties, to put their shoulder to the wheel and to make a contribution themselves The hon the Minister has said that he wants to involve all the inhabitants of South Africa in this project. It is necessary I agree with him Only then shall we be able to make better use of our labour force and to increase our productivity "Manpower 2000" is a project of information and persuasion which aims to create a new awareness and attitude by conveying messages so that this may lead to the desired action

I understand from the hon the Minister that "Manpower 2000" is going to function on a regional basis, and I want to ask whether it is not possible that it may function on an even smaller scale I should like every community in every town in South Africa to be able to establish a committee which can give attention to the utilization of the area concerned Virtually every profession in that community should be represented on such a committee, and ideas should be exchanged as to how all the objectives of 'Manpower 2000" may be realized in the community concerned

In order to remove the problem areas in the relations between the various populations groups, the Government established relations committees a few years ago These committees are making a major contribution because they examine local circumstances and find local solutions For this reason I advocate that local bodies should be involved in the "Manpower 2000" programme The Government has just proved that it is serious in its intention to rationalize the Public Service and it has been done with brilliant results The next logical step is perhaps the rationalization of provincial administrations and then of local authorities However, why should the one wait for the other, thereby wasting precious time? I believe they should set to work straight away so that everyone may set his house in order at the same time Then one can ascertain on the local level whether certain matters which fall under provincial departments at the moment should not rather be dealt with by local authorities, or perhaps the other way round Take, for example, the case of the teacher or the school principal who has to supervise the construction and maintenance of gardens, rugby fields, swimming baths and all kinds of other sport facilities at school Why can those matters not be transferred to the parks departments of local authorities, for example? These people are specialists who know how to lay out gardens and how to maintain sport facilities They also have the necessary equipment for getting that work done One may have a financing problem, but I believe that the provinces could still be responsible for financing these activities

I should like to mention a second example Why should a policeman's time be taken up by inspections in bottle stores to supervise people who sell liquor? Surely this task can be entrusted to the inspectors of the Hotel Board Ideas such as these can be investigated by the committees of "Manpower 2000", and I believe this will only be to the benefit of South Africa I hope that the successes achieved by these committees will be referred to a special central point from where they can be distributed to the rest of South Africa. I believe that many decisions are being taken at various places in our country If those decisions can be applied all over the country, great savings could be effected This would ensure that every one would benefit from the successes achieved elsewhere I want to indicate why I am saying this Last year I referred to the enormous saving effected by Cape Town through the instalment of its unique mercury vapour short-standard street lighting What city or town in the Cape Province is following the example of Cape Town? In fact, what city or town in South Africa is following the example of Cape Town? Should success stories such as these not be channelled through the office of the Administrator, of the Minister of Mineral and Energy Affairs or perhaps of the Minister of Manpower Utilization, so that they may be brought to the attention of other towns, and should there not be someone to make sure that they are implemented all over the country? I have given examples that are of

interest to several authorities [Time expired]

*Mr T ARONSON Mr Chairman, the hon member for Boksburg dealt with the Wiehahn report and its implementation We had hoped that the further report by the Wiehahn Commission would have been available prior to the commencement of this debate We hope that Dr Wiehahn will be afforded all possible assistance so that the further report may be published and tabled here as soon as possible For the rest the hon member for Boksburg made a positive contribution and naturally the hon the Minister will reply to him

†Mr Chairman, there are over five million children at school in South Africa That means that we have more children at school in South Africa than there are inhabitants in some overseas countries It takes an enormous infrastructure of schools, universities, technical colleges technikons, etc , to ensure that the scholars will receive the best possible education and that they all fulfil their potential It is obvious that when these five million children finish their education it will be absolutely fatal if there are not job opportunities to accommodate them together with other job-seekers who come onto the market I think the hon the Minister will agree with me that it is an exercise in futility to educate and train people and then afterwards to have no scope for their abilities in realizing their full potential It is absolutely essential that employment situations are created so that expectations are not built up and then later remain unfulfilled In our view the fact that one is educating all these children means that there is a reasonable expectation of their being able to obtain suitable employment commensurate with the education they are receiving

In addition to what the Government may do, it is absolutely vital for the private sector and private enterprise to play their part to the full There has been a tendency for private enterprise not to keep pace with its share of the gross domestic fixed investment. For example, in 1946 private enterprise was responsible for 63% of the gross domestic fixed investment while this declined gradually to 46% in 1977 The share of public authorities and public corporations together increased from 37% in 1946 to 54% in 1977 This is a very disturbing trend and that is why we welcome the commitment to the free-enterprise system and to small business as set out in the last budget speech of the hon the Minister of Finance In fact, the Government has set aside the sum of R10 million provisionally If we take this matter to its logical conclusion, we shall require more than R10 million We should like to ask the hon the Minister to have this matter investigated thoroughly in consultation with bodies like FCI, IDC, Assocom, the Handelsinstituut and others This investigation is of the utmost importance if one bears in mind that 90% of individual concerns in countries like Austria, Belgium, Denmark, Japan, Norway, Switzerland and Sweden employ fewer than 50 persons 95% of the concerns in the USA can be called small although they are responsible for 43% of the gross national product of the USA Thus it can be seen how important and how urgent this investigation is I fully realize that large concerns must be encouraged to expand, extend their activities and develop into even larger operations I also fully realize that we must use every possible incentive to get new industrial and commercial concerns to start up in a big way I shall come back to the expansion of the large concerns presently In the meantime I think it is of the utmost importance that, like the countries I have just mentioned, we should do everything in our power to encourage small concerns More particularly in view of the various population groups we have, it is essential that we inculcate in all the population groups the benefits of the free-market system and of free enterprise

How can one start better than in a small way, and if it starts amongst all the groups and they keep expanding, we can achieve the optimum results, as we have seen in Austria, Belgium and other countries My plea is therefore that we should not only create job-seekers We must also go out of our way to give every encouragement possible to people who want to start small operations and which will employ small numbers of people If a sufficient number of these people set themselves up in business in addition to the employment opportunities available from large concerns, there will be a possibility of a reduction of the number of unemployed people in South Africa The hon the Minister is in the unique position where he can

encourage other departments and have consultations with his colleagues in the Cabinet to ensure that they stimulate the economy in order to ensure that more job opportunities are created.

I want to give the hon the Minister the same example which I put to one of his colleagues a few days ago Let us look at the motor industry in South Africa Sales in the motor industry have improved, but now is the time to see whether it is not feasible to go for far longer runs by increasing production and possibly producing motor vehicles more cheaply If this could happen it would in turn create more employment and we could then even consider exporting on a far greater scale than we are exporting at present by means of more export assistance by the Government. If South Africa could become one of the major motor vehicle exporters it would be one of the best injections we could give the South African economy The increased production, employment opportunities and exports are all tied in with increased sales It is in relation to increased sales that I would like the hon the Minister to confer with his colleagues in the Cabinet and to institute an urgent investigation The sale of vehicles could be dramatically increased by a reduction of the deposit by 50% and by increasing the instalment period to 60 months Many people cannot afford motor-cars because the instalments are too high and sometimes the deposits are out of their reach. If this suggestion was found to be feasible and introduced, if the deposits were within reach of most people and instalments were spread over a longer period it would obviously mean a dramatic increase in the turnover of motor manufacturers and obviously it would also mean an increase in the turnover of retailers This would lead to a far greater investment than there is already in the motor industry, and obviously increased production would lead to the creation of far more job opportunities The hon the Minister may well be worried about the fact that the bad debt ratio could increase if one eases the credit restrictions, but I want to point out to the hon the Minister that the leading financial institutions in South Africa are involved in the credit financing of the motor industry and by the nature of things they operate in a cautious manner I want to point out further to the hon the Minister that the retailers themselves obviously would exercise a large degree of concern and caution in the credit which they grant The granting of credit in South Africa is reasonably well controlled and, as I have said the motor-car retailers, financial institutions and others would ensure that the bad debt ratio is kept to an absolute minimum In the present economic situation this is an ideal opportunity to build up a motor-vehicle industry which has the potential of becoming a massive export industry and a major employer for job-seekers in South Africa. I want to appeal to the hon the Minister, who has a vested interest in that his present portfolio is tied in with the suggestion I am pleading for, that he takes a very active interest in the matter and that he and his department give every encouragement and assistance to bring this matter to urgent fruition

The MINISTER OF MANPOWER UTILIZATION I will encourage it, but what does the hon member suggest?

Mr T ARONSON My suggestion is to cut the present deposit on motor vehicles by 50% and to extend the period of repayment to 60 months If this were done it would create a dramatic increase in motor-car sales throughout the country

Mr B W B PAGE Oh, oh!

Mr T ARONSON The hon member for Umhlanga says "Oh, oh" I think he agrees with me because he knows the motor industry well and therefore he should agree with me

Mr B W B PAGE I do not [Interjections]

Mr T ARONSON There is a further matter I want to raise with the hon the Minister and that relates to the enormous number of industrial accidents which occurred during the year which ended on 31 December 1979 There were 188 755 industrial accidents, and the amount paid out by the Workmen's Compensation Commissioner was approximately R35½ million The total period during which injured persons [Time expired]

*Mr J T ALBERTYN Mr Chairman, I merely rise so as to afford the hon member the opportunity to complete his speech

Mr T ARONSON Mr Chairman, I thank the hon member for False Bay for extending this courtesy to me I was saying that the total period during which the injured persons were out of work as a result of accidents was approximately 2,2 million days To the R35½ million obviously must be added the loss of production, the cost of the hospitalization of these people and the ability of the person who returns after injury to be as productive as he was before The hon the Minister should consider the whole question in depth and should have the matter investigated because I cannot believe that in a country like South Africa we can afford the enormous wastage of manpower and the costs attached to these industrial accidents The investigation will indicate what the causes are, what the problems are and what steps should be taken to keep industrial accidents to an absolute minimum

*Mr G C BALLOT Mr Chairman, it is a pleasure to follow the hon member for Walmer Generally speaking his speech was a constructive one, except for the figures in connection with injuries, and in connection with the motor industry That was somewhat of a phantasy I do not know where he obtained the figures, but I do believe the hon the Minister will duly reply on that point. However, generally speaking, we have had a very constructive debate today We are dealing with labour, with manpower, which is certainly the most important matter in South Africa at present. At the same time, one could compliment the hon member for Durban North. Even the hon member for Bryanston took a sympathetic view of casualties and the hon member for Houghton was also very constructive Even the hon member for Pinelands was constructive in what he said about the Wiehahn report. As I have said, I agree with him when he says "jobs for all in South Africa" Why not? After all, that is the position. We have to strengthen the economy I agree with the hon. member Where I cannot agree, however, is when he says "Why strengthen the work committees?" He says "Strengthen the Black trade unions" I am not opposed to trade unions A trade union has a contribution to make, but why does he specifically say "Strengthen the Black trade unions?" The hon member for Pinelands drew comparisons, but I ask him tonight, and he must answer me How many trade unions are there in Japan? Also, compare the economy of Japan with that of South Africa

Dr A L BORAINE How can can you compare South Africa with Japan? Answer me, now

*Mr G C BALLOT We are dealing here with an expert in all fields But let me give him the definition of an expert, because he pretends to be an expert on everything

Dr A L BORAINE Mr Chairman, may I ask the hon member a question?

*Mr G C BALLOT No, sir, I am answering the hon member I wish to give him a definition He is a so-called expert on everything connected with labour [Interjections] An "ex" is a "has been" and a "spurt" is a drip under pressure [Interjections]

The CHAIRMAN Order! The hon member for Pinelands must please contain himself

*Mr G C BALLOT I now wish to come back to the debate I believe that "Manpower 2000" is going to be an outstanding project. One has to consider the speech the State President made on 31 March Lets quote one single extract that to me is particularly important I quote—

> Suid-Afrika bevind hom tans op die vooraand van n tydperk wat vir hom groot groeimoontlikhede inhou Die geleentheid wat tans bestaan, is van so 'n aard dat dit nie baie lande ter wêreld is wat hulself in so 'n gunstige posisie vir groei bevind nie

The hon member for Pinelands must listen to this—

> Een van die grootste probleme wat die land se groei kan bepaal en wat bepalend gaan wees, is die bereiking van die doelwitte wat daargestel is

Specific objectives have been set in South Africa. To achieve these objectives the availability of efficient, trained manpower, the correct utilization of the manpower resources

and the meticulous conservation of the available resources are essential That is the cornerstone on which we have to build the future of South Africa. We are living in times of change, times that present exciting possibilities but at the same time demand sacrifices, wisdom and sober action of all of us Matters relating to the labour set-up must be considered soberly and with insight An effort must be made to mark out a course, and in this respect every man in South Africa, including members of the Opposition, have to co-operate since ultimately it is going to be in the interest of all of us

In the South Africa of the future, an economy will develop within the next 20 years that will be four times the size of the present economy That is the projection of South Africa and its manpower In this process, we can ask ourselves what the key to the future is The key to the future is labour and labour relations Together we must seek and emphasize bases for agreement and avoid areas of difference There has to be a spirit of goodwill in which we shall strive for co-operation, because if we do not achieve co-operation, what then? We may ask why there should be co-operation in all fields The answer is that the future of South Africa is at stake It is indisputably true that labour relations have today become the most important and most dynamic part of the wide spectrum of relations between the various population groups in the Republic At the same time, however, it has the greatest potential for conflict and friction among people Consequently it is going to demand extensive knowledge, understanding and insight on the part of the Government as well as on the part of employers and employees to foster a feeling of solidarity which would have to serve as a basis for further development and progress in the field of labour in South Africa. There is a feeling of uncertainty among our people It has to be remembered that by refusing to make adjustments, a community runs the risk of losing the very thing it seeks diligently to protect, through its very unwillingness to adjust

I represent a constituency of workers I am not ashamed to tell the workers in my constituency that the NP Government is not holding an auction The NP is not selling out the White worker [Interjections] In fact, hon members still have to show me a Government that does more for the White worker than does the NP [Interjections] In the same breath, I wish to say that hon members still have to show me the Government that does more for the Black worker than does the NP [Interjections] I could keep on quoting until the hon member for Pinelands is blue in the face I could go right back to 1949 in Hansard and quote column after column to show the hon member what the NP has done for every Black and White worker in South Africa. [Interjections]

†The CHAIRMAN Order! Hon members must give the hon member a chance to finish his speech without making so many interjections and talking so loudly

*Mr G C BALLOT Thank you Mr Chairman If we were not to succeed in increasing productivity in this set-up, it would certainly contribute to increased inflation, a slow growth rate and increasing unemployment in our lower occupational levels Could South Africa afford that? That is the question we have to face tonight Every worker has to perform the work for which he is best suited and for which he has the necessary motivation Training is going to be one of the key words of the future, selective employment by means of scientific personnel selection. One cannot indiscriminately place a person in employment if he does not have the necessary skill and training In that respect I agree with what the hon member for Durban North advocated this afternoon, namely the optimum utilization of our workers' corps The Republic has never yet had a greater priority than the development of its human resources The State can provide all the facilities and capital—that is what we are doing—create the opportunities and issue the most explicit statement of policy about this, but if employers and employees themselves are not willing to take steps of their own accord with regard to training and development, it will be to no avail The State realizes its responsibility and is playing its part The employer and the employees should also realize their responsibility and also play their part in future

However, in this process we have to be mindful of one thing There are people who do not have the ability to benefit by training, and these are the children attending special schools I wish to tell the hon the Minister

with due deference that we have to look after these people, whether they be White or Black There are thousands of children attending school today who are not able to benefit fully by the wonderful future, owing to the fact that they suffer from some mental handicap which is no fault of their own For that reason we must care for these people in this fine and dynamic century we live in, and see to it that those people will also be able to make their humble contribution to the economy of South Africa I therefore request the hon the Minister in all humility to consider these special schools and these special children and to enable them, too, to make their humble contribution to South Africa, because they are willing to do so [Time expired]

*Dr J P GROBLER Mr Chairman, I gladly associate myself with the hon member for Overvaal, except with the compliments which he tried to extend to the hon member for Pinelands earlier in his speech Being truly human, however, the hon member for Overvaal also has his shortcomings and deficiencies, and is capable of errors of judgment too [Interjections]

I should like to associate myself with the hon member's remarks on the training of workers in South Africa. It is true that national as well as multi-national companies throughout the Republic are really doing a great deal about the in-service training of their workers But the Government is also engaged in an intensive programme The Department of Manpower Utilization and other departments are also engaged in in-service training and the retraining of their thousands of workers throughout the Republic It is essential that training and retraining should at all times be closely co-ordinated with the realistic needs of the workers Unfortunately, if these two things are not related, a vacuum occurs, because the variety and the diversity of job opportunities and the ever-changing and developing character of the labour force demand it. Formal teaching and training institutions are simply no longer able to organize their training programmes in such a way as to meet the total demands of the practical situation today In-service training and retraining of workers with a view to the production of goods and the provision of services have become an integral function of the company By making such a statement I am not trying to run down formal training as being pointless I am merely stating that universities and colleges will have to adapt themselves to the demands and the needs of the practical situation, otherwise many of them are in danger of degenerating into white elephants which present irrelevant courses that are simply no longer in keeping with the requirements and the needs of our time Moreover, formal training centres, like universities will have to see their task more and more as one of supplementing non-formal training and development systems I appeal, therefore, for a much closer inter-dependence of formal and non-formal training centres and institutions It is interesting to note that in countries like France, West Germany and Japan, most in-service training below the technical level is undertaken by the Departments of Labour, while their Departments of Education are responsible for training in technical and professional fields The Department of Labour, though, in co-operation with employers and labour organizations, assumes the responsibility for the training of its workers I wish to state that the community is demanding with growing urgency that formal training should be adjusted to the need of the individual to work and live in the economic and social environment of the future I want to point to one example of this An academic textbook that was relevant yesterday and today will no longer be relevant tomorrow and the day after For that reason there have to be constant future-oriented adjustments If one takes a look at the countries of the Third World, like those of Southern Africa—where South Africa is the trend-setter—it is clear that a large measure of success is being achieved, *inter alia*, in our own country, by assisting employers' bodies in initiating, organizing and controlling their own training programmes and then co-operating with existing in-service training institutions in particular in order to improve and extend their own training services and to contract for in-service training services which were not previously available It is extremely important that we should not overlook this aspect

In general, non-formal training systems are less mechanical and less competitive with formal systems of higher education.

I come now to another aspect which is tremendously important and that is manpower

planning This is now becoming the highest priority in our rapidly developing labour community This is coupled with the realization that the industry has to assume an ever-growing responsibility for the social well-being of the worker Not so much the State, but industry, has to assume a greater responsibility Secondly, as far as manpower planning is concerned, it is becoming all the more complicated and goes much further than merely satisfying the needs of workers Manpower planning, I want to state here tonight, is more important in South Africa than anywhere else in the world, because what we have to consider and plan for here is a heterogeneous community which, if I may juxtapose the two poles, ranges from the Stone Age right into the Space Age in which we live All social levels and strata are to be found in South Africa Let me put it clearly Not only the White worker, but the Coloured and Black worker, too, must be planned for as far as their training, their in-service training, and also their retraining are concerned So it is a totality of planning for the whole work force of South Africa Manpower planning provides a strategy and a basis upon which to plan for four, five or six specific matters, for example integrated training, primary and secondary education, in-service training and retraining, but also—and this is equally important—health services to workers, economic considerations and the social development of the worker So if we look at the programmes for manpower planning we see that exceptional demands are being made on society and on the Government. Let me mention a few of them There are, *inter alia*, the introduction of modern production technology of the 20th century, the switch from a capital-intensive policy to a more labour-intensive development policy, the adaptation of formal training and the shift in emphasis from non-formal employer-supported training programmes, the reduction in the number of foreign workers in order to create and ensure job opportunities orientated towards the inhabitants of this country This means that foreign workers will have to be phased out to make way for indigenous workers

Let me conclude by saying that a strong country like South Africa demands a strong economy based on a strong, stable working community which is dependent on up-to-date training facilities, and no one in this beautiful country of ours may stand in the way of the Government and of other bodies which realize the urgency of the matter and are striving day and night to achieve these ideals because our future, our whole survival depends upon those very ideals

*Mr J G VAN ZYL Mr Chairman, it gives me great pleasure to congratulate the hon member for Brits on a speech that was yet another positive contribution to a debate in this House I wish to state, moreover, that having listened attentively to all the speeches in this debate, I can sincerely congratulate the hon the Minister of Manpower Utilization on his policy and all the things he has stated so clearly here in the House and also outside the House Throughout the day, the approach of all hon members on both sides of the House has been only positive For that reason I believe I can sincerely congratulate the hon the Minister on all the good things he holds out in prospect for South Africa If the spirit prevailing here in the House today is a reflection of the attitude which is at present prevailing throughout the country, I believe we are actually on the threshold of a period of prosperity, an exciting period which we could all look forward to with gladness

I find it significant too, that in the exposition of the Manpower 2000 project there was also reference to the emphatic role which vocational guidance would play as a programme in secondary schools At this stage I dare not omit to address just a few words of sincere congratulations to the Department of National Education, which conducted a survey of the needs of South Africa as far back as 1972, and then introduced the following important fields of study at our secondary schools, namely the human sciences, the natural sciences, general science, commercial, technical and agricultural studies, and art, ballet and music In these fields planning covered the total spectrum of the entire population in South Africa, within the curricula of the secondary schools in South Africa. Furthermore, the three main streams in which scholars could study were also clearly defined These were the one directed at a university education, the standard stream, without university exemption, and the practical stream Yet it is a pity that at one stage the sector for which we are making such a strong plea here tonight did

not find this practical course acceptable There was criticism, *inter alia* of the contents of the course Consequently I believe that the time has arrived to take a fresh look at the contents of this course in order to make it acceptable To my mind this stream has great potential for meeting the very needs that have been discussed here this afternoon I should like to break a lance tonight for pupils in this category These are not children who are mentally incapacitated Most of them merely have a poor verbal development On the other hand some of them are merely poor readers Then, of course, there are also those who simply do not wish to be bothered with book work or paper work, but would prefer to work with their hands They prefer to use their hands to give shape to things

If I have any fault to find in the manpower shortage set-up in South Africa, it is that we have a loss of manpower in this transitional phase between the secondary school and the outside world In this phase the pupil virtually finds himself wrapped up in the cocoon of a protective programme of training and protection which the school offers him The day he hands in his books and walks out through the gate he finds himself in an altogether strange new world

That brings me to the function of the vocational guidance counsellor at the secondary school Vocational guidance counsellors are one small group of teachers who have to put up with a great deal of criticism today from all quarters. They are even accused of not doing their work In the secondary school there is planning for every single pupil to the absolute maximum of which he is intellectually capable In the nature of things it happens that many a child, because he sets his sights so high in the vast funnel of the school, gets carried away, through the sheer force of suction at the top, by the illusory hope of a university career, only to find in the eddy, when he has to make his final decisions for the future, that he does not have the ability to make the grade at university This sort of thing happens to the pupil during the last three months before he leaves school During that period one finds the greatest subsidence in human ability, for after having been on the wrong track for six or eight years, the pupil suddenly has to stumble about and find another route Then the vocational guidance counsellor is blamed for the fact that the pupil made the wrong choice that the pupil does not know which way to turn, cannot make headway and does not know which way he is going I think that is a dreadful mistake I have only the greatest appreciation for what these people are achieving in our schools This person and the principal of the school are the two people who have to accept responsibility for 750 pupils in the school The parents expect those two people to guide every child and in the right direction and help him to choose his final vocation I think this attitude towards those people is unfair

This type of teacher does not work under ideal circumstances, either Let me state the matter in its idealistic form I picture the vocational guidance room of a school as a tastefully furnished interviewing room, well lit, and with a restful and congenial atmosphere This is essential so that there can be a relaxed relationship between the counsellor and the pupil who requires individual attention There should also be a well-equipped spacious class-room for the rest of the class, and in that class-room there should be such things as film equipment sound equipment in the form of cassettes and cassette players and representative brochure material covering the widest possible spectrum of vocationals

However what is the present position with these interviewing rooms of our schools? They fall far short of that ideal The material which the vocational guidance counsellor has available in the classroom is very poorly representative of what is actually encountered in the professional world

I come now to an important request I wish to make Could the hon the Minister please give attention to this matter? Could we not bring things to a head so that the entrepreneur, the manufacturer or the employer in the community at large should make this vocational guidance room of every school a display window so that the child in his environment could receive proper counselling in that the actual professional world is introduced to him? Could these people not utilize the abundance of their means for this? Instead of the State having to provide everything in that classroom, could that group of people not get together and provide those things so that the counsellor and the pupil could cover a much wider field?

I wish to conclude now In this receptive

stage of the young person, just before he enters the work situation, the greatest possible drainage of manpower in our country can take place, and that despite all the good intentions and all the strong incentives of the teacher, the pupil and other people involved. My urgent plea is that we should also bring this type of classroom closer to actual practice I want this to be the sphere of operation of the educational planner, the school principal, the counsellor and the members of the general public, from which the workers of tomorrow will emerge

*The MINISTER OF MANPOWER UTILIZATION Mr Chairman, I should now like to say, as I did this afternoon, that I am still really impressed, after a further 13 speakers have participated in the debate Consequently I wish to express my sincere thanks, to all the members who participated, for the trouble which they took to hold very good, wide-ranging and in-depth discussions of a very wide range of subjects Thank you very much for doing so

While the points are still fresh in my memory I should just like to reply quickly to what was said by the hon member who has just resumed his seat. The hon member for Brentwood discussed a very important aspect here tonight. He spoke about the exciting times in which we are living and the one thing which he said with which I agree is that the educational authorities had the vision years ago to begin planning and laying the foundation on which we can continue to build today Then the hon member asked this question If the educational authorities throughout the country are enthusiastically preparing children for the great diversity of opportunities which South Africa is creating, what is the private sector doing? What does it offer and what is its spectrum? The two must get together I agree with the hon member that this is the course we should adopt. I believe, too, that it will be one of the results of this "Manpower 2000" year that an attempt will be made to arrive at that point. In fact, this country of ours today, in 1980, presents a different appearance to the one it presented in 1950 A tremendous variety of new occupations have emerged But if one asks a person in the street where one can receive training in a certain direction, he does not know If one asks him how one is trained, he does not know If one asks him what one must do and what one must receive after one has been trained, he does not know that either Consequently we have a need for something which I want to call a year-book, in which the entire spectrum of possibilities will be set out, and which will be updated from year to year I want to inform the hon member that a start has already been made with this year-book and that we hope to have it available for the whole of South Africa by the end of the year

The hon member for Von Brandis discussed the apprentice legislation this afternoon He said that we should examine it again and establish whether it has kept pace with the times or whether it is not in fact the cause of an insufficient number of people being trained for the wide spectrum of South Africa's needs I can tell him that this is in fact one of the pieces of legislation which the commission will examine We shall have to wait and see what the commission comes up with in this connection

The hon member for Rustenburg made a good speech on training I wish to thank him for his contribution *Inter alia*, he made a very valid point. He pointed out that a great deal of time, energy and money were being expended throughout South Africa on training and that there was a need for those who were being trained, Brown, Yellow, Black—all of them—at least to know what they could do with their training He said that the trained person should use the knowledge which he had acquired He then asked what the homeland leaders could do, on their part, to inspire their own people and to make a contribution and to carry it further

I agree with the hon member and I believe that it will be possible in future—in fact, this is the direction in which we are moving—for there to be a good mutual understanding between authorities and for us to state our aims to one another clearly South Africa of course will not only have to train the people who will work inside South Africa. Training is also going to become an export product. South Africa will also have to carry out the task of training for the States around us Who else will do it? It is a contribution for the future

The hon member for Bryanston, who is not present here at the moment, confused two concepts

*Dr A L BORAINE He will be here in a moment.

*The MINISTER What does one do if a person confuses two concepts such as these? I hope I understood the hon. member correctly If I did not understand him correctly, all the hon Whip opposite need do is raise his hand As I understood him, he said that training means doing away with the apartheid measures of the Government, as he put it. Surely it is not correct to say such a thing What he was really implying—and this is now in the context of 1980 and not that of 1948—is that if one had got so far as to wish to train people, one could not reconcile it with the policy of this Government. That is what the hon. member said In fact, he said that the fact that the Government wishes to train people means that the Government has lost its way That is not correct, but I do not wish to waste time arguing about this aspect. All I want to say is that it seems to me there is a very wide comprehension gap between us on this side of the House and those on the other However, there will be a further opportunity to come back to this subject.

The hon member also discussed unemployment benefits and mentioned a whole number of points in this connection. But if the hon member had listened to what the hon member for Springs had had to say, he would have found his answer At the same time I want to tell the hon member for Springs that he gave a wonderful elucidation of the procedure which is adopted in regard to unemployment benefits Consequently I need not go into the matter again and I simply wish to say "Selah" to the hon. member's explanation I cannot do it better than he did

The hon member for Stilfontein apologized for not being able to be here He discussed the "Manpower 2000" project and I shall have a little more to say about this matter in a moment. However, the hon member raised a very important point which I wish to emphasize There are two requirements which are sometimes overlooked when various people, Brown, White and Black, will compete in the labour field in the South Africa of the future Firstly the traditionally established workers in an occupation must not be afraid that they will be threatened in that someone else from outside will enter the occupation at a lower wage Secondly, when there is competition on the shop floors of South Africa, the standard of work will be the decisive factor I wish to emphasize in this way that if we are not in future going to see the labour situation and the demands which it makes as being an absolute requirements for the standard of work to be the same and for the remuneration for the same work to be the same, we are creating a potential threat for ourselves and we will be creating a situation of great conflict. I think that if the concept that if a person does honest work and need not fear that he is going to be underbid by another person who can enter the occupation at a cheaper wage had not recently taken root among the rank and file of the workers of South Africa, we would not today have been able to inspire confidence in the work force of South Africa.

The hon member for Vryheid spoke about the building workers Some considerable time ago the hon member addressed a letter to me in which he stated that he had received an emergency call from his constituency on the building industry which would grind to a halt there if we did not do away with the building workers' legislation As far as this is concerned, it is quite clear to me that we should adopt a different approach to the whole matter

I come back now to the question of the exemption granted a while ago In this connection I want to give hon members a few facts Who does one ask if one wishes to know what is happening in the building workers' industry? We could ask the people in the building industry themselves This industry, which consists of 35 000 employees, can tell us what their contracts stipulate and what they have to deliver in the time which lies ahead I do not think the image of the building industry is quite what it should be The image is conservative I do not think the building industry itself will know what the development programme of the Government is The target of the State is a higher target than what the industry has on hand at present. They told me that they were of the opinion that the annual intake of apprentices now needed was in the region of 2 000, while if we look at the projections for the future we find that this number is too small We shall not be able to meet the building requirements in South Africa if the intake per annum is only 2 000 The figure

should be far higher and is closer to 3 500 per annum What are the facts now? I wish to single out only two of the variety of jobs in the building industry During the past five years the entry of White bricklayers and plasterers, the so-called wet trades in the building industry, was as follows One year there were six, over two years there were four, one year there were none and one year, five. So, how can one now tell the country that from now to the end of the century just as many bricks must be laid as were laid from the time of Van Riebeeck until the present if this was the intake of additional White workers? In one year in the Transvaal, not a single White person presented himself for these trades Surely this is senseless Surely we cannot go on like this That is why we come to a point where we have to decide that either we are not going to build anymore, and we live in tents, or we allow the people who are available to do the work These are the hard facts I now wish to come back to arguments on this matter, and I make apology for doing so I am sorry, but we should already have done this earlier Which of the hon members who know the Western Province can say when they last saw a White person with a trowel in his hand? The wet trades are not even trades which the Coloureds are entering anymore Consequently it is no use saying that we should employ Coloureds If I must have workers in Pietersburg and there are no Coloureds in Pietersburg—the Coloureds are in the Cape—what must I do? It is no use saying that a Coloured person who works in the Cape should take his children out of school and go to Pietersburg because there is work there He prefers to remain here That is why the building industry is one of the industries which has an Act of its own But we are reaching a stage where this Act simply cannot be used any further and where we must withdraw it.

I should now like to refer to the matters raised by the hon member for Durban North. He discussed a wide variety of topics To tell the truth, he spoke so quickly that I could not keep up with him Consequently if I do not react to something which he raised, I am prepared to look at his speech again and reply to him in writing *Inter alia*, he discussed the centres for in-service training and also asked when those which have to be transferred to my department will be transferred This will happen soon, and then we can examine the matter further The hon member went on to ask whether tax concessions should not be made in respect of training Yes, one can look at the whole situation again and ask the hon the Minister of Finance what further assistance he can give I cannot give the final answer to that question now It is something which one will have to re-examine from the beginning For that purpose we have, as I have already said, created an instrument which will help to sort out these problems and which can advise the Minister as to where we can make this assistance an integral part of our scheme

The hon member then went on to talk about the consolidation of the various Acts It will not be done this session because two other departments are involved in the matter I think the appropriate time to do so will probably be next session

The hon member also asked whether we were looking into the training of national servicemen I do not wish, in the time I now have left to me, to discuss the entire question of national servicemen and how we can accommodate the matter In general, as far as national servicemen are concerned, there is a very good understanding between my department and the military authorities The Defence Force also has representation on the National Manpower Commission At present we are looking to see how we can reach an agreement with one another and how we can rationalize the training of national servicemen and their in-service training while they are rendering their military service Perhaps I can come here next year with a better reply than the one I am now able to give the hon member

The hon member for Brakpan also made an interesting speech He spoke about communication and consensus in these sophisticated times in which we are living The hon member said that if one had a situation, as a result of a rapid development in future, where negotiation machinery became more sophisticated, with the increasing number of people who are going to participate in South Africa's industrial set-up, it was going to become increasingly difficult to preserve peace It would only be possible to do this if we went through a process of evolution and if the various organizations the employers and employees, worked together with great good-

will to go through this process with us I agree with the hon member I think that is the course we shall have to adopt, and if we wish to be successful, it will only be possible to do so on this basis

The hon member for Hercules discussed sheltered labour with great compassion He referred to sheltered labour factories and told us how many of them there were We control quite a number of them, those, in fact, where handicapped persons are afforded opportunities to go on working, people who were injured in accidents, were born that way, etc In those factories they are employed under sheltered conditions, and the requirement is that they should at least through their work in the factory, earn an income equal to approximately 50% of their salary These factories produce primarily for the State and are rendering an exceptional service The point I wish to make is that those people as well, of whom there are thousands in South Africa, form part of our manpower These people, too, should be utilized to the best effect and protected The hon member raised a valid point by asking whether since there is an income and we are grateful for this, and since there will be increases in view of the present salary increases, the starting point is not a little too low He asked whether we should not raise the level of remuneration a little I want to concede at once that the hon member is right Of course I cannot reply to him straight off across the floor of the House, but I think he has a very good point and that it is worth looking into, and I shall undertake to do so and notify him accordingly

The hon member for Randburg in a speech for which I had very great appreciation and which dealt with an extremely sensitive subject, spoke very well, and I want to give him full credit for very thorough research which he must have done before he was able to make the speech His speech dealt with the important issue of the principle of a closed shop The principle of a closed shop is one which originated in the trade union movement in England It means that membership is closed to outsiders Such a trade union enters into an agreement with the employer according to which no person shall work for that employer unless the employee belongs to the trade union If the trade union then dismisses any person for any reason and notifies the employer that the employee is no longer a member of the trade union, he must be evicted from his home and dismissed within 24 hours Hon members can understand how dangerous such a situation could be I want to be careful when I comment on this, yet I do want to say that I believe that the South Africa of the future must find a different formula to this one

I am being very careful when I say this I want to tell the hon member that it is a matter which must be handled with the utmost circumspection, and the Manpower Commission is involved in a long argument on this very issue The hon member had a valid point when he said that we should examine the possibility of overcoming this obstacle, probably by adopting another standpoint in respect of free association In any event, I want to tell the hon member that it is a very delicate situation, one in which trade unions are involved, and I must be careful not to give him a final reply straight off across the floor of this House Whatever we do will have to be laid down in legislation

I want to tell the hon member for Houghton that when she quotes figures she should at least quote the right figures Langenhoven said that one need not tell a lie, one need only twist the truth around a little That is what the hon member did Besides the other things she said, the hon member also alleged that the Government was not making progress Actually she said that the good work which we were doing were things which they had told us to do a long time ago She said that recently we have not done many things that were good and that the progress we were making was too slow The hon member then quoted from the report which appeared today and concluded from it that we were still doing very little for the Black people However, she based her statement on a 1970 figure I just wish to tell her that she should have quoted from a page or two further on I want to furnish the figures in respect of 1970 and 1980, for they make all the difference We must not become bogged down in the 1970 figure I wish to point out an example of the progress made between then and now as far as the Black-people are concerned Actually, the last 10 years are important, and not the 10 years prior to 1970

I now wish to refer to the Std 8 category

*Dr A L BORAINE On what page?

*The MINISTER It is contained in table 22 on page 52 The figures in respect of the Blacks emphasize the exceptional progress which the Government has made In 1970 there were 26 695 Black pupils in Std 8 It is true that one can say that the figure of 26 000 does not appear to be very favourable if one takes into consideration that there are millions of Black people, but if one looks at the figures in respect of 1979, one sees that in that year there were 108 000 Black pupils in Std 8 Why did the hon member not say that in 1979 there were not 26 000, but 108 000 Black pupils in Std. 8? Surely it makes a big difference Let us now consider the number of pupils in Std 10 In 1970 there were 2 938—let us say 3 000—Black pupils in Std 10 What will the picture look like 10 years later? In 1979 there were 14 000 Black matriculation pupils, 3,5 times as many as in 1970

Mrs H SUZMAN I did not use the matric or Std 8 figures

*The MINISTER I just want to say that one need not tell a lie, one need only twist the truth around just a little I just want to say that the hon member should not argue so piously, and smilingly base her argument on the wrong figure I just wanted to rectify this The figure which I furnished indicated that in 10 years' time there had been virtually a fourfold increase

Mrs H SUZMAN Well, I should hope so

*The MINISTER The hon member for Pretoria East

*Dr A L BORAINE made a rotten speech

*Mr J M HENNING He destroyed you

*The MINISTER The hon member for Pretoria East made an appeal to the workers to maintain the economic upswing to which they had contributed. He said that at this juncture it was important that we maintain the economic upswing and that we moderate our own demands in our own interest All I can say to the hon member is "Selah" I want to tell this House that three years ago, in other words not long ago, it was necessary to ask the workers of South Africa to moderate their demands. One of the finest things in the recent history of this country then happened On 16 June when very high wage demands had been made and the inflation rate was running at 11% or 12%, almost 500 000 workers met in Pretoria. They asked the then Prime Minister, Mr John Vorster, to attend the meeting that evening Do hon. members know what they told him? They told him "Mr Vorster, all we want to say to you is that the workers of South Africa are responsible people and that we shall do our best to make the lowest possible demands" The hon member must tell me where in the whole world, except in South Africa, this is possible?

I want to tell the hon member for Springs what I told him just now, viz that he furnished an elucidation which made it unnecessary for me to do so myself, and if the hon members had listened to the hon member they would have known precisely what happened with workmen's compensation benefits, and how people go about obtaining them.

The hon member for Boksburg also discussed "Manpower 2000" and asked whether it had been organized on a regional basis Yes, it has been organized on a regional basis, in all the major cities of the country, and there is a possibility of decentralizing it. My reply to the hon member is that the intention of the promotion programme is to carry the entire country with it, co-ordinate all the efforts, obtain the co-operation of everyone and make initiative an integral part of the programme so that everyone may share in it We do not know where it is going to end. All we can tell the people of South Africa is this Embrace one another and say to one another that as far as labour and the road ahead is concerned, we are going to walk the road together, that we shall think about things and do things together The initiative and the dedication which flows from that is what we must harness in the interests of South Africa. I thank the hon member for his remarks

The hon member for Walmer discussed the Workmen's Compensation Fund. I just wish to point out to the hon member that the organization Nosa is supported by the department and the State to go into the question of losses as a result of accidents Attention is

therefore being given to the matter, and it is also being financed Actually the hon. member's remarks have been addressed to the wrong person. I shall, as far as this affects the hon. the Minister of Industries, convey to my hon. colleague the ideas expressed to me by the hon member and which I think should have been addressed to that hon Minister

The hon member for Overvaal also discussed "Manpower 2000" He spoke about manpower as being the key to the future Yes, I agree with him It will not be our minerals, our precious stones or all the other riches, but the labour of South Africa which will make South Africa a great country The hon member also referred, while he was talking about future developments, to handicapped persons, and he broke a lance for them Of course the hon member knows that when it comes to handicapped persons who need attention on this level, the special schools for that purpose fall under the educational authorities, but in so far as it must be a service, it is the responsibility of the department

I also want to associate myself with the hon member for Hercules as far as this subject is concerned, and say that we should look after the needs of these people with great compassion, interest and love, and the hon member may rest assured that they will at all times receive the attention which is their due, and that we will never leave them in the lurch

I want to tell the hon member for Brits that he made a speech for which I have great appreciation The hon member, after he had also referred to Europe and to the school of thought and developments there also referred to training and retraining, and the accompanying co-ordination He concluded with the idea of planning for manpower, training and the correct placement of workers I just wish to dwell a few seconds on what the hon member said It is so easy, in a country like South Africa, where on the one hand one has a great shortage of technicians in various spheres, and on the other hand, too, a great surplus, to train people incorrectly if there is no planning, and one of the important exercises in future is going to be to train people in such a way that there is just enough for the needs, without any overtraining, because if we have overtraining we are going to cause inherent frustration in South Africa. The whole question of manpower planning the training and placement of manpower, and everything which goes with it, is one of the main tasks of the National Manpower Commission It will be the task of that organization to co-ordinate these things, a task to which the hon member referred

With this I think we have come to the end of the discussion of this Vote Last, but not least, I just wish to thank hon. members on both sides of the House very cordially once again for their contributions and for the spirit in which the debate was conducted I should also like to convey my thanks to all members present here for the interest they displayed This was reflected by the fact that they came in such large numbers to listen to the discussion of this Vote I thank them very sincerely for their co-operation.

Vote agreed to

Chairman directed to report progress and ask leave to sit again

House Resumed:

Progress reported and leave granted to sit again

REPUBLIC OF SOUTH AFRICA CONSTITUTION AMENDMENT BILL

(Second Reading resumed)

Mr I F A DE VILLIERS Mr Speaker, before the House adjourned last night I was making the first point in my speech in reply to the proposal in the Bill that no Cabinet Minister shall hold office for a longer period than 12 months unless he is or becomes a member of the Senate or the House of Assembly The proposal, in other words, is to extend the limit from three months to 12 months

Yesterday I argued that the limit of three months was not a constitutional principle in the sense that it recognized the unqualified right of the executive or the head of State to appoint Ministers who have no seat in the House There were hon members opposite who argued that because the right had been given to the executive to appoint Ministers for a period of three months, that right could also be extended to 12 months

Hansard 6 Quest Col 345/346
12/3/80

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Commission of Inquiry into Legislation affecting the Utilization of Manpower, recommendations

*13. Dr A L BORAINE asked the Minister of Co-operation and Development:

Whether effect has been given to the recommendation of the Commission of Inquiry into Legislation affecting the Utilization of Manpower that Black workers be allowed to move from one urban area to another without express permission if not, when will effect be given to this recommendation?

The DEPUTY MINISTER for Co-operation:

Legislation will be introduced as soon as practicable to give legal effect to this recommendation of the Commission of Inquiry into Legislation affecting the Utilization of Manpower (excluding the legislation administered by the Departments of Labour and of Mines).

However, since December 1975 it has been arranged by the Department of Co-operation and Development administratively that key workers may move from one prescribed area to another without losing their section 10 of the Black (Urban

Areas) Consolidation Act 1945 [illegible] tion in their area of origin.

It must be pointed out that [illegible] paragraph A II 1(e) of the White Paper on the Report of the aforementioned Commission the movement of Black persons from one urban area to another must still be subject to the availability of employment and approved housing.

No money from Reds say black unions

DURBAN — Claims that black trade union organisations had accepted funds from behind the iron curtain were untrue, Mr Alec Erwin, General Secretary of the Federation of South African Trade Unions (Fosatu), said here yesterday

Addressing a seminar on the growth of black unions, Mr Erwin said it was true, however, that the movement had accepted between R400 000 and R500 000 a year from foreign trade unions and churches

He said the union had been forced to accept foreign funds because of legal restrictions on their arranging stop orders for the subscriptions of black workers

These legal restrictions meant black unions would not be able to operate without financial help Help had been accepted from the International Labour Organisation, Scandinavian trade unions and some church groups All the aid had been received openly and was reflected in properly audited books, he said

Mr Irwin, whose organisation embraces 20 000 workers, also criticised the newly established National Manpower Commission and Labour Court He said the commission consisted of 41 people of whom only seven were trade unionists Only one of those was black

In addition, the president of the Labour Court could be appointed and dismissed by a government minister Fosatu would therefore continue to use the civil court when needed, as long as this was permitted, he said — SAPA

LABOUR LEGISLATION

Few changes

FM 2/5/80

Adjustments to legislation on the Industrial Court and possibly the National Manpower Commission (NMC) will be the only changes in labour legislation this year But the more controversial aspects of the Industrial Court will not be touched

The *FM* learns that government plans to make technical changes to legislation on the industrial court These could include giving the court the power to subpoena witnesses, giving force of law to decisions by the court, allowing evidence to be heard under oath, and adjusting the wording on the court's law-making powers, which is ambiguous at present

Pretoria, it seems, has no intention of putting the industrial court on the same footing as other courts in the country The two most important aspects that distinguish the industrial court from other courts are the absence of appeal to the Supreme Court, and the powers of the court to pronounce on disputes of interest, as well as on disputes of right An ordinary court of law can only pronounce on disputes of right, which involves the interpretation of existing laws or agreements A dispute of interest involves what an agreement should contain

The main criticism of present legislation is the absence of appeal Legal sources say a technical change would probably not include establishing the right of appeal And it certainly wouldn't limit the court to disputes of right only, which is what the Wiehahn commission intended

The *FM* learns the National Manpower Commission may be given more powers Apparently the anticipated powers have not been needed up to now But a government official says they may come in handy later Last week the Minister of Manpower Utilisation, Fanie Botha, said no legislation relating to the second Wiehahn report on training would be made this year

Jaap Cilliers, Manpower Utilisation's director-general, points out that the Apprenticeship Act is colourblind, and government has already changed its policy on African apprentices being trained and working in "white" areas

However, there is still the problem of training facilities which are not available for African apprentices in "white" areas The theoretical training of the 14 African apprentices whose applications have recently been approved by government, will have to be by correspondence Cilliers says government still has to make a decision on facilities But apparently government has been advised that Africans should be trained in separate facilities This has been severely attacked since say critics, the training will be inferior, and African artisans will be afforded second class status

Curbs stay on blacks' movement

Ad 2/5/80 (166)

JOHANNESBURG — Urban blacks are still not being allowed to move from one urban area to another to take up employment despite an announcement last year by the Minister of Co-operation and Development that they were already allowed to do so.

A West Rand Administration Board official yesterday confirmed that his office had received no instructions to allow urban blacks to move in this way.

A Black Sash representative said yesterday the Minister was once again making promises and not acting on them.

The Riekert Commission recommended last year that blacks who were qualified to live in the cities under Section 10 of the Black Urban Areas Act be allowed to take up job offers in other cities.

A West Rand Administration Board official said yesterday the application had been turned down because "we have instructions that blacks may not move to commute from there to Johannesburg to take up the job — blacks may not move to another Administration Board area to take up a job if there is local labour available.

"This is a long standing instruction and it has not been altered," he said.

Until then, blacks with Section 10 rights were not allowed to move from one administration board area to another.

Dr Piet Koornhof last year told the Transvaal congress of the National Party that some of the Riekert recommendations, including the suggestion that urban blacks be allowed this freedom of movement, were already being implemented.

However, a case reported by the Black Sash yesterday indicates that this change had not been introduced.

It concerns a resident of Soweto township who has been refused permission to take up a job in Johannesburg.

The man has Section 10 rights to live in Soweto, approved accommodation, and a firm job offer in Johannesburg. He does not want to leave Soweto but is prepared to commute from there to Johannesburg to take up the job.

Officials have insisted that they will not allow blacks to move from one area to another until amending legislation permitting this is introduced.

A Black Sash spokesman yesterday sharply criticised Dr Koornhof's original statement.

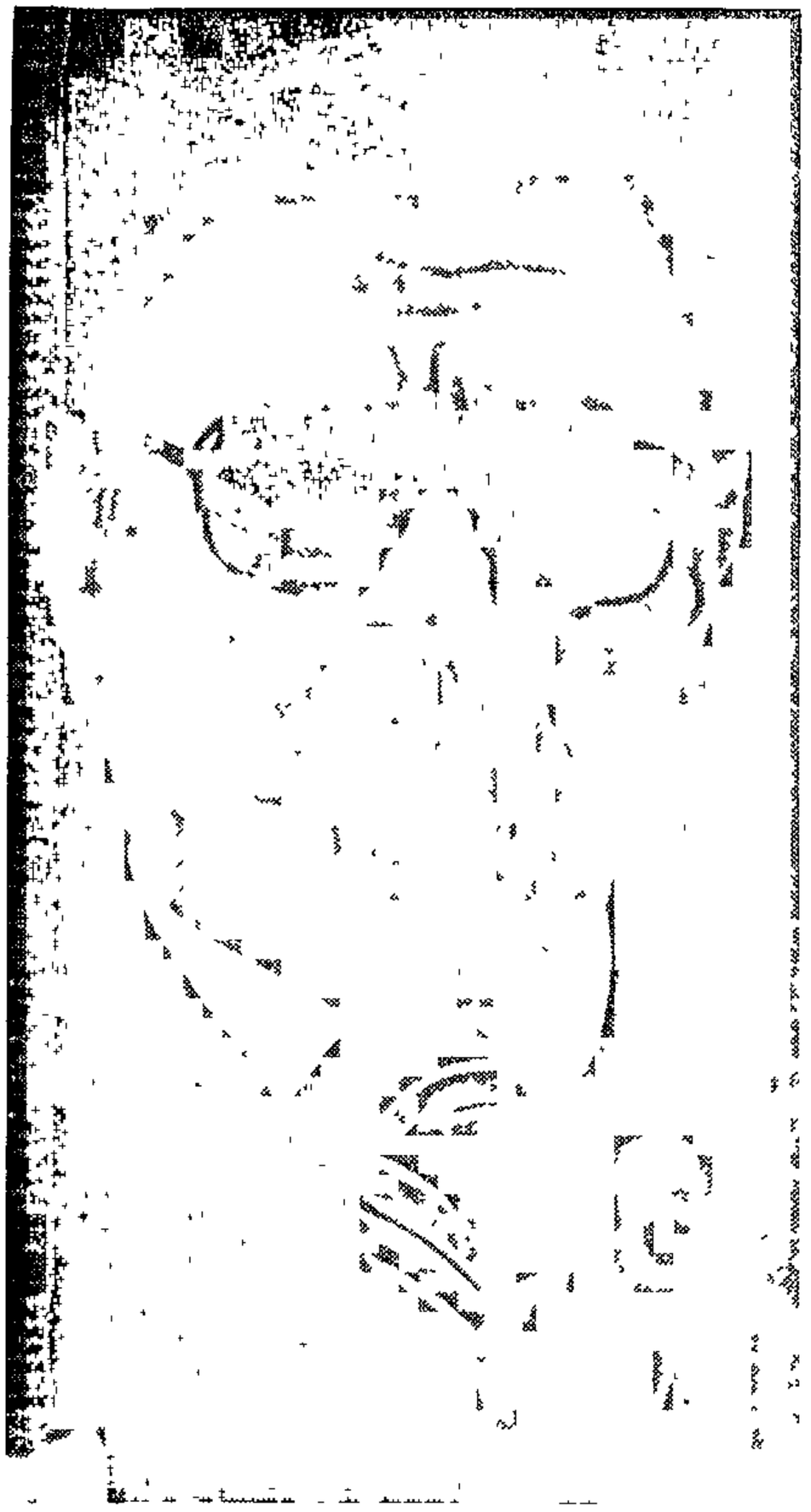
"Once again, all we are getting is promises from the Minister. Despite his assurance, nothing appears to have been done."

"It appears that the Government loses no time in implementing those aspects of the Riekert Report which make life more difficult for blacks, such as the R300 fine for employers, but is not prepared to introduce any of the improvements the commission recommended," she said.

Attempts to contact Dr Koornhof yesterday were unsuccessful. — DDC

The Minister marks time

RDM 5/5/80 (166) (140A) (13.2) (166)



Mr Fanie Botha impatient with delays

MR Fanie Botha, Minister of Manpower Utilisation, is impatient about the latest delays in receiving the final Wiehahn commission reports

At the same time, he is not worried about a possible loss of momentum in implementing labour reforms

This emerged during a recent interview with Mr Botha during which he responded to criticism surrounding the new dispensation

Mr Botha indicated that he had expected the reports sooner, and added "We can't legislate further before receiving the final reports"

Criticisms of the industrial court stemmed from "technical issues"

"I have often said we would have to attend to problems as they arise We know what they are and will rectify them"

Confirming that there would be no change on mixed unions this year, he pointed out that mixed unions existed, that new ones could be formed and that exemptions had been granted to numerous unions to include blacks

"There is therefore no embargo on mixed unions If necessary we will look at this issue again next year"

He would not comment on the Fosatu applications, which he said were still under consideration

A final decision on whether to introduce compulsory registration or not would be taken after the final commission reports had been received

Mr Botha denied that the Government was envisaging a diminished role for unions

"Trade unions can play a very important role They form an essential part of the conciliation machinery and must help maintain order"

On the issue of state control over unions, Mr Botha said "In liberal circles the view is that unions should be free to do what they want

"But then you get the chaos of Britain and we don't want that here They could ultimately break the country

"Trade unions musn't take part in politics Also, we must protect union members against possible financial mismanagement

"We must have order We can't have millions of people in legal organisations if we don't look after them"

He rejected suggestions that the Government intended increasing control over unions "I don't want to create some kind of dictatorship over these people But to have no control is out of the question I don't intend creating a second Britain here

"Also, we can't have a dual system"

Mr Botha rejected arguments in favour of stronger shop floor involvement of unions as "invalid"

"These are hypothetical arguments by people who don't deal with these issues in practice Committees function very well and I intend to build them out for workers of all races

On the Ford strike, Mr Botha said "It had nothing to do with labour issues It was instigated from outside by people with ulterior motives

"Everything was illegal and had nothing to do with negotiations in terms of the Industrial Reconciliation Act"

He agreed, however, that it could happen elsewhere

Crisis point for SA labour

166 ~~132~~ ~~140A~~ 151

With the first report of the Wiehahn commission a year old, what stage has been reached in the Government's programme of labour reform? RIAAN DE VILLIERS, Labour Correspondent, analyses the position

THE Government's programme of labour reform has bogged down — a year after the Wiehahn Commission's widely-acclaimed first report was tabled in Parliament

. Contrary to expectations, no significant changes to labour laws will be made during the current Parliamentary session And of five outstanding commission reports, only one will be tabled

. At this stage, the new dispensation can hardly be said to be off the ground

Now, South Africa will have to wait another year before seeing the commission's work in its final form or further changes to labour law

. Until then, the most crucial questions surrounding the new dispensation remain unresolved And meanwhile, fears are growing that the Government's reform programme may be overtaken by events on the factory floor

. Hopes that the Government would at least amend the law to allow unfettered mixed unionism have been proved wrong

Also, the registered union ... belatedly granted to ... migrants and commut... in September last year ... continue to operate by ...ption and will not be ...enched in the law

The only amendments to be ...d this year will be to ...ctify shortcomings in last ...'s legislation setting up industrial court, which acting to legal experts have ...dered it effectively inoper...

A major reason for the ... is yet another delay in ...letion of the outstanding ...mission reports

In September last year, Mr ... announced he had in...cted the commission to ...plete its work by December and indicated that large... amendments to labour ... would be piloted through ... session

However, only one report, ...ing with training, has ... completed and handed to Government

...atest instructions to the ...mission are to complete outstanding reports within ... months "at the latest"

...ne four outstanding re...s are to deal with social ...rity, employment and ...ty standards, and most ...rtant, the mining industry and industrial relations

...rces close to the com...on have suggested it is ...ely to finish its work be... the end of the year

...ever, it is believed sev... of the outstanding re... exist in draft form and ... commission may finish ... a few months

...me observers argue the ... down ca... ...e ascribed ... delay... and that ... is being backpedalled ...serve party unity and ... alienation of white la...

...ever, the delay has giv... rise to serious concern ... trade unionists and ... participants in industri... ...tions, some of whom argue that, having unleashed radically higher aspirations among black workers, the new dispensation is in danger of being overtaken by events before being implemented

As an influential industrial relations man put it recently "We have to ask ourselves if the Wiehahn reforms have become, or are becoming, irrelevant

"The first report was tabled a year ago, and what has actually happened? Out of some thirty black unions, only one has been registered and a handful of black apprentices have been indentured

"The industrial court has not got off the ground and it appears unlikely to do so for some time

"Also, resistance has built up among black unions against some features of the new dispensation, including Ministerial exemptions for migrants and commuters and mixed unions

"Now there is even talk of compulsory registration

"The momentum generated by the first Wiehahn report is fast disappearing, and in the process tremendous expectations have been generated among blacks

"What I'm scared of is that when we get around next year to things we should have done this year, we will have been overtaken by history"

Mr Ike van der Watt, a leading unionist and the man in the middle of the current friction between registered unions and independent black unions in the metal industry, is especially disappointed about the Government's failure to amend the law on mixed unions, which he says is creating "tremendous problems"

Spokesmen for the unregistered unions are also sharply critical

As Mr Alec Erwin, general secretary of the predominantly black Federation of South African Trade Unions, puts it "The lack of change is reinforcing last year's unsatisfactory legislation

'Nothing is clear, everything is vague and no decisive steps are being taken"

Central to Fosatu's problems are whether its black affiliates are going to be granted registration or not

Following a "summit" meeting held with other independent unions last year where objections to aspects of the new dispensation were outlined, Fosatu has submitted registration applications based on certain conditions, including a demand for completely non-racial status for all unions

With no change to the law it remains unclear whether the conditions will be met

Fosatu has committed itself to rejecting registration if they aren't Two other unregistered unions have rejected registration outright

The Government wants all unions in the system, and compulsory registration is being considered as a measure to force all unions to register or close down

The situation obviously contains potential for confrontation, and the registration of black unions remains an important unresolved issue which could have a major bearing on the future of the new dispensation

According to Mr Erwin, unregistered unions have been left in a 'highly unsatisfactory position"

"Our applications have been in for a long time but we've had no response The state is either confused or is trying to make things difficult for unregistered unions

"We've been left in limbo Meanwhile, managements are using this as an excuse by refusing to deal with unions before they are registered"

Mr Erwin also feels that the new dispensation may be overtaken by events, and adds 'If this is reform, then the snail is going to win the race"

The concern is not only about the pace of change but also what shape the reforms will ultimately take

Doubts on this score go back to the first report of the Wiehahn commission itself, and the Government's response in its White Paper

The Wiehahn report was a highly ambiguous document On the one hand, its proposals went a long way towards eliminating discrimination from labour laws

On the other, its modified industrial relations framework contained disturbing elements of increased state intervention in industrial relations, increased control over trade unions and a diminished role for trade unions generally

Many of these elements were further accentuated in the Government's White Paper

They include possible new registration criteria giving the state far wider powers to register unions or not, increased control over industrial relations training and union finances, an extended committee system with negotiating powers which may supplant trade union activity in plants and further limit union power, the outlawing of closed shop agreements, further restrictions on strike rights and continued intervention in industrial relations by the tripartite National Manpower Commission

Searching questions have also been raised about the possible role of the Industrial Court

This has led to critics characterising the whole Wiehahn plan as a sophisticated strategy of control over labour with a dual advantage to the Government — on the one hand gaining firm control over black unions, and on the other reducing the power of white unions to impede black advancement essential for economic growth

The commission is reconsidering its proposed industrial relations system and probably the most crucial question surrounding the new dispensation is whether these elements will be modified or abandoned or will ultimately be built into the law

The issue goes further than the obvious potential for confrontation with both the white and black labour movements

An industrial relations system can be seen as a framework for structuring industrial conflict, and it stands or falls by its ability to do so

The present system as embodied in the Industrial Conciliation Act is already a restrictive one

If union rights and powers are to be further circumscribed, observers suggest the new system is likely to be bypassed by workers and it will stand little hope of containing the massive latent conflict underlying South Africa's 'industrial peace"

Here they continue to point to the Ford strike last year, where militant black workers at one of the most enlightened firms in the country struck over a wide range of issues, in the process pushing aside an independent black union, a Fosatu affiliate regarded as "militant" by many employers

After the strike a prominent Port Elizabeth unionist, Mr Fred Sauls, said bluntly "The past industrial relations system can be shelved, and new procedures will have to be developed"

Like many others he feels that restricting the role of unions mainly to industrial council negotiations with little or no role in the plants will be inadequate, and that the committee system offers no solution to the problem of containing conflict on the shop floor

Black workers will not accept these set procedures accepted by whites and coloureds over the years Change will definitely be enforced They want blacks to enter into the present restricted system but it just won't work that way'

BD 7/5/80 (166)

Suzman slams influx controls

THE ASSEMBLY — Many of the major recommendations of the Riekert Commission accepted in a government white paper nearly a year ago were today still unimplemented and remained a source of irritation to blacks, Mrs Helen Suzman (PFP Houghton) said yesterday

Mrs Suzman expressed "great disappointment" that her high hopes that this parliamentary session would see the repeal of discriminatory legislation were wrong.

Speaking during the Co-operation and Development vote, she said since the Minister of Co-operation and Development, Dr Piet Koornhof, declared war on pass books, the impact of influx control had become infinitely worse

She said while the government refused to repeal the 72-hour curfew, it had seized on the Riekert Commission's recommendation to increase the penalty on employers who illegally employed blacks

The penalty rose to a maximum fine of R500 for the first offence and a R500 minimum fine for subsequent offences

"It is my contention that the Riekert Commission never intended that the punitive provision of harsh fines on employers should be introduced without the scrapping of the 72-hour curfew

"And I cannot conceive the commission intended the punitive provisions on employers should operate while the penalties imposed on black workers unlawfully in employment continued to operate The Riekert Commission recommended these be abolished," said Mrs Suzman

The recommendation to repeal Section 31, the general curfew law, had also not been implemented Mrs Suzman said last year 20 777 arrests were made in terms of this law

"The curfew is a major irritation to adult blacks as are raids on premises occupied by domestic employees And these have been stepped up too," she said

"There have been no laws repealed this session, despite Riekert, despite the white paper, despite ministerial promises"

Mrs Suzman said Dr Koornhof's private war on passbooks appeared to have been lost in Pretoria and Bloemfontein where the experiment to suspend the 72-hour provision in Section 10 (1) — the core of pass laws — was stillborn

The Riekert Commission had recommended the 72-hour limitation on the presence of blacks in urban areas be repealed and that influx control for blacks be based exclusively on the availability of work and approved housing

"Will the Minister make another whistle-stop tour of the United States after this session and explain the true position to his enthusiastic audiences there?"

"The casualties in the Minister's war against the dompas comes to many thousands more if you add to these police arrest figures, the arrests made by administration board officials," said Mrs Suzman — PS

DD 7/5/80

Tutu slams Botha's 12-point strategy

(166)

HAMMANSKRAAL — The Prime Minister, Mr P W Botha's 12-point strategy was really a "slightly disguised apartheid" for it was a reformulation of National Party principles, the general secretary of the South African Council of Churches, Bishop Desmond Tutu, said here yesterday.

Addressing the SACC's annual conference, he said the government was aware of international pressure against the "blatantly unjust and racist ordering of society and so we are perceiving a change of tactics"

He said "There is going to be a move away from racial discrimination as evidenced by the registration of black unions and the lifting of job reservation determinations

"South Africa is being asked to believe she is facing a total onslaught from outside — communists from the East and liberal-inspired from the West.

"The way to counteract this is by the total strategy which is outlined in the Prime Minister's 12 point-plan

"We are being turned into little Nats to perpetuate white minority rule because anyone opposing this is labelled a traitor who has no patriotism and is part of the total onslaught

"We are really being asked to protect exploitative capitalism and assist in our own oppression and exploitation."

Bishop Tutu said the government was prepared to give many and substantial privileges and concessions to certain blacks in the urban areas who were being co-opted to form "a buffer between the white capitalist haves and the black have-nots"

Those who did not qualify to remain in the "core community" would be condemned to the outer darkness.

He said the Riekert Commission report which

BISHOP TUTU

appeared to represent a significant step forward in liberalising influx control was now seen as in fact "an evil instrument of injustice and oppression

"It has relegated and is relegating many to starvation and death in the unproductive homelands Is it the final solution to the political crisis of South Africa?

"Blacks who don't qualify must go and starve and die in resettlement camps

"Quite callously, huge concentrations of human beings are being moved from pillar to post just to satisfy an ideological blueprint The church must do more than just talk The survival of South Africa is at stake"

Bishop Tutu said the church must oppose total strategy with all the fibre of its being for the sake of South Africa — SAPA

8/5/80

Wiehahn warns

PORT ELIZABETH — South African businessmen were urged yesterday by Professor Nic Wiehahn, president of the recently-established Industrial Court, not to regard trade unions and other worker organisations with enmity

He warned the Afrikaanse Handelsinstituut congress here that a negative response from businessmen to worker organisations in the 1980s would draw a counter-reaction from workers that would only lead to trouble in industrial relations and other areas

Trade unions were a fact of the industrial community and attempts to ignore them or attack them were counter-productive, short-sighted and indeed stupid

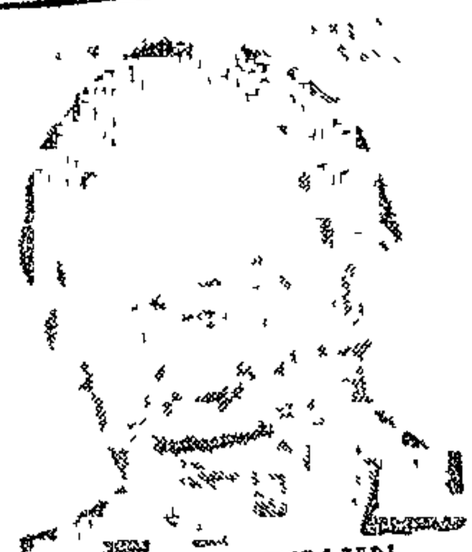
"Businessmen and employers still holding the battle axe in their hands against trade unions are fighting a losing battle"

Prof Wiehahn said the 1980s were going to call for the greatest co-operation between the state, employer and workers

He said some of South Africa's trade unions received instruction in trade union practices in Europe and the United States, many of the negotiations tactics being derived from diversities in the Eastern bloc

Prof Wiehahn emphasised that more attention would have to be paid to training high-level executives in companies for personnel relations

He called for South Africa to develop its own code of fair employment practices to replace foreign employment practices introduced by multinational companies — SAPA



PROF WIEHAHN

8/ex/80 ARGUS (166)

Nat call to lift W Cape labour policy

Parliamentary Staff

A NATIONALIST MP, Mr A T van der Walt, called on the Government in the Assembly yesterday to consider lifting its coloured labour preference policy for the Western Cape and waiving the work permit system as applicable to black people in Cape Town

Speaking in the budget debate on the Co operation and Development Vote, Mr van der Walt (NP Bellville) said he questioned the reasoning behind the coloured labour preferemce policy as it discriminated against blacks who were in the region legally

His viewpoint seemed to clash with a hardline stand taken by another Cape Nationalist MP, Mr J T Albertyn (NP, False Bay) who vigorously defended the present system and called for a tightening of controls

'GAP'

The Minister of Co-operation and Development, Dr Piet Koornhof, praised both speakers for their 'positive' contributions to the debate He said the Government was making progress towards improving influx control and making it 'more humane'

Earlier, Mr van der Walt had said there was a tremendous gap between Government policy and what was happening in practice

The crux of the problem in the Cape Peninsula was the presence of about 100 000 illegal black people

Mr van der Walt asked the Minister whether the Government had a plan to deal with this problem and what would be done about it

The answer to this question would depend, firstly, on the lifting of the coloured labour preference policy secondly, it would depend on a form of home ownership and thirdly on an improvement in the quality of life of the legal black community

'SYMBOLIC'

Mr van der Walt asked the Minister to consider seriously a 1979 request of the Cape Community Council 'to waive the work permit system as applicable in Cape Town

Mr Albertyn said the Western Cape had become symbolic of the white people's homeland in South Africa and was the only region in which blacks were in the minority

Because of this, National Party congresses had passed resolutions for the protection of the whites in the Western Cape and for making it a white-coloured labour preference area

The Cape National Party would therefore, find it very difficult even to consider granting leasehold rights to blacks in the Western Cape or lifting the labour preference policy

Mr Albertyn suggested that those black people who did have legal status in the area had a duty to help rid it of blacks who were there illegally

DD 8/5/80 (166)

Govt firm on race separation

THE ASSEMBLY — The government was committed to scrapping "hurtful and unnecessary discrimination" — but separate group areas, separate schools and sovereign ethnic governments remained non-negotiable in terms of National Party policy, Dr Piet Koornhof Minister of Co-operation and Development, said yesterday.

Speaking during the debate on his vote yesterday, Dr Koornhof hit out at critics who said the government's reform initiatives had ground to a halt.

South Africa was undergoing a process of "profound reform" and anyone who said the initiatives of last year had become bogged down did not know what was happening around him, he said.

Dr Koornhof said that the government believed all groups should have their own residential areas, and separate education, which he said could be defended because of different cultures and needs.

However, he could not go into detail because other departments were involved

"I also do not want to create false hopes among the broad black population," he said "However, all recommendations will be carried out as soon as possible

In a wide ranging 90-minute speech, Dr Koornhof

- Announced administrative changes that would lessen the amount payable by blacks on the 99-year lease plan.
- Said the experiment underway in Bloemfontein and Pretoria to scrap the 72-hour restriction on "illegal" blacks in urban areas would be evaluated after six months, and the government would take a decision on the matter
- Hinted strongly that the government was planning a system of dual citizenship within a future confederation of states.
- Made it clear that homelands would have to take independence before a confederation of states could come into being
- Repeated that the government was trying to find a "more effective, humane and non-discriminatory" method of influx control.
- Said the government was considering an umbrella body to govern a constellation of states in which urban blacks would not only have representation but a direct say.

Dr Koornhof said the process of change would be an ongoing thing. — PS.

See also page 7.

because it effectively called for the maintenance of separate employment services Says Assocom, in a document commenting on Riekert "These proposals run counter to the stated goals of the commission to avoid discriminatory measures " Assocom believes that "the present system of African labour bureaux should be terminated and that official employment services should be established for all race groups under one government department "

Says Jaap Cilliers, Manpower Utilisation's director-general "The system will not be discriminatory From an organisational point of view it makes sense to have offices in the areas where people live At the moment it would be senseless to let Africans use white employment services, when there are no people in the office who can speak their language "

Cilliers says the labour bureaux will be his department's responsibility, and it will probably supervise the bureaux He adds "We will investigate the system and get involved in the details We may find the entire system needs an overhaul " But, with over 600 labour bureaux, any moves to change the system will take time

On unemployment insurance, Riekert says; "Employment services and applications for payment of unemployment insurance benefits can hardly be separated from each other " So, in line with his recommendations on African employment services, the commission recommended the transfer of unemployment benefits from Co-operation and Development to Manpower Utilisation Again, the labour bureaux under the auspices of the administration boards will handle this For some time Manpower Utilisation has been handling unemployment claims in the Johannesburg area, which make up about 40% of total benefits

LABOUR BUREAUX FM 9/5/80 (166)

Riekert reshuffle

At the end of the year a much criticised proposal in the Riekert Report, on African labour bureaux, will be implemented The Department of Manpower Utilisation will take over African employment services and unemployment insurance from the Department of Co-operation and Development, with the administration boards acting as agents

In June, the responsibility of African in-service training is expected to pass to Manpower Utilisation as well

The labour bureaux, at which all African workers employed in "white" areas are supposed to be registered, are unpopular with both employers and Africans The main criticisms noted by the Riekert Commission are the bureaux' link with influx control rather than the provision of employment, badly trained staff, long delays, and the type of work offered at the bureaux Also, unpopular types of employers use the bureaux because they are unable to recruit their own staff

Despite these failings, Riekert recommended that although Manpower Utilisation should take over African employment services, labour bureaux under the control of administration boards should be retained The boards would act as agents for Manpower Utilisation

The recommendation came under fire

NOTICE 337 OF 1980

DEPARTMENT OF MANPOWER UTILISATION

INDUSTRIAL CONCILIATION ACT, 1956

It is hereby notified in terms of section 17 of the Industrial Conciliation Act that the Minister of Manpower Utilisation has appointed Mr Benjamin Joubert Parsons as Deputy President of the Industrial Court

(16 May 1980)

GG 6998 16/5/80

KENNISGEWING 337 VAN 1980

DEPARTEMENT VAN MANNEKRAGBENUTTING

WET OP NYWERHEIDSVERSOENING, 1956

Ingevolge artikel 17 van die Wet op Nywerheidsversoening word dit hiermee bekendgemaak dat die Minister van Mannekragbenutting mnr Benjamin Joubert Parsons as Adjunk-president van die Nywerheidshof aangestel het

(16 Mei 1980)

Labour reforms in SA faces a tough test

STAR 17/5/80

(166)

By Steg Hannig

The credibility of South Africa's labour reforms is expected to be put to a severe test early next month at the anti-apartheid debate of the International Labour Conference (ILO) in Geneva.

Supporters of anti-South African boycotts and embargoes are expected to make capital of the nature and pace of the Wiehahn and Riekert reforms.

After suffering a major setback with the announcement of these labour reforms last year, they will note that only two black trade unions have been registered since then and only 14 black apprentices accepted.

South Africa will have four employer spokesmen and three trade unionists in the corridors of the ILO to put the pace of change into perspective.

In addition, the deputy chairman of the National Manpower Commission, Professor Piet van der Merwe, has left for a week-long trip to Geneva.

More important, perhaps, will be the views of a four-man delegation from the International Organisation of Employers who recently toured South Africa for a fortnight.

The four South African employer spokesmen will be led by Mr Chris du Toit, chairman of the South African Employers' Consultative Committee on Labour Affairs (Saccola).

And the three trade unionists due to attend the conference are Mr Arthur Grobbelaar and Miss Christine du Preez of the Trade Union Council of South Africa, and Mr Piet Botha of the Federal Consultative Council of Railway Staff Associations.

Mr Grobbelaar expects this year's debate to be more balanced than past debates, in spite of the "usual" uninformed criticism.

But he said much would depend on the "horse trading" of international labour diplomacy.

This would be dominated this year by the return of the United States after a two-year absence from the ILO and by the current issues in world politics, he said.

On the South African topic, he said Africa will attack South Africa for failing to implement its labour reforms rapidly enough. But significant changes have taken place.

Colour-blind Act?

166 Post 21/5/80

THE Government is rewriting the Factories Act, which will become entirely colour-blind and will have no mention whatsoever of segregation, a Pretoria seminar was told yesterday.

This was said by Mr Theo Poolman, an influential industrial relations consultant who was addressing the seminar on black advancement held by the School of Business Leadership of the University of South Africa.

Mr Poolman said the Government was already ignoring laws such as the Shops and Offices Act and the Factorys Act, where these specified segregation.

"The Factorys Act is in the process of being re-written as a completely colour-blind Act," he said.

The existing Factorys Act specified segregation such as separate toilet facilities

BLACK CONSCIOUSNE

Black consciousne the liberatory effort tory of resistance aga oppression and agi ot necessarily mean v of our history only a such a confrontati

For many years bla [redacted] in idle promises of eventual equality, but the political consciousness brought about by the African National Congress (ANC), the Pan African Congress (PAC), the Black Consciousness Movement (BCM) and others has made blacks intolerant of and impatient with unfulfilled promises.

The BCM has highlighted that never before has so much harm been done and so much heartlessness shown to so many people by so few people. That is why the movement's adherents maintain that change will only come about when we as blacks can bargain from a position of power.

In its simplest form black consciousness is when any black person becomes aware that he or she is worth something. The feeling of being somebody in a world where whites make you feel a nobody is at the very root of being conscious of your blackness. And this, incidentally, has not only to do with my black skin, but with my existential realm of knowing that I am oppressed and discriminated against.

Here a very interesting piece of history comes to mind. During 1972-1973 white rectors at the universities of the Western Cape and Durban Westville banned the South African Students Organisation (SASO) from their campuses in order to debar Indians and 'coloureds' from SASO membership. The reason for this was obvious - they wanted SASO to look like an apartheid-type organisation for 'bantus' only. But they discovered that in the philosophy of black consciousness all those who are rejected by it reject traditional white society with its idols of ethnicity and racism.

166
24/5/80

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP NYWERHEIDSVERSOENING

(Soos vir die eerste maal gelees)

(Ingedien deur die MINISTER VAN MANNEKRAGBENUTTING)

[W. 92—'80]

REPUBLIC OF SOUTH AFRICA

INDUSTRIAL CONCILIATION AMENDMENT BILL

(As read a First Time)

(Introduced by the MINISTER OF MANPOWER UTILIZATION)

[B. 92—'80]

ISBN 0 621 06228 6

No. of Copies printed 1 350

Subscription rate/Intekentarief R7 80
Abroad/Buitelands R9 75
Per annum, post free/Per jaar posvry

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions proposed by Minister on introduction

_____ Words underlined with solid line indicate insertions proposed by Minister on introduction

BILL

To amend the Industrial Conciliation Act, 1956, so as to delete the definition of "onbehoorlike arbeidspraktyk" in the Afrikaans text and to further define the expressions "industrial court" and "unfair labour practice"; to make further provision regarding the composition and functions of the National Manpower Commission and the industrial court, the establishment of conciliation boards, the settlement of disputes and the application of demarcation determinations between undertakings, industries, trades and occupations; to effect certain textual alterations, and to provide for matters connected therewith; and to repeal certain laws.

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 28 of 1956, as amended by section 1 of Act 41 of 1959 section 1 of Act 104 of 1967 and section 1 of Act 94 of 1979

1. Section 1 of the Industrial Conciliation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1) for the definition of "industrial court" of the following definition

"'industrial court' means the industrial court **[established by]** referred to in section 17 (1) *(a)* **[or, in relation to any matter which has been referred to any division thereof in terms of this Act, the division of the industrial court to which the matter has been so referred]**.",

(b) by the deletion in subsection (1) in the Afrikaans text of the definition of "onbehoorlike arbeidspraktyk", and

(c) by the substitution in subsection (1) for the definition of "unfair labour practice" of the following definition

"'unfair labour practice' means—

(a) any labour practice **[which in the opinion of the industrial court is an unfair labour practice]** or any change in any labour practice, other than a strike or a lockout or any action contemplated in section 66 (1), which has or may have the effect that—

(i) any employee or class of employees is or may be unfairly affected or that his or their employment opportunities, work security or physical, economic, moral or social welfare is or may be prejudiced or jeopardized thereby,

(ii) the business of any employer or class of employers is or may be unfairly affected or disrupted thereby,

(iii) labour unrest is or may be created or promoted thereby

(iv) the relationship between employer and employee is or may be detrimentally affected thereby; or

(b) any other labour practice or any other change in any labour practice which has or may have an effect which is similar or related to any effect mentioned in paragraph (a) "

Amendment of section 2A of Act 28 of 1956 as inserted by section 2 of Act 94 of 1979

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

(a) by the insertion in subsection (1) after the word 'chairman' of the words 'a deputy chairman';

(b) by the substitution for subsections (2) and (3) of the following subsections respectively

(2) The chairman and the deputy chairman **[of the commission]** shall be **[a]** full-time **[member appointed by the Minister on such conditions and for such period as the Minister may determine]** members of the commission

(3) The chairman deputy chairman and other members shall be appointed by the Minister **[on such conditions and]** for such periods as he may determine and on such conditions as he may with the concurrence of the Minister of Finance determine, and in **[making any such appointment]** appointing such other members the Minister may consult such organizations representing employers or employees, or other bodies as he deems qualified to represent the interests concerned ", and

(c) by the deletion of subsection (8)

Amendment of section 2B of Act 28 of 1956, as inserted by section 2 of Act 94 of 1979

3. Section 2B of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively

(1) The commission may establish committees, including an executive committee, to assist it in the performance of its functions

(2) Any such committee shall consist wholly of such **[a]** number of members of the commission as the commission may determine Provided that any such committee but excluding the executive committee, may with the consent of the chairman of the commission co-opt one or more other persons as a member or members of the committee for a specific period or a particular purpose ",

(b) by the addition to subsection (4) of the following proviso

"Provided that the commission may at any time vary or set aside any decision made by such a committee in the exercise of any power or the carrying out of any duty so assigned ", and

(c) by the substitution for subsection (5) of the following subsection

"(5) No member of any such committee who is not a member of the commission shall have a vote and no such member shall have access to the records of the commission except with the consent of the chairman of the commission "

Amendment of section 2D of Act 28 of 1956, as inserted by section 2 of Act 94 of 1979

4. Section 2D of the principal Act is hereby amended by the addition of the following subsections

(5) (a) Subject to the provisions of this subsection the commission shall in the performance of its functions have all the powers conferred upon the registrar by subsections (4), (5) and (7) of section 12, and the provisions of subsections (6) (7) (9) and (15) of that

section shall *mutatis mutandis* apply to the exercise of those powers by the commission

(b) A subpoena issued in the exercise of the said powers shall be signed by the chairman or the deputy chairman or by an officer authorized thereto by the chairman

(c) Whenever the commission in the exercise of the said powers calls any person present at its proceedings who was or might have been subpoenaed—

(i) the oath may be administered to that person or an affirmation may be accepted from him by the chairman or the deputy chairman or by an officer authorized thereto by the chairman, and

(ii) the chairman, deputy chairman and any member who is present at the proceedings at which that person has been called, may thereafter put any question to the said person Provided that the chairman, or, in his absence the deputy chairman may in his discretion disallow any question which in his opinion is not relevant to the investigation which is being made by the commission

(6) *(a)* The commission may in writing, under the hand of the chairman or the deputy chairman or of an officer authorized thereto by the chairman require any person who in its opinion may be able to give any material information which the commission desires to obtain for the purposes of or in connection with any investigation made by it under this Act, and which such person could have been compelled to give if he had appeared before the commission on a subpoena issued by virtue of subsection (5), to furnish it with such information within such period and in such form as it may specify

(b) Any person who fails to comply with any such requirement or who wilfully furnishes the commission with any false information shall be guilty of an offence

5. Section 17 of the principal Act is hereby amended—

Amendment of section 17 of Act 28 of 1956 as substituted by section 8 of Act 94 of 1979

(a) by the substitution for paragraphs *(a)*, *(b)* and *(c)* of subsection (1) of the following paragraphs respectively

"*(a)* **[There is hereby established a court to be known as the industrial court, which]** The court established by this paragraph prior to the substitution thereof by section 5 *(a)* of the Industrial Conciliation Amendment Act, 1980, and known as the industrial court shall continue to exist and shall consist of a president, a deputy president and such number of other members, if any as the Minister may **[appoint under the provisions of this section]** from time to time determine

(b) The president, deputy president and other members of the industrial court shall be appointed by the Minister by reason of **[his]** their knowledge of the law **[relating to labour]**

(c) The **[said]** president, deputy president and other members shall be appointed by the Minister **[on such conditions and]** for such **[period]** periods as **[the Minister]** he may determine and on such conditions as he may with the concurrence of the Minister of Finance determine",

(b) by the insertion in subsection (1) of the following paragraph after paragraph *(c)*

"*(c A)* The deputy president of the industrial court shall act as president of the industrial court whenever the president is for any reason unable so to act",

(c) by the deletion of subsections (3), (4), (5) and (7),

(d) by the substitution for subsection (8) of the following subsection

(8) Every appointment **[or establishment of a division of the industrial court]** under subsection (1) **[(3), (4)]** or (6) **[or (7)]** shall be notified in the *Gazette* ,

(e) by the deletion of subsection (9),

(f) by the substitution for subsection (10) of the following subsection

"(10) The functions of the industrial court may be performed

[*(a)*] by the industrial court or by any member or members of the industrial court to whom any matter is referred by the president

[*(b)* by a local division established under subsection (3) *(a)*, or

***(c)* by a special division established under subsection (4) *(a)*]** ",

(g) by the substitution for subsection (11) of the following subsection

"(11) The functions of the industrial court shall be—

(a) to perform all the functions, excluding the adjudication of alleged offences, which a court of law may perform in regard to a dispute or matter arising out of the application of the provisions of the laws administered by the Department of **[Labour]** Manpower Utilization, **[and]**

(b) **[to perform the functions assigned in terms of subsection (12) to a special division of the industrial court]** to decide any appeal lodged with it in terms of section 16 or 21A,

(c) to conduct arbitrations referred to it in terms of section 45, 46 or 49

(d) to advise the Minister on any matter contemplated in section 46 (7) *(c)*,

(e) to determine any question referred to it in terms of section 76,

(f) to make determinations in terms of section 46,

(g) to deal with any other matter which it is required or permitted to deal with under this Act, and

(h) generally to deal with all matters necessary or incidental to the performance of its functions under this Act ",

(h) by the deletion of subsection (12),

(i) by the substitution for subsection (13) of the following subsection

"(13) No proceedings of the industrial court shall be invalid by reason only of the fact that a vacancy existed in its membership, or that the appointment of **[the deputy president or any deputy chairman]** any member or assessor or the designation by the president in terms of subsection (14) *(b)* of a member to act as chairman was defective for any reason, or that **[the deputy president or any deputy chairman]** any member or assessor was not present during the whole or any part of the proceedings " .

(j) by the substitution for subsection (14) of the following subsection

"(14) *(a)* The industrial court may decide that any **[investigation]** matter which falls to be dealt with by it **[is required or permitted]** under this Act **[to make]** or any investigation which it

deems necessary in connection with any matter which is being considered by the industrial court, shall be dealt with or carried out on its behalf by any member or members thereof designated by the president

(*b*) Whenever the president designates more than one member of the industrial court to perform any function of the industrial court, he shall designate one of those members to act as chairman

(*c*) The decision of a majority of the members of the industrial court shall for the purposes of this Act be deemed to be the decision of the industrial court Provided that where a function of the industrial court is performed by a single member, the decision of that member shall be the decision of the industrial court Provided further that the president or the member designated by him in terms of paragraph (*b*) to act as chairman, shall, in the event of an equality of votes, have a casting vote in addition to his deliberative vote "

(*k*) by the deletion of subsections (15) and (16)

(*l*) by the substitution for subsection (17) of the following subsection

"(17) (*a*) Subject to the provisions of this subsection, the industrial court or any member or members dealing with any matter or carrying out any investigation in terms of subsection (14) (*a*) shall, in the performance of its or his or their functions, have all the powers conferred upon the registrar by subsections (4) (5) and (7) of section 12, and the provisions of subsections (6) (7) (9) and (15) of that section shall *mutatis mutandis* apply to the exercise of those powers by the industrial court or member or members as the case may be

(*b*) A subpoena issued in the exercise of the said powers shall be signed by the president **[or chairman concerned]** or any other member of the industrial court or by an officer authorized thereto by the president **[or chairman to do so, or by a member of the industrial court]**

(*c*) Whenever **[a witness appears before]** the industrial court or **[before]** any member or members dealing with any matter or carrying out any investigation in terms of subsection (14) (*a*), in the exercise of the said powers calls or call any person present at the proceedings who was or might have been subpoenaed—

(i) the oath may be administered to **[him]** that person or an affirmation may be accepted from him by the president **[or chairman concerned]** or by that member or where the matter is dealt with or the investigation is carried out by more than one member, by the member designated by the president in terms of subsection (14) (*b*) to act as chairman, as the case may be, and

[(*d*)] (ii) the president or **[chairman concerned and]** any member who is present at **[a meeting at which any witness appears]** the proceedings at which that person has been called, may thereafter put any question to **[the witness]**

that person, and any assessor who is present at such **[meeting]** proceedings may through **[such]** the president or **[chairman]** member who deals with the matter or carries out the investigation or through the member who has been designated by the president in terms of subsection (14) *(b)* to act as chairman, put any question to the **[witness]** said person Provided that the president or that member or chairman so designated may in his discretion disallow any question which in his opinion is not relevant to the **[enquiry]** matter or investigation which is being dealt with or made by the industrial court ",

(m) by the substitution for paragraph *(a)* of subsection (18) of the following paragraph

"*(a)* The industrial court may in writing, under the hand of the president **[or chairman concerned]** or of an officer authorized thereto by the president **[or chairman]**, require any person who in its opinion may be able to give any material information which it desires to obtain for the purposes of or in connection with any **[investigation which it is required or permitted]** matter which falls to be dealt with by it under this Act **[to make]**, and which such person could have been compelled to give if he had appeared before the industrial court on a subpoena issued **[under]** by virtue of subsection (17) to furnish it with such information within such period and in such form as it may specify ", and

(n) by the substitution for subparagraph (i) of paragraph *(a)* of subsection (19) of the following subparagraph

" (i) Subject to the provisions of section 45 (5) and that section as applied by section 46 (5) the president of the industrial court may if he deems it expedient to do so, and after consultation with the parties who in his opinion are principally concerned in any matter which is being considered by the industrial court, appoint such number of assessors to represent the interests of employers and employees, respectively, as he considers desirable to assist the industrial court in an advisory capacity in respect of the matter for which they are appointed

6. Section 35 of the principal Act is hereby amended—

Amendment of section 35 of Act 28 of 1956 as amended by section 4 of Act 18 of 1961

(a) by the substitution for paragraph *(a)* of subsection (4) of the following paragraph

"*(a)* that except in the case of an alleged unfair labour practice a dispute exists in regard to any matter concerning the relationship between employer and employee, and'

(b) by the deletion at the end of subparagraph (ii) of paragraph *(c)* of subsection (4) of the word "and , and the addition to the said paragraph *(c)* of the following proviso

"Provided that the provisions of this paragraph shall not apply in respect of a dispute concerning an alleged unfair labour practice and", and

(c) by the deletion at the end of subparagraph (iii) of paragraph *(a)* of subsection (5) of the word "and", and the addition to the said paragraph *(a)* of the following proviso

"Provided that the provisions of this paragraph shall not apply in respect of a dispute concerning an alleged unfair labour practice, and"

Amendment of section 43 of Act 28 of 1956, as amended by section 7 of Act 41 of 1959 and section 13 of Act 94 of 1979

7. Section 43 of the principal Act is hereby amended—

(*a*) by the addition to subsection (3) of the following paragraph

"(*c*) The Minister may, in his discretion, from time to time by writing under his hand delegate his powers in regard to the fixing of such further period or periods to any officer and may at any time withdraw any such delegation",

(*b*) by the substitution in paragraph (*b*) of subsection (4) for the words preceding subparagraph (i) of the following words

'After considering the application and any representations submitted to him within the period referred to in paragraph (*b*) of subsection (3), and any other matters which he considers relevant, the Minister may, if he deems it expedient to do so, and if, in the case of a dispute which has formed the subject of an application for the establishment of a conciliation board he has decided to approve of the establishment of such board, make an order requiring the employer or employers or employers' organization or employee or employees or trade union, as the case may be, concerned—", and

(*c*) by the substitution for paragraph (*a*) of subsection (6) of the following paragraph

"(*a*) until the matter in dispute has been settled by the industrial council or the conciliation board, or, if it is referred to arbitration or to the industrial court for determination, by an award or determination as the case may be, or'

Amendment of section 46 of Act 28 of 1956, as amended by section 9 of Act 41 of 1959, section 3 of Act 104 of 1967 and section 14 of Act 94 of 1979

8. Section 46 of the principal Act is hereby amended—

(*a*) by the substitution for paragraph (*c*) of subsection (9) of the following paragraph

"(*c*) The industrial court shall determine the dispute as soon as possible and the provisions of **[section]** sections 49 to 59, 62, 69 and 71 shall *mutatis mutandis* apply in respect of any determination made in terms of this subsection in so far as such provisions can be so applied", and

(*b*) by the addition to subsection (9) of the following paragraph

"(*d*) Notwithstanding the provisions of paragraph (*a*), an industrial council or, whenever there is no industrial council having jurisdiction in respect of the dispute, the parties to the dispute may agree to report to the Minister that it is or they are satisfied that it or they will not be able to settle the dispute, and upon receipt of such a report, the dispute shall forthwith be referred to the industrial court for determination"

Amendment of section 76 of Act 28 of 1956, as amended by section 13 of Act 41 of 1959 and section 8 of Act 18 of 1961

9. Section 76 of the principal Act is hereby amended by the substitution for subsection (11) of the following subsection

"(11) For the purposes of this section the term 'employee' **[includes a Black]** shall be interpreted disregarding the words in paragraph (*a*) following upon subparagraph (ii) of the said paragraph (*a*) of the definition of 'employee' in section 1 (1)"

10. The principal Act is hereby amended by the substitution in the Afrikaans text for the expression 'onbehoorlike arbeidspraktyk'' wherever it occurs of the expression 'onbillike arbeidspraktyk' Substitution of certain expression in Afrikaans text of Act 28 of 1956

11. (1) Subject to the provisions of subsection (2), the Black Building Workers Act, 1951 (Act No 27 of 1951), the Black Building Workers Amendment Act, 1953 (Act No 38 of 1953), the Black Building Workers Amendment Act, 1955 (Act No 60 of 1955) and the Black Building Workers Amendment Act, 1959 (Act No 56 of 1959) are hereby repealed Repeal of laws and savings

(2) The provisions of the said Acts shall remain in force in respect of—

(a) any learner who was registered as a learner in terms of section 11 of the Black Building Workers Act, 1951, and who immediately prior to the repeal of that Act underwent training in terms of section 10 of that Act until such time as the prescribed period of training of such learner in terms of that Act has expired or until he has passed a trade test as contemplated in section 11 (2) of that Act, and

(b) the determination published under Government Notice R 1743 of 10 August 1979, until 19 August 1982,

as if the said Acts had not been repealed by subsection (1)

12. This Act shall be called the Industrial Conciliation Amendment Act, 1980 Short title

CTP (PTY) LTD—GG1618

ISBN 0 621 06228 6

[B /W 92—'80]

Industrial court changes disappoint lawyers

166

RDM 28/5/80

By RIAAN DE VILLIERS
Labour Correspondent

SOUTH AFRICA's new industrial court will not deal with cases of alleged victimisation of workers — one of the key functions it was expected to perform and one of the main functions of similar courts overseas.

Also, the right of appeal against its decisions will not be restored.

This has emerged from the new Industrial Conciliation Amendment Bill tabled in Parliament which includes changes to the composition and functions of the court.

The amendments were introduced to rectify "shortcomings" admitted to by the Government following severe criticism of original legislation setting up the court last year.

But the Bill has been met with "extreme disappointment" by labour lawyers, who say the structure and functions of the court will remain basically unchanged.

Among their criticisms are:

- Despite the original recommendations of the Wiehahn Commission there will still be no right of appeal.
- Key issues such as wage claims, reinstatements or compensation for victimisation are excluded from the court's jurisdiction.
- Access to the court envisaged as a speedy and inexpensive form of redress for workers by the Wiehahn Commission, remains restricted.

On the issue of victimisation, one labour law expert said the court previously seemed to have the power to define an unfair dismissals as an "unfair labour practice" thereby offering the opportunity of civil relief in victimisation cases.

This function had now been expressly removed which was also contrary to the recommendations of the Wiehahn Commission.

He pointed out that "unfair labour practices" would first have to be referred to industrial councils, where they existed. The councils could refer cases directly to the court or attempt to reach a decision. If no unanimous decision was reached, the case would go to the court.

In industries with no industrial councils, cases could only be directly referred to the court if both parties agreed to this. If one refused, the other would have to go through the cumbersome process of applying for a conciliation board which would refer the case to the court if it could not reach a unanimous decision.

Right-wing bows to Wiehahn reports

STAR 28/5/80 (135) 166

By Sieg Hannig

The right-wing South African Confederation of Labour has bowed to the Government's strategy by deciding against a confrontation over the Wiehahn reforms

This emerged from a brief statement issued yesterday after Sacla's executive committee debate on a report calling for the complete reversal of the major Wiehahn reforms

The statement said "After discussion of the report, the committee (which compiled it) was thanked for the work put into it and the matter was regarded as being closed

"Matters of importance are to be taken out of the report and discussed with the relevant Minister at the appropriate time"

One of the executive committee members who took this decision, Mr Sarel van den Berg of the Johannesburg Municipal Employees Assoc commented "The effect of the resolution is that the report is dead"

Mr P J "Arrie" Paulus, the most outspoken opponent of the Wiehahn reforms and the convenor of the five-man committee which compiled the controversial report, expressed his satisfaction with the outcome of yesterday's meeting

The decision is not expected to win back the 42 000 strong South African Association of Municipal Employees, which resigned from Sacla a few months ago and is now trying to form an alternative body.

ST GALL SYMPOSIUM

FM 30/5/80 (166)

Lessons for labour legislators

An *FM* statter recently attended an international seminar at St Gall Graduate School in Switzerland Here is his report from Zurich

Few individuals learn by example let alone many nations Yet there are some very important lessons for SA s wage and labour policymakers in Europe s endeavours at social advancement And they are immediately applicable as the pace of SA economic growth quickens

For a this occurs there will inevitably be strong pressures for wage rises unrelated to productivity increases as well as for increases in statutory minimum wages

And as the shortage of skills grows exacerbated by severe and illogical restrictions on black labour mobility SA industry will become increasingly more capital intensive thus creating fewer jobs

The rising cost of labour moreover is

likely to give rise to pressure from labour intensive industries for greater protection against cheap imports

The consequences, if these trends go unchecked, could be persistent black unemployment — despite one of the highest national growth rates in the world — a faster-than-normal deterioration in the country's terms of trade exclusive of gold and a strong inflationary tendency

That in any event, has been the experience in Europe and other established industrial nations during the post-war periods of prosperity, but markedly so in the Sixties

The result has been constantly rising prices and, since the Sixties, persistent and large-scale unemployment, which has not fluctuated, as in the past, in accordance with trade cycles Europe has thus become locked into extreme unemployment, despite ostensible prosperity

But equally serious is that as Europe's manufacturing costs have escalated, capital has been attracted away to the less developed nations (LDCs) that are increasingly becoming exporters of manufactured goods rather than just suppliers of raw materials

This problem was highlighted recently at an international symposium at the Saint Gall Graduate School in Switzerland, where 700 businessmen — some from Europe's largest companies — and trade unionists, students and academics met to discuss the interdependence of economics and politics and what this means for the future

They were told with chilling clarity by Geneva University's Professor Gerard Curzon how "never in history had countries grown as fast as the newly industrialised countries" and that this was happening at the expense of the established ones

Capital flight

"LDCs accounted for less than 2% of world manufactured goods traded in 1963, while today they account for 8% — which represents an average annual growth rate of 22% "

As labour in European countries in particular has continued to absorb greater shares of the national product — currently it is between 60% and 80% — and as businessmen responded by seeking protection, so capital would continue to flee, he warned, to LDCs like Korea, Taiwan, Singapore, Israel, Egypt, Greece, Spain and Brazil

Conditions in countries like these vary, but by and large free enterprise is allowed to function unfettered by laws such as minimum wage requirements, restricted working hours and, above all else, competition, which keeps down labour costs

The losers are the old industrial countries like West Germany, Britain and the US which, unlike Japan, appear to fear the structural and social changes necessary to revive their labour-intensive economies For them it is a dangerous trend, even though they still dominate world trade (accounting for about two-thirds of it), because they lack natural resources and depend for their prosperity on manufactured exports

Former Danish Finance Minister, Professor Thorkil Kristensen, pointed out that the price of labour in Europe had become more important than all other prices put together The real price of capital, however, had not only declined because of inflation, but was sometimes negative

He spelled out, when examining the causes of persistent unemployment, some basic reasons for this situation

□ Greater price administration and such a high fixed cost structure in industry that companies could not afford a prolonged period when production stopped because of trade union confrontations

□ The relative cheapness of capital, which was encouraging mechanisation

□ Too little mobility of labour that prevented factors of production moving freely from stagnating to expanding areas of business activity

□ Minimum wage laws that caused some business activities to become uneconomic and contributed substantially to an upward wage drift

SA, on the threshold of a boom, could easily make these same mistakes After all, the increases in black wages in recent years, which have been substantial, have had little to do with corresponding rises in productivity

Apartheid laws, such as the Group Areas Act and the Environment and Planning Act, have artificially increased the cost of labour relative to capital by restricting black mobility The long-standing inadequacies of black education have also placed a heavy premium on labour costs

Increasingly too, white workers are likely to seek what they believe to be job security by lobbying for higher minimum wages It is a movement that has already begun and is given added emphasis in a mistaken attempt to redress social injustice from those troubled by the deprivations suffered by blacks

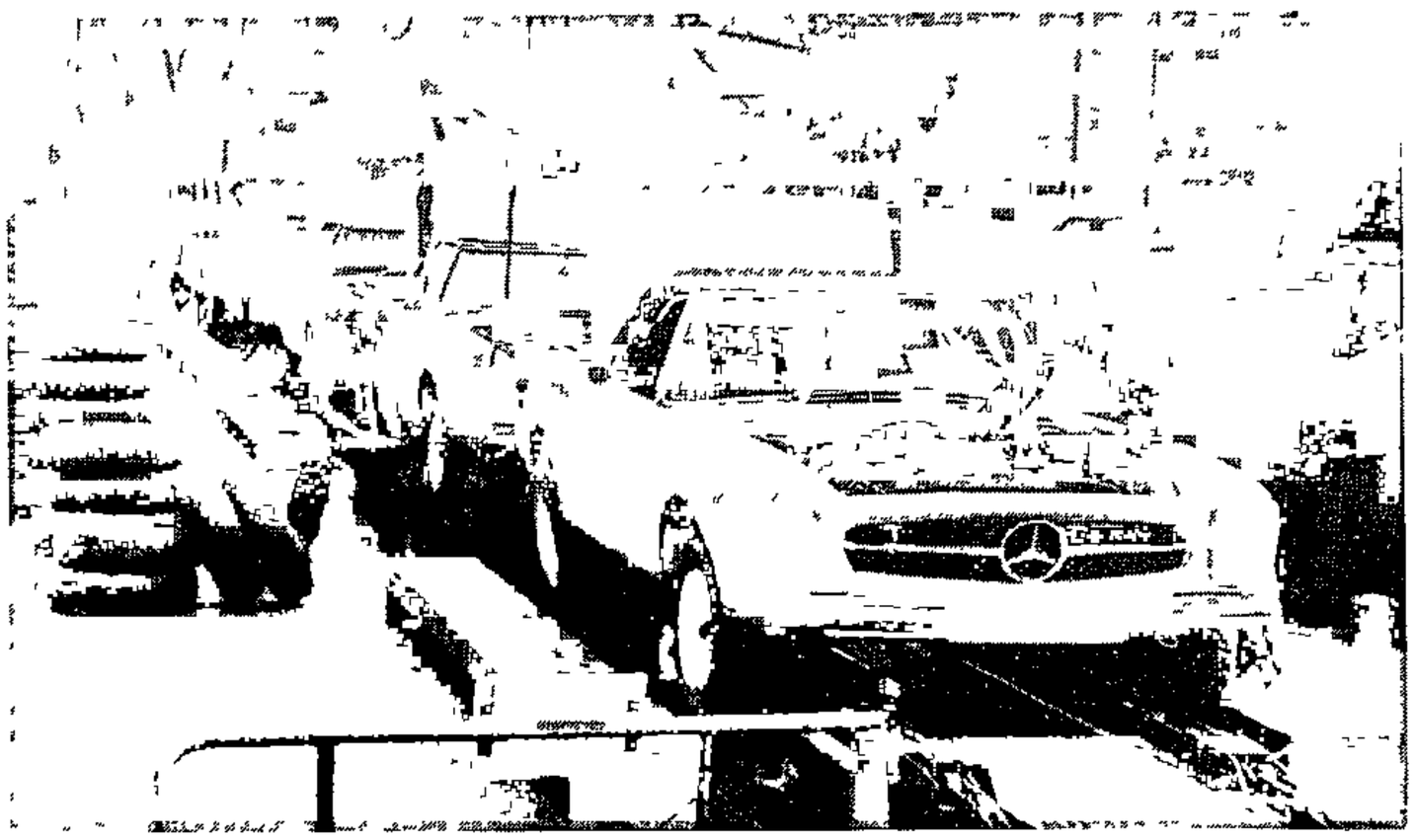
Laws such as these have certainly also been a significant cause of unemployment in the US — a point stressed by Anna Schwartz, the distinguished colleague of monetarist Milton Friedman She told the *FM* that there was a move afoot in her country to vary minimum wages according to differing age groups of workers This would at least improve the situation

The protectionist lobby among SA manufacturers has always been a strong one and with gold and other mining production playing a more central role in the economy than in the Sixties, it is likely to become more vigorous, escpecially if the rand continues to firm

Professor Curzon spelled out in some detail precisely what countries that gave in to this protectionism could expect in consequence — for it amounted to an implicit tax on efficient exporters, reduced competition and distorted industrial structures The results were usually retaliation and a fall in demand for exports In short, it was a policy that was self-defeating

Another warning against protectionism came from Prince Claus of the Netherlands in a discussion on the problems of developing nations Moreover, while acknowledging the importance of aid for these nations, he stressed the importance also of private sector and foreign investment In his view, governments of these countries should confine their activities to providing a framework — such as an adequate infrastructure — in which privately owned business could flourish and thus attract foreign investment

Both the chairman of chemical giant



The developed world: prosperity plus unemployment

Ciba-Geigy, Louis von Planta, and Polish Professor Bronislav Ostapczak warned against the tendency for Western businessmen increasingly to seek protection from governments Von Planta saw this as creeping socialism and a phenomenon much worse than outright nationalisation

In fact, in this respect, Ostapczak quipped "We (in Poland) are trying to decentralise our planning processes Yet you (in the West) seem to us to be moving towards a more centralised planning system'

However, while European and labour policies came in for penetrating criticism at the St Gall symposium, there was also fiery opposition from some trade unionists Among them were the Spanish socialist opposition leader Felipe Gonzales, Beat Keppeler of the Swiss Confederation of Trade Unions, and Wim Kok, president of the Confederation of the Netherlands Trade Union movement

State participation

To them, monetarist policies are simplistic and lack compassion for those thrown out of work in the short term They see a substantial need for increasing state participation in European economies as recession looms

In their eyes, the main causes of inflation and unemployment are the inadequacies of the free enterprise system and not government's increasing interference in the allocation of resources by free markets Few, however, advocate absolute nationalisation and most see a limited but continuing role for the private sector

There was also a widespread belief evident at the symposium (this year being the tenth successive one), held equally by businessmen, trade union leaders and academics, that any reduction in governments' role in European economies was impracticable and politically impossible Businessmen, therefore had no option but to adapt to the situation

Against that, the achievement of the SA government over the past four years in releasing resources to the private sector stands out as remarkable indeed But it is also abundantly clear from the analyses presented at St Gall that if SA is to avoid Europe's folly, that process must also extend rapidly to thorough and swift labour reforms

Argus 31/5/80

166 ~~260~~ ~~259~~ ~~267~~

Upturn brings big rise in jobs

By Derek Tommey

THE economic upturn is beginning to generate a worthwhile increase in employment. It is also leading to substantially higher wage bills, figures issued by the Department of Statistics show.

In the first two months of this year the number of people employed in mining, manufacturing and construction and by Escom, the Railways and the Post Office, rose by 37 842 to a record 2 905 150

In the previous five months the employment figures for these sectors had increased by only 15 266.

It seems that since the beginning of this year employers have accepted that the economic upturn is likely to be of considerable duration and have been prepared to enlarge their labour forces and also their payrolls

The sector to show the biggest increase in employment in the first two months of this year was manufacturing Its labour force rose by 18 600 to 1 396 000.

Coloured people accounted for almost 40 percent of this increase, the number of them at work in manufacturing rising by 7 200 to 241 100 This is almost as many as the 9 800 who found work in the preceding five months

The increases in employment in other sectors in January and February were Mining 8 017, construction 5 500, Escom 900, the Railway 2 249 and the Post Office 2 576

Wage bill

Altogether the six sectors paid out R929,7-million in salaries and wages in February This is almost R200-million, or 26 percent, more than the year-ago wage bill of R735,2-million

From these figures it is clear that there has been a significant increase in real demand in recent months

Meanwhile, reports from the construction and manufacturing industries indicate that the level of employment has risen further since February

However, a shortage of skilled labour has apparently been inhibiting the increase This has caused employers to limit expansion programmes and to cut back their recruitment of unskilled workers

(166) RDM 4/4/80

Bill widens Manpower Commission's powers

THE SENATE — The Minister of Manpower Utilisation, Mr Fanie Botha, said yesterday he had planned to introduce legislation this year to consolidate the Industrial Conciliation Act, but as the Wiehahn Commission had not yet completed its task the Industrial Conciliation Amendment Bill had been introduced

Introducing the Bill's Second Reading, he said it sought to remove the shortcomings of the amending legislation he had introduced last year with regard to industrial conciliation

The main features of the Bill are

- To give to the National Manpower Commission the same powers as other commissions namely, to be able to subpoena witnesses, to inspect premises and documents and to have the right to call for papers
- To make it possible for individual employees to apply to a conciliation board in the event of a dispute on an unfair labour practice,
- To prohibit employees and workers unions from introducing unfair labour practices, and
- To repeal the Black Building Workers Act 1951

Mr Botha said he was in a position to introduce the Bill as there was general trust among the work force of South Africa

The Industrial Conciliation Court was a safeguard open to any man who felt that he was threatened by unfair labour practices

The court acted as a watchdog against such malpractices

He regarded the introduction of the court as one of the most important steps South Africa had taken in 50 years to improve labour relations

Regarding the participation of blacks in the building industry, he said the valuation of buildings had increased by millions of Rand during the past year, but the number of people who had to erect those buildings had decreased

South Africa therefore needed the black man in the Building industry

The Bill was read a third time — Sapa

Black union tests 'unfair practices'

14A 166

RDM 9/6/80

By STEVEN FRIEDMAN
Labour Reporter

A CRUCIAL aspect of the Government's new labour dispensation is being tested for the first time — and the black union concerned says it is too cumbersome to protect workers' rights

The legislation — which sets up procedures designed to protect workers from unfair labour practices — is being tested by the Metal and Allied Workers Union — which is affiliated to the Federation of South African Trade Unions (Fosatu) — on behalf of one of its members

The MAWU action is described by metal industry sources as "extremely sensitive" and "a test for the new dispensation"

It is likely to result in a hearing before the new industrial court

The new legislation was designed to provide workers with a "speedy and cheap" method of resolving grievances But a MAWU spokesman complained yesterday that the new procedure was "neither quick nor cheap"

"We would be reluctant to use these new channels again unless the whole process is speeded up," he said

The test case concerns Mr Steven Maponya, a migrant worker and union member at a Reef company, Precision Tools On April 28 the company did not renew his migrant s service contract, and he is now unemployed

Mr Maponya and MAWU claim that the contract was not renewed because of his union activities, and that, indirectly, the company has victimised him The MAWU says he is a victim of an unfair labour practice

The company denies this Part of its defence is that it did not renew Mr Maponya's contract because he is an inefficient worker

The MAWU planned to take the case to the industrial court, but can do so only after the matter has been discussed by the metal industry s industrial council Only if the council is not unanimous can the case go to the court

It therefore laid a complaint with the council and, at the same time, petitioned the Minister of Manpower Utilisation, Mr Fanie Botha asking him to grant an order reinstating Mr Maponya pending the outcome

The Minister has not granted the order because he has been waiting for a recommendation from the industrial council

After the council had asked for a number of extensions to enable it to consider the case, one of its regional committees discussed it late last month The MAWU claims it was excluded from this meeting

Dr Errol Drummond director of the Steel and Engineering Industries Federation said the council had reached a decision on the matter and had forwarded a report to the Minister He declined to give further details

It is understood, however, that the council could not reach a unanimous decision and has informed the Minister's office of this

A report on the matter is to be discussed at a meeting of the industry s national industrial council executive tomorrow

The MAWU yesterday said it was "upset" at the delays in granting a reinatatement order "Mr Maponya has been unemployed since April 28 and is in danger of being endorsed out because he has no work He has suffered severely from the delay," a spokesman said The union was also "upset" at being excluded from the meeting where the matter was discussed

The director-general of Manpower Utilisation, Mr Jaap Cilliers, said that delays occurred because the Minister was obliged to consult the industrial council concerned "It is up to them to speed the process up"

He added, however, that "it should not take longer than a month to respond to a request to a reinstatement order"

'Quick method of redress'

(166) RDM 9/6/80

Labour Reporter

THE Industrial Court was introduced last year as a result of a recommendation by the Wiehahn Commission and is regarded as a cornerstone of the Government's new labour dispensation

The legislation which established the court also contained new procedures which workers could follow if they felt they were victims of "unfair" labour practices

Observers believe these procedures are designed to replace provisions which previously allowed for legal strike action Many of the disputes which could have ended in legal strikes under the old legislation must now be dealt with by the court

They thus regard it as a crucial aspect of the new system.

It was suggested at the time that a separate labour court was needed because workers required a quick and cheap method of redress if they were the victims of "unfair labour practices"

Suing an employer before an ordinary court was costly and could take months, if not years The court would provide workers with a readily accessible channel to take up these grievances, it was argued

Although most observers believed the chief purpose of the court was to protect white, coloured and Asian workers who feared being replaced by black workers, official spokesmen have stressed that it is designed to protect all workers

The court consists of an ordinary division, which hears cases hinging around points of law, and a special division which hears more general disputes In deciding these disputes, the court does not have to restrict itself to interpreting the law and can apply non-legal criteria

The current president of the court is Prof Nic Wiehahn

It can hear only civil cases and there is no right of appeal against its decisions

If workers or their trade union wish to take a case to the court, they must first lodge a complaint with their industrial council If the council does not reach a unanimous decision, the case can go forward to the court

Workers may also ask the Minister of Manpower Utilisation to issue a "reinstatement" order instructing their employer to continue to employ them until the court has ruled on the case

New workers' training scheme

9/6/80 Cape Times (166)

Own Correspondent

JOHANNESBURG — A Government policy statement, endorsing a programme of apprenticeship training for workers of all races, is imminent — but the government has been advised that this training should mainly be carried out in racially-separate institutions

The adoption of this suggestion would come as a blow to black workers who expect the government's new dispensation to lead to race equality in the workplace

It is understood the Government has before it a suggestion by senior labour advisers that theoretical training for black apprentices take place mainly in separate black in-service training centres

They have suggested that the Government should consider the use of other facilities for the training of blacks only in those areas where black in-service centres are not readily available

Even if blacks are admitted to these facilities, it has been suggested that special arrangements be made to accommodate their training

The suggestion that future artisan training should be racially-separated is likely to come as a shock to trade unionists

Although Government advisers who support the separate training proposal insist that standards for the different races should be identical, unionists and other observers believe separate training will inevitably be inferior

Mr Alec Erwin, general secretary of the Federal of South African Trade Unions, said last night 'We totally reject the idea of separate training of black and white skilled workers

"It seems there is a determination to persist with racial divisions in industrial relations and industrial legislation "But I don't see anyone accepting this, especially in the current climate"

Fosatu asks for clarification

Cape Times 10/6/80

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Staff Reporter

THE executive committee of the Federation of South African Trade Unions (Fosatu) has condemned a prohibition on fund-raising, published in the Government Gazette on Friday, as an attempt to "effectively destroy" it

In a statement released yesterday Fosatu called on the Minister of Manpower Utilization, Mr S P Botha, to clarify the government's stand on the matter regarding the continued existence of the association

Collection of funds for Fosatu was prohibited by Mr Botha under Section 29 of the Fund-Raising Act of 1979 whereby he may do so if he "deems it to be in the public interest

The statement questioned the "credibility of the so-called labour reforms" and listed three points which, it said, "raise serious doubts regarding the government s intentions"

The statement said that the prohibition was a "fundamental violation of the charter of the International Labour Organization, as it cut off the possibility of the association receiving international financial support

STAR 11/6/80 - (166)

WIEHAHN REPORT

'Step up adult education'

The Wiehahn Commission has stressed the need for adult education, including literacy training, because of the low level of education among workers, particularly blacks

The Government as well as the private sector should devote attention to this, says the commission in Part 2 of its report on labour legislation

It also calls on employers and trade unions to encourage workers and enable them to improve their education in every possible manner

The low level of formal education of the majority of the labour force contributed to the low level of productivity and the high costs of training required

It made it difficult for people to find work in the first place and to benefit fully from in service training

Statistics showed that in 1970 about 40 percent of the 1,9-million black men in urban areas had no educational qualifications

About 82 percent had qualifications below Standard 6

Wiehahn points need for all-race apprenticeships

Only 217 blacks attained artisan status in self-governing and independent "black states" in 1978 while being excluded from the apprenticeship system in "white" South Africa

And this was the highest turnout in a number of years, according to figures provided in Part 2 of the Wiehahn Commission's report on labour legislation

By comparison, 9 329 artisans of other races graduated from the apprenticeship system in 1978, not to mention the other schemes under which whites can obtain artisan status

The 1 529 blacks registered as building workers in 1979 under the Black Building Workers Act do not hold artisan status

Unions' resistance blamed in report

The opening of apprenticeship training to all population groups is described as "essential" in Part 2 of the Wiehahn Report on labour legislation

The commission notes that the Government has been "hesitant" in implementing Part 1 and blames trade union resistance in apprenticeship committees for recent problems in indenturing blacks

The commission asks the Minister of Manpower Utilisation to lay down guidlines for apprenticeship committees to observe the following principles

- Consultation with all parties involved
- No discrimination or unfair advantage on the basis of race, colour or sex
- Full reasons should be given when any application is turned down
- Every endeavour should be made to reach a conclusion in accordance with the principle of self-governance, with recourse to an advisory opinion from the Industrial Court
- In the event of equal voting, the casting vote of the chairman should be exercised as a last resort

The commission lists factors which militate against the admission of black apprentices

These include non-statutory job reservation, the attitude of some trade unions, official policy as given in the White Paper on decentralisation of industries, educational requirements, lack of technical and theoretical training facilities, a 'definite need" for hostels to house apprentices in metropolitan areas

PERSISTENT

'It is obvious that in the past not enough apprentices were indentured to meet the needs of industry" the report says

"This is attributable to the fact that principally whites were indentured, limited numbers of coloureds and Indians and very few blacks

'It is essential that apprenticeship training should be open to all population groups, the commission says

It cites figures showing persistent shortages in important occupations, even during the economic slump

It points out that there was no marked increase in the number of apprentices indentured or turned out as artisans over the past 10 years except for two industries

Levies proposed for worker 'free riders'

The Wiehahn Commission has proposed levies on employers as the answer to the problem of "free riders" — employers who don't train workers but poach trained staff with offers of higher pay

The commission present "a strong case" for such levies but it does not call the Government to impose them

It merely supports the Riekert Report's view that "industrial councils should be encouraged to establish training schemes and to impose levies on firms for training purposes"

The commission recommends that means to encourage the adoption of the levy system be considered by the National Manpower Commission in conjunction with the Manpower Board and other bodies

It recommends that this be done in order to promote and finance industrial training as well as training in industrial relations

The "free riders" problem was discouraging training by individual employers, the commission reported

It said industry could benefit from levies calculated on the basis of the training costs involved in replacing artisans lost through natural wastage and meeting the need for new artisans

"The National Training Board (a body arising from another recommendation) should strongly encourage its adoption on as broad a front as possible," the commission said

RETIREMENTS

And it notes that the skilled-labour shortages did not take into account posts filled by underqualified people

The number of apprentices and artisans would have to increase from the 1977 figure of 341 000 to 414 000 in 1987 — an increase of 73 000 — if the economy was to grow at 4,5 percent a year

But that meant a much higher training figure because the 73 000 did not include provision for retirements and shifts to other occupations, the report said.

Step-by-step trade tests

Compulsory trade tests as the only means of attaining artisan status and graded training towards artisan status are two new ideas advanced by the Wiehahn Commission

The apprenticeship system should be redesigned into a step by step system, says the commission in its Part 2 report on labour legislation

Tests taken at the end of each step would result in a "graded artisan" and provide incentive for advancement

The report recommends that the National Training Board a new body, broadening the National Apprenticeship Board, should investigate the desirability of "a system of graded training and intermediate and subsequent testing" of technical workers.

Most employer organisations felt that artisan status should be attained only by the passing of a trade test — not by the expiry of time, the report said

Trainees who did not pass the test should be classified as uncertified artisans or improvers

But the commission made no recommendation to this effect

It said the matter should be kept under surveillance by the National Apprenticeship Board which should work towards this "ideal"

The commission recommended the creation of a "trade test committee" under the aegis of the National Apprenticeship Board to look into the decentralisation of trade test centres and testing

The Government is probably keeping their options open so that they do not have to put this, or at least certain elements of it into operation at all I find it very interesting that the Government finds itself in this dilemma and that it is entering the future with such a measure of uncertainty At this stage they already realize that as happened with the new Coloured Council, this President's Council in particular must also reply on its acceptability to other groups and on what they think of it The Government is so doubtful of its feasibility and acceptability that they have to adopt a pragmatic approach and draft the legislation in such way that they can put it into operation at any stage, when it suits them, and even, in certain cases in any event keep the possibility open of not putting it into operation at all I think the experience with the Coloured Council was probably a lesson to them, but one which the hon members on the opposite side have not learned yet One wonders what other possible explanation there can be for the fact that the establishment of this Council is being written into the legislation on such an uncertain basis

*The MINISTER OF THE INTERIOR Mr Chairman the question is whether the hon member for Green Point should have made his little speech on this matter The only reason why we are taking these powers of proclamation in clause 37 is to enable the Government to put a specific clause into operation when it is convenient for it and the people involved to do so This is the prerogative of the Government if clause 37 is passed, and I have nothing further to say about the matter

Clause agreed to

Clause 21, standing over, agreed to

Clause 30, standing over, agreed to

House Resumed

Bill reported without amendment

BLACK LABOUR (TRANSFER OF FUNCTIONS) BILL

(Second Reading)

*The MINISTER OF MANPOWER UTILIZATION Mr Speaker, I move—

That the Bill be now read a Second Time

Last year the Government accepted a recommendation of the Riekert Commission for provision to be made in one consolidated law for the rendering of employment provision services to workers and work-seekers of all population groups outside the Black States

To implement this decision it is necessary in the first place to transfer the administration of existing legislation on the rendering of employment provision services to Blacks which is at present the responsibility of the Department of Co-operation and Development to the Department of Manpower Utilization Subsequently the necessary steps will be taken to prepare the consolidated legislation as recommended by the Riekert Commission in consultation with the Department of Co-operation and Development and any other Government departments which may be involved I have already appointed a standing technical committee on labour legislation for this purpose

I should now like to explain the legislation which is before this House At present the rendering of employment provision services to Blacks falls under the Department of Co-operation and Development in terms of the Black Labour Act, 1964 The actual administration of the Act, as far as the rendering of employment provision services is concerned is undertaken by labour bureaux staffed by officials of the Administration Board who act as agents of the Department of Co-operation and Development

The Bill provides that those functions of the Department of Co-operation and Development may now be transferred by the State President by way of proclamation to the Department of Manpower Utilization The Administration Boards will, however continue to manage and staff the labour bureaux, but they will fall under the control

of the Department of Manpower Utilization

No adjustment in the system of acquiring and distributing Black labour is being made at this stage and negotiations with Black States in this connection will continue under the auspices of the Department of Co-operation and Development as recommended by the Riekert Commission

I also wish to point out that the influx control mechanism which is at present the responsibility of the Department of Co-operation and Development will despite the provisions of this Bill continue to be dealt with by the Department of Co-operation and Development All applications to import labour from one labour bureau area to another or to transfer labour from one Administration Board's area to another will continue to remain a function of the Department of Co-operation and Development and its agents who have first to be satisfied as to the availability and adequacy of housing for Black workers

Mr Speaker, briefly the legislation thus entails the transfer of the function of providing Blacks with employment from the Department of Co-operation and Development to the Department of Manpower Utilization

Dr A L BORAINE Mr Speaker we shall support the Second Reading and indeed both the other stages of this Bill As the hon the Minister has outlined to the House, this Bill provides for a very simple transference from the Department of Co-operation and Development to his own department We believe this makes considerable sense Obviously it is in direct line with the recommendations made by the Wiehahn and the Riekert Commissions Without any further ado we simply support this Bill

*Mr A T VAN DER WALT Mr Speaker, I thank the hon member for Pinelands who, on behalf of his party, pledged their support to this Bill As the hon member rightly said, it is a very short measure but in many respects it ushers in the beginning of a new era in the regulation of Black labour relations In terms of clause 1 of the Bill the President may, by way of proclamation transfer the employment of Black labour which is being regulated in terms of legislation on Black labour, from the Department of Co-operation and Development to the Department of Manpower Utilization

What I think we should make clear here is that only the employment and placing in employment of Black labour is being transferred to the Department of Manpower Utilization but that the influx control measures will continue to fall under the jurisdiction of the Department of Co-operation and Development As the hon member rightly said, the Bill must be seen against the background of the recommendations in the Riekert Report On the basis of one particular recommendation in the Riekert report it was concluded that the legislation on Black labour was very complicated and fragmented Because this was the position it was firstly recommended in the Riekert report that the legislation on Black labour be modernized and simplified secondly it was recommended that Black labour relations should be rationalized To achieve this it was necessary to start at a fixed point and the fixed point as far as the rationalization of Black labour relations and also as far as the simplification and modernization of Black labour legislation is concerned is in fact the measure which is at present before this House This measure consequently transfers the labour matters which previously fell under the Department of Co-operation and Development to the Department of Manpower Utilization This is indeed the beginning of a new era We realize that Black labour is an economic factor whether we want to admit it or not Since the economy is now moving into a dynamic phase, we must realize that, as far as Black labour, too is concerned certain structural adjustments must be made and these structural changes in the labour scene are a very delicate matter In this connection there are relevant aspects concerning section 20 of the Black Labour Act, section 10 of the Blacks (Urban Areas) Consolidation Act and section 3 of the Environmental Planning Act All these matters will, after the legislation on Black labour has been placed under the jurisdiction of the Department of Manpower Utilization, be investigated by a technical commission and adjusted, subject to the retention of labour and industrial peace I think this is truly an historic occasion in the organization of our legislation on Black

force until the industrial court has heard the case and made a decision on it

Clause 8

Provision was made in last year's legislation for disputes on unfair labour practices that could not be settled within 30 days by industrial councils or conciliation boards to be referred to the industrial court In practice it can of course happen that parties before industrial councils or conciliation boards may be convinced that they will not be in a position to settle the disputes within 30 days if at all and then come to light with all sorts of delaying actions To obviate this and to ensure that the aggrieved party will have access to the industrial court as soon as possible the Act is being amended so that the dispute is referred to the industrial court immediately the Minister has been advised that the dispute cannot be settled

Clause 11

This clause deals with the repeal of the Black Building Workers Act 1951 As hon members know the Act prohibits Blacks from doing skilled work in the building industry in White areas Furthermore, the Act prohibits Whites from doing skilled work in the building industry in Black areas, except that they may be used as instructors I lifted these restrictions on 11 April this year and Blacks and Whites can now freely undertake skilled work in the building industry in White and Black areas The Act therefore no longer serves any purpose and may be repealed As far as the training of Blacks as building workers under the Act is concerned there are only 53 pupils still in training with one administration board Provision is now being made in the legislation to enable them to complete their training We therefore consider this legislation as important for dealing with the present situation The determination fixing their wage as well as those of qualified building workers in Black areas also remains in force until 19 August 1980 when the determination expires

As hon members will note the amendments are aimed chiefly at eliminating the deficiencies in last year's legislation and facilitating the implementation of the Act As far as the repeal of the Black Building Workers Act is concerned all the indications are that the country is facing a serious shortage of building artisans which could seriously hamper economic development and the provision of housing if Blacks are not permitted to perform skilled building work in White areas

I trust that the legislation will enjoy the support of hon members

Dr A L BORAINE Mr Speaker as the Hon the Minister indicated right at the very beginning we had hoped that there would have been even further legislation before the House during this session but for the reasons that he has mentioned this has not been possible Perhaps the hon the Minister in his reply to the Second Reading will give us some indication of the progress that is being made by the Wiehahn Commission so that we will know when we could expect the final reports which we still await I might add in parenthesis that we have only today received the Wiehahn report on training which was tabled today and for which we are most grateful because we believe that this too is a very excellent and worthwhile piece of work I think all of these have to be looked at together because as the hon the Minister will know better than anyone else when one begins with a new dispensation in industrial relations one has to be very careful because even though one may be implementing improvements it is possible in breaking away from an old tradition to enter what I would call uncharted seas and find unexpected problems I would say that one is going to have growing pains and difficulties but they are worthwhile because this country has got to grow Let me say immediately that the official Opposition will be supporting this Bill not only in the Second Reading but in all stages I have certain amendments on the Order Paper, but I shall come to them at a later stage

In essence this legislation does four things In the first place it introduces a new definition of unfair labour practices The Bill which has now become law and on which we spent a great deal of time during last year's session of Parliament defined unfair labour practices as 'any labour practice which in the opinion of the industrial court is an

unfair labour practice During the debate last year we argued from this side of the House that this definition was extremely vague highly unsatisfactory and unworkable Unfortunately hon members on the other side of the House and the hon the Minister as well overruled us, but there is a certain measure of satisfaction in it—and I am not going to make a big song and dance about it—that we have in a very short space of time made our point and the Government have now come back to this House in order to try to arrive at a more satisfactory definition

Let me say immediately that in our view the present definition in law is too vague and unworkable but that the new definition which we find in clause 1 goes too far and could very easily be misinterpreted and even abused I believe that the definition of 'unfair labour practice' which is now before us is so general as to be almost worthless I say that advisedly because if hon members will look at the definition on page 3 of the Bill, they will see that it includes amongst others in paragraph (a)(i)—

> Any employee or class of employees is or may be unfairly affected or that his or their employment opportunities work security or physical economic moral or social welfare is or may be prejudiced or jeopardized thereby

That includes grandmother, the kitchen stove and everything else and whilst I can understand the logic behind this whilst I can understand the attempt to now move away from a single brief definition so as to make it all embracing, I think there are other problems because there are those who will then begin to use the definition to serve their own ends and not to serve the ends of industrial peace That is what we have to ask ourselves about this particular definition

We have a further part to this definition—

> any other labour practice or any other change in any labour practice which has or may have an effect which is similar or related to any effect mentioned in paragraph (a)

We all know that there are many and wide changes taking place on the South African labour scene There are many labour practices in particular which are changing almost every day and certainly every month and every year If the change in labour practice has any effect on anyone at all even the moral position the according to this definition the affected people would have a case and could complain to the industrial court because of an unfair labour practice I believe that the hon the Minister in introducing this particular definition, is actually making a rod for his own back because he is going to have very real problems The industrial court in particular is going to have very real problems in this regard

I have an amendment on the Order Paper I recognize the problems of finding a satisfactory definition I do not think it is easy to find a perfect one but I shall develop that a little more when we come to the Committee Stage

The one point I want to make here is that we must ensure at all costs that this definition of 'unfair labour practice' does not leave a loophole for a new form of job reservation I say that because those who have sought to respond to the Government's very enlightened changes in the labour field and to defend the Government against certain right-wing elements have sometimes used the argument of the industrial court being in place Therefore people need not worry if there are any significant changes made do not worry about them because there is an industrial court and they can take their case there

The hon member for Vanderbijlpark in the debate last year when he had to accept the fact that job reservation was being scrapped—I must say he did it very graciously and he even at the time gave us a side swipe—went on to say (Hansard, 1979 col 8054)—

> I believe that there should still be a certain form of protection for cases when irregular action is taken against any employee irrespective of his race, group or colour For that reason I welcome the fact that a provision with regard to improper labour practices is being embodied in the legislation and I also welcome the fact that that definition covers a wide field

I believe that that could be a direct reference

to the maintenance of some area of job reservation particularly if one bears in mind that the definition includes the words a change in labour practice I believe this would be a very weak argument and therefore I believe the definition is unsatisfactory However I shall come back to this in the Committee Stage

The second thing which the Bill does is that it expands the powers of the National Manpower Commission I want to say in one simple sentence—and I wish I had more time—that the work already produced by the National Manpower Commission is an indication of how necessary this body is and I should like to pay tribute to them for the work that they have done already In principle therefore I have no objection to the National Manpower Commission receiving further powers We believe that this is an important body which has done and will continue to do valuable work In my judgment it is primarily a research body and for that reason I believe that the new powers granted to it in this legislation in one instance go too far I shall accordingly move an amendment in the Committee Stage which will have the effect of not extending the powers of the commission to include entering premises without notice I do not believe that they need this power The Registrar already has that power there are other people who can do this and I do not believe that we need to extend that power to a Manpower Commission

Last year when the hon the Minister was talking about the establishing of the Manpower Commission he really agreed with me when he said—and I quote from Hansard 7 June 1979 col 8028—

> Therefore the Government accepts the commission's recommendation for the establishment of a National Manpower Commission which will have to give the Government well-researched and well-motivated advice on an on-going basis so that quick and effective action may be taken to meet our labour requirements

And he added somewhat prophetically—

> if there is an economic revival

Well we have seen something of the economic revival already

Mr B R BAMFORD A very good prophet

Dr A L BORAINE That is right He was a very good prophet on this occasion This means that the work of the Manpower Commission will of course be accelerated We must bear in mind, however that the Manpower Commission should always be seen as a servant of the Department of Manpower Utilization and never as its master For that reason I believe that it is important to make quite sure that there is no overlapping so that one does not have the Manpower Commission doing one thing, the Wiehahn Commission doing another and the Department of Manpower Utilization doing something else I do not believe that that is desirable I have one last comment on the Manpower Commission Because it is so important I believe that it could become even more representative and should become more representative than it is As far as I know and I am open to correction there is one Black trade union member amongst the 41 members I believe that this is an area which could be improved on

This Bill also expands the powers of the industrial court and the hon the Minister has dealt with this in some detail Clause 5 provides for a full-time deputy president for the court and for other full time members if necessary I think that it is rather interesting to notice the way in which this is stated because in my judgment it simply means that there is not going to be any necessity to extend the members beyond those two The clause also adjusts the decision-making processes of the court in the light of these additions This Bill also confers the same investigative powers on the court as are enjoyed both by the industrial registrar and the hon the Minister in terms of various sections of the Act

The effect of clause 6 is to exclude alleged unfair labour practices from the jurisdiction of conciliation boards

Clause 7 includes the industrial court in the process of reinstatement, a process which is at present confined to the hon the Minister alone I believe that that is important

Clause 8 makes provision for various powers for enforcing decisions and determinations made by the industrial court by extending existing sanctions presently attaching to decisions of the industrial tribunal The last effect of this legislation is the repeal of the Black Building Workers Act 1951 and its various amending statutes I am referring now of course to clause 11 Of course what we have here is that the hon the Minister is putting into law something which has already taken place As I have said on other occasions, and I shall go on saying it whenever the hon the Minister or any other hon Minister takes a similar action I extend to him our congratulations We believe that this is a very enlightened and necessary step I do not want to deal exhaustively with this but when one remembers the terms of the Act which we are repealing it is certainly to be welcomed Let me quote only from section 15(1) of Act No 27 of 1951 to illustrate—

> (a) No person shall in an urban area elsewhere than in a Black area, employ any Black on skilled work
>
> (b) No Black shall whether as an employee or in any other capacity perform any skilled work in an urban area elsewhere than in a Black area unless such work is performed in connection with a building or premises owned by him and occupied or intended for occupation by himself and his dependants

So it goes on It was very very restrictive indeed, and against the background of the shortage of skilled workers in South Africa and a growing and thriving economy this clause makes very good sense indeed On that note we shall support the Second Reading of this Bill

*Mr J M HENNING Mr Speaker, one is grateful that the hon official Opposition are supporting this amendment Bill Before I come to the Bill itself, I should first just like to avail myself of this opportunity to express my gratitude and appreciation towards one of the officials of the department on behalf of the Manpower Utilization study group of this side of the House, viz Mr Nic Hechter, who has attended the parliamentary sessions for the past 21 years, where we have had the privilege—myself as chairman of this study group and previously as secretary—of benefiting from his extensive knowledge I should like to say thank you very very much to him on behalf of this side of the House for the courteous and friendly way in which he always received us and for his willingness to provide us with information when we came to see him Since he is soon going to accept his new position as regional inspector here in the Western Cape we also want to wish him everything of the best We wish him and his family everything of the best for the future He has a good grounding in his subject and I am sure that he is going to make a tremendous success of this position that has now been offered to him

As the hon the Minister correctly said, we expected that we might be able to consolidate the Industrial Conciliation Act this year but since the reports of the Wiehahn Commission have not all been tabled yet—I see the second report has been tabled today—it is the right time for us simply to make the necessary changes in order to rectify the shortcomings that have become evident in the Act as it was accepted by this House last year It is also important that if we know that there are shortcomings, there should be no delay in making the necessary changes

If we then look at clause 1, which basically concerns the definitions to which the hon member for Pinelands referred to, I think it is a good thing—now that we have a definition of the Industrial Court—that all departments and special departments of the court should be abolished In the second place, in the Afrikaans text the definition of 'onbehoorlike arbeidspraktyk' is being altered to "onbillike arbeidspraktyk", which I think is better terminology The hon member for Pinelands said that the definition was too wide last year and perhaps, as it is being moved here by the hon Minister, it is still too wide I differ somewhat from the hon member I noted that he also suggested certain amendments to the definition of the word here, but he may perhaps be rather presumptuous in doing so since I think it would be fitting, if we want to define this properly, first to see what the Wiehahn Commission recommends on certain aspects of our legislation I do not think it is

necessary to argue about the definition in this Second Reading I endorse what the hon member said here because I think it is absolutely essential for there to be a definition of an unfair labour practice in our conciliation legislation because regardless of race or colour we are still dealing with unscrupulous employers There may be only a few but one does find them That is why I think it is so essential for us to grant this protection to any employee regardless of race or colour However I shall come back to this when we discuss clause 6

To my mind clauses 2 3 and 4 are basically aimed at streamlining the functioning of the National Manpower Commission This commission has just been appointed last year However we have already realized that there are certain problems A deputy chairman of the commission was appointed In order to enforce this appointment as well as the appointment of other members the necessary amendment is being made

As regards the functioning of the National Manpower Commission I think it is important for these amendments to be made in order to streamline the duties and functions of the commission Now that I am on the subject of the duties I want to say that we may have to grant more extensive powers to this National Manpower Commission in future so that they can have more freedom of movement perhaps even beyond the sphere of the Public Service In the future the National Manpower Commission may be able to think of undertaking proper investigations into co-operation with our universities or agencies We must not force them to begin those investigations themselves They still remain responsible for providing the hon the Minister with advice in regard to labour legislation

I think it is important that the National Manpower Commission should also be given certain powers to be able to issue subpoenas and carry out inspections The hon member for Pinelands is not quite happy about the fact that the people are being given the right to enter certain premises We can discuss this further during the Committee Stage However I think that in view of the fact that it is the duty of the National Manpower Commission to carry out investigations and make recommendations to the hon the Minister one should not restrict the powers of the Manpower Commission or clip its wings so that it cannot move freely in order to carry out the necessary investigations and then make the necessary recommendations to the hon the Minister

As far as the Industrial Court is concerned I also think that the amendment that he moved here with regard to the appointment of a deputy president is unacceptable I think it is right that a deputy president is going to be appointed because I think that the court will function very much better with a president and a deputy president than it will function with the assistance of subsections and special sections

I now want to deal with clause 6 which to my mind is the most important clause and in my opinion is important to every worker in this country I think that this amendment undoubtedly makes it very clear that the individual employee regardless of race or colour will have the right when a dispute as defined in the definition of an unfair labour practice arises to make application to the Minister for the implementation of the reconciliatory machinery for which the Act provides As the Act reads at present it is still an open question whether it could happen or not I think that it is being stated beyond any doubt in this provision It is extremely important because there are people in this country who are influencing people to do certain things in this country There are also people who are making employers and employees afraid

In this regard I am referring specifically to some of our trade unions who tell employees that the abolition of section 77 is a threat to them in the sense that they can be forced out of their job as a result If it should be necessary that in such cases unfair action should be taken against any employee I feel that that employee should at least have the right to apply as an individual in terms of this provision to the Minister so that the conciliation machinery can be set in motion and that such a case if a solution cannot be found will be referred to an industrial court that can then make a final decision I think it is very fair and every employee in the country will be glad to welcome this amendment in clause 6

As far as clauses 7 and 8 are concerned it is also important to note that if problems should arise as a result of employees trade

unions or workers' organizations introducing an unfair trade practice the Minister can make an order Therefore, he will be able to do this when employees or trade unions are responsible for the introduction of an unfair trade practice and not only when employers are responsible therefore

I think clause 8 is just as important because it provides that if a dispute should arise and it is very clear that conciliation must take place because the two parties cannot resolve their dispute a period is prescribed for the resolution because failing that delaying tactics can be applied which are not to the benefit of the employer the employee or the country Therefore I think it is also a very great improvement by means of which delays of this sort can be eliminated in the future

Clause 11 of the Bill is also welcomed especially since we have such a tremendous industrial growth in South Africa There is tremendous growth in the building industry and it is very clear that the Whites and the Coloureds no longer have a special interest in the building industry They have shown an interest over the years but this traditional work in the building industry has now passed from the one population group to the other I think this is a good amendment that is being moved here It has become very clear over the past years that this problem is on the increase In 1975 the former Minister of Labour granted exemption to Blacks to practise certain trades because even then it was clear that there were not enough skilled people available The apprentice intake shows that there were 1 579 apprentices in the building industry in 1975 but by 1979 the number of apprentices had dropped to a mere 473 That is why I think it is in the interest of the development of our fatherland that the laws scheduled in clause 11, are now repealed

It is a privilege for me to support the amendments envisaged by this legislation on behalf of this side of the House, because it cannot but streamline the implementation of our industrial legislation

Mr R B MILLER Mr Speaker we in the NRP were delighted when the first report of the Wiehahn Commission was tabled during last year s session of Parliament and that certain legislation flowed from it which made it possible to introduce what the hon the Minister and other hon members have called a new era in industrial relations That was certainly very welcome indeed and as a consequence of that we find that certain further structural administrative and technical alterations which are necessary are incorporated in the Bill before the House

I want to deal very briefly with a few points which were dealt with by other hon members as well because I think they are extremely important and are in fact the main pillars of the amending legislation We shall obviously be coming back to certain of these aspects as well during the course of the Committee Stage, but I think it is important to motivate the reasons why we shall be supporting this Bill at Second Reading

The question of an unfair labour practice is one which I want to predict to the hon the Minister will be with us for quite some considerable time I agree with the hon member for Pinelands that the vagueness or open-endedness of the definition in the principal Act obviously lent itself to certain practical difficulties in interpretation Any definition which is open-ended lacks specific parameters and if left to the discretion of even highly trained or qualified people will encounter problems in practice because of the ingenuity of people involved in this particular kind of activity

The amendment proposed by the hon member for Pinelands we shall certainly discuss during the Committee Stage Here also I think the hon member for Pinelands will find as he himself admitted, that it is very difficult indeed to try to legislate for all eventualities in unfair labour practices If there is certainly one field which is never lacking in exploiters and experts it is certainly the field of unfair labour practices I do believe however that we must have a look at that during the Committee Stage We can then test the amendment of the non member for Pinelands against the proposal in this particular Bill

Furthermore we believe that the effect on the industrial court of the appointment of additional members in particular the deputy will only bring about an improvement Whether the centralization of the function to Pretoria is going to be as effective in practice as the originally pro-

posed decentralized court is something which also remains to be seen Only practice will prove whether this is going to be beneficial

If we have a look at the other clauses contained in this Bill I am sure hon members will agree that some of the most venemous criticism against the Bill introduced last year will to some extent be removed by certain of these clauses I refer specifically to the difficulty which individuals had in applying for access to a conciliation board In terms of one of the clauses contained in this Bill this will now of course become possible I am aware of the fact that critics of the Industrial Conciliation Act as amended last year, and of this Bill will still persist in saying that the industrial court is closed to the individual There is indeed a great measure of truth in that statemen that the individual does not have direct access to the industrial court I do think however that critics of this must appreciate the fact that if the doors of the industrial court were simply opened to the individual it would probably be impossible in practice for that court to function effectively The removal however of the prerequisite that only trade unions could apply for conciliation boards and that the individual can now motivate that conciliation board I believe is a very considerable improvement and will to a large extent blunt the criticism of certain radicals in the country who have always maintained that this legislation does not provide adequate protection for the individual

A further improvement which we welcome, relates to the 30 day period As the hon the Minister mentioned in his Second Reading speech the prerequisite of a 30-day period is now being waived This will I believe be found in practice to be quite a considerable improvement because I know that in certain instances there were not only delay tactics employed as the hon member for Vanderbijlpark mentioned but it also actually led to strike actions in certain circumstances Therefore I believe this is a very considerable improvement that that 30-day period has now been removed I should also like to refer specifically to the one very, very important aspect of this Bill

I believe hon members will appreciate the significance of this I refer now specifically to clause 11 which provides for the scrapping of the Black Building Workers Act This we certainly welcome When the hon the Minister indicated during April this year that he was going to abolish this we welcomed it Therefore we are now obviously welcoming the legislation which makes this possible on a legal basis

I should particularly like to point out the benefits of scrapping the Black Building Workers Act It is a good thing not only in terms of the reasons given by the hon the Minister namely the shortage of building workers the retarding of building programmes and the consequent adverse effect of that on the availability of accommodation but I believe it is also going to be of more profound and significant importance for the whole of South Africa and for all members of all race groups in that it will have a momentous bearing on the cost reduction factor Hon members, and the hon the Minister himself can probably remember the days when if one went on to a building site one found there two or three people employed at the highest vantage points to watch out for the building inspector When the building inspector arrived on the scene he would for instance find there a Black man painting with a broom because it was illegal for him to use a paint brush or another Black man plastering with a piece of wood because it was illegal for him to use a steel trowel When one thinks back to those days one can appreciate the amount of inbuilt costs to a system in which building contractors had to develop an infrastructure containing an early-warning system against the arrival on site of building inspectors The whole thing in fact became quite laughable quite ludicrous Not only was there this hanky-panky of Blacks painting with brooms, but the contractor also had to employ as a safeguard a White builder or a Coloured builder in Natal in certain circumstances, to be available in case the inspector came I think we will now be able to get rid of all that unnecessary discomfort in the building industry but in addition to that I believe that by providing Blacks with job opportunities in the building industry in professions for which they have a lot of basic talent and aptitude, we will be introducing a definite stabilizing factor into industrial relations in South Africa There can be nothing

more frustrating for an unemployed Black walking down the street than to approach a building site ask for work and be refused purely on the basis of the colour of his skin I think that frustrating factor will now be eliminated in terms of the provisions of clause 11

Further I think that the provisions of the amending Bill are generally acceptable to our party I should like to welcome them and in doing so to congratulate the Manpower Commission on the very sterling work it has done to date We look forward with great anticipation to further reports from the Manpower Commission including recommendations in terms of changes to our legislation We in this party have no difficulty in supporting the Second Reading but would like to advise the hon the Minister that we shall during the Committee Stage be taking a very close look at the definition of unfair labour practice not from a party-political point of view but to see whether it is possible to find a definition that can serve the practical purposes for which it is designed

*Mr J H B UNGERER Mr Speaker I want to associate myself briefly with what was said by the hon member for Vanderbijlpark who paid tribute to Mr Hechter All I can say is that I have a great deal of appreciation for the service that he rendered and I say this with reference to the few years that I dealt with him I have a great deal of appreciation for the quality of the assistance that he gave to us

I do not have much about which to cross swords with the previous speaker There are a few things to which I shall refer later on in my speech In general he supported the legislation, and of course we welcome this

Labour is most probably the most important single determinant of socio-economic development In the production process one actually has a tripartite relationship between the labourer, employer or employee and the State, which actually has to serve as a catalyst in regulating relations between the other two parties In South Africa we have leaned heavily on the old British philosophy in actual fact the trade union philosophy of Britain, that the boss is the enemy of the employee Therefore it is probably a good thing that the State has to serve as a catalyst and actually has to take the initiative when it comes to the development of the philosophy for regulating relations on the labour level

We are dealing here with an hon the Minister and a department that has given the labour level in South Africa a completely new philosophy with a different dimension a philosophy which says that the employer is primarily responsible for the maintenance of labour rest and peace on the factory floor and this is very important because it is much more meaningful that it should rather be done in this way than that the department should inspect the tremendous conglomerate of thousands upon thousands of factories throughout the whole of South Africa, and ensure good relations That is why it is meaningful because as the old saying goes Where no one complains there are no laws It is a good thing that people can complain when they have problems and that the mechanism for complaining is being created for them as well as the mechanism for processing the complaints and solving their problems I say to the hon the Minister that we have a great deal of appreciation for his new approach I think it is opening completely new vistas in South Africa with regard to labour relations and practices

I know it is not a very popular thing to make long speeches at this stage of the session [Interjections] Nevertheless, I want to say that due to its very complex composition there are probably greater possibilities and levels for friction in South Africa than in most other countries in the world Therefore, we are very much in need of legislation of this nature perhaps more so than elsewhere

The definition of an unfair trade practice has been discussed It is true that, from the very outset the Government was aiming at the principle of meaningful protection of workers and not preferential treatment I have just said that we have a complex composition We have a problem the nature of which is not to be found anywhere else in the world We have no textbook information or guidelines from history Therefore I think that the Opposition should be satisfied that we are accepting this wide definition to begin with and that we are first waiting to see where things will lead in order to establish whether it is necessary or not I think they know the Government as an intelligent

Government and if problems should arise later on the Government will make the necessary changes I think they can have that confidence in the Government

I do not want to refer to all the provisions of the Bill but criticism has also been expressed concerning the Manpower Commission and its composition It is simply a case of its being a body that should have been established long ago One can practically say that time has run out for it There has never been proper co-ordination of research into labour practice problematics and law in South Africa It is necessary to do so now If we do not give this body all the powers that it needs we will emasculate it We are already late and therefore we cannot short-circuit the commission any longer It must have all the powers that it should It must be in a position to subpoena witnesses to testify before it The commission must also have the power to visit premises and undertakings without prior notice I think this is particularly essential otherwise the malpractices that do exist are always put right

As far as the composition of the commission is concerned there has been criticism because it is not varied enough for the liking of the hon member for Pinelands Of course it is not strange to hear such an argument from him However I want to point out to him that the members of the commission are not appointed on a permanent basis The members of the commission alternate and as time passes and the need becomes greater, the hon member can accept that more people of colour will in fact be appointed on the commission As far as this is concerned let us give the commission a chance We are at the start of a new experiment and to my mind it is quite correct for us not to accept unnecessary restrictions of powers

I actually want to conclude my argument with this I have already said that it is not popular to talk for a long time at this stage I think the changes that are now being made by means of the Bill are meaningful practical and far-sighted Therefore I support it

*The MINISTER OF MANPOWER UTILIZATION Mr Speaker I am rising in the first instance to thank hon members who participated in the debate in support of the legislation I want to remark that I noticed that the hon members spoke about the legislation with true insight One is very grateful for this I think the legislation is important enough to receive the attention that it has been afforded in recent times

I want to associate myself with the hon members for Vanderbijlpark and Sasolburg who expressed their appreciation towards Mr Nic Hechter a very well-known valued official who will probably be making his last appearance in the officials benches this year Mr Hechter came to the Cape years ago He performed his task here in the department with a great deal of distinction In particular he gave advice on laws and the interpretation thereof as well as on the workings of the department I can well understand that hon members noticed this and express their great appreciation towards him For my part it was a great privilege to deal with him over the past number of years and to be able to have him here He meant a great deal to me personally particularly in recent times when we submitted legislation I want to wish him everything of the best in the future and tell him that he has our great appreciation as he has noticed for the services that he rendered to the House

I am aware of the fact that because there are two amendments on the Order Paper two subjects will once again be discussed during the Committee Stage Therefore I shall not go into this in detail now during the course of my reply The one concerns the definition that the hon member for Pinelands discussed and the other one concerns the Wiehahn Commission and more specifically clause 4 The question was put to me and I should just like to reply to it on this occasion How far are we with the report of the Wiehahn Commission? The fact is that we received part of the report last year and following that I submitted legislation This legislation is still emanating from it This year we received the second part of the report and it was tabled today I want to add at once that we had a great deal of trouble in dealing with this report in the short time after it reached me in typed form in order to table it today But I am pleased that it could happen before the House adjourned I have already received the third and fourth sections but I have not yet had an opportunity to look at them These will also be

processed in due course and I shall decide whether we should keep it until next year or ask the State President if we could circulate it to hon members in the meantime Probably the latter will happen I hope and the chairman has told me that he also hopes to hand in the remaining portions of the report within a month or two Therefore when we meet once again, we will probably have it at our disposal and probably also be in a position to submit consolidating legislation to the House which I am looking forward to

I want to repeat what I told the House when we submitted legislation for the first time with reference to the Wiehahn Commission At the time I said that we were breaking new ground I said that particularly with the definition of onbehoorlike arbeidspraktyk now onbillike arbeidspraktyk we were breaking new ground I said that I found the definition vague and that I was convinced that we would have to come back to it because since one is breaking new ground one does not always know whether one is looking deeply enough at things and including everything that is necessary in a definition A definition is an awkward thing One can be as clever as one wishes but there is always someone who sees it from another angle and sees even more deficiencies That is why I predicted that we would have to come back and rewrite it from time to time However the aim was to lay down a definition for the people dealing with it the employers and the employees of the country so that they can be satisfied and can know that there is such a thing as an 'onbehoorlike arbeidspraktyk an onbillike arbeidspraktyk and there will be a court that could interpret it for them It was with this good intention that we tried to create a definition

Then I also want to refer to the Manpower Commission The hon member for Pinelands referred to the speedy appearance of the first report of the National Manpower Commission and to the work that they do I want to react to that at once The hon member was concerned that the commission which is to be an advisory body, would obtain powers that would give it a form of control as time goes by, in other words, he is afraid that it could develop into a machine that could develop further than was intended No I do not think this is the case As we predicted the commission is a very important one It must advise and if it must advise surely it cannot do so if one does not give it machinery that it can use in exercising its advisory function and this is what we are trying to do The commission has an investigatory function with a view to advice, not an investigatory function with a view to prosecution If the function of the commission had been to prosecute we would have been able to say that there was reason to be afraid Then even I would have thought that we should be careful However, the commission has only investigatory and advisory terms of reference As long as its terms of reference are investigatory and advisory I shall have to protect the commission and give it the machinery to do so This is exactly what we are doing here I must say that I cannot appoint a commission and then expect from it what I expect from the National Manpower Commission and if I do not put that commission in a position to perform its work efficiently There are other cases too For instance there is the Wage Board and other boards that must also be able to summons people to appear before them during an investigation on occasion or also have to obtain permission to look at a place This type of thing is in fact being done Therefore it is not as if this commission is now doing something that is not also being done by other commissions This commission is doing what is already being done by other commissions We would not expect any of the other commissions of going further in the exercise of their duties than this House intended when it granted those duties to them

I therefore want to give the House the satisfaction and the peace of mind that this is not the objective That is why the Government the House, the Minister and the department are there to come back if things go wrong and to say that the matter is now going wrong and that we must rectify it However I have full confidence in the commission I have particular confidence in the way in which it has now been composed, and I want to tell the hon member at once that I also have full confidence in those who serve on it, from the president down It is a commission that is making progress in carrying out its duties The commission has really

been drawn up in a knowledgeable balanced way and as far as other racial groups are concerned it has also been drawn up in a very representative fashion It is not as if only one Black person is serving on the commission There are in fact four There is a representative of the trade unions but there are three other Black representatives too As far as I am concerned I want to say that the commission is representative of the large groups of workers in South Africa

On this occasion I also want to refer to the speech of the hon member for Durban North which was a good contribution I want to thank him for it He raised a point that I should just like to take further viz the question of the building industry The hon member referred to what is happening Of course it was decided by those of us who dealt with it that the building industry was going through a very critical stage According to the new projections building activities will increase from R2 8 billion last year to R3 8 billion this year and probably to R4 8 billion next year How can there be an increase to the value of R1 000 million if the number of people doing the building work are decreasing? We are therefore in a situation where we will simply not have the people to carry out these projects Furthermore as a result of the delay in the building programme there is going to be a type of demand for houses that will result in the price of houses not increasing because the building costs are increasing but because people do not have houses I want to tell the House that if one reaches the stage which Europe is experiencing at the moment that there are no houses to live in and houses are five times more expensive than their intrinsic value our children will not have houses to live in one of these days because they will not be able to afford them This is the big fear That is why we had to throw open the industry so that there could be building in South Africa In the nature of things there are many industries in this country in which the labour complement is shifting Whereas people may have been the workers in a specific industry at a particular stage they are shifted out within a few years as a result of economic development Here I want to mention the example of the clothing industry 25 years ago more than 60% of the workers in the clothing industry were Whites Do hon members know that less than 2% are Whites today? In other words if one did not make provision for others to do this work not one of us here would have been able to wear a pair of pants or a jacket that had been made in South Africa All the clothes would have been imported Therefore one must realize that one has a developing and shifting economy That is why it was essential to be realistic I associate myself with this and avail myself of the opportunity to say that it was essential to allow the building industry to be manned by those people who were available for building There are many evils that emanate from this I do not want to point a finger but I want to tell hon members that it will be very interesting to see how many bricks are being laid per month in South Africa today I do not want to say how many Simply go and ask I shall say what it was There was a time—I still remember it—when a bricklayer said that he would not be employed if he could not lay 2 000 bricks per day Go and ask how much it is today Ask if it is the half of that today Beware that one does not reach a stage where one finds that not even a fifth of that is being laid This is the type of thing that pushes costs up and this is where one must be realistic

It is therefore very essential to place this legislation on the Statute Book today and that we should introduce realism as soon as possible For the reasons that I have cited it was essential for us to move quickly It is interesting that, before this legislation appeared as a result of the enormous pressure—from members who are in this House today who begged and pleaded me because projects were coming to a standstill—I granted exemption for the mean while To date I am receiving nothing but praise from all sides even from the ceilings for the relief that was granted Therefore if anyone could think that there could be criticism as a result of this legislation I can say that I have not yet received it I have received nothing but thanks, particularly that the economy is on the move again

I thank hon members for their remarks and for their support of the Second Reading and I hope that hon members will not delay the House very long with the Committee Stage

Question agreed to

Bill read a Second Time

Committee Stage

Clause 1

Dr A L BORAINE Mr Chairman I move my amendment which appears on page 282 of the Order Paper as follows—

On page 3, in lines 18 to 33 and on page 5, in lines 1 to 9 to omit the definition of 'unfair labour practice' and to substitute

"unfair labour practice means—

(a) any labour practice or any change in any labour practice other than a strike or a lock-out or any action contemplated in section 66(1) which may lead or has led to the dismissal of any employee or the reduction of any employee's rate of remuneration or the alteration of an employee's terms or conditions of employment to terms or conditions of employment less favourable to him or the disadvantageous alteration by an employer of the position of any employee as compared to the positions of other employees employed by such employer for reasons other than—

(i) those recognized by law as sufficient to justify summary dismissal, or

(ii) those related to the capability of an employee to perform work of the kind which he was employed by the employer to perform or

(iii) the reason of redundancy

(b) any action, other than a strike or a lock-out or any action contemplated in section 66(1), which has or may have the effect of—

(i) disrupting or affecting unfairly the business of an employer or class of employers, or

(ii) creating or promoting labour unrest, or

(iii) detrimentally affecting the relationship between employer and employee

as a consequence of—

(aa) the employment by such employer of any employee or of any apprentice as provided for in the Apprenticeship Act 1944 (Act No 37 of 1944), or

(bb) the recognition by an employer or class of employers of a trade union or of a works committee co-ordinating works committee liaison committee co-ordinating liaison committee or regional committee as provided for in the Black Labour Relations Regulation Act 1953 (Act No 48 of 1953) or

(cc) any agreement reached by such employer or class of employers with any trade union or with any works committee co-ordinating works committee liaison committee co-ordinating liaison committee or regional committee as provided for in the Black Labour Relations Regulation Act 1953 (Act No 48 of 1953)

As I indicated in my Second Reading speech we have here a much more detailed definition of an 'unfair labour practice' My problem at the moment is that despite the difficulty of finding a definition which will meet all cases the present one has certain major disadvantages I refer to the proposed definition in paragraph (a)(i) in clause 1(c)—

Any employee or class of employees is or may be unfairly affected or that his or their employment opportunities, work security or physical, economic moral or social welfare is or may be prejudiced or jeopardized thereby,

Immediately a new labour practice is introduced It may be that in the minds of some people this will have an effect on their moral or social welfare and if that is going to be included as part of the definition, I think it is

going to limit the change in labour practice which we all know are absolutely necessary We do not always have to go to law in order to make the changes For example, I ask what happens if a decision is taken by an industrial council regarding a labour practice Will they be excluded? If they should decide that they are going to change a certain approach to the facilities offered to workers, or to the training, the promotion, the direction or the overseeing of workers, what is going to happen as regards the industrial court in line with this definition? If a custom is changed in regard to the employment of different groups of people as traffic policemen, firemen, or ambulance men are we going to find that, if others who do not like that or who might have difficulty with this change on moral grounds take it to the industrial court, then in terms of this definition their objection must be upheld?

I want to make it absolutely clear that I do not doubt for a moment the *bona fides* of the hon the Minister, the Director-General the department the Manpower Commission the Wiehahn Commission and the president and the deputy president of the court I believe that they have got the message and that they are moving forward and we encourage that However, in a court one has to go by the law, not by the intention or the goodwill of the people who administer it I think we need to strengthen the hand of the president of the industrial court This court is going to be very powerful It seems to me as if it is only going to comprise two people I think that with the changes which may still have to come in South Africa we must make it as easy as possible for both employer and employee On the one hand we must not allow employers to practice reverse discrimination against which there must be some protection and on the other hand we must not allow the feeling amongst workers to continue that the customs the traditions and even the laws of the past are going to guarantee their positions and their employment For that reason I have tried to work out a definition, namely the definition which is contained in the amendment which is printed in my name on the Order Paper I am not going to dwell on this at great length I think my amendment speaks for itself and I do not intend reading it all out I just want to underline that in my amendment to substitute a new definition of "unfair labour practice" I have made provision for all but the following reasons to be excluded—

(i) Those recognized by law as sufficient to justify summary dismissal, or

(ii) those related to the capability of an employee to perform work of the kind which he was employed by the employer to perform, or

(iii) the reason of redundancy

I also want to correct a typographical error Paragraph (b)(iii) of my amendment reads as follows—

Detrimentally affecting the relationship between employer and employee as a consequence of

I should like the words "as a consequence of" to appear on a separate line In other words the words "as a consequence of must refer back to subparagraphs (i), (ii) and (iii) of paragraph (b) It is just a simple printing change

I appreciate that if one looks in particular at paragraphs (b)(iii)(aa) and (bb) of my amendment one may well get the impression that my definition at the moment refers to legislation which the hon the Minister may be planning to repeal in future in order to consolidate this legislation I am therefore not going to be unreasonable and suggest that the definition as it appears on the Order Paper is perfect, although I think it is better than and improves on the definition in the Bill For that reason I am, however, not going to push it very hard or fight very long for the acceptance of this definition at this stage I hope the hon the Minister will react to the definition contained in my amendment and will point to its strengths and weaknesses Once I have heard the hon the Minister on this, I shall make another suggestion

Mr R B MILLER Mr Chairman coming back to what I said in my Second Reading speech, I do not believe that we will find a definition of "unfair labour practice" here today which is going to suit all situations for all times I want to tell the hon

member for Pinelands that we will certainly be supporting his amendment

We agree with many of the reasons which the hon member for Pinelands gave I will not repeat those particular arguments, except to re-emphasize certain aspects and difficulties which the hon the Minister and therefore the industrial courts, will have with the definition as it appears in the Bill The hon member for Pinelands also indicated the scope of this and the difficulties, one is going to be dealing with One thinks of the definition of 'employment opportunities' which again is equally wide and of the moral or social welfare aspects which go with this The question of what constitutes an unfair labour practice is not going to be solved by casting nets very wide and saying that in for instance the specific area of employment opportunities certain practices which cannot stand up to the test provided constitute unfair labour practices Therefore, I prefer the more specific definition in terms of the amendment moved by the hon member for Pinelands, because the unfair labour practice can be related more specifically to an individual or a group of employees or employers The dilemma which we have with the definition of unfair labour practice" is that one has to relate to certain norms customs or standards in order to judge the degree of deviation in what is an unfair labour practice not in terms of the individual so much, but in terms of groups of people and concerning the displacement of one group by another, the economic advantage or disadvantage in the long run because of a change in wage structures, and the disadvantage or the advantage for one party or the other where one group is displaced by another One thinks for instance of the example mentioned by the hon the Minister himself, the example of the textile clothing, and "cut, make and trim" industries 'Any displacement, years ago of one group by another, which could then have been anticipated, would obviously affect the welfare, employment opportunities, etc of the group which is being displaced, could be said to be an unfair labour practice Our dilemma here is what one should use as a standard? I am not talking about specific terms of conditions of employment for an employee, because that is easy to determine and presents no problem One can simply see whether he is better off on Monday or on Tuesday However when one comes to collective action

Mr R B DURRANT You can measure it from day to day

Mr R B MILLER That is the point The hon member for Von Brandis is wide awake That is the point I am talking about However, it is when one comes to collective or group displacement or group advantage or disadvantage, that one is going to have the difficulty which has been so well put by the hon member for Pinelands That is why we do not think that the definition contained in the Bill is going to overcome the problems which the existing definition which is also too wide, presents for the industrial court We would therefore, like to put our money on the amendment moved by the hon member for Pinelands rather than on the definition contained in the Bill because we feel the hon member for Pinelands amendment gets closer to eliminating the practical problems which the industrial court will have

Until case law has been developed and we have had the test of the courts, we will not even know whether the amendment of the hon member for Pinelands is going to work satisfactorily and he admitted it himself We have no difficulty with the wording of the amendment of the hon member for Pinelands either and we would like the hon the Minister to tell us why he thinks the amendment of the hon member for Pinelands is not as good as the amending definition in the Bill I also want to point out to the hon the Minister that we must differentiate very carefully in the definition of unfair labour practice" between what affects an individual, which can be measured very easily, and the inter-group disadvantage or benefit, the advantageous or disadvantageous position of one group compared to another I should like to know whether the hon the Minister does not think that a definition of "unfair labour practice" should be re-categorized in terms of group relationships and individual employer-employee relationships in the future

*Mr J J LLOYD Mr Chairman, one could hardly believe that this is a debate on labour legislation There are probably one of

two reasons for this peace and quiet Either we are very close to the end of this session or this must be very good legislation

I want to dwell for a moment on the amendments moved by the hon member for Pinelands The hon member for Pinelands conceded that sub-paragraphs (aa) (bb) and (cc) of his amendment concern facets about which he does not feel very strongly The hon member intimated that he understood that we were perhaps beating the gun here but it could be that something could arise out of the expected report of the Wiehahn Commission which could result in these measures being consolidated or incorporated in other legislation, with the result that we may be doing these things unnecessarily In other words this basically concerns the first section of the definition of 'unfair labour practices in the amendment of the hon member for Pinelands Just before I dwell for a moment on the details of this matter I wish to address a few words to the hon member for Durban North

The hon member for Durban North states that he would like to know why the hon the Minister believes that the definition as contained in the Bill is better than the one proposed by the hon member for Pinelands Of course, I am not acquainted with the advisers of the hon members for Pinelands However there is one thing that I believe we must bear in mind The people who drafted the definition under discussion are indeed experts As hon members are already aware some of them have been engaged in this kind of task for 21 years

*Mr R B MILLER Are you speaking about the people who drafted the amendment of the hon member for Pinelands?

*Mr J J LLOYD No I am discussing the definition in the Bill We can therefore take it that this is a relatively well-considered definition, a definition which has been properly evaluated The hon member for Pinelands advanced various reasons as to why he was unhappy with the definition as it is stated in the Bill at present Among other things, he was unhappy for example with the provision relating to social welfare, the social aspects to which reference is made in the Bill Perhaps I should just refer the hon member briefly to section 24 of the principal Act We find there a number of aspects which agreements reached by an industrial council or a reconciliation board or even a case in an industrial court could relate to They comprise, *inter alia* social matters, for example pension funds gratuities, medical funds, etc, which are in fact of a social character The hon member is aware of that

Then the hon member asked how the court was to know and whether a number of unnecessary cases would not perhaps be brought before the court I believe that in that regard the hon member is quite correct I must say that I myself am not so adverse to the hon member's effort to define "unfair labour practice On the other hand however it is equally true that we shall have to afford this industrial court the opportunity to impose its own stamp on this specific new term This is an entirely new principle It is an entirely new terminology in our labour legislation Just as the old industrial court had to place a certain interpretation on certain problems and terminology it dealt with and did so in a very able way, I believe that we should afford the new court the opportunity to overcome these problems in its own way and in its own time

It is important to realize that neither this Government nor any previous Government has even attempted to introduce labour legislation which took the form of a straitjacket We have always believed in flexible legislation Therefore my only fear is that if we were now to decide to use the more detailed definition of the hon member for Pinelands we may categorize too narrowly However in the wider definition as stated in the Bill we can create the opportunity for the court—and after all we all have confidence in that court—to find its own way among all the problems In the first place we cannot simply come before the court with a lot of arguments Every malpractice or unfair practice in labour must in any event relate to the service relationship between the employer and the employee It must relate to that In other words it must fall within the limits set by section 24 of the principal Act In the second place, the group or trade union which is making the application still has to prove its case before the industrial court

The hon member made another statement as well He referred to subparagraph (b) in line 6 on page 5 of the Bill I refer to the English text I quote—

> Any other labour practice or any other change in any labour practice which has or may have an effect which is similar or related to any effect mentioned in paragraph (a)

The hon member said that his difficulty was that he regarded the provision as being too general

*Dr A L BORAINE It is too broadly stated

*Mr J J LLOYD Yes, but it is a general provision because an effort is being made here to include what has been excluded It is therefore an effort to include that which has not been categorized in total Of course this is not a principle that is alien to our industrial conciliation legislation If one looks at the definition in section 24, one finds that type of provision in the same spirit at the end after paragraph (z) Those things which are stipulated in section 24 from paragraph (a) to paragraph (z) and which could perhaps have been left out because labour legislation is dynamic and service contracts may vary from time to time, result in our having a similar provision there I do not want to quote it, because it is somewhat long, but the hon member knows about it I just want to point out to the hon member that this is not a new principle

If that is so I believe that both sides of the House are speculating as to what will be the easiest way to define this new expression We have in fact now found a definition by way of the department and its experts When I say that, I am not shooting the hon member's definition down unnecessarily but do I believe that he can leave this aspect in the hands of the court without any hesitation Let us see how it develops If, then we needs must introduce some of the other aspects when further consolidation is effected then we can do so at that stage

*The MINISTER OF MANPOWER UTILIZATION Mr Chairman, I realize that this definition is a very difficult one Indeed, the fact that we are coming to this House within such a short time—that is to say, since last year—shows that it is difficult I also said that we were breaking new ground If anyone in this House puts forward a definition concerning such a difficult matter, and I am convinced that it is a good definition, I shall accept it immediately However, I do not think the hon member's definition is good enough To tell the truth, I do not think it is an improvement If it had been an improvement, I should have accepted it The answer is therefore that I am unable to accept it

The hon member asked why I could not accept it The reason is that the hon member's definition is too limiting We are trying to incorporate the legal principle that the general should dominate the specific That is what I am trying to do with my definition That is why I think that my definition is stronger than the hon member's one We could argue until tomorrow about this matter It only concerns a single aspect This is how I see it The hon member's definition is too narrow I say the definition must be wider Look, we have an industrial court to point out all the weaknesses to us I am not a judge nor is the hon member If, then, the definition is not wide enough, the judge is the one to say that we must define it in such and such a way, and then it will be correct in practice However, if there is no such thing in practice and we have to create such a thing for the first time, I say it must be wide enough We must try to make it comprehensive enough and then leave it to the court to tell us what the mistake is I am now stating in simple English why I think my definition is better than the hon member's Therefore I am unable to accept his definition

Dr A L BORAINE Mr Chairman, I shall be as short and I think as sweet First I should like to say to the hon the Minister and the hon member for Pretoria East that I appreciate the comments and reaction I have had I appreciate the support of the hon member for Durban North too I think his speech was the best of three I have listened to

I am prepared to withdraw this amendment if the hon member for Durban North allows me to do so I am prepared to withdraw it simply because I believe it is

difficult There are problems Obviously I cannot make conditions for the withdrawal of my amendment, but I hope that the hon the Minister will refer my definition, as it appears on the Order Paper, to the department and to the court so that they can have a look at it

I believe that in the same way as we had the experts with us last year, we now have the experts having to change their minds very considerably

I do not of course, blame them for that because it is a very difficult matter Together with that I want to make a suggestion I believe that the courts should develop a code of employment practices which could be, for themselves, and I believe for South Africa too, a yardstick I am not talking about race now I am not interested in that I am talking about unfair labour practices, whether they emanate from the employer or the employee and whether he is White Black, Pink or Brown I could not care less What I am interested in is having industrial peace and having a good definition for the courts For that reason I think that the courts would be well advised to work out as soon as possible a code of employment practices as a yardstick

A second suggestion I want to make is that it may well be that the manpower commission should take a look at the definition that is before us now in clause 1 and the amendment I am withdrawing, and itself do some work on this The commission has a bunch of very prominent expert people, and perhaps all of us together can arrive at the best possible definition for labour and management in South Africa

Amendment with leave, withdrawn

Clause agreed to

Clause 4

Dr A L BORAINE Mr Chairman, I do not have to delay the Committee very long on this one I referred to it in my Second Reading speech

I move the amendments printed in my name on page 283 of the Order Paper, as follows—

(1) On page 5, in line 63, after (4)" to insert "(a) and (b)",

(2) on page 7 after line 2 to insert

(b) The commission may in the performance of its functions at any time enter any premises whatsoever for the purpose of making an inspection *in loco* thereon or therein and the owner or occupier of any such premises and every person employed by him shall at all times furnish such facilities as the commission may require for entering such premises and for making such inspection

In the clause I am seeking to amend the powers being granted to the manpower commission include those conferred upon the Registrar by subsections (4), (5) and (7) of section 12 I am suggesting that we insert only "(a) and (b)" after "(4)", thus deleting (c) The reason why I am suggesting that is that if we accept the clause as it stands the manpower commission will be empowered to enter premises without prior notice I believe that it makes more sense to accept the amendment Members of the manpower commission will then still be able to do their work We shall not be tying their hands in any way but I have an uncomfortable feeling about making it possible for still further groups of individuals to enter the premises of employers or employees without prior notice

*The MINISTER OF MANPOWER UTILIZATION Mr Chairman, what the hon member proposes really does not make much difference However let us concede that it does make perhaps a ½% difference I therefore accept the amendments

*The MINISTER OF AGRICULTURE AND FISHERIES That's neat, very nice!

Amendments agreed to

Clause, as amended, agreed to

House Resumed

Bill reported with amendments

Bill read a Third Time

LAWS ON CO-OPERATION AND DEVELOPMENT SECOND AMENDMENT BILL

(Third Reading)

The DEPUTY MINISTER OF DEVELOPMENT Mr Speaker, I move—

That the Bill be now read a Third Time

Mrs H SUZMAN Mr Speaker there has been no change in our attitude since the Second Reading and the Committee Stage as no amendments have been accepted As the hon the Deputy Minister knows we have a basic objection, an objection in principle, and even though it is simply a transfer of power from one piece of legislation to this piece of legislation we rejected it originally and we take the opportunity of rejecting it again now We object to the granting of powers to a non-judicially trained body of men the Makgotla to exercise a form of tribal law in the urban townships For that reason we shall simply register our opposition against the Third Reading

We do not oppose the transfer of Mafeking, but we are still doubtful and have not received any explanation—maybe the hon the Deputy Minister will take advantage of the Third Reading in his reply to give us some information—as to the reason for the wide powers taken by the Minister of Co-operation and Development under clause 9 For the rest we have nothing further to add

*The DEPUTY MINISTER OF DEVELOPMENT Mr Speaker, this is of course exactly the attitude we had expected from the PFP, and exactly the attitude we had expected from the hon member for Houghton She is cast in the mould of the old-time liberal who seeks to prescribe to the Black man what is good for him and what is not good for him

Mrs H SUZMAN [Inaudible]

*The DEPUTY MINISTER The hon member should just give me a chance to speak The Makgotla system was introduced in 1927 at the request of the Black people Now she tells us that the Black people of Soweto do not want it, but Soweto is not the only place where there are Black people, surely there are Black people throughout the Republic of South Africa One still finds the conservative, tradition-bound and culture-bound Black man on the platteland, and in terms of his own culture he would like to have structures on the basis of which he can penalize people with powers awarded to him in terms of the 1927 Act It is not a question of these people constituting a mere "kangaroo court" as she puts it The fact is that the conservative Black people, the people who are still bound to their culture, the Black people who are still tradition-bound, welcome this system and want it I could advance a long argument on the basis of the Viljoen report as to why we should retain this system for them However it would not change her mind in the slightest, because last year she adopted exactly the same standpoint By way of these few remarks I just want to bring home to her once again what her attitude is, and that we could change nothing In fact, I think she acted in an insulting way towards the conservative Black man by belittling him as a mere 'kangaroo court

Question agreed to (Official Opposition dissenting)

Bill read a Third Time

INDUSTRIAL DEVELOPMENT AMENDMENT BILL

(Committee Stage)

Clause 1

Mr D J N MALCOMESS Mr Chairman regrettably I was unable to be present in this House when the Second Reading of this particular amendment Bill was taken There are one or two points that I should like to make to the hon the Minister in this regard and there is an amendment that I should like to move on clause 1 of this Bill

This clause very clearly states that the hon the Minister shall have the right to designate any area for the purposes of this amendment Bill There is no limitation on the area that he can designate If he so wished he could designate the whole country in terms of this amendment Bill He has

Fosatu funds: Ban to stay — official

CAPE TIMES 11/6/80

Own Correspondent

(166)

JOHANNESBURG — In spite of a growing chorus of protest the Department of Health, Welfare and Pensions is not considering withdrawing its notice prohibiting the collection of funds by the Federation of South African Trade Unions (Fosatu)

This was said by a department spokesman yesterday as confusion and controversy mounted about the effect of the notice which will severely cripple Fosatu's operations and may even put it out of existence

The notice cuts off all foreign funds to Fosatu and also prohibits it from collecting funds from outside individuals and organizations inside South Africa But labour lawyers insist that it also prohibits Fosatu from receiving funds from its affiliates — which will put it out of business

Spokesmen for the Department of Health, Welfare and Pensions refused to respond to this claim yesterday

Motlana deplores Wiehahn, Riekert reports

STAR 12/6/80

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By Craig Charney

The latest Wiehahn reports will not promote meaningful change in South Africa Neither will new foreign investment, Dr Nthato Motlana told a group of American and South African businessmen

"Our interpretations of the Wiehahn and Riekert reports are completely negative," the chairman of Soweto's Committee of Ten said in an address to the American Businessmen's Luncheon Group at the Carlton Hotel yesterday

"We see Wiehahn as an effort by the Government to introduce measures to control black trade unions, and the present dispute over FOSATU bears out our interpretations"

Likewise, he said, when the Riekert report was released, "We thought that South Africa might be changed into a shared society We now know that Riekert was designed to bring influx control into the ,80s."

Regarding foreign business, Dr Motlana said that the Sullivan Code of conduct for American firms would only become effective if enforcement machinery was established

He called for the creation of an independent monitoring agency, preferably based on South African trade unions, and backed by American funds

Recalling the endorsement of foreign investment in South Africa by Mrs Lucy Mvubelo, head of the National Union of Garment Workers, he said that the other side of the debate was reluctant to lift its voice

"In South Africa today, to recommend disinvestment is to ask for a possible sentence of death or life imprisonment on Robben Island."

Wiehahn Commission's report on labour

CAPE TIMES 12/6/80

Report recommends training controls

Political Staff

GOVERNMENT-SUPPORTED industrial relations training, as well as new official controls over this training, have been recommended by the second Wiehahn Commission report

These recommendations could have a severe effect on worker education and training programmes conducted by the unregistered black trade union movement

The black unions regard their training programmes, which are designed to build up worker knowledge of labour law and trade unionism, as essential to the development of a strong labour movement and are likely to react angrily to the proposals

The report recommends that all training legislation be framed "in such a way as to indicate clearly that industrial relations training is included in all references to training"

This would mean that industrial relations training schemes approved by the government would be entitled to tax concessions — a move which would weaken the effectiveness of those schemes which stayed out of the government's ambit

It would also subject this training to the same controls and strictures to which technical training is subjected

The report also recommends that the proposed National Training Board, whose establishment it recommends, specifically promote industrial relations training and that it be charged with implementing the proposals made by the first Wiehahn report on this issue

It suggests that the National Manpower Commission and the Defence Manpower Board examine means of encouraging a levy system to promote and finance industrial relations training

These include a suggestion that the Department of Manpower Utilization have the right to prohibit any person or organization from offering industrial relations training except at a centre approved by the department

This prohibition should not apply to the formal education system or to registered trade unions, employer organizations, works committees, industrial councils and works councils, the report recommended.

It also expressed concern at "foreign influences" in some industrial relations training programmes

The second report says the commission "remains as concerned as it was at the stage of its first report that there should be means of countering undesirable influences from abroad in regard to both course content and the financing of training"

It is also concerned that this training should be provided "with maximum incentives" and "minimal State control"

Call to defer army training for apprentices

Political Staff

JOHANNESBURG — The Wiehahn report has recommended that "serious consideration" be given to the deferment of compulsory military training for apprentices in "key designated trades"

This is one of a number of recommendations made by the commission aimed at easing the military service obligations of white apprentices

Resistance

The commission was prompted to make these recommendations because "problems have been experienced with the indenturing of black apprentices on account of resistance on the part of certain trade unions represented on apprenticeship committees"

Some white unions have been blocking black apprenticeships, arguing that employers will give them job preference because unlike whites, they do not have to serve in the Defence Force and will not be lost to their employer

The commission has stopped short of making firm recommendations on this issue but has recommended that the issue be taken further through a joint investigation by the National Apprenticeship Board the National Manpower Commission and the Defence Manpower Board on the effect of military service on apprenticeship training

Dissatisfaction

It recommended that consideration be given to "problems and dissatisfaction" that arise from "the fact that only whites are at present compelled to undergo compulsory military training and that consideration should be given to the use of military trainees in "various civil capacities"

It says that a precedent has already been set in respect of students who enroll at universities and that deferments will serve as an incentive to become an apprentice

A deferment system would only affect the intake of trainees for a limited period since apprentices will be liable for service once they have passed their trade tests and people who have qualified as artisans could be used "more effectively and productively" by the Defence Force

Separate training for apprentices

Political Staff

THE Wiehahn Commission's report on training has recommended that blacks be trained as apprentices — but that this training take place mainly in racially separate institutions

The commission recommends that "provision be made" for both the practical and theoretical training of black apprentices at the 16 Black In-Service Training Centres or "other similar institutions where facilities do not exist or where they are inconveniently situated or are unsuitable"

These centres which are now administered by the Department of Manpower Utilisation, were set up under the 1976 Black In-Service Training Act

The commission also recommends that, where theoretical training facilities are not available for certain (presumably black) apprentices consideration be given to the use of existing facilities for theoretical training "as an expedient"

This should, however, only be done "subject to suitable arrangements being made at such centres"

Makeshift basis

Observers interpret this to mean that the bulk of black apprenticeship training would take place at the separate centres, but that the existing technical colleges and training centres where non-blacks receive theoretical training could be used on a makeshift basis

A similar recommendation has been made in connection with centres set up under the 1951 Training of Artisans Act, which allows certain workers to be trained as artisans without passing through the apprenticeship system

The commission found, however, that it was "desirable and in the interests of uniformity of standards" that black apprentices undergo their trade testing "at existing and newly-established centres as is the case with apprentices of other population groups"

Testing facilities

It recommends that "approved trade testing facilities" be used for the testing of all apprentices and makes the same recommendation for trade testing under the 1951 Act

In another controversial recommendation, the commission calls for consideration by the National Manpower Commission of ways and means of "co-ordinating and standardizing the training efforts within neighbouring independent and self-governing black states"

It is not clear whether this suggestion refers simply to the black homelands or neighbouring Southern African countries

Wiehahn Report

Move could spark angry reaction

Political Staff

JOHANNESBURG — The Wiehahn Report has recommended an investigation which could significantly reduce the power of trade unions on apprenticeship committees and could spark angry reaction from white unions

The committees make recommendations to the government on applications by apprentices to be indentured and white unions have been accused of "blocking" black applications which have come before these committees

The Minister of Manpower Utilization, Mr Fanie Botha, recently warned artisan unions that he would take action against them if they continued to block these applications

The report recommends that the proposed national training board give attention to the question of representativeness on apprenticeship committees with a view to making recommendations to the Minister of Manpower Utilization

Significantly, this is the only specific proposal in the report which elicited a minority opinion

Mr Tom Neethling, general secretary of the Amalgamated Engineering Union and the former president of the SA Confederaton of Labour, Mr Attie Nieuwoudt, dissented since they consider the present system satisfactory in all respects

The report also recommends that the Minister of Manpower Utilizaton lay down broad guidelines on principles to be followed by apprenticeship committees when they consider applications for apprenticeships These are

- **Consultation with all parties before a decision is taken**
- **No race or sex discrimination**
- **Full reasons must be given to an applicant when an application for apprentieship is refused The committees should have the right to ask the industrial court for an advisory opinion in order to enable it to reach a final decision**

Both these proposals could result in reduce white union representation and power on these committees

The commission also recommends that the scope of apprenticeship committees be broadened to enable them to serve as "industrial training committees" with wide responsibilities to monitor and control training within their industries

Industrial relations committees should be established in industries where apprenticeship committees do not operate, the report recommends

Restructuring of training possible

Political Staff

YESTERDAY's Wiehahn report made a number of recommendations that could lead to a restructuring of the skills training system

Chief among these is the suggestion that the National Apprenticeship Board examine existing designated trades to determine whether any of their operations ought to be "deskilled" and whether their existence is still justified

It should also examine whether higher admission qualifications for apprentices are necessary

It should submit its views on this issue to the National Manpower Commission, the report recommends

"Deskilling" is the process whereby a job, or some aspects of it are opened up to workers who do not possess artisan qualifications

The commission also recommends an investigation into the feasibility of a system of graded artisan training

Other measures suggested by the commission include

- That the National Manpower Commission together with the Defence Manpower Board give consideration to encouraging a levy system to promote and finance training,
- All training legislation should be consolidated accord-

ing to guidelines laid down by the Riekert Commission,

- That a national training board be established, which would be a broadened version of the National Apprenticeship Board and the two existing in-service training councils,
- Raising the minimum age qualification for admission to training centres under the Training of Artisans Act from standard seven to eight for certain trades, a move designed to raise the standard of non-apprentice trainees,
- The introduction of improved incentives for the attainment of higher qualifications for artisans,
- An investigation into the decentralization of trade test centres
- The establishment of regionally-based industry training schemes should be encouraged
- Stricter control over employers who are permitted to run approved training schemes

A brick in the wall of a 'new labour deal'

JOHANNESBURG — The report of the Wiehahn Commission of Inquiry into labour legislation, released yesterday, represented another step in the development of a "new labour deal", the Association of Chambers of Commerce said in a statement

The Assocom statement noted that the Wiehahn report stressed the need for improved training and education of all racial groups

"It is again apparent from this report that the growing needs of the South African economy, and the skilled manpower shortage, require a massive degree of training and retraining in order to fully develop our human resources

"Assocom also shares the commission's view on the need for sound industrial relations Good labour relations — racial harmony at the workplace — are essential to productivity gains in South Africa in the years ahead," the statement said

"Assocom agrees with the creation of a single national training board to implement the new policy, which will facilitate co-ordination in this important field This also is reflected in the commission's recommendation that consolidated non-discriminatory legislation on employment and training — as visualized by the Riekert Report — should be prepared with the least possible delay

"Assocom endorses the emphases placed in the report on the need for better manpower planning in, reconciling the military needs of the country and the needs of the economy in general"

The association said it hoped that the government would take early action on the report and the white paper — Sapa

Other reports later this year

Political Staff

THE outstanding reports of the Wiehahn Commission on Labour Reform may be released later this year.

Addressing a press conference on the second report yesterday, the Minister of Manpower Utilizaion, Mr Fanie Botha, said he regretted the delay in releasing the outstanding reports

However, they could be released later this year by special permission of the State President provided they were tabled at the beginning of next year's parliamentary session.

Govt favours separate training

CAPE TIMES 12/6/80

(166) (178) (179)

Political Staff

THE government has accepted in principle a key recommendation by the Wiehahn Commission that black apprentices should be trained mainly in separate training centres

This is among the main points which emerged from the government's white paper on the commission's second report on training which was tabled in Parliament yesterday

The government also accepted a recommendation that other facilities should only be used for theoretical training of "certain apprentices" — apparently blacks — where facilities for them were not readily available

Commenting further the white paper said this was acceptable "provided that appropriate arrangements are made at such centres to the satisfaction of all concerned in consultation with the State and interested parties"

However the government also accepted recommendations which approved trade testing facilities being used for the testing of all apprentices and trainees

Most of the commission's recommendations have been accepted, while some have been accepted with qualifications and others referred to various bodies for further investigation

On the commission's proposals for the restructuring of the National Apprenticeship Board into a National Training Board, the white paper said it supported such a board in principle

But its composition and functions should first be investigated by the Departement of Manpower Utilization in consultation with interested bodies

This would also apply to proposals for the broadening of the scope of apprenticeship committees

The establishment of a trade test committee will also be deferred pending an investigation by the National Apprenticeship Board

Military service

On the commission's recommendations regarding military service, the white paper pointed out that these issues were being investigated by a special committee appointed by the Manpower Board

The recommendation that the minimum educational qualification for training in terms of the Training of Artisans Act should be raised to Standard Eight would also be referred to the National Apprenticeship Board for further investigation

In an introduction, the white paper said it would not be possible to bring about all adjustments arising from the government's decisions immediately

But the government expected all government departments and official institutions to make the necessary adaptations "as soon as possible in the interest of South Africa and all its inhabitants"

WIEHAHN TWO

Half a go

Government's cautious acceptance of the equally cautious recommendations of the second report of the Wiehahn Commission represents only limited progress

Reacting to an interpretation of the second report that it could result in the training of essentially "second class African artisans" or "super operators," Manpower Minister Fanie Botha said his department would continually reassess the lack of theoretical training facilities available to aspirant African apprentices

As government's white paper has indicated, Manpower was willing to "consider the utilisation of any existing facilities" where "theoretical training facilities are not conveniently available for certain apprentices"

The proviso is that this is "to the satisfaction of all concerned" Needless to say, this is a hefty concession to the right wing

Botha did go on record to say that "we can't have two systems of training" But, it seems that only the examination of apprentices — at Olifantsfontein — will be common to all race groups

Black in-service training centres come under the control of Manpower Utilisation from July 1 Botha says this will then enable his department to investigate the proper provision of both practical and theoretical training facilities at these (Africans-only) institutions This is in line with Wiehahn's recommendations

But Botha clearly wants private enterprise to bear the major burden of the practical training of apprentices The Manpower Commission was investigating new incentives (which may take the form of taxation changes) to encourage industrialists

In what seems a clear attempt to negate the blocking power of right-wing white unions on apprenticeship committees (which decide on apprenticeship applications) independent chairmen have been urged to use their casting vote The effect *could be* to enable the approval of apprenticeship applications by blacks despite white union opposition So much for the new labour era

Despite the right of appeal by an applicant turned down by an apprenticeship committee, it is clear that any meaningful increase in the number of African apprentices will depend on two things

- The guidelines government gives apprenticeship committees, and
- The use of chairmen's casting votes, or a restructuring of these committees to enable the outvoting of recalcitrant white labour

Unions differ on Wiehahn report

STAR 13/6/80 (166)

The Trade Union Council of SA has welcomed the Government's response to part two of the Wiehahn report but the Federation of SA Trade Unions has reservations about it.

Commenting on the White Paper on part two of the Wiehahn report, a spokesman for the 50 000-member federation of 14 non-racial unions, said it appeared black apprentices would be trained on an integrated basis only if other training facilities were not available

"This is clearly unacceptable to us," he said

"In the past, and probably in the future, separate facilities have meant inferior facilities

"If the Government is sincere about a colour-blind deal for all it should open all facilities to all apprentices"

The other worrying factor, he said, was the suggestion that the Government should — through a proposed National Training Board — participate in industrial relations training.

"The essence of collective bargaining is that an independent worker organisation bargains with an independent employer organisation For anyone else to interfere in that process would negate and frustrate the entire process"

Mr Andre Malherbe president of Tucsa, took a different view He believed the Government's intention was to bring industrial relations training into the ambit of the Department of Manpower Utilisation and not to control it

Mr Malherbe said his overall reaction to the White Paper was "positive"

He was pleased the Government had accepted that industrial training was needed for all workers 'and not necessarily at separate institutions"

He favoured the transfer of responsibility for training from the Department of Education and Training to the Department of Manpower Utilisation on July 1.

This would be a more practical way of dealing with the country's manpower needs, he said.

UNIVERSITY OF CAPE TOWN
EXAMINATION ANSWER BOOK

EVERY CANDIDATE MUST enter in column (1) the number of each question answered (in the order in which it has been answered), leave columns (2) and (3) blank

SECTION C

All answer books must be numbered

Number of books handed in	4
Number of this book	2

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Wiehahn's separate training proposal rejected by NIC

NATAL MERCURY 13/6/80

166

Political Reporter

SPOKESMEN for the Labour Party and the Natal Indian Congress yesterday rejected the principle of providing separate training facilities for black apprentices, as outlined in the second report of the Wiehahn Commission

Mr B K Singh of the NIC said if the Government accepted the recommendation for separate facilities, this would show it was 'hide-bound by its political ideology

'When the first Wiehahn report was published and after studying initial reaction of Government spokesmen to certain recommendations, one got the impression that the Government had at last realised the need to make maximum use of all the human labour resources of the country without adhering to its former discriminatory labour practices The second report suggests that this is not really the case and that the Government is hide-bound by its political ideology '

Mr Singh, who is an NIC spokesman on labour matters, said 'It is a well known fact that there are very few training centres for blacks in South Africa and one could hardly expect sufficient centres to be established in the near future to meet the demand The more sensible thing to do would be to utilise all existing training facilities for use by all races and to forget about providing or waiting for separate training centres

'This would take years and would only make a mockery of the main recommendations of the report '

Mr Eddie Smith, Natal secretary of the Labour Party, said his party had never accepted the Nat principle of separate but equal By the same token, the Labour Party could not accept the provision of separate training facilities for apprentices

Paper No

(to be copied from the heading on the Examination F

NOTE CAREFULLY

1 Enter at the top of each page and in column (1) of the block on this cover the number of the question you are answering
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ces of paper or other mate-
into the examination room
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to communicate with other
any person except the invi-
book is to be torn out
ust be handed to the com-
ivigilator before leaving the

Any dishonesty will render the candidate liable to di sible exclusion from the Univer

But influx retained

Pass laws relaxed

Post 13/6/80 (166)

Regulations published in the Government Gazette today following the recommendations of the Riekert Commission relax pass laws while retaining influx control.

The "special" — a work-seekers permit in the reference book — is scrapped.

People with Section 10 qualifications need report only once to the labour bureau and not each time they start in a new job or terminate one

People with Section 10 qualifications may be employed in another prescribed area on condition they can satisfy the labour bureau in the new

By JOE THLOLOE

area that they have accommodation

It is now the duty of the employer to notify the labour bureau when he employs a person or terminates employment.

Workers who do not have Section 10 qualifications have to carry a certificate that shows they are employed. This certificate is obtained by the employer

An official of the Department of Co-operation and Development yesterday said these workers "would be well-advised to get to the labour bureau when they are registered so they can have the certificates transcribed into their books"

If the certificate is not in the pass, the worker has to carry both his pass and his certificate

The regulations published today are amendments to the Black Labour Regulations of 1965 According to officials, they were drafted to make easy "the transfer of the administration of the labour bureau system to the Department of Manpower Utilisation in accordance with the recommendations of the Riekert Commission."

The bureau will still be run by the administration boards, but they will be doing some of their duties for the Department of Co-operation and Development and others for the Department of Manpower Utilisation.

The administration of the bureau will be the responsibility of the Department of Manpower Utilisation, but influx control that of the Department of Co-operation and Development

Among the amendments to the regulations are:

A temporary identification certificate — duplicate — will no longer serve as a reference book for purposes of recruitment and employment, except for people who already have records or have come to an area on a call-in card.

The spokesman for the Department of Co-operation and Development said in the past many "illegal immigrants" had come into South Africa using these

This prohibition will affect people who have never worked before and do not have a record of residence before turning 16

Labour bureau will now be decentralised with employment offices in black residential areas and "labour assembly centres in the vicinity of national states"

EXAMINATIONS

Selection, orientation and medical examinations would be done at these centres under the supervision of administration boards

Labour bureau "are not only to take cognisance of employment opportunities and of vacancies, but are also to take note of the availability of housing for employees."

Students will now be able to work after school or during weekends without having to register if they get the permission of their principals and their parents

All people who work for the State, provincial authorities and statutory boards will be exempted from labour bureau requirements.

Employes can now give loans to their employees without any limitations.

1 step forward, 2 steps back

SUNDAY POST Labour Correspondent

SO ANOTHER Government promise of meaningful change bites the dust

This time it involves black apprentices

The Government has accepted the second Wiehahn Commission report's recommendation that black and white apprentices be trained in separate institutions

A labour expert described the Wiehahn report to SUNDAY POST as "a load of eyewash"

Sun Post 15/4/80.

Wiehahn report does nothing but stall

And Mr Ike van der Watt, general-secretary of the SA Boilermakers' Society, said "My immediate reaction is that the report will not help us at all"

On the report an observer said "The whole thing has been an exercise in creating the impression of progress, while in fact nothing has been done except marking time"

The Government may have taken a step forward when it agreed to allow blacks to become apprentices in "white" areas But it has taken more steps backwards than forwards

The only two recommendations worth noting in the report — segregated facilities and official control of industrial relations training — are retrogressive Said one observer "They are a perfect example of the Government's control approach, which it doesn't seem to be able to get away from"

The Wiehahn report recommends that blacks undergo both theoretical and practical apprenticeship training at black in-service training centres And, where theoretical training is not available, it recommends that "certain apprentices" (no doubt black), be allowed to use existing facilities as a makeshift measure — but only "subject to suitable arrangements being made at such centres"

There are 16 black in service training centres which have been set up since 1976 But unionists and observers are quick to point out that these centres are not equipped to give apprenticeship training Said one "These centres at very best only provide semi skilled training"

So, they say, any black getting training in these centres will be second rate

And, reckons one observer, blacks will probably be trained under the Training of Artisans Act This Act enables someone with practical experience to skip the formal apprenticeship training and become an artisan after a year's theoretical training But whites who do this course are regarded as second-class artisans

So what chance do blacks — who are trained in ill-equipped centres — stand of being anything more than second-class artisans?

And most reckon that the black in-service training centres will never be equipped as well as white technical colleges Mr van der Watt says the only way apprenticeship standards will be maintained is if both black and white train together "I'm going to do everything I can to stop a dualistic system," he adds

In addition, the implication of the recommendations is that even when blacks can attend white technical colleges, they will attend different classes to whites

On compulsory industrial relations training, the commission recommended that "the National Training Board (to be set up) specifically to attend to the promotion of industrial relations training as part of its duties", with official control of such training

This measure is aimed at the unregistered black trade union movement A month ago a Government official complained to SUNDAY POST about black trade unionists receiving industrial relations training overseas, and then passing on what they had learnt to others in South Africa He said this training was not suited to the South African situation

Now it seems that the Government will put a stop to this by controlling the courses If as, the Wiehahn report recommends, "industrial relations training is included in all references to training" in any legislation, all industrial relations training courses may have to be registered with the Government

The black trade union movement strongly condemns any moves to control their training courses.

Eric Tyacke, education Co-ordinator of Urban Training Project (UTP) (which is a private organisation linked to the Consultative Committee of Black Trade Unions) says: "Control of industrial relations training by the Government means control by a political party and control by the country's biggest employers Nobody other than the black trade unions has told UTP what the course content should or should not be We regard this as part and parcel of real freedom of association"

According to one unionist, the National Training Board will probably have a combination of Government officials, employers and old ,established trade unionists Employers and nationalist party policies will dictate the type of training trade unionists will receive, he says

15/6/80 SUN TIMES (6166)

Unions will oppose separate artisan training

SUN TIMES 15/6/80

By KEVIN STOCKS

SOUTH AFRICA'S trade unions and industrialists will fight Government attempts to segregate training facilities for black and white apprentices

The segregation of theoretical training recommended in the second Wiehahn Report, is seen as politically unacceptable to

- Overseas companies which cannot be seen to condone apartheid
- Many white trade unionists who fear a type of second-class black artisan who would undercut white wages
- Local industrialists trying to maintain overseas links and gain credibility with blacks

Ironically, according the personnel director of the local subsidiary of a large overseas company, there could be logical reasons for segregated facilities, but his company cannot afford such segregation

He agreed that the educational disadvantages of many blacks and their lack of technical background could disrupt training courses, with better prepared white apprentices progressing at a faster pace

A spokesman for the Siemens organisation, however, said that in training technicians, his company had allowed for this difficulty and gave black technicians up to a year's "pre-training", both in classrooms and on factory floors before enrolling them in the technical training courses

"Where apprentices are concerned, we have not encountered a problem, probably because we have recruited our black apprentices from within the company — those who are familiar with the basics of the work they will be doing," the spokesman said

"So far we had excellent results from them"

Trade unions, fearful of "cut-price, second-class black artisans" from segregated facilities undercutting standards and taking their members' jobs, are insisting on a single training scheme to maintain standards

This week the powerful Confederation of Metal and Building Unions met representatives of the Steel and Engineering Industries Federation and the Industrial Council for the Metal Industry and urged that all apprenticeship training be done through a single system and not through the so-called "in service" schemes

The confederation added that in-service schemes, where blacks would receive theoretical training at black in-service training centres should only be used with the approval of the industrial councils — where the unions have a strong voice

Mr Alec Erwin general secretary of the Federation of South African Trade Unions has totally rejected the idea of segregated training and predicted it would not be acceptable to anyone concerned

"I cannot see any reason why training should remain segregated," Mr Erwin said

"The skills are identical so why not train blacks and whites at the same institutions"

LABOUR (166) FM 20/6/80

A long yawn

Now that the headlines have faded the only response left to the government's latest labour reform attempt is one long yawn.

The Wiehahn Commission's second report (*FM* June 13 1980) and white paper presented in Parliament on Wednesday were a disappointment — particularly in the light of government's recent promise to introduce major labour reforms.

Initial interpretations of the report were optimistic as it appeared government had made a concerted effort to introduce artisan training free of colour barriers.

However closer inspection of the report shows that this is not the case.

Says a labour observer: "The first Wiehahn report did not produce a free and democratic labour market and the second has certainly failed to do so."

Semi-skilled only

Ike van der Watt, general secretary of the SA Boilermakers Society, adds: "The report has left it up to employers and unions to introduce better training facilities for all races but they have done very little to facilitate this."

The most contentious area of the report, and one that seems to have sparked the most confusion, concerns segregated training for black and white apprentices.

Although it states in the opening pages that "the government's general aim is that the country's workers irrespective of race, colour or sex, must be developed, utilised and conserved to the optimum ..." the report nevertheless recommends that blacks undergo theoretical and practical apprenticeship training at black in-service training centres.

Union observers point out that the 16 black in-service training centres in operation can provide at best semi-skilled training only.

The effectiveness of the commission's attempts to involve the private sector also seem dubious. It recommends that the private sector introduce training facilities on a larger scale than it has done and that firms submit more applications for black artisans to the apprenticeship committees.

Points out Van der Watt: "There are serious capital problems for firms wishing to introduce effective in-house training. Ineffective programmes will only mean an overall drop in artisan standards."

Whether or not apprenticeship committees will be more open to passing artisan licences to blacks remains to be seen. (There are at present only 50 black artisans in SA.)

Union observers point out that government has the final say anyway as it has the power to reject or accept applications passed by the apprenticeship committees.

Other major recommendations were:

- That a National Training Board monitor and control the effectiveness of training and investigate the establishment of a central training fund.
- That government grant white apprentices in "key designated trades" certain deferments or remission from compulsory military training.
- That "deskilling" in designated trades be examined.
- That the minimum qualification be raised from Standard 7 to Standard 8 for admission to training centres under the Training of Artisans Act.
- That the National Training Board attends to the promotion of industrial relations training.

Record on trade union rights put straight

NATAL MERCURY 26/6/80

165 166 ~~134~~

SIR, — I refer to the second leading article which appeared in your newspaper on June 6, 1980 under the heading 'Was this necessary?' and wish to draw your attention to certain inaccuracies contained in the article.

In paragraph three, referring to the role of the Government, you state 'Last year it did not see its way clear to implement the Wiehahn Commission's recommendation that trade union rights be granted to all workers, instead, it limited the eligibility of blacks to permanent residents of South Africa'

It should be pointed out that the Industrial Conciliation Act, 1956, as amended, empowers the Minister of Manpower Utilisation to extend the definition of 'employee', and the Minister duly exercised these powers by bringing in, in terms of Government Notice No R2167 dated 28 September 1979, any person who complies with the requirements of sub-paragraph (i) of paragraph (a) of the definition of 'employee' in section 1 of the Act, and who

(a) is or was a South African citizen, or

(b) is a citizen of a State the territory of which, or a part of which, formerly formed part of the Republic

If one examines the amended Act, in conjunction with the Gazetted notice mentioned above, it is clear, therefore, that the only persons excluded from trade union membership are those who enter the Republic for the purpose of carrying out a contract of service within the Republic, **if upon the termination thereof the employer is required by law or by the contract of service or by any other agreement or undertaking to repatriate that person, or that person is so required to leave the Republic**

It is evident therefore that your quoted statement, especially when read with your further comment in paragraph five of the article, viz 'The Industrial Conciliation Amendment Act denies membership to the vast majority of black workers living in the greater Durban area' does not convey a clear picture of the facts. It should be obvious from what I have said, that with the exception of certain contract workers, all employees working in the greater Durban area are in fact eligible for trade union membership

In the light of the foregoing, your remarks in paragraph six of the article, where you state that certain parties 'objected strongly to the exclusion of migrant workers from the amending legislation, warning that this would wipe out most of the existing unions and lead to industrial unrest and illegal strikes — and this is precisely what happened at New Germany' would appear to be unfounded

D P LIEBENBERG
Divisional Inspector
Dept of Manpower Utilisation
Masonic Grove
Durban

FOOTNOTE — Unfortunately we were not aware that the Minister of Manpower Utilisation had exercised the power vested in him by the 1956 amended Industrial Conciliation Act, to extend the definition of the word 'employee' Our argument that the eligibility of blacks to trade union membership was limited to permanent residents of South Africa is therefore invalidated, and it is now clear that virtually all employee working in the Greate Durban area are elig ble for membershi The error is regrette — Editor.

Industrial court to hear first test case

RDM 28/7/80.

By STEVEN FRIEDMAN
Labour Reporter

THE industrial court set up under the Government's new labour dispensation is to hear its first major test case today in Johannesburg

The action has been brought by a black migrant worker who claims that his employer victimised him by not renewing his work contract

One issue at stake is whether an employer's decision not to renew the contract of a migrant worker when it expires can be regarded as victimisation

If the court does pronounce on the issue, labour observers believe the case will be an important test of migrant workers' rights

The industrial court was established after a recommendation by the Wiehahn Commission, which argued that there was a need for a special court to hear labour cases Its president is the commission's chairman, Professor Nic Wiehahn

The court is regarded as an important part of Prof Wiehahn's planned labour dispensation, because it aims to provide workers with a cheap and speedy forum for the processing of their grievances

One of its chief functions is to hear claims of "unfair labour practices". It does not have to apply legal criteria only, but can also take into account the principle of "equity" Lawyers say this gives the court wider discretion than ordinary courts enjoy

It can, however, hear only civil actions

The case which the court will hear today has been brought by Mr Steven Maponya against his former employer, an East Rand company, Precision Tools

Mr Maponya, an active member of the Metal and Allied Workers Union, is a migrant worker Earlier this year his contract ran out and the company did not renew it

Mr Maponya claims that the company did not renew the contract because it wanted to end his trade union activities He says that Precision Tools has therefore victimised him by not re-employing him

The company has denied this, and is contesting the action

Mr Maponya is the first black worker to bring a test case to the industrial court and the case will be watched carefully by labour observers

In order to bring his case to the court, Mr Maponya first had to take it to the industrial council for the steel, engineering and metallurgical industries

A regional committee of the council heard his case and reported that it could not reach a finding The case was then referred to the court

At the same time, Mr Maponya's lawyers applied to the Minister of Manpower Utilisation for an order instructing the company to reinstate Mr Maponya until his case had been decided

The Minister refused to do this — an action which was criticised by the MAWU It said Mr Maponya had been unemployed for several months and also risked arrest under the pass laws, but was unable to obtain protection from the authorities

Date 25-10-78

Degree/Diploma/Certificate for which you are registered (e g B A , B Sc) B Comm

Subject ECONOMICS II
(to be copied from the heading on the Examination Paper)

Paper No 1
(to be copied from the heading on the Examination Paper)

Examiners' Initials		

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3 No part of an answer book is to be torn out
4 All answer books must be handed to the commissioner or to an invigilator before leaving the examination

Any dishonesty will render the candidate liable to disqualification and to possible exclusion from the University

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Labour practices test case begins

166

RDM 29/7/80

189 296

By STEVEN FRIEDMAN
Labour Reporter

THE industrial court yesterday began hearing its first major test case — brought by a migrant worker, against his former employers — after legal representatives of the employers argued that the case should not come before the court

The court's president, Mr Benjamin Parsons, found, however, that it could hear the action

In the case, which is being heard in Johannesburg, Mr Stephen Maponya alleges that his former employers, Precision Tools, victimised him by refusing to renew his migrant service contract

The company denies this and is contesting the action

The industrial court was set up after a recommendation by the Wiehahn Commission, and one of its functions is to hear cases in which workers allege they are victims of "unfair labour practices"

Mr Maponya's action is the first case involving an alleged "unfair labour practice" which has come before the court It is being watched with interest by labour observers who regard it as the new court's first major test case

The case was first considered by the industrial council for the iron, steel and metallurgical industries It reported that it could not determine whether a dispute existed between Mr Maponya and the company

However, it was revealed for the first time yesterday that the council's executive committee had also found unanimously that the company was within its rights when it did not renew Mr Maponya's contract

Industrial legislation stipulates that a dispute must be considered by an industrial council before it comes before the court

If the industrial council is unable to resolve the dispute, it can be referred to the court

In a day taken up with legal argument, counsel for Precision Tools, Mr A Trollip, argued that the matter had already been resolved by the council when it found unanimously that the company was within its rights and that a dispute did not exist

There was thus no reason for the court to hear it

The court had also queried whether the action should be heard because the case had been discussed by a sub-committee of the industrial council and then by its executive committee, but not by the council as a whole

Mr M Brassey, counsel for Mr Maponya and the Metal and Allied Workers Union, who have brought the action jointly, argued that an industrial council was not a judicial body and therefore did not have the right to find on the merits of a dispute

If it had this right, a council could use it to "gang up" on applicants who were not members and prevent them from being heard in court

It could only try to settle disputes and refer them to the court if it was unable to do so It had been unable to settle this dispute and therefore the court should decide on it

He also argued that an industrial council could delegate its functions to a sub-committee and the fact that the executive committee had considered the case meant that the preliminary procedures had been observed

The court accepted this argument and found that the matter could be heard

● Mr B J Parsons, vice-president of the Industrial Court, is presiding Mr M Brassey, instructed by Bell, Dewar and Hall, is acting for Mr Maponya and the MAWU Mr A Trollip, instructed by Damant, Bostock and Company, is acting for Precision Tools

Crucial labour issues before industrial court

By STEVEN FRIEDMAN
Labour Reporter

THE right of trade unions to bring "unfair labour practice" cases to the industrial court was challenged in argument before the court yesterday

Sitting in Johannesburg to hear its first major test case, the court also heard argument yesterday on another vital labour issue — the right of contract workers to expect that their contract be renewed

The court's ruling on these issues is expected to have a crucial bearing on labour law

Mr Steven Maponya, a migrant worker, and the Metal and Allied Workers' Union (Mawu) have brought an action before the court alleging that Mr Maponya's former employer, Precision Tools was guilty of an "unfair labour practice" when it refused to renew his contract

They allege Mr Maponya's contract was not renewed because the company wanted to end his union activities at its plant

In argument yesterday Mr A Trollip, counsel for Precision Tools, argued that the Mawu had no standing to bring the action together with Mr Maponya

He cited a Supreme Court case the 'Bosman case', in which it was held that a union had no legal interest in whether one of its members had been victimised and thus had no legal standing in such cases

Mr M Brassey, for the Mawu and Mr Maponya argued that this judgment did not mean a union had no standing in the industrial court — a 'quasi-judicial tribunal'

He said the Industrial Conciliation Act had "clearly contemplated that trade unions could be parties to 'unfair labour practices' cases before the industrial court

If unions were not allowed to bring such cases to the court workers would have to do so individually 'at great difficulty and expense

Mr Brassey asked the court to postulate what would occur if 3 000 workers at a particular company demanded to be heard individually by the court

The rights of contract workers also featured in argument yesterday

Mr Trollip argued against a memorandum submitted by the Mawu and Mr Maponya partly rejecting its suggestion that it was possible for a migrant labour contract to contain an "implied term" that this contract would be renewed

This would mean that migrant workers would, in certain cases, be able to argue that it was understood between them and their employer that their contracts would be renewed and that the employer's failure to do this could constitute victimisation

Mr Trollip argued that an employer could not renew a migrant worker's contract without the permission of the authorities in this case the West Rand Administration Board

If the court ordered the company to reinstate Mr Maponya it would be asking it do something which was illegal without the permission of Wrab

He also argued that the company had a legal right not to renew a contract

Mr Brasse argued against this suggesting that the "call in card which an employer may give a migrant worker automatically entitled the worker to be registered in a new contract

By granting Mr Maponya such a card the company could ensure his re-employment and Mr Maponya alleged that it was an understanding between him and the company that this would be done when the contract ran out Mr Brasse said

He also argued that there could be an understanding between workers and an employer or a custom at a company that a work contract would be renewed even if there was no legal obligation to do so

The case is being heard by the court's vice president Mr Benjamin Parsons assisted by two assessors Prof P A K le Roux of Unisa (nominated by Mr Maponya and the Mawu) and Mr D S Harris of Seifsa (nominated by Precision Tools)

Case findings vital to black worker rights

By STEVEN FRIEDMAN
Labour Reporter

THE industrial court adjourned a hearing yesterday to consider argument on two issues with far reaching implications for the rights of black workers

At issue are the rights of contract workers to allege victimisation if their employers do not renew their contracts and the right of trade unions to bring industrial court actions on behalf of their members

The case has been brought by the Metal and Allied Workers' Union and Mr Stephen Maponya a migrant worker They allege Mr Maponya was victimised by a local company Precision Tools when it refused to renew his work contract

The court's finding is likely to be closely studied by unions and employers

If oral evidence is necessary on the facts of the case it will be heard from September 11 to September 13

The court has been asked to deliver its findings on the legal points two weeks before that date It noted this request

In another development yesterday both sides indicated that they would seek to appeal if the court's ruling goes against them

It has been assumed up to now that there is no right of appeal from decisions of the court However, this now appears to be in doubt

The court's vice-president Mr B J Parsons, is hearing the case and is assisted by two assessors Prof P A K le Roux of Unisa (nominated by Mr Maponya and Mawu) and Mr D S Harris of the Steel and Engineering Industries Federation of SA (nominated by Precision Tools)

Yesterday the court sat briefly and heard additional argument from Mr A Trollip for Precision Tools and Mr M Brassey for Mawu and Mr Maponya

Mr Trollip has argued that the company has no legal obligation to renew a migrant worker's contract and that the court cannot order it to reinstate Mr Maponya because doing so requires the permission of the West Rand Administration Board's director of labour

Mr Brassey has argued that an employer is not prevented from issuing a contract worker with a 'call-in card' which he submitted automatically meant that the contract would be renewed

He also argued that a migrant worker's contract could in some cases contain an 'implied term' that the contract would be renewed and the worker re-employed

If the court accepts this argument, it would mean that contract workers would be able to invoke rights they have not been thought to hold up to now

A contract worker would in certain circumstances, be able to compel an employer through the courts to renew his contract if he were able to prove that the employer wanted to victimise him by not renewing it

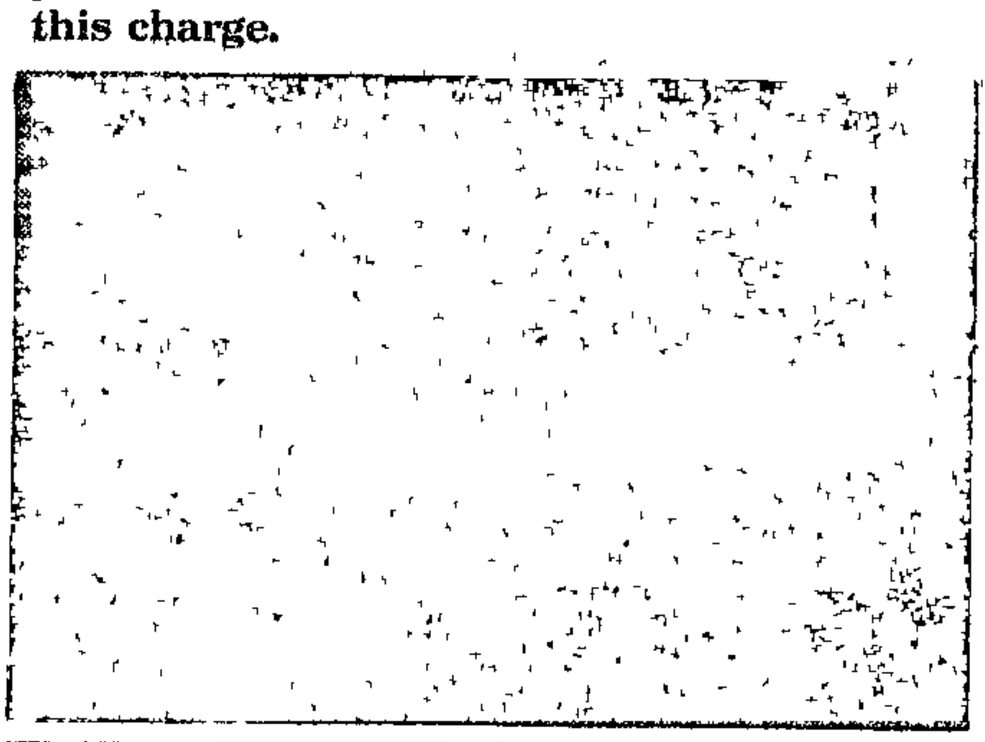
The right of trade unions to represent their members in "unfair labour practice" cases before the industrial court is also at issue in the case

However Mr Trollip acknowledged in argument yesterday that the court's finding on this issue would not affect the outcome of the case, as Mr Maponya's right to bring it before the court is not in dispute

Spanner in labour works

RDM 1/8/80

The City Council strike has been blamed on the refusal of workers to use the Government's disputes machinery. But many observers believe that this machinery is inadequate. Labour Reporter STEVEN FRIEDMAN discusses this charge.



THE problem with black strikers, it seems, is that they continually ignore the Government's machinery for settling disputes

The Government is aware of this fact, and is obviously upset about it Mr Jaap Cilliers, the director-general of Manpower Utilisation, complained of it during the Frametex and Cape meat strikes earlier this year

And this week, the department's Minister, Mr Fanie Botha, complained again — this time in a statement on the Johannesburg municipal strike

He said that the Government's conciliation machinery was available to the strikers, but that they had chosen not to use it

Both summed up the bewilderment in official labour circles The authorities have finally moved, after five decades of racial exclusion, to allow black workers and their unions into the official labour relations system — but the workers are not using it

"For years, these people bombarded us with demands that we allow black trade unions to register and join the system Now, when we agree to that, they slap us in the face," a senior civil servant said recently

All this seems eminently reasonable If the system has been opened up to blacks why don t they use it as non-blacks have for all these years?

The answer, labour observers are increasingly coming to believe, is that the system doesn't work — at least not for black workers The authorities, they argue, would be better advised to look to their own system and examine why it is failing, than to blame black workers for this trend

In short, they argue that the system is too cumbersome and too hedged with official controls to enable black worker grievances to be channelled through it There are also those who argue that the system has a built-in bias against trade unionism

An often-heard variant of this issue has been provided by the City Council itself

One reason it has given for not dealing with Mr Joseph Mavi's Black Municipality Workers Union is that it is not registered with the Government

Registration is the process by which unions gain entry to the Government's bargaining system and it entitles them to access to various official bodies on which bargaining takes place

So the council is also complaining that the BMWU is not working through the system

This is an oft-heard argument among employers some of whom — like the Council — also claim that unions which are unregistered are "illegal"

Black trade unions point out immediately that unregistered unions are not illegal They have existed throughout the half-century in which black workers were denied access to the official system

There is nothing to prevent an employer from recognising an unregistered union and about a dozen employers have, in fact, done this

The unions argue that there is a great difference between registration and recognition Registration entitles a union to use the Government machinery Recognition by an employer means that he agrees that he will negotiate with that union on worker grievances

Just as unregistered unions are recognised by employers, so too are there registered unions which have been denied recognition — indeed, a 1978 strike at the Eveready factory in Port Elizabeth was sparked precisely because the employer would not recognise a registered union for coloured workers.

Registration, unions argue, is a matter between unions and the Government It is up to the union's membership to decide whether it wants to enter the official system and all an employer need worry about is whether the union is representative of his workers

As a prominent black unionist, Mr Henry Chipeya put it in a statement this week, "It is about time employers realised that it is not registration or Government recognition which makes a trade union representative"

The demand for registration is simply an attempt by management to ensure that the union it deals with is acceptable to the authorities and is used to delay legitimate requests for union recognition, the unions argue

One of the chief advantages of registration is that it allows unions access to industrial councils, bodies which bargain on minimum wages and working conditions on an industry-wide basis

However, it is recognition from the individual employer that the black unions are primarily seeking

Not that they don't want to negotiate on an industry-wide basis — indeed, they demand this right But they do demand the right to speak for their members when problems arise on the factory floor, and it is this right which recognition provides

Most grievances occur on the factory floor, not at an industry-wide level It is thus logical, the unions argue, that they should primarily seek to be active there

They see the employer demand that they should register and enter the industrial councils as a means of "shunting the union aside" into a body where it does not bargain with the individual employer — unless its seat on the council is accompanied by the right to take up grievances in the factory

Most of the black unions are now reluctantly applying for registration because they feel it is the only way to gain access to employers

Their reluctance stems from the fact that registration carries with it a considerable amount of Government control

The Government's registrar must approve the union's constitution He must decide what categories of workers unions may represent and in what industries — or even in what section of a particular industry

Registration also carries with it financial controls on unions and a prohibition against union involvement in politics

While political involvement by worker organisations sounds wildly radical in this country (and is not a demand of most black unions who stay aloof from politics), it is an established right in all Western European democracies and in the United States

Another control which worries the unions is the provision that the Government may grant a union provisional registration only

This means that the union is subject to all the official controls but is not automatically entitled to any of the benefits of the system

The Council's own "company union" was granted provisional registration this week — a form of registration which the unions affiliated to Fosatu, for example, refuse point blank to accept

But disenchantment with the official system goes deeper than concern about the effects of registration

In short, labour observers argue that the system worked for non-black unions because they didn't need it

White, coloured and Asian workers were privileged relative to their black counterparts and benefited from the effects of job reservation, which meant that skilled workers were in short supply. They had greater job security and could demand higher wages.

As one observer put it "The white worker didn't have to go to his union if he had a problem — he simply went to another employer and got another job"

Black workers can't — and they therefore need a system which enables them to be represented by strong trade unions who can vigorously take up their demands They also need a grievance-settling machinery which can quickly take up their grievances

Observers are increasingly realising that the machinery Mr Botha demands that black unions follow is not really able to do either

The dispute-settling machinery is extremely cumbersome If workers have a grievance, their union must first take it up with employers If it doesn't succeed, it must declare a formal dispute Only thirty days after that, can workers resort to a strike

A similar, but more restricted system, exists for workers who don't belong to registered unions

The Government believes that this prevents strikes, by making them more difficult to call Its critics believe it does no such thing

Because a legal strike is only allowed as a last resort, and then only after a lengthy period, workers with a burning grievance are not likely to wait for the process to end They will simply strike.

And because employers know that there is no immediate threat of a legal strike, there is no pressure on them to hurry through a settlement. A solution is thus delayed further

Of course, many workers, like the Council's, are employed in "essential service" which means that strikes are always illegal and a dispute must be submitted to compulsory arbitration by a third party, itself a lengthy process

The result in both cases is that workers simply lose faith in the official machinery and take action of their own The machinery does not mean that there are fewer strikes — simply that there are fewer legal strikes

A clear case of how the Government's machinery works is provided by the experience of Mr Steven Maponya, who became the first black worker to test the Government's new machinery for the redress of worker grievances.

Mr Maponya is a migrant worker and his contract was not renewed by his employer. He believed he had been victimised and his union took up his case before the Government's industrial court which can hear cases in which workers believe they are victims of unfair labour practices

It took several months for his case to reach the court. Throughout all that time he has been unemployed and subject to arrest under the pass laws

All this becomes more pertinent when it is borne in mind that this machinery is supposed to handle grievances which could result in strikes It is doubtful if a group of potential strikers would wait as long as Mr Maponya has

Similar criticisms are levelled at the industrial councils, the core of the Government's system

The councils themselves are cumbersome and are not geared to handle disputes quickly Sensitive negotiations have been known to drag on for months

Violations of an agreement at the councils are not policed by the trade unions, but by independent agents, employed by the council, thus often cutting the unions out of the process of monitoring whether their members are actually getting the deal employers agreed to

Often, the red tape of council proceedings takes up so much time that unions are not able to attend adequately to their members' grassroots needs.

If this is the only system available for bargaining, as many major employers and the Government argue, it is clear that the unions will be greatly weakened by it and that it will prove inadequate

It is for this reason that the unions are asking for it to be supplemented by more informal procedures and by a union presence on the factory floor.

The Government does not agree — indeed, it wants the industrial councils to be supplemented by "works councils" which resemble the liaison committees which have been designed for black workers up to now

These committees have increasingly come to be seen as "stooge committees" because they are weak and prone to intimidation to employers

Several recent strikes have been caused specifically by worker dissatisfaction with the liaison committee system, and it is doubtful whether the councils will enjoy any more worker support than the committees have

These are only some of the reasons advanced for the failure of the Government's system to work And it is significant that employers and unions in the Eastern Cape strikes were able to settle the unrest only by making substantial modifications to the system by mutual agreement.

In short, if workers are bypassing the system it is the system, not the workers, which is to blame Changes to the system are likely to do more for industrial peace than appeals to workers to use it

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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer *Registered at the Post Office as a Newspaper*

PRYS + 1c AVB 20c PRICE + 1c GST
BUITELANDS 30c ABROAD
POSVRY POST FREE

VOL 182] KAAPSTAD, 1 AUGUSTUS 1980 [No 7148

CAPE TOWN, 1 AUGUST 1980

KANTOOR VAN DIE EERSTE MINISTER

No 1523 1 Augustus 1980

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

No 95 van 1980 Wysigingswet op Nywerheidsversoening 1980

OFFICE OF THE PRIME MINISTER

No 1523 1 August 1980

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 95 of 1980 Industrial Conciliation Amendment Act, 1980

ACT

To provide for the devolution upon officers of the Department of Manpower Utilization and certain other persons of certain functions in terms of the Black Labour Act, 1964, and certain regulations.

(English text signed by the State President.)
(Assented to 1 July, 1980.)

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

Devolution of certain functions.

1. (1) The State President may by proclamation in the *Gazette* declare that as from a date specified therein any function relating to the employment or the placing in employment of Blacks assigned by or in terms of the Black Labour Act, 1964 (Act No. 67 of 1964), or the Black Labour Regulations, 1965, published by Government Notice No. R. 1892 of 3 December 1965, to any officer and specified in the said proclamation, shall devolve upon an officer or a category of officers of the Department of Manpower Utilization or upon any other person irrespective of whether he is an officer as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957), similarly specified.

(2) The State President may in like manner repeal or from time to time amend any proclamation issued under subsection (1).

2. This Act shall be called the Black Labour (Transfer of Certain Functions) Act, 1980.

Now the Wiehahn reforms lie in tatters

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RDM 2/8/80.

Allister Sparks

AFTER THE strongarm handling of the Johannesburg strike, it seems to me there is little left of the P W Botha strategy of reform

Much of the visionary side of it had already disappeared anyway, its verligte imagery vapourised in the harsh light of verkrampte resistance Now its one concrete achievement, the Wiehahn labour reforms, have been seriously, perhaps fatally, discredited

When a massively-supported strike is broken by such heavy-handed action as calling in armed police in camouflage uniforms and bussing strikers away to rural dumping grounds, when a strike leader is threatened with a charge of 'sabotage", which is a capital offence, and when he goes to court to seek redress but is grabbed there and hauled away into detention, it seems to me the people involved cannot have had their faith in the system enhanced

The idea that black labour has now been recognised and given proper trade union rights must surely lose credibility in their eyes — for where else in the world would a strike be handled in this way?

The Wiehahn system has been dealt a crippling blow And the Wiehahn system was the centrepiece of Mr Botha's reform strategy

Essentially, this strategy was an attempt to stimulate economic growth by liberating the forces of the free market — at the same time co-opting the new black middle-class into the system and allowing it to share in the growing prosperity

This new middle-class alliance, strongly committed to the free enterprise system, would then provide the bulwark against communism

Here was the new formula for white survival, as it became obvious that the old Verwoerdian policy of independent Bantustans was not viable

The commitment to growth meant the old attitude towards urban blacks had to be reversed, and the importance and permanence of the black worker recognised While the commitment to the new class alliance meant these urban blacks, the black elite, should be drawn into the system and given a better deal

Through the Riekert reforms of the influx control system they were to be given greater stability in the cities, and at the same time distanced from the more backward migrants and peasants who would be more firmly anchored to the rural areas

Through the Wiehahn reforms, meanwhile, they would be given the opportunity to improve their economic position by being given access to the trade union system So important was this that the Government was even prepared to risk estranging the most traditional sector of its support, the white working-class Hence the growth of the HNP

But from the very beginning Wiehahn's labour relations system has not worked well It is too cumbersome and slow, and it is subject to too many official controls

The system worked well enough for white workers — but as members of a privileged racial elite, with the artificial protection and scarcity value that job reservation gave them, white workers didn't really need strong trade unions The consequent absence of industrial strife led to the myth that we had the world's best labour relations system.

For blacks it is entirely different, however Their job grievances are acute and the individual is poorly placed to redress them himself. Whereas a white worker can simply change his job if he is dissatisfied, a black worker becomes subject to arrest under the pass laws if he resigns. Therefore his need for a strong union is greater, and he needs one which can take up his grievances quickly and effectively.

Our cumbersome industrial council system, which can hold things up for months, does not meet this need

This has caused black workers to short-circuit the system They have developed their own unions which have mostly avoided registration that would have made them part of the system and subjected them to a considerable amount of Government control. They have gone instead for direct action

Here is where the trouble begins In the first place employer attitudes in this country have not adjusted, either to the unfamiliar experience of labour unrest or, more basically, to the black worker himself as someone with the right to make demands of the white *baas*.

Many employers are able to theorise about the need for black union rights and discuss it in their boardrooms, yet when they actually come face to face with black aspirations and demands they seem to panic and become irrational. They revert to traditional South African responses, and begin threatening to call in the police, or to fire the lot and pack them off to the "homelands"

Added to this is the fact that the Government has an obsession about its system Though there is nothing illegal about unregistered unions or about employers deciding to recognise and negotiate with them, the Government seems unable to tolerate the idea of black unions operating outside the official system

Its attitude is simply We prescribe the system, and if they don't use it we'll crush them It is an attitude which is not confined to trade unionism but encompasses the whole political field, from community councils and "homeland" governments to student movements and sports bodies

Thus black workers, having been led to believe that they were into the era of trade unionism, find themselves being blocked from having the kind of trade unionism they want (though it is perfectly legal) and forced into the kind the Government wants them to have

Registration, rather than representativeness, has become the criterion that counts Too often it is resulting in employers trying to deal with a registered union while ignoring the one that actually represents their workers

The Johannesburg strike has been the most striking example of this Quite obviously Mr Joseph Mavi's Black Municipality Workers' Union is the truly representative one as a nationalist newspaper put it, when one candidate has two-thirds of the support the issue is usually reckoned to be cut and dried

And, as the same paper went on to note, just as it was not incumbent on the workers to say who should represent the city council, so the council had no right to prescribe to the workers who their leaders should be

Well, if it was obvious to a Nationalist newspaper that the management committee should have negotiated with the BMWU, how much more self-evident must this have appeared to black people themselves?

Yet the committee refused — and even while the confrontation raged it recognised the rival, registered union instead

What bitterness this will generate, particularly given the heavy-handed action against the strikers and their leader, is difficult to imagine And it won't be confined to the municipal workers it will permeate the whole black working-class, for this was a conflict which commanded the most intense community interest

In the event the authorities have broken the strike — but they may well have broken the Wiehahn system with it

The recognised union has been effectively destroyed, for it will now be tainted as a Quisling And I suspect that all registered unions will henceforth bear that taint to some extent they will be dishonourably seen as part of "the system"

There will be political consequences, too This has been the most intense and emotional confrontation on the labour front since General Smuts clashed with the white mineworkers in 1922, and once again I find it amazing that Afrikaner Nationalism should be so oblivious to the lessons of its own history

Have they forgotten the political voltage that conflict generated and the impetus it gave to their own nationalist drive for liberation? Can they really not see that this week's events are bound to have the same effect on blacks?

And where does this leave all those hopeful Nationalist verligtes — men like Professor Jan Lombard and his associates, patiently working out their reformist blueprints and trying to get a public debate going about them in the belief that the Government, the party, the system, are steadily moving in their direction

The evidence, I fear, is otherwise And I wonder how much more dramatic the evidence has got to be before they see that

They are pinning their faith on the forces of the free market — but there can be no proper free market without a free labour market as well

They are pinning their faith on a dramatic decentralisation of power — yet more and more power is in fact being concentrated in fewer and fewer hands as even our existing parliamentary system is increasingly bypassed

They have drawn up a "Natal plan" in which a commitment to the Rule of Law is an important feature — yet never before has the Rule of Law been more frequently violated than at present.

And now they have seen the one positive reformist step which stood to the Botha Government's credit suffer this totally gratuitous but symptomatic setback.

Jobs for 400

3/8/80 Sun B.T.

● From Page 1

with an area of 850 m² The lecture rooms will run courses in literacy, blueprint reading and the use of measuring instruments The entire factory will be roofed with the revolutionary insulated sandwich panel now being produced in South Africa by Insulpan

A new development is a new heat treatment plant, which will consist of five basic modules the heat treatment and machine shop facility, a plate preparation and fabrication shop, a grader assembly and stores module, the personnel training facility and an administration block

Mr Bartos says the main aim of the new development is to take pressure off existing plants and to increase the production of locally-manufactured earthmoving equipment

We are geared for local manufacture At present, local content of Caterpillar equipment varies from 25% to 75%, depending on the model "

Jobs for 400 at R20m plant

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3/8/80 SUN TIM B.T.

By STEPHEN ORPEN

WRIGHTECH, the earthmoving equipment manufacturing arm of Barlow Rand, is boosting local production with the construction of a new R20m plant in Boksburg — creating an additional 400 jobs.

The expansion, the largest of its type in South Africa, will more than double the operating capacity of Wrightech, which is the largest Caterpillar equipment manufacturing licensee outside the United States.

Announcing the development, Wrightech's managing director, Frank Bartos, told me it was in keeping with Government policy on increased local manufacture

"Construction has already begun and, when completed in December 1981, the new plant will give us more than 50% increased working and storage capacity

LTA contract

"The storage capacity, under roof, will be increased from 2 500 m² to 7 900 m², and the factory floor from 21 400 m² to 47 000 m² "

The new site has a total area of 22,6ha, which is 16,5ha larger than the existing plant, four km away in Benoni. The project is being developed by Barlow Rand Properties, which has awarded the contract to LTA

Mr Bartos says 1 200 will be employed at the new plant as opposed to the current 800 — a 50% increase.

Included at the new Boksburg plant will be a technical and practical training centre

● To Page 3

(166) B.D. 11/8/80

Govt abandons factory apartheid

DURBAN — The government has unofficially abandoned the laws governing factory employees and has handed the responsibility for control to management, Mr Fanie Botha, Minister of Manpower Utilisation, said at the weekend

In the first acknowledgment by a cabinet minister that "toilet apartheid" and allied regulations had been abandoned, he said "I looked at this thick book of laws which governs the size of factory gates and ablution facilities and decided we could not control the working lives of millions of people on that basis "

Mr Botha told an NP youth conference at Umdloti that factory inspectors had been told to ignore the old laws

The lesson underlined by the municipal workers strike in Johannesburg was that blacks must be given instruments of negotiation or there would be chaos in South Africa, Mr Botha said

"I shudder to think what would have happened if we had refused to talk to the strikers The decision of the government to recognise black trade unions was the best we have taken for some time," Mr Botha told the conference — DDC

Botha contests speech report

THE Minister of Manpower Utilisation Mr Fanie Botha, yesterday denied that the Government had unofficially abandoned the laws governing factory employees and had handed the responsibility for control to management

In a statement, he said the report of a speech he had made at Umdhloti on the Durban North coast at the weekend, was totally untrue In his statement yesterday, he said

Conditions on the factory floor are arranged by way of regulation which are promulgated by the Minister

It affects conditions in many factories and a great number of regulations, which do not easily keep abreast with the circumstances and changing circumstances in factories

Factory inspectors can, through the delegation of powers, give exemption by the Government to factories

The Minister had fully delegated the powers and in its place had laid down guidelines for the handling of the situation, namely

- That it is the responsibility of employers to maintain labour peace on the factory floor, not by way of regulation but through negotiation between employers and employees to the satisfaction of the parties concerned
- That no force be exercised on workers to accept situations or arrangements against their will and that,
- Any group of workers will have the right to make requests concerning their circumstances to management and that those requests be respected where practically possible

Mr Botha had further stated that the effect of this was that the onus was now being placed on the employer and the employee to negotiate on the conditions on the factory floors and to arrive at a satisfactory arrangement — Sapa

Key labour case in court today

RDM 12/8/80 166

Labour Reporter

A CASE which will test a vital point of law affecting all contract workers will be heard in the Randburg Magistrate's Court today.

The case has important implications for the rights of all migrant workers working on contracts

At issue is whether an employer can unilaterally fire a contract worker and thus end his contract if the worker has not been guilty of a breach of discipline or any of the other offences would ordinarily allow an employer to dismiss him

Up to now, it has been the practice of many employers to unilaterally dismiss contract workers and simply pay them the notice and leave pay due to them under ordinary industrial law

However, in this case, the court will be asked to order the employer to pay the worker the full pay he would have earned if he had completed his contract with the company

It will be asked to rule on whether an employer has the right to end a migrant's contract without the worker's permission if the worker has not been guilty of any of the breaches of discipline which usually entitle an employer to fire him

The case has been brought by Mr Richard Mojapelo, a shop steward of the Metal and Allied Workers Union, against Toyota Marketing, a branch of the giant Toyota motor company

Mr Mojapelo alleges that he is a contract worker and that the company dismissed him without good reason and without consulting him

He is asking the court to order the company to pay him the wages he would have earned if he had completed the contract he alleges he had with the company

The company denies his charges and is contesting the case

Legal sources said yesterday that the case was the first to test this aspect of contract workers' rights If Mr Mojapelo won his case, the labour practices of all employers who fired migrants without compensating them would be affected, they said

● The industrial court is still hearing the case of Mr Steven Maponya, which could also have far-reaching effects for migrant workers

Mr Mojapelo's case is the second affecting the rights of migrants to come before the courts recently

The industrial court is still hearing a case brought by Mr Steven Maponya, another MAWU member, against a Witwatersrand company, Precision Tools

Contract workers: argument postponed

(166) ~~206~~

RDM 13/8/88

By STEVEN FRIEDMAN
Labour Reporter

A LEGAL argument which is expected to test a vital point of law affecting black contract workers was postponed indefinitely in the Randburg Magistrate's Court yesterday

However, it is understood that it is likely to be resumed in early October

A contract worker, Mr Richard Mojapelo, has brought an action against Toyota Marketing, a branch of the giant Toyota motor company

The hearing was postponed yesterday because counsel for Toyota Marketing told the court that he and his clients had not had enough time to study documents served on the company by Mr Mojapelo's lawyers

Mr Mojapelo, a shop steward of the Metal and Allied Workers Union, claims that the company dismissed him by unilaterally ending his migrant labour contract without "good reason"

He is asking the court to order the company to pay him the wages he would have received if he had completed his service contract

Toyota Marketing has denied his claims.

Mr Mojapelo's lawyers argue that an employer cannot unilaterally end a migrant worker's service contract unless the worker has committed a breach of discipline, or any other act which ordinarily would entitle an employer to dismiss a worker

If the court upholds this argument, the decision could have significant implications for all contract workers and their employers

Until now, it has been the practice of most employers who dismiss contract workers to pay them only the normal notice and leave pay due to them under industrial law.

However, Mr Mojapelo's counsel argues that an employer unilaterally terminating a contract should compensate the worker for the balance of the contract period unless he has "good reason" to dismiss the worker

This is the first time the issue has been tested in the courts, according to legal sources

Mr M Brassey (instructed by Bell Dewar and Hall) is appearing for Mr Mojapelo Mr P Hattingh (instructed by Hofmeyer Van der Merwe and Brink) is appearing for Toyota Marketing

Wiehahn to quit for 'active' role

RDM 14/8/86

(166) (132)

By STEVEN FRIEDMAN
Labour Reporter

THE architect of South Africa's new labour dispensation, Professor Nic Wiehahn, is to quit the Government service

But he will leave only after the commission of which he is chairman has completed its final report, and the Industrial Court, of which he is president, is established and functioning fully

Prof Wiehahn's chief reason for leaving the Public Service is his belief that his position as president of the Industrial Court is too "isolated", and restricts his role in labour affairs

Yesterday he denied speculation that his decision was prompted by dissatisfaction with the way in which his commission's proposed reforms were being implemented

He will join the teaching staff of a university graduate business school, and is also expected to be a consultant to private companies.

Prof Wiehahn is expected to leave the Department of Manpower Utilisation towards the middle of next year

There had been speculation for some time that he was planning to return to academic life The Rand Daily Mail mentioned this possibility recently

There have been suggestions that he has decided to quit because of conflict within the department, and dissatisfaction with the way in which his commission's recommendations have been implemented Some sources claim there is tension between Government labour policy-makers

Yesterday Prof Wiehahn denied his decision was prompted by tensions of this sort He said it had never been his intention to remain in the Public Service permanently, and he had decided the time to leave was nearing.

"I believe I will best be able to help in implementing the new dispensation the commission brought into being in the private sector There I will be able to assist in training and guiding management, trade unions, and all those involved in labour"

He said that though it was an honour to be appointed president of the Industrial Court, the post placed the same restrictions on the incumbent as those imposed on a judge This meant he could not speak about and analyse labour affairs without the possibility of being accused of prejudging issues before the court

"It is nobody's fault That is simply how judicial appointments work I feel I would be doing a greater service to the country if I took a more activist role"

He emphasised that he was still committed to South Africa's new policy direction in labour matters, and was simply "going where I feel I am most needed".

Prof Wiehahn was head of the Institute of Labour Relations at the University of South Africa before becoming adviser to the Minister of Labour, as the post was then called.

He sprang to national prominence when he was appointed to chair a commission of inquiry into labour legislation — which has become known as the Wiehahn Commission

The commission recommended that black workers be allowed to join registered trade unions, that statutory job reservation be abolished, that black artisans be trained in white areas, and other reforms.

The commission also recommended the establishment of an industrial court, and Prof Wiehahn was appointed its first president

The commission has issued two reports Four more are still to be published

Fear became a way of life for Prof Wiehahn

STAR 16/8/80

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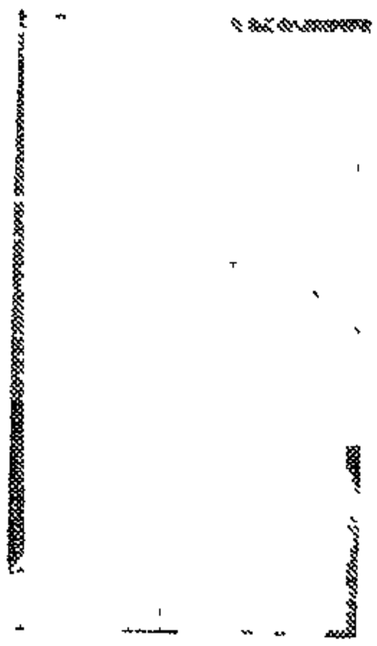

Prof Nic Wiehahn . . . threatening letters and telephone calls.

Political Staff

CAPE TOWN — For the past 16 months, fear and precautions against threats have been a "way of life" for Professor Nic Wiehahn, the man behind the Government's labour reform efforts.

He disclosed in an interview that he and his family had been getting threatening letters and telephone calls.

"This virtually became a way of life," he said.

"We took certain precautions in the way letters were opened, we were cautious about where we went One tried to avoid crowded as well as isolated places"

Arrangements were made to have his son taken to school after one threatening telephone call.

Professor Wiehahn expects his commission on labour laws to complete its work in six to eight weeks. Later he will quit as chairman of the new Industrial Council when it is firmly established.

Then it's back to the academic world, he says, so that he can again participate in the mainstream of labour development and industrial relations. He takes over the chair of industrial relations and labour law at Unisa's School of Business Leadership in Pretoria round about next June

Prof Wiehahn said he did not intend staying in the Public Service when the Minister of Labour, Mr S P Botha, first asked him to be his labour adviser.

He dismissed the idea that current labour unrest arose from efforts to introduce a new labour dispensation, about which he said he was optimistic.

"Socio-political and socio-economic developments internally, as well as international trade union influences and pressures on multinational corporations are all part of the factors to which the labour unrest can be attributed."

Fear became a way of life for Prof Wiehahn

STAR 16/8/80

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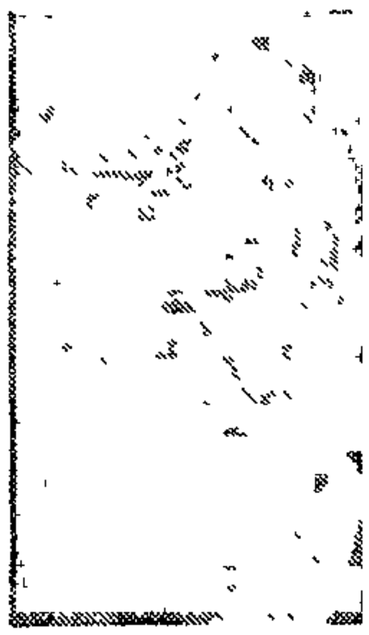

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Labour laws could be fought in court

By STEVEN FRIEDMAN
Labour Reporter

NEW black labour regulations introduced by the Government earlier this year could be challenged in the courts because two paragraphs seem to contradict each other

Official comment was not available yesterday, but informed sources say Government officials have conceded there are inconsistencies in the regulations

The West Rand Administration Board announced it was beginning to implement the regulations this week

They have been criticised because they introduce a new card which black workers must carry in their reference books

The contradiction may allow the new system to be challenged in the courts It may also provide a legal "loophole" for employers who are prosecuted for hiring workers without notifying their local labour bureaus

In terms of the new regulations, which were introduced as part of a Government plant to implement the report of the Riekert Commission, blacks with urban residence rights no longer have to register as workseekers

They are also not required to notify their local labour bureau when they change jobs

However, employers are still obliged to notify the labour bureau if they employ workers with residence rights and they can be prosecuted if they fail to do so

In addition, workers who change jobs still have to obtain two 'notification of employment' cards — E" cards — from the labour bureau and present them to their employer

The employer must then give the worker one of the cards which must be produced on demand by a policeman or other official

This stipulation received little publicity when the regulations were first introduced but has been sharply criticised over the past few weeks

Critics believe the new card will place an additional burden on urban blacks, although the regulations were ostensibly designed to ease their ability to find jobs

However, the contradiction in the regulations could render this stipulation invalid

Regulation 14 (3) says that no permission to employ blacks is needed if they have urban residence rights The onus is on the worker to prove that he or she is qualified to live and work in the cities, but no further permission is required

However, regulation 16 (b) says an endorsement in a worker's reference book does not absolve the employer from complying with the two card system

The two clauses seem to directly contradict each other and leave the way open for prosecutions to be challenged in the courts," Mrs Sheena Duncan of the Black Sash said yesterday

CAPE TIMES 10/9/80 (166)

Hints worry unionists

Own Correspondent

OHANNESBURG — Fears of a new overnment crackdown on unregistered lack and non-racial trade unions have 'rown after a speech by the Minister of Manpower Utilization, Mr Fanie Botha, n which he hinted strongly at action gainst these unions

Action against unregistered unions ould eventually mean that only government-approved unions would be allowed to exist

There are at least 20 unregistered black and non-racial unions in the country at present and they make up the bulk of the black union movement

There has been speculation for some time that the government was planning to move against unregistered unions This has been fuelled again by Mr Botha's speech to the Public Relations Institute of South Africa late last week

Leading role

In it, he referred to the recent strike wave in which, he said, "certain unregistered trade unions played a leading role" He added "One cannot say that their role in the strikes was always responsible"

Mr Botha then went on to hint at future government action against these unions "You can rest assured that the government is keeping a close watch on the situation and that adjustments in our system for the regulation of labour relations will be made if necessary," he said

Observers believe this could herald new legislation in the next session of parliament to control or ban these unions

Trade unionists allege that the government instructed employers not to deal with unregistered unions during the recent strike wave and they see Mr Botha's remarks as evidence of growing government hostility to these unions

"I'm convinced they're preparing to get at us We're not surprised at the minister's speech, we've seen it coming for ages," an unregistered unionist said yesterday

The director-general of manpower utilization, Mr Jaap Cilliers, yesterday refused to comment on the possibility of legislation against unregistered unions

"We are introducing a lot of legislation next session in order to implement the Wiehahn commission recommendations and I am not prepared to discuss details of this legislation," he said

The issue of union registration hit the headlines recently when the Johannesburg City Council refused to deal with the Black Municipality Workers Union because it was not registered

However, unregistered unions are not illegal and a small, but growing, number of employers have signed recognition agreements which bind them to negotiate with these unions

Compulsory registration?

For some time, however, there has been talk in official circles of moves to "put unregistered unions out of business"

Two ways of doing this have been discussed

The first is to make registration compulsory, as it was before 1956 This would make it an offence for any trade union to exist unless it was approved by the government and received registration

According to some sources, however, this idea is no longer in favour

The other is to implement a recommendation of the Wiehahn Commission and make it illegal for any employer to sign a recognition agrement with an unregistered union

This would make it impossible for these unions to win bargaining rights from employers and would make it impossible for them to fulfill the main function of trade unions

The commission also recommended making it illegal for employers to deduct union dues on behalf of unregistered unions, a move which would rob them of financial stability

This has been partially implemented, but the government could decide to toughen up a ban on these "stop order" deductions

Court must handle victimisation cases

STAR 25/9/80

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Labour Editor

DURBAN — The first and foremost of unfair labour practices — an employer's victimisation of a worker — was excluded from the jurisdiction of the new industrial court, the Trade Union Council of South Africa heard yesterday

This "major flaw" was highlighted in the presence of the court's President, Professor Nic Wiehahn, at Tucsa's annual conference by Mr Barney Krynauw of the Garment Workers' Union.

"Many of us know the near impossibility of getting a conviction on a victimisation of a worker criminal courts," Mr Krynauw said

He pointed out several other shortcomings of the court

- Access to the court was limited or cumbersome,
- There was no clear right of appeal to the Supreme Court.
- The court required explicit powers to enforce its decision.

Professor Wiehahn was asked what recourse there was in the case of a dispute over which employers and trade unions on an industrial council were deadlocked, and he said there appeared to be no recourse

When pressed further on this issue, he said that if the deadlock had resulted from the bad faith of one of the parties, in his opinion that constituted an unfair labour practice that should be handled by the court.

Another speaker Mr Des West of the Tucsa executive, said far too big a percentage of the tax rand was being used to finance a separatist idealogy and ensure its continued existance.

He said that a "massive dismantling" of the apartheid structure would release public funds which could then be used to improve the lot of teachers, nurses and policemen.

Wiehahn: miners call for report

(166)

DD 2/10/80

JOHANNESBURG — The Wiehahn commission was "working flat out" to complete its remaining four reports, a source close to the commission said yesterday.

No date has yet been set for the completion of the reports, he added.

He was responding to calls from mine employers for the release of the remaining parts of the report, particularly the section which deals with the mining industry.

Employers, who have stepped up calls for the training of black skilled workers in recent weeks, expect the commission's report on mining to open the way for changes in labour relations within the industry.

The commission's chairman Professor Nic Wiehahn, was not available for comment yesterday. — DDC.

Anxious wait for labour reports

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7/10/80

By STEVEN FRIEDMAN
Labour Reporter

THE Wiehahn Commission was "working flat out" to complete its remaining four reports, a source close to the commission said yesterday

However, no date has yet been set for the completion of the reports, he added

He was responding to calls from mine employers for the release of the remaining parts of the report, particularly the section which deals with the mining industry

The commission still has four reports to complete. The two most important reports deal with the mining industry and labour relations

The mining report in particular is being carefully watched by both unions and employers in the industry

Employers, who have stepped up calls for the training of black skilled workers in recent weeks, expect the commission's report on mining to open the way for changes in labour relations within the industry

As a result, senior mining house executives have called for the report to be released as soon as possible

It is also known that senior Government officials are impatient at delays in releasing the final reports of the commission

According to speculation in labour circles, the final commission reports should be completed by the end of this year It would then be up to the Cabinet to decide when to release them

The commission's chairman, Professor Nic Wiehahn, was not available for comment yesterday However, a source close to the commission said it was not possible to say when the final report would be completed

"The commission obviously realises that it is important for both the Government and the private sector that the report be released soon They are working flat out, but it is not yet clear when their work will be completed," the source said

What is known at this stage is that the Department of Manpower Utilisation is working on draft legislation to implement parts of the Wiehahn report which have not yet been implemented

Departmental sources are not prepared to reveal what is contained in the legislation, but some sources have claimed that action against unregistered unions could be contemplated in the next parliamentary session

Other sources say, however, that the Government has been advised to move in the opposite direction and relax registration criteria

'Way is open to private sector'

Staff Reporter

THE Government had laid the foundations for the private sector to move away from all forms of unjustified discrimination and the sharing of facilities by all population groups, the deputy director-general of the Department of Manpower Utilisation, Dr Piet van der Merwe, said in Johannesburg yesterday

"Manpower in South Africa lagged behind in many respects until 1977, when the two commissions of inquiry into labour matters were appointed

"The Wiehahn Commission and the Riekerk Commission have laid the foundations of a revised labour dispensation for the future," Dr Van der Merwe said

The white papers of both commissions were historical documents on the Government's plans and views that the country's workers — "irrespective of race, colour, sex or marital status" — must be utilised

"Training and re-training is not only a need, but a fundamental right to develop each individual's abilities," he said

The conservation of manpower was important, and the country had to guard against the loss of its manpower through emigration

"This individual economic freedom is the freedom of association to join a trade union and for the trade union to decide who it wishes to have as its members," Dr Van der Merwe said

Dr Van der Merwe is also deputy-chairman of the National Manpower Commission and a member of the Wiehahn Commission He was speaking at a civil aviation conference at the Graduate School of Business Administration, University of the Witwatersrand

He said critics often said there were contradictions in the Government's policies and legislation

"But with a democratic system, it must be taken into account that the legislative system cannot be accomplished overnight

"By making marginal adjustments, larger adjustments can be made at a later stage

"Our legislative process is not yet perfect and we are giving attention to discrimination We hope that the two Work Reservation Acts still in force will be phased out in the near future, so that work reservation will be a thing of the past," he said

He had heard that the South African legal system for the regulation of labour was one of the best in the world, but the main criticism against it was

RDM 7/10/80

(166)

Changes in labour law are expected

By STEVEN FRIEDMAN
Labour Reporter

OFFICIALS are planning to introduce a wide-ranging "package" of labour law changes during the next parliamentary session

However, the introduction of this "reform package" could be slowed down if the final two reports of the Wiehahn Commission are not completed soon

This emerged yesterday from an interview with Dr Piet van der Merwe, acting director-general of Manpower Utilisation and deputy chairman of the National Manpower Commission

"We would like to complete most of our programme of legislative reform in the next session of Parliament We appreciate people are impatient," Dr van der Merwe said

Business organisations have called for the implementation of all Wiehahn recommendations which have been endorsed by the private sector and for the release of the commission's remaining recommendations.

Dr van der Merwe added however that final preparation of draft legislation could not begin until the last two Wiehahn reports are considered by the Government

"We obviously cannot anticipate the commission's findings and must study them before finally drafting legislation," he said

Two Wiehahn reports have already been published, one on general labour issues and the other on training A third report, on social security, has been handed to the Government but has not yet been published

The commission is still working on two major reports One deals with the particularly sensitive issue of the mining industry and the other with aspects of labour relations not dealt with in the first commission report

It is not yet clear when these two reports will be completed. Once they have been handed to the Government they must still be considered by the Cabinet before action is taken.

Shortly after the commission reported in 1979, the Government introduced legislation to implement part of its new labour dispensation

Most employers and trade unionists expected a comprehensive reform "package" to be introduced in this year's Parliamentary session in an attempt to finally implement the Government's programme of labour change

Bosses have rethink over unions

By STEVEN FRIEDMAN
Labour Reporter

EMPLOYER organisations are having an important rethink on labour policies which could lead to a markedly more flexible approach to trade unions

Assocom, which represents organised commerce in South Africa, indicated yesterday that it might change its 1979 labour policy, which backs the official liaison committee system and opposes the recognition of unregistered unions

An Assocom policy statement sharply criticised present thinking on labour issues in Government and employer circles

The statement comes shortly after the issue of new labour policy guidelines by the Federated Chamber of Industries which represents organised industry The guidelines backed the official industrial council system, but conceded that employers could find it necessary to deal "conditionally" with unregistered unions

It is understood, too that some business representatives have been privately urging the Government to relax its attitude to emerging black unions

One change suggested it is understood is a relaxation of Government registration procedures for unions

Labour observers are not yet clear how far-reaching the new reassessments will be, or whether they will filter through to individual employers

They also emphasise that employer bodies remain committed to important aspects of the present labour dispensation, but see a definite shift in official employer statements

Assocom's comments are in the latest issue of its quarterly review A leading article gives the association's view of the labour unrest which has swept South Africa this year

The article says that "more than a change of thinking is necessary in Government and business circles if South Africa is to avoid economic and social disruption by labour unrest during the next few years"

It says the country faces increasing disorder unless management allows "real trade union representation" on the shop floor

Grassroots representation at shop floor level is the major demand of black unions

The unrest has revealed dissatisfaction with the Government's liaison committee system, the non-recognition of unions, inadequate wages, and 'promised reforms which have not been implemented'

The article says responsible unionism has been hindered by "restricted and tardy Government recognition of black unions, and heel-dragging over mixed unions"

Government works committees are regarded by workers as "weak and ineffective"

It has been found in the Eastern Cape that channelling union representation through liaison committees weakens union credibility

Assocom hailed the decision of Eastern Cape motor employers to recognise union shop stewards and said this was helping "responsible trade unionism to advance to a standard of normality"

Black workers' bargaining power had been increased by their elevation into more skilled work, which made it difficult for employers to fire strikers

Employers and the Government must now accept that black workers are part of an industrialised society They are more members of a trained work force with skills, and not merely physical labour to sell"

Assocom says it may soon issue a "fresh statement" on labour policy

Its present policy backs the registration and controlling" of unions representing all races It supports mixed unions in preference to separate unions opposes recognition of unregistered unions, and supports works and liaison committees — even when trade unions are recognised

Govt drive to maverick unions

By STEVEN FRIEDMAN, Labour Reporter

THE Government is to go all out to make its labour system more attractive to black trade unions — but it will not tolerate unregistered unions which operate outside this system.

Legislation for changes along these lines will be introduced early in the next session of Parliament and is regarded as a "priority".

According to informed sources, this is the message the Minister of Manpower Utilisation, Mr Fanie Botha, conveyed to a meeting of selected employers and officials in East London on Wednesday.

East London is a centre of rapidly growing black worker activity and is regarded as "a key test" of the Government's new labour policy

The meeting with Mr Botha took place against a background of strikes in the area and dramatic growth in membership of two unions which reject registration — the South African Allied Workers' Union and the African Food and Canning Workers' Union

Mr Botha appears to have called the meeting to inform employers of his attitude to the East London situation and to unregistered unions in general

No comment from his office was available yesterday, and he was reported to have declined comment earlier in the day on details of the meeting.

According to the Rand Daily Mail's sources, Mr Botha strongly advised East London employers to take a hard line and not to deal with unregistered trade unions

He told them the country could not afford a system in which some unions were registered and others were not

He asked East London employers to "hold out" against SAAWU until March next year, when he promised, legislation would be introduced early in the parliamentary session to deal with the matter

Mr Botha said the legislation would be aimed at ensuring the autonomy of trade unions Some black unions have complained that registration would subject them to severe official control

Mr Botha is understood to have stressed repeatedly the need to make the official system more attractive to black unions several of which refuse to register

This indicates a concerted Government attempt to persuade the new unions to enter the system by making it more acceptable to them

If unions joined the system, Mr Botha is understood to have said, they would not be able to link up with political organisations and their members would be protected from financial abuses

He also apparently told the meeting it would be unwise to compel unions to register, but repeatedly stressed that the Government would not tolerate the emergence of an unregistered union movement, free from official control

He apparently suggested strongly that within a short time no unregistered unions would exist

His message is consistent with a newly-emerging Government strategy towards the black union movement which he has conveyed in two recent speeches

Mr Botha has indicated a growing concern over "defects" in the official system which have been attacked by black unions

These include the existence of plant-level committees which can be used by employers to "freeze out" unions from their factories and the fact that "company" and "parallel" unions have been granted registration while the non-recognised unions do not

The Government now appears bent on trying to remove these and other aspects evoking union distrust

But it remains determined to ensure all unions are brought into the system, chiefly in a bid to prevent them from engaging in direct political action

It seems clear the Government will not tolerate unions which decide to stay unregistered after the changes are made

Official action against them appears inevitable

RDM 17/10/80

RAND DAILY MAIL, Friday

EAC urges end to black-white worker ratio law

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By HAROLD FRIDJHON

EVERYTHING possible should be done to ease or eliminate the physical limitations on the growth capacity of the South African economy, says the Prime Minister, Mr P W Botha, in a statement commenting on the September meeting of the Economic Advisory Council.

Mr Botha said in a statement issued in Pretoria yesterday that a growth rate of more than 7% in the gross national product for the 1980 calendar year could not be ruled out, but that in 1981 the growth rate might be appreciably lower

Against the background of factors such as the present momentum in the economy, the short-term physical limitations in the growth capacity of the economy, the easy liquidity conditions and the dangers of overheating, the Economic Advisory Council could see no point in a further positive encouragement of growth by stimulating demand at this stage

But everything possible should be done to eliminate the physical limitations on the economy's growth capacity

"With this in mind the opinion was expressed that, particularly in view of the high utilisation of the existing production capacity and the necessity for the private sector to increase production capcity and its desire to do so, the repeal of Section 3 of the Environmental Planning Act should not be put off any longer"

(This section of the Act controls the ratio of black workers to white workers in various industries situated in urban areas)

The statement said the repeal of Section 3 could also help to ease the continuing high unemployment figure in the cities But the council also took note of "certain preconditions which have to be met before the section can be repealed"

Immigration could help to ease bottlenecks caused by shortages of skilled workers The council did not see immigration as conflicting with the necessary emphasis on the training of South Africa's own workers It said that it was complementary, especially in fields where the training process might still take time

The statement says "In cases where employers experience difficulty in recruiting and obtaining immigrants, they can negotiate with the Department of Internal Affairs to speed up the administrative process"

Because of the high gold price and the acceleration in economic activity, the council expects that Government revenue for the current fiscal year will considerably exceed the estimates

As the scope for Government expenditure may be greater than has been the case recently, the council singled out as preferred areas for greater expenditure education and training, housing and community development

"In addition, the present high economic growth rate may call for greater real Government expenditure to obviate bottlenecks in the physical and social infrastructure than has been necessary during the slow economic growth of the past few years"

Mr Botha's statement is gloomy on the question of inflation It says that there are still forces in the economy which may increase the upward pressure on prices

The reason for the lower rate of increase in the consumer price index in July 1980 as compared with June is that in July 1979 the cpi rose by 3,1% mainly as a result of the sharp rise in the oil price This means that the June to July decline is of a non-recurring nature, and this does not mean that further similar declines will necessarily follow"

JCI chief sees SA on road to open society

RDM 31/10/80

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By PATRICK LAURENCE

THE Prime Minister, Mr P W Botha, had set South Africa inexorably on the road to a non-racial society, Sir Albert Robinson, the retiring chairman of Johannesburg Consolidated Investment, said yesterday

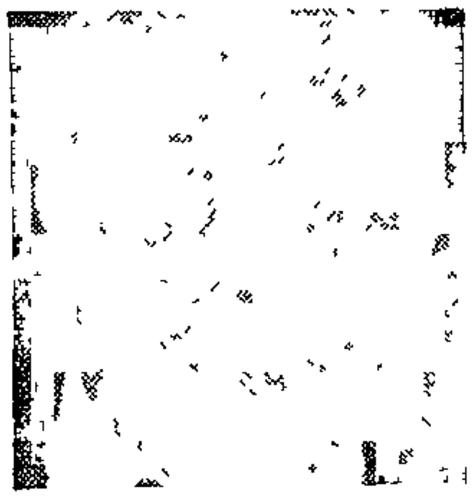
Sir Albert, a doyen of South African finance, was commenting on the long-term implications of Mr Botha's reformist programme, during a farewell address to JCI

Assessing the relative strengths of those who wanted to thwart Mr Botha and those who wished to encourage him, Sir Albert said "It is difficult to assess the present balance of power between the reactionaries and the reformists'

He added "I am, however, certain of one thing Mr Botha's policies have unleashed forces of change, and nothing can now preserve the old order and prevent the ultimate emergence of a new, non-racial society"

Sir Albert had earlier noted that Mr Botha came to power at a time when the "failure of the orthodox doctrine of separate development was becoming increasing evident"

Referring to "moderates of all races" within South Africa, and to its Western trading partners, he said "Their earnest hope is that Mr Botha will be able to steer a course away from conflict and towards an accommodation of the reasonable aspirations of all the peoples of South Africa"



SIR ALBERT ROBINSON
... "one nation for stability"

On industrial relations, he warned employers that industrial peace would not be achieved by "lockouts, instant dismissals and requests for police action as a response to workers who seek to negotiate legitimate changes in their conditions of employment"

He advised "Management and the unions must negotiate under the umbrella of benevolent industrial legislation to further their mutual interests"

In an implicit repudiation of the prevailing policy of dividing South Africa into separate "national states", Sir Albert said "I am one of those who believe that to achieve stability in South Africa there should be one nation, however diverse its many parts"

● See Page 17

Business wants changes in labour policy

3/4/80 (166)

JOHANNESBURG — Overseas opposition to the government's new labour dispensation is mounting

This is one of the key reasons for demands from business organizations that the government makes substantial changes to its official labour system

Overseas reaction to the new dispensation was disclosed in a report on a recent meeting of the International Employers' Organization quoted at last week's Assocom conference

The report was written by Mr Chris du Toit, president of the Federated Chamber of Industries (FCI), and a member of the Wiehahn Commission

His remarks indicated the growing level of overseas scepticism of the government's new dispensation as well as growing business concern about the need to change the labour system

Mr Du Toit said in his report that all the "mileage" which South African business could have gained from the new dispensation had been negated by a statement from the Minister of Manpower Utilization, Mr Fanie Botha

Mr Botha had said that the purpose of the new dispensation was to bring black unions under statutory control

This statement, said Mr Du Toit's report, had led "South Africa's detractors" to see the changes introduced after the Wiehahn Commission report as "a sophistication of the policy of apartheid"

"Grave suspicion" had also been created by the fact that the government's decision to extend registered union rights to migrant workers and "commuters" had been embodied in a proclamation, rather than in a change in the law

This had led to the belief that the extension of these rights could be arbitrarily withdrawn by the government at any time

Suspicion of the new system was also shared by many black unionists, Mr Du Toit's report went on.

It was essential for unions to register and thus to be brought into the official system The alternative was "a proliferation of unregistered unions and dog-eat dog industrial anarchy"

The government would thus have to draw black unions into the system by making it more attractive to them

Barlow's new deal with black unions

CAPE TIMES 6/11/80

JOHANNESBURG — The Barlow Rand company group has publicly committed itself to negotiating with unregistered trade unions and has said that it 'may even have no option but to allow them some form of recognition'

This commitment is contained in a recent speech by the group's executive chairman, Mr Mike Rosholt to the Natal Society of Accountants

Barlow Rand would still prefer unions to register, but Mr Rosholt said the group would have to talk to and perhaps recognize unregistered unions until the government "makes the registration procedure more attractive to black unions'

The group's workers were also free to choose whether they should be represented by a union or a liaison committee

Mr Rosholt said this new policy had been adopted some time ago and predated recent statements by the Federated Chamber of Industries and Assocom which backed talks with unregistered unions on a conditional basis

Mr Rosholt also gave details of a memorandum prepared by Barlow Rand for the Institute of Directors which criticizes employers who suggest they will only deal with black unions who they see as responsible

"This usually means that they favour the more compliant type of union an approach which could cause serious problems for them later on

The memorandum adds If employers accept that unions are essential to channel conflict, their chief concern should be the extent to which the union enjoys worker support All other considerations are secondary

KOORNHOF'S NEW DEAL

He who hesitates . . .

(166)

FM 7/11/80

Riekert laid the foundations Piet Koornhof has proposed a superstructure Of course, the three bulky Bills relating to blacks gazetted for public comment last week have yet to be ratified by the Cabinet, and enacted by Parliament But it is necessary to assess, firstly, the strategy of the "new deal," and, secondly, its probable effects

This is not easy Some critics point to a sinister element of vagueness Certainly, government has not even now committed itself to recognising the permanence of the mass of urban blacks The situation of people who lose their jobs, migrants on contract without achieved rights, and that of children of people with rights under Section 10 1 (a) and (b) of the Blacks (Urban Areas) Consolidation Act, 1945, is at best uncertain They could well be locked out of the industrial sector

However, Chapter V of the new Black Community Development Bill, 1981, becomes the main instrument of influx control, and in terms of it two classes of blacks are defined those with the requisite qualifications for permanence, and the "disqualifieds"

Control, as recommended by Riekert, is contingent on " lawful employment" and "approved accommodation " What constitutes "lawful and approved" is, therefore, all-important — and that still at the discretion of government

Those living in townships with Section 10 1 (a) and (b) rights are probably, but by no means absolutely, secure, in the past they could be sure they could stay But within wider "control areas" (larger than those covered by the current administration boards, with key groupings such as the PWV complex), the qualified people are restricted *inter alia* to *bona fide* employees and dependants in approved accommodation, visitors (requiring no special documents for 30 days), domestics in approved accommodation, patients, and scholars The right to move to work in a different control area is only conceded with stringent provisos Grey areas loom

Any benefits appear to flow to the rising black urban middle class, and concomitant with this, greater local autonomy is to be achieved through town and village councils with differing powers, including financial ones, under the Minister of Co-operation and Development

The strategy seems to be to entrench this class, encouraging it to secure permanence through the 99-year leasehold scheme, and giving it a measure of control over social, welfare, moral, and law-and-order issues The present community councils will become village councils, apparently developing into town councils (under the Minister) with mayors and executive committees

Piet Koornhof moving, but so cautiously

Since "community guards" will fall under the local executives, the councillors — those, that is, who choose to work with the system — will have what amounts to private police forces, as well as the powers of patronage over business undertakings, schools, new housing, churches, and the like

The "disqualifieds" will be in the position of the luckless poor boy with his nose pressed against the window of an affluent restaurant If he is caught working illegally, he may be fined R250 or go to jail for three months, his employer's penalty could be R500 or six months' imprisonment And, on second convictions, vehicles used to pass unlawfully into control areas can be impounded by the state — equivalent to a fine of up to R6 000, as the Black Sash has pointed out

It is worth quoting Section 43 of the Group Areas Act, which will be used by the police to search out the disqualifieds. A member of the SAP may, without warrant, "at any time during the day or night without previous notice enter upon any premises whatsoever and make such examination and enquiry as may be necessary " And he may "require from any person who has in his custody or under his control any book, document or thing" to produce it "then and there," or at a time and place fixed by the official

In other words, whatever document is eventually printed for the qualifieds must be produced on demand — apparently whether the person is at home, or at work in a factory, shop, or whatever The *dompas* is dead, long live the *dompas*

cont →

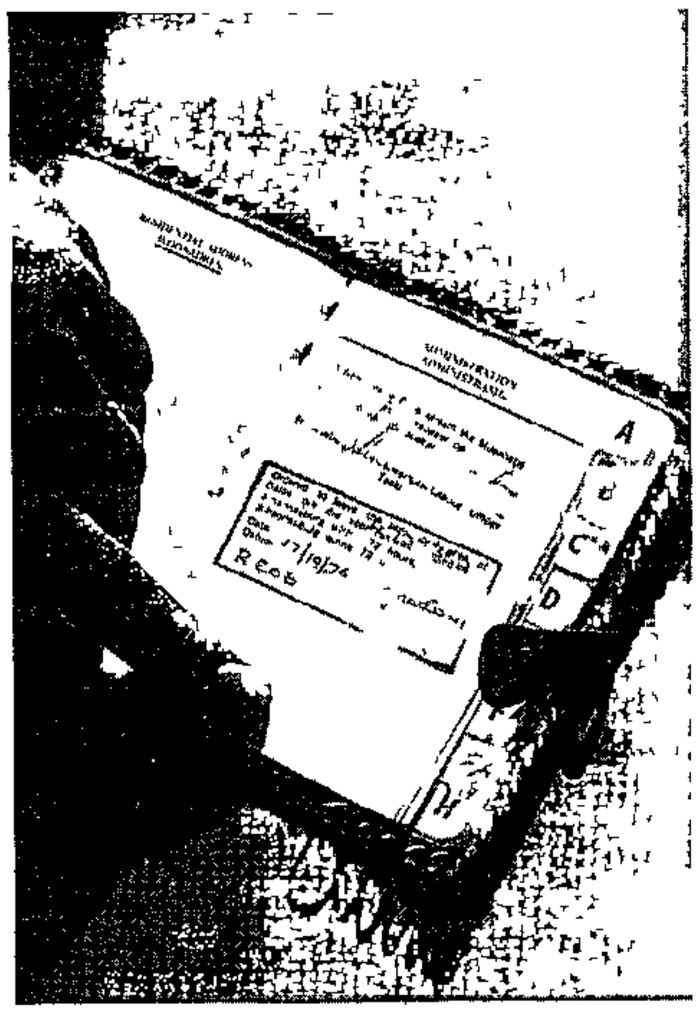
Pretoria's hope must be that the qualifieds, attentive to their own growing, if delimited, privileges, will provide a co-operative bureaucracy, not like Oliver Twist "asking for more" — that is, seeking rights for the disqualifieds, or the vote in a unitary SA And it must hope, too, that decentralisation of economic development will keep the disqualifieds in reasonably pacified homelands

Koornhof says he sincerely believes it adds up to a formula for controlled reform That is his strategy But whether a rising middle class, whose children have been through Soweto '76, will accept a ceiling to its aspirations, and whether the rural poor will not foster guerrilla armies, are other questions

Government is aware of the dangers of a revolution, and has publicly warned of them at senior level But beset by the problems of a powerful and vociferous right wing, it appears that the new legislation is as far as it is willing to go in present circumstances That is a dismal prospect

For one thing, it seems to suggest that, in the long term, government is assuming that having been given the keys to a limited economic kingdom, privileged blacks — let alone the others — will not ask for the political one as well And also that dissidence — reflected in strikes, boycotts and riots, and by terror incursions and clashes — can be contained by security laws and the army

Such a process can only lead to the increasing militarisation of society, and to class fear and hatred between the haves (including co-opted blacks) and have-nots (with their international allies) It will also lead to a modern sector of interlinked industrial cores (perhaps congruent with



Passbook now you see it, now you don't

the control areas), ringed by poverty-racked homelands in which the birthrate alone will nullify the scant number of jobs capable of being created there for the foreseeable future

Comparisons with the Shah's Iran are inevitable But government can do two things to avert or at least postpone such an outcome

Firstly, it can halt and reverse the process whereby every black South African is to be stripped of his citizenship, and allocated to a tribal reserve Transkei, BophuthaTswana, and Venda are already "independent," but the three status Acts which conferred autonomy on them were passed by the SA Parliament, without reference to the wishes of the people concerned The role of the "national states" in a future unified SA has by no means been settled, and would be an issue for negotiation in whatever forum emerges for the ultimate settlement of the racial issue

But long before then government should concede that SA citizenship is an inalienable right of every person born within the geographical boundaries of the country Even the mooted "dual citizenship" should only be a stage towards this key act of reparation

Secondly, even within its control areas, government should permit as many blacks to live and work as there is land and employment There is no reason why "approved accommodation" should not mean mass site-and-service housing, as at Inanda in Natal And if a man or woman can make a livelihood in the informal sector, there is no reason why this should not be construed as "lawful employment "

An open, thrusting economy can accommodate such developments Indeed, continued growth can only be assured by allowing entry to the modern sector by blacks who will not only provide the muscle for growth, but increasingly the needed artisan and managerial skills

Of course there will be social turmoil; but there is already social turmoil Of course blacks with a stake in the economic kingdom will demand a say in the central political authority, but they already do so Metaphorically, Koornhof is moving to open the door halfway, he should open it fully before it is simply thrust aside

(50 marks - 60 minutes)

Tough law to curb strikes

STAR 8/11/80

(166)

By Drew Forrest

The Government is drawing up tough new laws to curb the wave of illegal industrial strikes

Also planned are reforms to make union registration and the official bargaining system more palatable to black unions

The proposed changes — announced by the Minister of Manpower Utilisation, Mr Fanie Botha, in a policy speech in Johannesburg yesterday — will form part of a single consolidated law on labour relations to be introduced during the next parliamentary session.

Details of the legislation were still being sifted by the National Manpower Commission, Mr Botha said

He told a large group of top businessmen that the Government had to uphold the "principle of order and discipline in the manpower field" To this end legislation curbing illegal strikes would have to be introduced

The Government would seek bilateral agreements with independent black states providing for the immediate deportation of contract workers from these states

Tighter controls would be imposed on union strike funds, he said

The subsidisation of strikes by external forces and bodies would have to stop

The Government was considering ways of extending control over strike ballots so that ballots could not be conducted by those who instigated strikes Although he did not give details, the Minister said that measures aimed at curbing union political activities were likely

New laws would also take account of the views of some black unionists and progressive employers who felt that the current framework of labour law was too restrictive.

Among reforms envisaged are

- The right of unions to set conditions for membership and the appointment of executive members At present unions need ministerial permission to register on a non-racial basis
- An end to the discretionary powers of the Minister and the embodiment of trade union law in law,
- The extension of registered union rights to foreign contract workers.

On the issue of whether employers should deal with unions which reject registration, Mr Botha said unions would not be forced to register. But he made it clear that in the interests of "good order" all unions should be brought "under the discipline" of the proposed law

Employers should use their "leadership qualities" to guide unions to registration, he said

Botha to outline new labour moves

KDM (166)

Labour Reporter

CONTROVERSIAL labour legislation with far-reaching implications, planned for the next parliamentary session, will be discussed on Thursday by the Minister of Manpower Utilisation, Mr Fanie Botha, and trade unionists

It is understood that Mr Botha has invited a wide range of registered unionists to the meeting According to some sources, employers have also been invited to attend, but this could not be confirmed

The meeting has been called to discuss the promised legislation which Mr Botha plans to introduce during the next parliamentary session

He has reportedly told businessmen that tough new anti-strike measures will be in the legislation According to a week-end report, these include possible moves to deport contract workers who strike

Moves against political activity by unionists were also being considered, these reports said

Yesterday Mr Botha could not be reached for comment

According to officials, the new legislation could include:

- Full rights for registered unions to have mixed constitutions, 10/11/80
- The extension of registered union rights to foreign black workers,
- Full union rights for migrant workers, who are permitted to join registered unions at present only through a Ministerial proclamation,
- Recognition procedures for unions which would stress a union's representativeness rather than other factors

It is not yet clear, however, how far the new legislation will go on these issues

Government spokesmen — in particular, Mr Botha himself — are concerned at the growth of an unregistered union movement and are determined to woo these unions into the official system This is seen as a way of preventing them from engaging in political activity

Although legislation to force unions to register does not seem likely at this stage, Government opposition to unregistered unions may well increase in the wake of the new legislation

CURRICULUM VITAE

Klaas van der Poel

Has a degree in Operations Research from Tilburg, Holland. He has been with Shell International for 10 years and worked for that company as an international consultant in several countries around the world. His experience includes the design and development of systems for financial management, manufacturing control and production optimisation.

He has taught courses in Management Information Systems and Operations Research at the Business Schools of the Universities of Cape Town and Stellenbosch.

He is recognised as a member of the consultants group of the Computer Society of South Africa and specialises in requirement definition and design of industrial systems.

STAR 10/11/80 (166)

Govt warned on strike law

By Drew Forrest

The Government should not link improvements in the labour field with "controls over areas essential to the effective functioning of trade unions," says a leading figure in the black trade union movement

Mr Alec Erwing, general secretary of the Federation of South African Trade Unions (Fosatu), was commenting on the proposed new labour legislation outlined last week by the Minister of Manpower Utilisation, Mr Fanie Botha

At a meeting of leading Johannesburg businessmen, Mr Botha promised tough measures to curb illegal strikes — bilateral agreements with independent black states providing for the deportation of striking contract workers, tighter State control over union strike-funds and strike ballots and an end to the "subsidisation of strikes by foreign bodies and forces"

But he also promised reforms designed to make registration more appealing to black trade unions, among them registered union rights for foreign contract workers and the right of unions to represent workers of all races without Ministerial exemption

Mr Erwin replied that he could not comment fully But he warned that further control over strikes and other essential areas of union activity should not be linked with reforms.

In another surprise development the Minister announced in his policy speech that the Government would not impose "across the board" training levies on commerce and industry.

The proposal had proved unpopular the Minister said, and the Government would not implement it

Move to cripple illegal strikes

STAR 14/11/80 (166)

Sweeping changes labour legislation that will cripple illegal strikes and allow trade unions to admit changes to Labour legislation intended to or exclude any race confirmed today by the Minister of Manpower Utilisation Mr Fanie Botha

Mr Botha made the announcement after divulging his plans to employer organisations and trade unions during the past two weeks

He said he had received almost unanimous support for his proposals which he said would become law next year

He proposed total autonomy for the trade union movement in South Africa in allowing every registered trade union to admit what ever race it wanted and to exclude any race it wanted

He said this would mean a dramatic change' from the present system in which ministerial approval had to be obtained for mixed trade unions

Mr Botha added his proposals meant autonomy for trade unions and this differed slightly from the Wiehahn Commission proposals which suggested freedom of association

Autonomy would ensure the right of self preservation for trade unions which did not want to be forced to include other races

Mr Botha announced tough new measures to curb illegal strikes These include'

- Bilateral agreements between the South African Government and foreign governments of countries which send workers to South Africa

These agreements will be arranged with independent homelands including Transkei, Bophuthatswana and Venda as well as other neighbouring countries

In terms of these agreements any worker from a foreign country who takes part in an illegal strike will be "put on the first bus or plane home"

Mr Botha said any country which refused to sign such an agreement could have its workers excluded from South Africa "There are 63 million unemployed in Africa and it is very easy to get substitutes" he said

- No trade union will be allowed to operate any offices outside South Africa Any trade union which does so will be deregistered
- No funds from outside the country may be used to aid South Africa Mr Botha said it was untenable for such funds to be allowed
- In future strike ballots will be monitored and will no longer be a prerogative of strike leaders to organise

Mr Botha also announced that the entire training programme would be placed under his department and would be controlled by a new National Training Council

Mr Botha said his consultation with employers and trade unions was "an enormous success' and he said the proposals had been accepted "in toto by 98 percent'

But it is understood conservative unions belonging to the Confederation of Labour have reservations

Page 9 — Labour sceptical.

Unions to get choice on race

14/11/80 ARGUS

Argus Correspondent

JOHANNESBURG. —Sweeping changes to labour legislation that will allow trade unions to admit all races and cripple illegal strikes were announced today by Minister of Manpower Utilisation.

The Minister, Mr Fanie Botha, made the announcement after divulging his plans to employers and trade unions

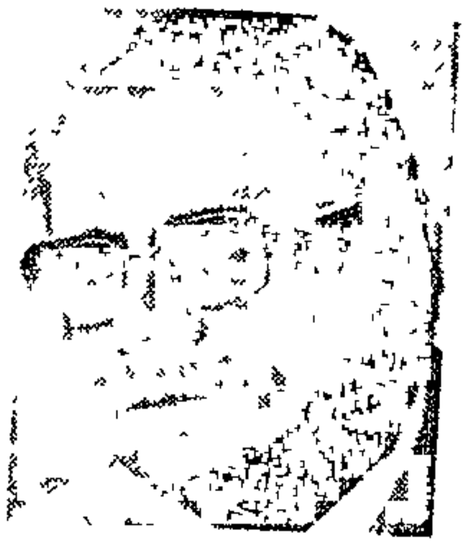
Mr Botha said he had received almost unanimous support for his proposals, which he said would become law next year.

Freedom

He proposed total autonomy for the trade union movement in South Africa. This, he said, would allow registered trade unions to admit whatever race they wanted and to exclude any race they wanted

This, Mr Botha went on would mean a dramatic change from the present system in which ministerial approval must be obtained for mixed trade unions

Mr Botha added that his proposals of autonomy for



Mr Fanie Botha

trade unions differed slightly from the Wiehahn Commission proposals, which suggested freedom of association

Autonomy would ensure the right of self-preservation for trade unions which did not want to be forced to include other races

Mr Botha announced tough new measures to curb illegal strikes

There would be bilateral agreements between the Government and foreign governments that send workers to South Africa.

These agreements will be made with Transkei, Bophuthatswan aand Venda the homelands, as well, as other neighbouring countries

In terms of the agreements, any worker from a foreign country who took part in an illegal strike would be put on the first bus or plane home '

Any country that refused to sign the agreements could have its workers excluded 'There are 63-million unemployed in Africa and it is very easy to get substitutes,' Mr Botha said

No trade union would be allowed to operate offi-

(Continued on Page 3, col 2)

Unions

(Continued from Page 1)

ces outside South Africa 'Any trade union which does so will be deregistered,' he said.

The Minister added that funds from outside of South Africa would not be allowed in to aid strikers

In future, strike ballots would be monitored and no longer a prerogative of strike leaders to organise

He also announced that the country's entire training programme would be placed under his department an controlled by a new national training council

Previously, the control of training was fragmented

Mr Botha said that his consultation with employers and trade unions was 'an enormous success' The proposals had been fully accepted by 98 percent

However it is understood that conservative unions belonging to the Confederation of Labour have reservations

Historic judgment on union rights

STAR 15/11/80

In a historic judgment handed down in the South Eastern Cape division of the Supreme Court a judge has ruled that trade unions have the right to bring legal actions in the protection of their members.

The legal rights of unions in such cases has been a burning issue in labour law since the "Bosman case," heard in 1978 Then Mr Justice Eloff ruled that a trade-union had no "locus standi," or legal interest, in a dispute between its members and their employer.

Yesterday's judgment — handed down by Mr Justice de Wet in the Supreme Court in Port Elizabeth — is binding on courts in the South Eastern Cape and is likely to have a "persuasive" effect on courts in other divisions, lawyers said.

Mr Justice de Wet made his ruling on preliminary objections in a civil suit brought by the unregistered Transport and Allied Workers Union (Tawu) against a Port Elizabeth company, PE Tramways (Pty) Ltd

The case will now go for trial, legal sources in Port Elizabeth said today

Jubilant lawyers said the full implications of the ruling would be known only when the text of the judgment became available But they described it as "historic" and "exciting"

Further labour unrest hit troubled East London yesterday when the entire black labour force of a furniture factory was dismissed after going on strike.

Almost 200 workers at East London Furniture Industries (Pty) Ltd were paid off after an involved dispute which lasted much of the day, said a spokesman for the South African Allied Workers Union (SAAWU)

● The Government is planning wide-ranging new laws that will affect millions of South Africans' freedom of movement and right to work. What do these complex measures really mean?

Piet Koornhof's key Bill

Dr Piet Koornhof, the Minister of Co-operation and Development, has announced three Bills which he says are an attempt to remove hurtful racial discrimination in the lives of blacks

He has noted his belief that influx control is necessary to maintain order and stability in urban areas and to prevent problems associated with squatting. But he describes his proposed legislation as part of a process of reform, and as part of his declared war on the 'dompas'

The Black Community Development Bill is the key to what is planned. It retains aspects of current law, and introduces new elements.

If left unaltered, what will it mean in practice?

BENJAMIN POGRUND, in consultation with **SHEENA DUNCAN** of the Black Sash, cuts through the mass of words and legalese to assess it These are the pros and cons ..

PROS

1. Good intentions Dr Koornhof says the new system "may not be perfect", but is still a genuine attempt to get rid of hurtful discrimination as far as possible It is part of a process of reform

2. The public was invited to submit representations (two weeks was allowed) on all three Bills before they are placed before Parliament for enactment

3. The three Bills wholly or partly repeal 50 existing laws

4. The present 72-hour limit on rural blacks being allowed to visit cities without permission is extended to 30 days (but see note No 2 under 'cons")

5 It will be easier for the wives and children of some men who already qualify to be in cities to live with their menfolk (but see note No 9 under "cons")

6. Greater freedom of movement will be possible for those who qualify to be in the cities — through geographical enlargement of the 'control areas" in which they can live and work, and in moving from one control area to the other

CONS

1. "Disqualified" workers found in the cities — those who do not have permission to be there — will pay higher fines R250 and/or 3 months' imprisonment (instead of the present maximum of R100 and/or 3 months' imprisonment)
2. Allowing rural blacks to visit city townships is for a maximum of 30 days in a year, and is dependent on "suitable and adequate housing" being available The onus of proving that the 30-day limit has not been exceeded rests on the person concerned
3 Those who harbour — give accomodation to — illegal "disqualified" people will face fines of up to R500 or 6 months' imprisonment On a second offence, committed within 2 years, the fine is a minimum R250 or 3 months' imprisonment, or both the fine and the jailing, or compulsory jailing up to 6 months
4. Those who give work to 'disqualified" people will continue, as at present, to face fines of up to R500 But the present option of 3 months' imprisonment is increased to 6 months On a second offence, committed within 2 years, the fine is again a minimum R250 or 3 months' imprisonment, or both the fine and the jailing, or compulsory jailing up to 6 months
5. Those who harbour or give jobs to "disqualified" people can also be ordered to pay the costs of repatriating the illegals to their "homelands", together with their dependants and household effects — plus the costs of their detention
6. The onus of proving that a person had no intention of giving work or accommodation to a disqualified" person rests on the accused
7 The criminal penalty imposed on a disqualified person can be suspended if the court orders his repatriation to a homeland", or orders him to do compulsory community service" (the details of which are not specified), or orders him to train as an artisan for however long the court determines
8. Cars used in the transport of illegals (presumably whether to bring them into the cities, or even to drop them off at a bus stop after work) can be impounded on a second offence hence, in effect, a fine running into several thousand rands
9 Wives and children of qualified" workers — those with the right to be in the cities — will only be able to live with their menfolk if "approved accommodation" is available for them (Note the current housing shortage in Soweto is estimated at 30 000)
10. The legal movement into the cities of unqualified" people — those living outside the "control areas" — will be determined by the availability of jobs and suitable accomodation This, as at present, will be subject to authorisation by official labour bureaus
11. 'Qualified' people will have to carry a document to prove their right to be in the city They will have to produce this document on demand by a policeman or designated official Unless there is a change in the law, presumably they will, as at present, be subject to instant arrest and prosecution if they cannot prove their right to be where they are
12 A disqualified" person can be ordered to be repatriated to his home, or to a place where he qualifies to be, or to such other place" as may be decreed Money belonging to him can be seized to help defray the costs of repatriating him, his dependants and household effects
13. The language in the 47 pages of the Bill is complex and often tangled One crucial sentence dealing with penalties, for example, runs to 268 words Even experts on influx control are uncertain about all the ramifications of the Bill
14 As at present, the Minister retains his vast discretionary powers to make regulations as he sees fit
15. Those who at present qualify to be in the cities will retain their rights But the Bill does not say anything to indicate that children born after the new law comes into effect will also have the right to be in the cities Nor does it say anything about those who are currently working towards qualifying as urban residents through fulfilling the 10 or 15-year requirements
16 Policemen and designated officials can at any time of the day or night, without warrant, enter anyone's premises, whether in black townships or white suburbs, to check on illegals They can demand and seize any book, document or thing"

CONCLUSIONS

1 The situation of blacks who already qualify to be in the cities is barely altered There is no major, fundamental improvement for them The new freedom being given to them does, however, create rather more geographical space in which they can move Even this, however, is still subject, as at present, to compliance with registration procedures for work and accommodation
2 The greater right of some men to have their wives and children with them is likely, in a number of city areas, to be meaningless for at least the next few years because of the housing shortage Without "approved housing" being available, the wives and children will not be allowed into the cities
3. Life is going to be tougher for those in the rural areas who want to get to the cities The penalties for doing so without permission will be greater
4 There will be greater pressure, through increased penalties to discourage people in the cities from giving work or accommodation to illegals
5. The reference book, or pass", or dompas", will disappear But it will simply be replaced by another document
6. Legal sanctions against offenders will continue That is, blacks will continue, as matters stand now, to face instant arrest It seems that pass arrests will continue on the same scale unless the higher penalties deter more people from seeking to get to the cities In 1978, a total of 272 887 people — 224 910 men and 47 977 women — were arrested under influx control laws
7 The present influx control and pass laws are not materially changed by the proposed legislation The present rigid control over blacks remains
8 Policemen and officials will continue to have the same vast powers as they have at present to enter premises, to search and to seize, without having to produce a warrant

How the Govt will change the labour laws

LEGISLATION embodying the changes in labour law which the Government will introduce during the next Parliamentary session has not yet been released

However, at a Press conference last week, the Minister of Manpower Utilisation, Mr Fanie Botha, spelled out the changes in broad outline They are

● All workers working in South Africa will be allowed to join registered trade unions

This means that foreign black contract workers are granted these rights for the first time and that the right of migrant workers and "commuters" to join registered unions are now entrenched in law, rather than in a Ministerial proclamation

● Union autonomy will be ensured

Racially integrated unions will no longer require Ministerial permission to register In addition, the present stipulation that mixed unions must hold segregated meetings, have segregated branches and a a unracial executive unless they obtain special Ministerial exemption falls away

Unions will be able to form alliances with whichever other registered unions they choose

● All legislation governing the training of workers will be consolidated into one Act, which will be non-racial in application A National Training Board will be set up to co-ordinate training

This is likely to include industrial relations as well as technical training

It is not yet clear whether black apprentices will be able to receive their theretical training at technical colleges which are run by the Department of National Education

● The Government will seek bilateral agreements with Southern African and homeland governments laying down that contract workers engaged in illegal strikes will be immediately deported, whether or not they are fired by their employer

● Strike ballots held by registered unions will have to be supervised by somebody who is not a "strike leader"

At present unions supervise their own strike ballots

● Unions will not be permitted to have offices outside South Africa

None appear to have these offices at present, but Mr Botha said he had "reasons" for introducing this provision

● Foreign money would not be permitted to enter the country to finance strikes

Asked whether this meant further clamps on overseas money for union organising work, Mr Botha would only say that he was not prepared to countenance "foreign intervention in our domestic affairs"

The present registration procedure and the machinery for settling disputes, including legislation laying down procedures for a legal strike would remain unchanged

RDM 19/11/80.

The 'new deal' for workers

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In a reaction to this year's strike wave and the growth of a union movement which refuses to enter the Government's labour system, the Minister of Manpower Utilisation, Mr Fanie Botha, has announced forthcoming changes in labour law Labour Reporter STEVEN FRIEDMAN analyses these developments.

LIKE a well-known sucking sweet, the "new labour deals" introduced by the Government tend to have a hole in the middle

While policy switches often bring important changes around the periphery, they all too often have a fatal flaw at the centre which threatens to render the whole exercise meaningless

And so it may prove with the changes in labour law which the Minister of Manpower Utilisation, Mr Fanie Botha, announced late last week

Looking relaxed, Mr Botha told the Press of changes aimed at introducing union 'autonomy", allowing mixed unions, and giving all workers, including foreign black contract workers, full union rights

Speaking after talks with employers and registered unions, he was pleased at the progress he appears to have made in selling the legislation to the Rightwing unions who staged a last-ditch stand against reform last year

But he also made clear his belief that the proposals would help to woo the growing un-registered union movement into the official labour system and still foreign and local criticism of the Government's labour reforms

Referring particularly to the charge that changes were designed to control unions, Mr Botha said After this, no-one will be able to say our system is designed to police unions "

The all-important details of the new legislation are yet to come

But Mr Botha has spelled out the broad direction of the changes and there are already doubts about whether his optimism is well-founded The new moves may well increase, rather than still, criticism of Government labour policy

His optimism is based on the fact that full union rights for all, including the right to mixed unions, are now entrenched in law Mr Botha added that union 'autonomy" would also be guaranteed — unions would be free to organise whom they wished and form union alliances as they wished

But accompanying the new legislation — its hole in the middle" — are tough measures which could drastically raise the penalties attached to striking for tens of thousands of black workers

According to Mr Botha, he will begin negotiating bilateral agreements with Southern African states" whereby any of their citizens who engage in an illegal strike will be summarily removed from the "white" area

While he said it was a priority to negotiate such agreements with foreign Southern African countries, he added that they would also be entered into with the homelands

If they did not sign, these countries or homelands could simply find that their labour would not be used here, Mr Botha said

This could mean, quite simply, that any contract worker who takes part in a strike which is not legal in terms of the Government's machinery, will lose the right to earn a living in "white" South Africa

The implications are awesome The right of workers to withhold their labour is an accepted right in all democratic labour systems

Even unionists who would shudder at the thought of calling a strike point out that the strike threat is essential to free bargaining

If an employer knows that there is no threat, no matter how remote, that his workers will strike, he has little incentive to settle a dispute

Stripped of the right to refuse to work, workers have little power and any bargaining rights conferred on them are virtually meaningless

Critics are thus likely to argue that Mr Botha's new measures will give tens of thousands of contract and migrant workers every right except the one that really matters — the right to bargain effectively

To the uninitiated, clamps on illegal strikes appear fair enough After all, if there is machinery for negotiation before strikes can take place, it seems only fair that action should be taken against those who ignore it

But critics of the system point out that the machinery is so cumbersome that there have been few legal strikes in the country's labour history

Before a legal strike can be called, workers have to go through elaborate machinery which can take months to complete By the time the channels are exhausted, workers have usually long since lost interest in them

Mr Botha made it clear that the machinery would remain unchanged This means that contract workers could be faced with the prospect of negotiating a labyrinth of red tape when they have a grievance — or taking matters into their own hands and losing their jobs

The move could also pose insoluble problems for black homeland and other governments in the sub-continent

If they sign, they invite a backlash from disgruntled workers If they don't, they could see job opportunities for their citizens dry up — and face the same backlash

Other aspects of the proposals may also pose problems for Mr Botha

Firstly there are doubts as to how far-reaching his guarantees of union autonomy will be

He made it clear that the official registration system would remain unchanged because the country had 'the best labour legislation in the world" Unionists were quick to comment that this could render the promises of change hollow '

They — and some employers — have argued that the registration system is a large part of the reason why unregistered unions have refused to register, for the system itself plays a key role in controlling unions

The Government's registrar can register a union for a specific area, industry or part of an industry only This gives him the power to deny unions rights in areas where they have members

This stipulation could also be used racially The registrar could decline to register a union for a specific race group in an area

The procedures are also time-consuming and no independent black union (one without employer or registered union backing) has yet gained registration

It is for this reason that various employer groups have called for a 'streamlined" system in which the representativeness of a union in a particular plant would be the chief criterion

Mr Botha said last week that one reason for not changing this system was to prevent competition between unions in particular areas This could be seen as a means of protecting established unions against their emerging rivals

But what is clear is that the system's critics will remain unhappy as long as registration — a key source of official control — remains unchanged

Another contentious issue is likely to be proposed clamps on links between local unions and their foreign counterparts

Western unions have argued they should be free to assist black unions here and that by doing so they are contributing to the country s industrial life

And local unregistered unions have argued that they need help from abroad to find the funds and resources which decades of exclusion from official bargaining rights have denied them

This too is likely to be seen as a clamp on unions' freedom to associate

Mr Botha's announcement follows weeks of speculation about forthcoming changes Influential business organisations had been demanding change and the Government seemed to be listening Expectations of a substantial revamp of the official labour system were high

This was hardly surprising Labour events throughout the year had illustrated that the need for change had never been as pressing

The Wiehahn Commission's first report last May had opened the official bargaining system to black workers and their unions for the first time

In so doing, it let black unions in from the cold — but ushered them into a system hedged with controls which soon proved inadequate for worker, and particularly black worker, needs

The thinking behind the strategy was clear Black unions were a relatively weak force, battling against official and employer hostility But they were beginning to grow and a handful of employers were beginning to recognise them

Rather than allow a second system to grow up outside the net of official control, therefore, the Government moved to include black unions in the system This would allow them to grow — but only on terms laid down by the system

The only problem was that some unions, arguing that registering was likely to produce more disadvantages than benefits, decided to stay unregistered

In many cases, the unions concerned have proved to be those which have grown fastest and there is growing co-operation between those unregistered unions who refuse to register

The prospect of a powerful force growing up outside the Government's system once again reared its head

At the same time, the wave of strikes which engulfed the country this year made it clear that Government moves had not damped black worker militancy

On the contrary — expectations created by the changes had increased militancy and the Government's official system, littered as it was with red tape, was unable to cope with the developing situation

Another factor was also important While officials have always down-played this aspect, there is no doubt that the reforms were partly aimed at reducing hostility to the Government in international labour circles

However, influential employer spokesmen attending international labour conferences this year found that this simply wasn't happening

Indeed, they returned to voice their concern — albeit in private — that the 'mileage" which the Government and business could have obtained from the changes were being almost totally nullified

Particular aspects affecting foreign opinion were the fact that migrant workers and "commuters" (those who live in a black homeland and commute daily to work in a "white" area) were granted union rights by Ministerial proclamation rather than law and that mixed unions could only be registered with Ministerial consent

Another issue was the fact that foreign black workers are not permitted registered union rights while foreign whites are

As a result, leading employer organisations such as the Federated Chamber of Industries and, to a lesser extent, the Association of Chambers of Commerce, began calling for changes to labour legislation

Besides the need to respond to foreign criticism, they pointed out that important unions were refusing to register and that the spectre of a powerful labour movement operating outside official control was looming

If that happened the country faced "industrial anarcy", they said

The official system had, therefore, to be made more attractive to unregistered unions This could be done by entrenching full freedom of association in law — allowing all workers to join registered unions and allowing unions to have totally non-racial structures if they wished

Some employer proposals went further by pointing to defects in the registration system

One idea mooted was to introduce the American system whereby ballots are held to determine a union's representativeness and unions win bargaining rights based on their support in a particular factory

This system allows only one union to be recognised in each plant for bargaining purposes, but minority unions are entitled to continue organising in an attempt to win majority support

Equally important, employer bodies began to take the initiative by accepting the need to negotiate "conditionally" with unregistered unions, thus raising the possibility that the official system would be by-passed again

The Government's response, mainly communicated through public and private speeches from Mr Botha, was ambiguous

On the one hand, he startled many observers by boldly calling on employers to deal with 'representative unions rather than sweetheart" groups which could be relied on to avoid hard bargaining

And he added that the Government was determined to make the system more attractive to unions by eliminating some of the controversial controls

There was another side to Mr Botha's statements however He also warned of the danger of allowing an unregistered union movement to develop This would mean, he said, that some unions would benefit by being allowed to escape the controls to which their rivals were subjected

He also warned that registered unions would be free to link up with political organisations, a practice which is long established in the Western world, but which the Government has always been determined to outlaw

And he made it clear that he was as concerned as ever by foreign union backing for local unions

His statements caused a good deal of confusion Some employer and union spokesmen complained that Mr Botha was blowing hot and cold" and that the two postures appeared to contradict each other

They didn t The two approaches were entirely consistent

The Government, Mr Botha was saying, was determined to bring into its system any unions which could be persuaded to come in Any union which was prepared to submit to the controls would be welcome, no matter how militant" some employers believed it to be

On the other hand, unions unprepared to come into the new system would face the wrath of an officialdom no longer prepared to countenance them

The goal is still control as a means of warding off what it sees as undesirable political and foreign influences If possible, by negotiation and by improving the system If that is not possible, presumably by other means

The new legislation encapsulates that principle Whether it does so effectively remains to be seen

The moves to woo unions are obviously an improvement

But they seem to have fallen far short of expectations and the system still seems unable to do what it is presumably designed to do — ensure industrial peace by allowing workers full bargaining rights

And the anti-strike measures, powerful as they are, are unlikely to solve the Government's problem, even if unwilling homeland and Southern African governments go along with them

Legislating against strikes hasn't tended to stop them in the past It may not do so this time

As always, the legislative power to control events does not imply actual power to control them — a view which Mr Botha appears to still reject

EL firm says workers wouldn't allow meeting

19/11/80 (166)

EAST LONDON — The current stoppage of work at East London Furniture Industries had come about because of a refusal by the workers to allow a meeting to take place between their representatives and management, the managing director Mr P W Mackie said yesterday

It was reported this week that about 170 workers had been dismissed following a dispute between the workers and the management.

In a written statement, Mr Mackie said. "For many years, we have operated within the framework of the Industrial Conciliation Act This Act, which is designed to provide security for both employer and employee by means of open negotiation at Industrial Councils by both parties in arriving at a mutually acceptable agreement for the regulation of an industry, has resulted in many years of industrial peace in our industry in this area

"During these years, we have dealt with registered unions who represented white and coloured workers, and with black labour officers, appointed by the Department of Manpower These unions concerned themselves only with matters relevant to the furniture industry They adopted a responsible attitude and, therefore, we were prepared to negotiate with them.

"Since it became legal as from August 1980 for black employees to join unions, we believe that, like any innovation, there will be a period during which both employers and employees will have to become accustomed to handling the new situation

"As black employees were previously not allowed to be members of registered unions, they have not had the opportunity to develop such unions We understand that, but we are not prepared to meet with unregistered unions that do not concern themselves with our industry only, or who have aims and objectives that lie outside our scope

"During the period of adjustment mentioned above, we are always prepared to meet representatives of our black employees to resolve difficulties that may arise, but for the sake of progress and good order, these meetings must be properly organised.

"It has always been our way to deal with problems as they arise That is the reason we have had a Works Committee, meeting with management on a monthly basis, since 1973.

"The current stoppage of work in our factory, which constitutes an illegal strike, appears to have resulted from a complete refusal by the black workers to allow a meeting to take place between their representatives and management. The situation is inexplicable, for it has arisen despite two meetings of management with general meetings of all the black workers, and a similar meeting addressed by officials of the Department of Manpower Utilisation, at all of which they were requested to put forward their grievances through representatives On only one occasion was a list of grievances submitted. It was completely anonymous and could not be identified as being the grievances of the workers

"When they were asked, through the Works Committee, to put forward an agreed list, the return of the anonymous list was demanded, and no further list was forthcoming.

"The management of this factory is extremely concerned, not only about loss of output and customer service, but also because of the effect this work abandonment will have on the lives of former employees Many people in this area, who lost their jobs through strikes or walking off the job, are now not working and have no income

"It was not our wish that such a situation should come to pass, and we believe that the situation has been manipulated to achieve aims outside the scope of our industry

"It is not anticipated at this time that any further press statement will be issued," Mr Mackie said — DDR

Deportation plan 'will be resisted'

By PATRICK LAURENCE
Southern Africa Editor

NEIGHBOURING states are certain to resist South African plans to deport migrant workers who take part in illegal strikes, Dr Deon Geldenhuys, of the Institute of International Affairs, said yesterday

His prediction was given immediate backing yesterday when Chief Gatsha Buthelezi, Chief Minister of KwaZulu and leader of the Inkatha movement, condemned plans to apply a similar policy to South Africa's black homelands

Dr Geldenhuys made his forecast in response to intended changes in South African labour legislation which the Minister of Manpower Utilisation, Mr Fanie Botha, outlined to newsmen

A key point related to migrant workers from neighbouring states and homelands

The right of migrant workers to participate in trade union activities would be enshrined in law, but in return, South Africa wants to persuade neighbouring governments to agree that migrant workers should not take part in illegal strikes — and if they did, they should be deported

Dr Geldenhuys said "If the neighbouring states enter into the proposed agreements, it will imply approval of South Africa's labour legislation, which is seen as a vital element in the socio-economic order."

Rather than confer "legitimation on South Africa's labour legislation", the neighbouring states — Botswana, Lesotho, Swaziland, Mozambique and Zimbabwe — would resist attempts to persuade them to sign formal agreements, he predicted

But he conceded that, to the extent that they depended on South Africa to provide work for their growing populations, they would be vulnerable to South African pressure

However, these states had participated in moves to set up a counter-constellation to South Africa's proposed "Constellation States", he said

Dr Gavin Maasdorp, of the University of Natal, described the relationship between South Africa and neighbouring suppliers of workers as one of interdependency, which meant the states could counter moves to get them to sign unwanted labour agreements

Though there had been a sharp reduction in South Africa's dependence on foreign labour since the mid-1970s, it still relied on some foreign workers — particularly skilled Lesotho migrants on the mines, said Dr Maasdorp

According to figures quoted by Dr G M E Leistner, of the Africa Institute, there were more than 327 000 registered foreign black workers in South Africa in 1978, of whom more than 258 000 were in mining and quarrying

In briefing newsmen, Mr Botha made it clear that it was the intention of his department to seek the same sort of "illegal strikers" agreement from leaders of South Africa's 'homelands'

He has had a rebuff from Chief Buthelezi

"I have applauded the formation of black trade unions but under no circumstances will I be a party to any agreement which makes punitive deportation of members of these unions a matter of agreement between me and the South African Government," said Chief Gatsha

"No member of any other race group is subject to deportation, and I do not see why Africans should be singled out for this kind of arbitrary action by the Government

"It is iniquitous to try to use blacks who are heads of their governments against their own people the deportation plan is a sting in the tail which will not help South Africa against the worldwide trade union movement"

Battle over open union registration hits State policy

STAR 20/11/80 (166)

By Drew Forrest

"Why give trade unions the right to have racially open constitutions, when they will end up with racial registration certificates?"

This comment by a labour observer highlights a deep flaw in recent Government proposals to "desegregate" South Africa's labour structures

Under the Industrial Conciliation Act, trade unions wishing to register in respect of different race groups need the Minister's nod Legislation giving unions a free hand in deciding their own racial make-up will be introduced in the next session of Parliament, Manpower Minister Mr Fanie Botha has promised

But the race factor is so deeply ingrained in the country's labour practices that nothing short of a drastic revision of registration procedures will be needed.

The experience of six unions affiliated to the Federation of South African Trade Unions (Fosatu) brings this into sharp relief

Although representing mainly black workers, Fosatu has told the Government in effect that the federation's affiliates will accept non-racial registration or nothing at all.

After long delays, Fosatu has obtained exemption from the racial clauses of the Industrial Conciliation Act Now there appears to be further official heel-dragging in granting registration itself

Mr Fanie Botha . . . free hand for unions

This is puzzling, given the State's ardent desire to bring all employer-employee relations "under the discipline of industrial law"

According to official sources, the problem lies in Fosatu's insistence on non-racial registration — a policy which threatens the interests of established registered unions in the same industries

Fosatu unions have sought registration for all races in a wide range of undertakings — even those in which registered unions have the support of a superstratum of skilled white and coloured workers. The Fosatu argument has been "Unless one regards race as a valid trade-union interest — which we refuse to do — no union can lay claim to these industries as their territory. The mass of workers in them are black, and have still to be organised"

Fearing a loss of influence in traditional strongholds, the registered unions have responded with a barrage of objections, which not a single Fosatu union has escaped, it is understood.

The Fosatu policy on registration, and the backlash from the registered unions have impaled the Government on the horns of an agonising dilemma.

If the Industrial Registrar continues to view race as a legitimate trade-union interest, and upholds the objections, Fosatu may well withdraw from the whole registration exercise.

This would be a disaster for the State's new labour dispensation, and for its credibility on the international stage.

But if the State makes non-racial unionism a reality by overruling the registered unions, it will arm its right-wing opponents.

LABOUR LEGISLATION

FM 21/11/80

Leading with the right

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Trying to make sense of Fanie Botha's proposed legislative tinkerings with the Wiehahn dispensation is like trying to figure out who shot JR There are too many misleading clues, too many groups pushing for their own interests Small wonder then that the Minister of Manpower Utilisation s latest suggestions for labour reform have been greeted with a mixture of exasperation and suspicion

Although no final blueprint has materialised, Botha last week took white trade union leaders into his confidence — and appears to have taken certain of their objections into account What emerged was a mixed bag References to race would be struck from the Industrial Conciliation Act, foreign contract workers and commuters would be allowed to unionise, agreements would be signed with neighbouring states to control these workers Registration procedures would be streamlined, and would emphasise union representation, illegal strikes would be further controlled, there would be tighter controls on strike funds and strike ballots, and foreign subsidisation of trade unions would be prohibited

All of which shows that while government is aware of the need to accommodate the growing militancy of SA's black labour force, it is timid when it comes to reform As things stand, the proposals will satisfy neither blacks nor whites In fact Bollemakiesie" Botha, as Arrie Paulus has labelled him, has to some observers laid the groundwork for *greater* confrontation, a proliferation of wildcat strikes, and a workforce even more estranged along colour lines than at present

The de-racialisation of the Industrial Conciliation Act, the inclusion of migrant workers in the industrial relations framework, and the removal of the Minister's discretionary powers over unions' racial structures were suggested in the first Wiehahn report But they were turned down and remained glaring inconsistencies within the context of a new labour dispensation for black workers To that extent Botha s new reforms must be welcomed But once again government has given with its right hand and taken with its left

Workers . . . still in limbo

Leaders of independent trade unions fear Botha s suggestions are a further government attempt to curb the independent black trade union movement Says Alec Erwin general secretary of the Federation of SA Trade Unions (Fosatu) If we read the proposals correctly it s clearly another example of government mixing reform with control This can only taint whatever steps they take They are merely jeopardising their own progress '

Take the further controls on illegal strikes Considering existing legislation, they seem futile and retrogressive The fact that there has been only *one* legal strike by black workers in the last eight years out of a total of 783 is an indictment of the prevailing industrial relations structure — and the new legislation will make a bad system worse

Trying to stifle strikes, and the proposed steps to control strike funds and strike ballots are merely attempts to deal with the symptoms, not the root cause of sick labour relations

Unions shackled

Race Relations researcher Carole Cooper in a study of SA strikes, points out that where an industrial relations system has a well-structured dispute procedure, and where employees can negotiate adequately with their employers the strike is not resorted to at the first opportunity It is essential for the development of a stable system of labour relations that spells disaster Some 17 unions have thus far refused to deal with even the present industrial relations system and if the proposed legislation is an attempt to woo them into conformity, it falls far short of its mark

Says one labour observer It merely reinforces the conviction that registration spells the death knell of workers control of unions The state offers recognition on its own terms It wants to exercise a strict and limiting control over all aspects of the operation of African unions which favour the emergence of a strong independent trade union movement '

Leading industries have set out their flying in the face of not only ' radical" labour leaders, but historically conservative industry as well? The only conceivable explanation seems to be Botha s pandering to his right wing — particularly those white trade unionists who have balked at any reform from the word go, and who view any progressive move with suspicion

His recommendations were made in the wake of his meetings with white trade union leaders, among them the most conservative in the ranks The hardline white unions' attitude is well expressed in this comment from the *Mineworker* "It will be noted that the members accuse their leaders of selling them along (sic) the

D.D. 21/11/80

The new deal for workers

Like a well-known sucking sweet, the new labour deals introduced by the government tend to have a hole in the middle

While policy switches often bring important changes around the periphery, they all too often have a fatal flaw at the centre which threatens to render the whole exercise meaningless

And so it may prove with the changes in labour law which the Minister of Manpower Utilisation, Mr Fanie Botha, announced last week

Mr Botha told the press of changes aimed at introducing union autonomy, allowing mixed unions, and giving all workers, including foreign black contract workers, full union rights

Speaking after talks with employers and registered unions, he was pleased at the progress he appears to have made in selling the legislation to the rightwing unions who staged a last-ditch stand against reform last year

But he also made clear his belief that the proposals would help to woo the growing unregistered union movement into the official labour system and still foreign and local criticism of the government's labour reforms

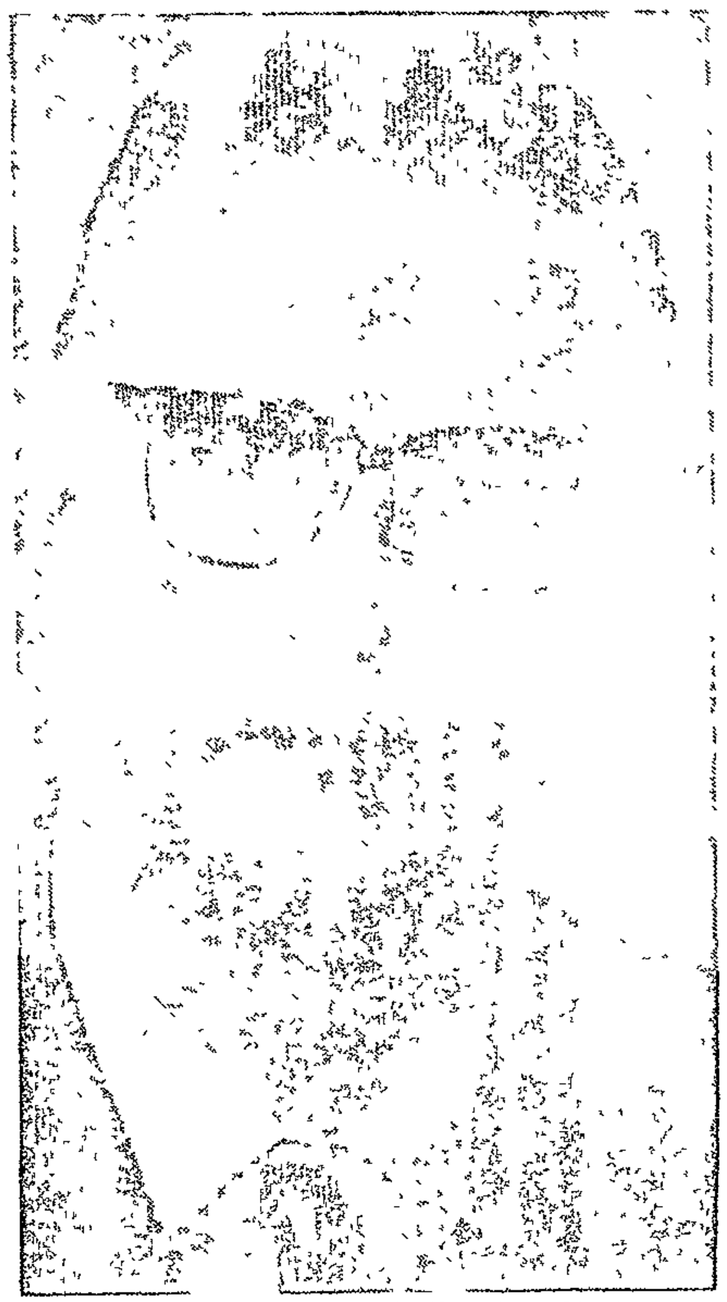
Referring particularly to the charge that changes were designed to control unions, Mr Botha said "After this, no-one will be able to say our system is designed to police unions"

The all-important details of the new legislation are yet to come But Mr Botha has spelled out the broad direction of the changes and there are already doubts about whether his optimism is well-founded. The new moves may well increase, rather than still, criticism of government labour policy.

His optimism is based on the fact that full union rights for all, including the right to mixed unions, are now entrenched in law Mr Botha added that union autonomy would also be guaranteed — unions would be free to organise whom they wished and form union alliances as they wished

But accompanying the new legislation — its "hole in the middle" — are tough measures which could drastically raise the penalties attached to striking, for tens of thousands of black workers

According to Mr Botha, unions will begin negotiating agreements with "African States"



Minister of Manpower Utilisation, Mr S. P. "Fanie" Botha.

whereby any of their citizens who engage in an illegal strike will be summarily removed from the white area

While he said it was a priority to negotiate such agreements with foreign Southern African countries he added that they would also be entered into with the homelands

If they did not sign, these countries or homelands could simply find that their labour would not be used here, Mr Botha said

This could mean, quite simply, that any contract worker who takes part in a strike which is not legal in terms of the government's machinery, will lose the right to earn a living in white South Africa

The implications are awesome. The right of workers to withhold their labour is an accepted right in all democratic labour systems. Even unionists who would shudder at the thought of calling a strike, point out that the strike threat is essential to free bargaining

If an employer knows that there is no threat, no matter how remote, that his workers will strike, he has little incentive to settle a dispute

Stripped of the right to refuse to work, workers have little power and any bargaining rights conferred on them are virtually meaningless

Critics are thus likely to argue that Mr Botha's new measures will give tens of thousands of contract and migrant workers every right except the one that really matters — the right to bargain effectively

To the uninitiated, clamps on illegal strikes appear fair enough After all, if there is machinery for negotiation before strikes can take place, it seems only fair that action should be taken against those who ignore it

But critics of the system claim the machinery is so cumbersome, there have been few legal strikes in the country's labour history

Before a legal strike can be called, workers have to go through elaborate machinery which can take months to complete By the time the channels are exhausted, workers have usually long since lost interest

Mr Botha made it clear that the machinery would remain unchanged This means that contract workers could be faced with the prospect of negotiating a tangle of red tape when they have a grievance, or taking matters into their own hands and losing their jobs

The move could also pose a dilemma for black homeland and other governments in the subcontinent If they sign, they invite a backlash from disgruntled workers If they don't they could see job opportunities for their citizens dry up — and face the same backlash

Other aspects of the proposals may also pose problems for Mr Botha.

First, there are doubts as to how far-reaching his guarantees of union autonomy will be He made it clear that the official registration system would remain unchanged because the country had "the best labour legislation in the world". Unionists were quick to comment that this could render the promises of change hollow

They and some employers also have argued that the registration system is a large part of the reason why unregistered unions have refused to register, for the system itself plays a key role in controlling unions

The government's registrar can register a union for a specific area, industry or part of an industry only This gives him the power to deny unions rights in areas where they have members.

This stipulation could also be used racially The registrar could decline to register a union for a specific race group in an area

The procedures are time-consuming also and no independent black union (one without employer or registered union backing) has yet gained registration

It is for this reason that various employer groups have called for a streamlined system in which the representativeness of a union in a particular plant would be the chief criterion

Mr Botha said last week that one reason for not changing this system was to prevent competition between unions in particular areas This could be seen as a means of protecting established unions against their emerging rivals

But what is clear is that the system's critics will remain unhappy as long as registration remains unchanged

Another contentious issue is likely to be the proposed clamps on links between local unions and their foreign counterparts Western unions have argued they should be free to assist black unions here and that by doing so they are contributing to the country's industrial life

And local unregistered unions have argued that they need help from abroad to find the funds and resources which decades of exclusion from official bargaining rights have denied them This, too, is likely to be seen as a clamp on unions' freedom to associate

Mr Botha's announcement follows weeks of speculation about forthcoming changes Influential business organisations had been demanding change and the government seemed to be listening Expectations of a substantial revamp of the official labour system were high

This was hardly surprising Labour events throughout the year had illustrated the need for change had never been as pressing.

The Wiehahn Commission's first report last May had opened the official bargaining system to black workers and their unions for the first time In so doing, it let black unions in from the cold — but ushered them into a system hedged with controls which soon proved inadequate for worker, and particularly black worker, needs.

The thinking behind the strategy was clear Black unions were a relatively weak force, battling against official and employer hostility But they were beginning to grow and a handful of employers were beginning to recognise them.

Rather than allow a second system to grow up outside the net of official control, therefore, the government moved to include black unions in the system This would allow them to grow — but only on terms laid down by the system

In reaction to this year's strikes and the growth of a union movement which refuses to enter the government's labour system, the Minister of Manpower Utilisation, Mr Fanie Botha, has announced forthcoming changes in labour law. Labour Reporter STEVEN FRIEDMAN examines these developments.

The problem was that some unions, arguing that registering was likely to produce more disadvantages than benefits, decided to stay unregistered

In many cases, the unions concerned have proved to be those which have grown fastest and there is mounting co-operation between those unregistered unions who refuse to register. The prospect of a powerful force rising outside the government's system once again reared its head

At the same time, the wave of strikes this year made it clear the government moves had not damped black worker militancy

A factor officials have always down-played, but about which there is no doubt, is that the reforms were partly aimed at reducing hostility to the government in international labour circles. However, influential employer spokesmen attending international labour conferences this year found this simply wasn't happening

Indeed, they returned to voice their concern that the "mileage" which the government and business could have obtained from the changes were being almost totally nullified.

Particular aspects affecting foreign opinion were that migrant workers and commuters (those who live in a black homeland and commute daily to work in a white area) were granted union rights by ministerial proclamation rather than law, and that mixed unions could only be registered with ministerial consent

Another issue was that foreign black workers are not permitted registered union rights while foreign whites are.

As a result, leading employer organisations such as the Federated Chamber of Industries and, to a lesser extent, the Association of Chambers of Commerce, began calling for changes in labour legislation.

Besides the need to respond to foreign criticism, they argued that important unions were refusing to register and that the spectre of a powerful labour movement operating outside official control was looming If that happened the country faced "industrial anarchy" they said

The official system had to be made more attractive to unregistered unions This could be done by entrenching full freedom of association in law — allowing all workers to join registered unions and allowing unions to have totally non-racial structures if they wished.

Equally important, employer bodies began to take the initiative by accepting the need to negotiate conditionally with unregistered unions, thus raising the possibility that the official system would be by-passed again

The government's response, mainly communicated through public and private speeches from Mr Botha, was ambiguous On the one hand, he startled many observers by boldly calling on employers to deal with representative unions rather than "sweetheart" groups which could be relied on to avoid hard bargaining

He added that the government was determined to make the system more attractive to unions by eliminating some of the controversial controls.

But he warned also of the danger of allowing an unregistered union movement to develop. This would mean, he said, that some unions would benefit by being allowed to escape the controls to which their rivals were subjected

He also warned that unregistered unions would be free to link up with political organisations, a practice which is long established in the western world, but which the government has always been determined to outlaw.

And he made it clear he was as concerned as ever by foreign unions backing the local unions

His statements caused a good deal of confusion Some employer and union spokesmen complained that Mr Botha was blowing hot and cold and that the two postures appeared to contradict each other

They didn't The two approaches were entirely consistent.

The government, Mr Botha was saying, was determined to bring into its system any unions which could be persuaded to come in Any union which was prepared to submit to the controls would be welcome, no matter how militant some employers believed it to be

On the other hand, unions unprepared to come into the new system would face the wrath of an officialdom no longer prepared to countenance them.

The goal is still control as a means of warding off what it sees as undesirable political and foreign influences If possible, by negotiation and by improving the system If that is not possible, presumably by other means

The new legislation encapsulates that principle. Whether it does so effectively remains to be seen

The moves to woo unions are obviously an improvement But they seem to have fallen far short of expectations and the system still seems unable to do what it presumably is designed to do — ensure industrial peace by allowing workers full bargaining rights.

The anti strike measures, powerful as they are, are unlikely to solve the government's problem, even if unwilling homeland and Southern African governments go along with them. Legislating against strikes hasn't tended to stop them in the past. It may not do so this time

As always, the legislative power to control events does not imply actual power to control them — a view which Mr Botha appears still to reject.

Two more Wiehahn reports next week

Labour Reporter

TWO further reports by the Wiehahn Commission on labour legislation will be released on Monday, the Minister of Manpower Utilisation, Mr Fanie Botha, announced last night.

Mr Botha said the State President had agreed that parts three and four of the Commission's report, which deal with social security, could be published while Parliament is not in session.

The reports will be released together with a Government White Paper spelling out the official attitude to them.

So far, two Wiehahn reports have been released. The first, a general report on issues ranging from black union rights to job reservation, ushered in the Government's new labour dispensation.

The second, on technical and industrial relations training, was released earlier this year.

The commission plans to release six reports, and reports five and six, which deal with two controversial issues — the mining industry and labour relations — are still awaited.

Reports three and four will deal with "social security" legislation such as the Unemployment Insurance Act, the Workmen's Compensation Act and the Factories Act.

The Government's decision to release the reports now — while Parliament is not in session — is an unusual one which requires the assent of the State President.

Closed shop bars Saawu says union official

DD 21/11/80

EAST LONDON — The South African Allied Workers' Union (Saawu) had no legal right to approach any employee in the furniture industry, the director of organisation for a registered trade union said yesterday.

Mr A J. M. Groenewald, of the National Union of Furniture and Allied Workers, yesterday dismissed Saawu claims that the management of East London Furniture Industries was assisting a rival union to recruit members as completely false.

"There is no rival parallel union in the furniture manufacturing industry. The South African Allied Workers' Union has no legal right to approach any employee in the furniture industry or even discuss any terms with them," he said

In a statement to the Daily Dispatch, Mr Groenewald said in terms of an industrial agreement no employee who was not registered as a member of his union could be allowed to work for any employer registered with the employers' association

Mr Groenewald's full statement reads.

"The strike action at the firm of East London Furniture Industries was instituted by trhe direct actions of the South African Allied Workers Union which is not a registered union in terms of the Industrial Conciliation Act No 28 of 1956 as amended

"During the period 1932-1959 employees employed in furniture manufacturing were eligible for trade union membership of the East London and Border Furniture Workers' Union

"This union was registered in terms of the IC Act. From 1959 the National Union of Furniture and Allied Workers of South Africa incorporated the East London and Border Furniture Workers' Union

"The National Union of Furniture and Allied Workers of South Africa is a registered trade union in terms of the Act and is fully integrated for all race groups

"The National Union of Furniture and Allied Workers is registered to represent employees employed in the furniture manufacturing industry, the coffin manufacturing industry, the sawmilling industry, the woodworking industry and the plywood industry of South Africa

"East London Furniture Industries, which was previously known as Beard Ellis and Berlyn, is a registered member of the East London Border and District Manufacturers' Association This employers' association is registered in terms of the IC Act

"Prior to the formation of the employers' association in the East London Area, the firm was a registered member of the Midland Furniture Manufacturers' Association, which still exists and is also registered in terms of the Act

"This employers' association covers various areas, inter alia the East London area

"During the early part of 1980 a separate industrial council known as the Border Industrial Council for the Furniture Manufacturing Industry was registered in terms of the IC Act.

"The parties to this Industrial Council comprise the East London, Border and Districts Furniture Manufacturers' Association, the National Union of Furniture and Allied Workers and the National Association of Furniture and Allied Workers

"The last named trade union has now amalgamated with the National Union of Furniture and Allied Workers of South Africa.

"An industrial agreement negotiated by the parties to this industrial council is currently in force and only expires on March 20 1982

"The National Union of Furniture and Allied Workers is the only legal body which has the right to negotiate conditions of employment and benefits for the employees in the furniture manufacturing industry

"The union is fully represented throughout South Africa

"The statement made by the South African Allied Workers' Union that the company was actively assisting a rival parallel union to recruit members is completely false

"There is no rival parallel union in the furniture manufacturing industry. The South African Allied Workers' Union has no legal right to approach any employee in the furniture manufacturing industry to register or even discuss any terms with them

"They have no legal standing

"In terms of clause 23 of the industrial agreement no employee who is not registered as a member of the National Union of Furniture and Allied Workers may be permitted to work for any employer who is registered with the employers' association

"The company has been officially informed that it may only employ persons who comply in all respects with the provisions of the industrial agreement, including the closed shop provision

"These employees must comply with the membership provision of the National Union of Furniture and Allied Workers' constitution

"The media must clearly understand that the National Union of Furniture and Allied Workers has, and always will, work in the best interests of its members and, as a responsible registered trade union, will not involve its members in any strike action — DDR

Men to test labour laws

D 21/11/80

EAST LONDON — Workers dismissed after a stoppage at East London Furniture Industries planned to turn up for work as normal today as part of a strategy to test new labour legislation and the Wiehahn recommendations, Mr S K B. Kikine, general secretary of the South African Allied Workers' Union (Saawu), said yesterday

According to Saawu, about 170 workers were dismissed after a dispute with management last Friday about attempts to make them join a "parallel union"

Mr Kikine said some of the dismissed workers were approached by security police on Wednesday night who told them they could report for work yesterday

About 30 had turned up for work and all except two had been re-employed The two who were turned away said they had been told they were inciters

Mr Kikine said the re-employed workers suspected they had been given back their jobs only so they could train new workers and that they could then run the risk of dismissal

All the workers, apart from one or two who feared victimisation because they had been labelled as inciters, would report for work today to see if they would be taken back

If the company did not re-instate all the workers, it would be a contravention of industrial laws and would amount to a lockout"

Mr Kikine said the workers' view was they had not gone on strike They discussed their grievances with management and, while waiting for a reply, were called together by three representatives of the Department of Manpower Utilisation and told they were on strike and could face charges.

Accusing the company of "unfair labour practices", Mr Kikine said it was illegal for an employer to force a worker to join a union of the employer's choice He said workers had been threatened initially and told they would be dis-

cont ↓

missed if they did not join the union.

"We will test the new laws and the Wiehahn recommendations and if they are ineffective, they will be exposed," he said.

The head of the security police in East London, Colonel A. van der Merwe, said yesterday he was not aware his men had called on dismissed workers "but it is quite possible It has been done in the past People are afraid of intimidation and we visit them and give them an assurance they can return to work," he said.

Mr Kikine also called on the company to send a representative to Saawu's office to return workers' building society books held by the company

The books were until recently held for the workers by the building society concerned, but a spokesman said this system had proved unsatisfactory. He said workers would quote their clock-in numbers when wanting to draw money and in some cases had no other identification This situation had resulted in some cases of fraud and it had been decided to return the books to the paymasters of companies whose employees banked under this system.

He said the paymasters were in a better position to identify workers and emphasised the decision affected a number of other companies and had no bearing on the situation at East London Furniture Industry.

Mr Kikine said dismissed workers would be unwilling to approach the company individually to collect their books for fear of victimisation

He said he would approach the company to send a representative to the Saawu offices to return workers' books there. — DDR

Army exemption plan for white apprentices

By STEVEN FRIEDMAN
Labour Reporter

APPRENTICES are likely to be exempted soon from compulsory military training "under certain conditions" — a move which would remove a key white trade union objection to the training of black apprentices

This emerges from the Government's White Paper on Parts 3 and 4 of the Wiehahn Commission report, released yesterday

In an introductory section on "Progress Made in the Implementation of the New Labour Dispensation", the Government said the Defence Manpower Board had already agreed to an exemption system for apprentices

The proposal was now awaiting a "final decision"

According to the White Paper, the practical implementation of the exemption scheme is still to be worked out, but it is likely that certain white apprentices will receive the same temporary exemption from military service as certain university students now receive

In other sections of the introductory section, the Government also revealed that

- 37 trade unions have been exempted from provisions in labour law which lay down that mixed unions must have racially separate branches and that their executives must be exclusively white — they have presumably been granted the right to operate on a totally non-racial basis, and that
- A total of 116 out of 127 applications for the indenturing of black apprentices had been approved by mid-October

Three had been rejected and the rest were receiving attention Forty-three black apprentices had actually been indentured, as there is a time-lag between Government approval and actual indenturing

Demands that apprentices be exempted from military training in the same way as medical students are have been made by registered trade unions.

The demands surfaced after the Government gave the green light to the training of black apprentices in "white" areas

Unions with white members argued that white apprentices would be at a disadvantage because they had to undergo compulsory military training while other races did not

They argued that this would mean employers would prefer to train apprentices of other races because they would not have to break or delay their apprenticeship in order to undergo military training

This objection has been one of the reasons advanced by some white unions for their refusal to approve black apprenticeships

The White Paper says that the Defence Manpower Board has now approved an exemption system for apprentices

The system has not yet been introduced, however

"After a final decision on the matter has been reached, the necessary steps will be taken to effect the practical implementation of the proposals which are decided on," the White Paper says

UIF blow for domestic and farm workers

By STEVEN FRIEDMAN
Labour Reporter

DOMESTIC and farm workers seem set to remain excluded from the provisions of the Unemployment Insurance Act

This emerges from Report Three and Report Four of the Wiehahn Commission, which deal with "employment and social security"

At the same time, the Government has opposed a suggestion that all workers regardless of income, should be permitted to benefit from the Act At present, only workers who earn less than R800 a month qualify for unemployment insurance

But it has approved a recommendation that all races be eligible to sit on the committees which consider requests for unemployment benefits as well as on the Unemployment Insurance Board, which administers the Unemployment Insurance Fund.

And it has also undertaken to investigate "contingency plans" to fight unemployment

In the reports, the commission says it received "a plea" that farm and domestic workers be covered by the UIF

These workers do not have any Government protection if they lose their jobs and are the only categories of black workers excluded from UIF benefits

However, it made no recommendations on this issue, which means that the present exclusion of these workers is likely to continue

Officials have argued that it is impractical to include these workers because it would be difficult to collect UIF contributions from them.

The reports were released yesterday together with a Government White Paper responding to them The Government has accepted most of the commission's recommendations

The White Paper appears to oppose, however, the suggestion that the R800 "ceiling" on unemployment insurance benefits should be scrapped. The commission proposed that the Unemployment Insurance Board examine this proposal

This could have led to all workers being covered by the Fund

See Page 2

Another instalment

IT IS not hard to see why the Government has taken the unusual step of releasing sections 3 and 4 of the Wiehahn Report while Parliament is not in session They cover the least controversial aspects of this serial commission of inquiry into labour relations and can conveniently be disposed of in the political off-season, leaving the decks clear for the last two parts of the report, which deal with weightier matters, including the mining industry

Nevertheless, the far-reaching recommendations released yesterday concerning employment and vocational services, social security, the health and safety of workers, and a general tidying up of some loose ends of industrial legislation, have an important bearing on the lives of hundreds of thousands of ordinary workers.

An accompanying Government White Paper endorses most of the commission's recommendations and it is expected that much of the necessary legislation will be ready for tabling during the coming session of Parliament.

It also sounds a note of caution, which seems a litle short-sighted in these prosperous times, that improvement in the quality of employment and vocational guidance services 'will be determined by the availability of funds and accommodation'. Similarly the expansion of sheltered employment schemes is hung up on finance, but there is a move to create more sheltered employment by possibly allowing work at these institutions to be done for private as well as state and state-aided undertakings

The dangers of widespread unemployment are also recognised in the White Paper's allocation of top priority to the introduction of 'contingency schemes' to alleviate unemployment

But as the list of worthy recommendations flowing out of the Wiehahn Commission and the closely related Rieckert Report grows, it should not be allowed to divert attention from the rate at which the Government is implementing the earlier and more fundamental reforms recommended by these two bodies Many are long overdue, and it seems that the good intentions of some politicians are foundering on the rocks of a bureaucracy that is less amenable to change

Far-reaching recommendations on workers

NM 25/11/80

(166)

'Govt is in earnest'

Wiehahn Commission reports on wages, subsidies, sheltered employment

PRETORIA—Far-reaching recommendations relating to the employment, social security and the health of workers in South Africa are contained in the report of the Commission of Inquiry into Labour Legislation (Parts Three and Four) which was released in Pretoria yesterday.

According to an accompanying White Paper on the Wiehahn Commission report, the Government is in earnest in its efforts to bring about the required changes by means of the necessary legislation as soon as possible

'An attempt will be made to have as much of the legislation as possible ready for tabling during the 1981 session of Parliament'

Part Three of the report deals with the existing sheltered employment schemes, the wage subsidy schemes, the question of subsiding workshops for the blind and the position regarding the employment of handicapped persons.

Part Four also contains far-reaching recommendations relating to the amendment and renaming of the Factories, Machinery and Building Work Act, 1941, its consolidation with the Shops and Offices Act, 1964, and the provision in the new Act for the safety aspects relating to wiring and wiring work in regulations under the Act

Regarding Part Three, the Government has accepted that

- There should be an improvement in the quality of employment and vocational guidance services
- The Government accepted this recommendation, but emphasised that the rate at which this development would take place would be determined by the availability of funds and accommodation
- There should be an investigation by the National Manpower Commission into the system of employment in South Africa
- There should be compulsory registration of workseekers and utilisation of employment and vocational services

Employment

The Government also accepted a recommendation that there should be a utilisation of employment services by the public sector, except that the South African Police, because of its particular staff needs and suitability requirements, as well as the security screening that has to be carried out before employment, will have to continue its own recruitment efforts

The Defence Force at present also has its own recruiting offices throughout the country, and the Government has decided that these should also be continued

The Government also accepted a recommendation that the existing sheltered employment scheme should be expanded, but points out that the rate at which implementation can take place will depend on the funds available and on orders for work which can at present be received only from State and State-aided institutions and Provincial Administrations

Sheltered

As insufficient orders for work are received from this source, the possibility of carrying out work for private undertakings in sheltered employment factories will have to be investigated

The Government further accepted that

- The sheltered employment scheme should be modernised and reviewed
- Control of the sheltered employment scheme should not be enforced by legislation

Wages

- That the wage subsidy scheme should be reviewed and modernised to cater for all population groups
- The wage subsidy scheme should continue to operate and be controlled by the Department of Manpower Utilisation
- Serious consideration should be given to improving the present rates of remuneration
- The present procedures relating to workshops for the blind should be retained, but that the subsidisation by the Department of Manpower Utilisation be extended to all workshops for all population groups
- Legislation not be introduced at this stage to compel employers to employ a certain percentage of handicapped persons but that attention be given to the provision of appropriate incentives to encourage employers to employ handicapped persons in larger numbers
- The position in regard to the employment of handicapped persons be constantly monitored with a view to the introduction of suitable legislative provisions should this prove necessary
- The social security schemes negotiated under the auspices of Industrial Councils should continue to operate and should be strongly encouraged
- All population groups be represented on unemployment benefit committees

Ceiling

On the recommendation by the commission that the abolition of the wage ceiling be examined by the Unemployment Insurance Board, the Government says it is doubtful whether this is desirable However, the Government has no objection to such an investigation

The Act, in any case, makes provision for the wage ceiling to be amended

The Government also agreed that

- The introduction of contingency schemes to alleviate unemployment be given top priority by the Unemployment Insurance Board in conjunction with the National Manpower Comission; and
- The various administrative problems and other matters raised be attended to by the Unemployment Insurance Board

The Government accepted a recommendation that all population groups as well as appropriate specialists be granted representation on the Unemployment Insurance Board, subject to the proviso that the specialists recommended, ie. actuaries and economists, will take part in proceedings only in an advisory capacity when this is considered necessary, and that they will not be entitled to vote because the composition of the board is based on equal representation of employers and contributors

Undesirable

The Government rejected as undesirable the commission's recommendation that a Workmen's Compensation Board consisting of all population groups and appropriate specialists be established to exercise functions in respect of the Act similar to those of the Unemployment Insurance Board in respect of the Unemployment Insurance Act

It also rejected recommendations that the Workmen's Compensation Board be entrusted with the hearing of appeals and objections and that compensation board continuously review the practical administration of the Act and the compensation payable in terms thereof

Legislation

The Government accepted recommendations that, in order to rationalise the efforts regarding occupational health and safety, a Directorate of Occupational Health and Safety be established within the Department of Manpower Utilisation to take over and control, as much as possible of the existing State machinery at present engaged in this task and to co-ordinate the efforts of other organisations

The main task of this directorate should be to administer legislation relating to occupational health and safety and to establish the administrative machinery necessary to ensure the maintenance and the promotion of the health and safety of workers

The Government also accepted recommendations for an approved national wiring code for electrical installations, and the inspection of wiring work by suppliers insofar as it is necessary and practical and in the interests of safety — (Sapa)

Minister outlines Govt labour plans

166

RDM 27/11/80

By STEVEN FRIEDMAN
Labour Reporter

THE MINISTER of Manpower Utilisation, Mr Fanie Botha, yesterday spelled out a concerted manpower strategy on which his department has embarked

And he made it clear that labour issues are set to play a key role in the Government's 'total strategy' and constellation of states" concepts

He added that wide-ranging labour agreements with homelands and neighbouring states were being sought by the Government

This would form part of 'a total strategy for South Africa and eventually a Southern African constellation of states he said

Mr Botha was opening the convention of Manpower 2000 in Pretoria yesterday

An important leg of this strategy, he said would be programmes for co-operation between the Government homelands and Southern African states on training retraining and labour relations

He recently announced that the Government would seek bilateral agreements with homelands and neighbouring governments providing for the deportation of workers who take part in illegal strikes

Mr Botha said yesterday that the Government wanted homeland and neighbouring governments to accept a common responsibility' with it for maintaining industrial order

He added that arrangements in connection with liaison and negotiation with the states concerned are underway

His speech follows an address on Tuesday night by the Prime Minister in which he also spelled out the importance of labour issues in the Government s constellation plans

Mr Fanie Botha said his department had already begun developing a concerted manpower strategy in consultation with the private sector and other groups

An administrative and organisational" structure for such a strategy had already been built in important respects

Specific programmes which would play an important part in it were

- Training and retraining programmes, including programmes for school-leavers and the unemployed Mr Botha said he hoped to make important further announcements on this issue soon
- Job creation programmes which were being investigated as well as improved employment placement services
- A campaign to improve productivity
- A programme to maintain labour peace which would include training in labour relations the extension of the official industrial council system and the creation of dispute-settling machinery,
- Programmes for co-operation with homelands and neighbouring states
- Health and safety programmes for workers

Yesterday s convention was dominated by a series of papers calling for reforms along the lines suggested by Mr Botha

Discussing labour guidelines for the future, Mr Botha emphasised the Government s commitment to union autonomy but said it could never deviate from its determination to fight illegal strikes

He also welcomed an announcement by the public and private sectors that they would invest R92 000-million over the next five years to create half a million jobs

Govt's labour deal may get a setback

RDM 28/11/80 (166)

By STEVEN FRIEDMAN
Labour Reporter

TRADE unions say the Government's new labour dispensation seems about to receive a serious setback.

Yesterday there was a meeting between the Minister of Manpower Utilisation, Mr Fanie Botha, and the unregistered unions which have applied to register under the new dispensation

It was the first time a Cabinet Minister had invited independent black unions to talks.

Last night, union sources said the meeting had been "stormy", and that influential unregistered unions were "seriously reconsidering" their decision to join the new dispensation — which would be a serious setback for the policy

The sources said that an important source of friction was a statement, which Mr Botha is claimed to have made, warning of new curbs on unions who refused to register

Mr Botha is claimed to have said that agreements between employers and unregistered unions would have no legal force under legislation to be introduced next year.

The sources said this would deprive unregistered unions of all bargaining rights

Other contentious issues were the Government's intention to sign bilateral agreements with homelands and neighbouring states for the deportation of contract workers who took part in illegal strikes, and proposed curbs on overseas financial support for unions

Last night Mr Botha said he was "surprised" to hear that the unions claimed the meeting was stormy and that some might be reconsidering their attitude to the new dispensation

"I found it amicable,' said Mr Botha "I wouldn't describe it as stormy at all "

He said he could not comment further because he had an important function he had to attend

The Government's labour strategy is believed to rely heavily on participation by unions affiliated to the Council of Unions of South Africa (Cusa), and the Federation of South African Trade Unions (Fosatu)

However it is the unions affiliated to Fosatu which are believed to be now reconsidering their decision to join the new dispensation

It is understood that Fosatu will issue a statement today Informed sources said that it could well withdraw if the Government went ahead with legislation to weaken unregistered unions, or implemented tough anti-strike curbs

If the unions decide to withdraw, the credibility of the Government's moves would suffer a serious setback

Yesterday's meeting was attended by Fosatu unions, those affiliated to Cusa, and a number of "parallel unions" Most are unregistered, but have applied for registration The others were registered recently

Union sources said Mr Botha told the meeting that he was the first Minister in charge of labour ever to consult the black union movement

The sources said last night that 'the earlier part of the meeting was very constructive — the Minister appeared to be listening to us"

The unions also managed to obtain important clarification on issues concerning them

They had learned, for example, that some form of overseas funding for unions would be permitted It was still not clear, they said, how far-reaching any curb on foreign funds would be

The meeting had become heated, however, when the issue of measures to deport strikers had been raised

The unions had also been concerned about warnings of action to "cripple" unregistered unions, they said

A major stumbling block, sources said, was that the meeting was relatively short

"We were still raising important points when the Minister had to go off to an important meeting We don't believe we were able to put our viewpoint adequately enough," a source said

WIEHAHN

What price social security?

(116) FM 28/11/80

The task of devising an official structure to meet the labour needs of the late Seventies and Eighties was given to Professor Nic Wiehahn His initial recommendations — somewhat modified — are filtering into law From unionists, particularly those dealing with black workers the reaction has tended to be "Improvements yes — but not enough"

And this week, with the release of the third and fourth Wiehahn Commission reports, and their accompanying White Papers, initial reaction echoed responses to the first reports Wiehahn and government have not been bold enough

The reports deal with legislation covering employment and social security, and safety and health regulations

They disappoint on two scores Firstly, the commission has skimmed the surface failing to propose for blacks many of the privileges taken for granted by whites Secondly, where the commission *has* broken new ground, and made recommendations that would significantly affect workers not covered by current legislation, these have, in some instances, been turned down by government

Take the provisions of the Unemployment Insurance Act, which consolidates laws relating to the Unemployment Insurance Fund (UIF) As matters stand, the fund benefits contributors during periods of unemployment — with the major exceptions of farm workers, domestic servants and mine workers

For years there has been a justified clamour for the extension of benefits to those excluded — the bulk of the black workforce outside industry But again government has reiterated its stand on limiting the money flow from the UIF

There is no sound reason for doing so The fund is massively in surplus and contributions assured with a reserve of some R201m lodged with the Public Debt Commission The UIF derives its income from contributions paid by employers and employees an annual contribution by the State and interest on investments At present rates an employee contributes at the rate of 0 5% of his earnings while the employer has to contribute at the rate of 0 3% of the earnings of every employee Everyone earning up to R9 600 per annum is regarded as a contributor while the annual State contribution is 25% of the total contributions by employers and employees (by law this may not exceed R7m a year)

All should be covered

Wiehahn recommended that the ceiling prescribed in the Act be removed "because thousands of workers who contributed for many years found themselves excluded from the Act when they received increases or promotion"

He felt all employees, irrespective of income be covered by the Act but that as "this was a delicate issue" an in-depth study should be carried out by the Unemployment Insurance Board

Similarly, the commission received pleas for the inclusion in the Act of permanent workers on farms those in domestic service, and on the mines Unfortunately, the lot of those who automatically lose benefits three years after their homelands receive "independence" was not considered

Government's hesitance to extend fund benefits is indefensible on other grounds as well Thus while the wage threshold for contributors is to be raised next year from R9 600 to R12 000 a year (luckily for those who earn R1 000 a month and lose their jobs) contributors at the bottom of the scale who earn less than R780 per annum are at a disadvantage if they accept work in agriculture or domestic service They are then excluded from the provisions of the Act To top it all, if a claims officer offers them such employment and they turn it down, benefits are immediately terminated

Tying in with this if contributors who earn *more* than R780 a year become jobless and then turn down offers of employment up to the rate of 75% of their former earnings, their benefits will be terminated

So SA's social security system — such as it is — is in the process of being restructured to the benefit of middle-income earners Scrooge would have been delighted As one observer puts it "The government seems incapable of accepting that the money is there to be spent"

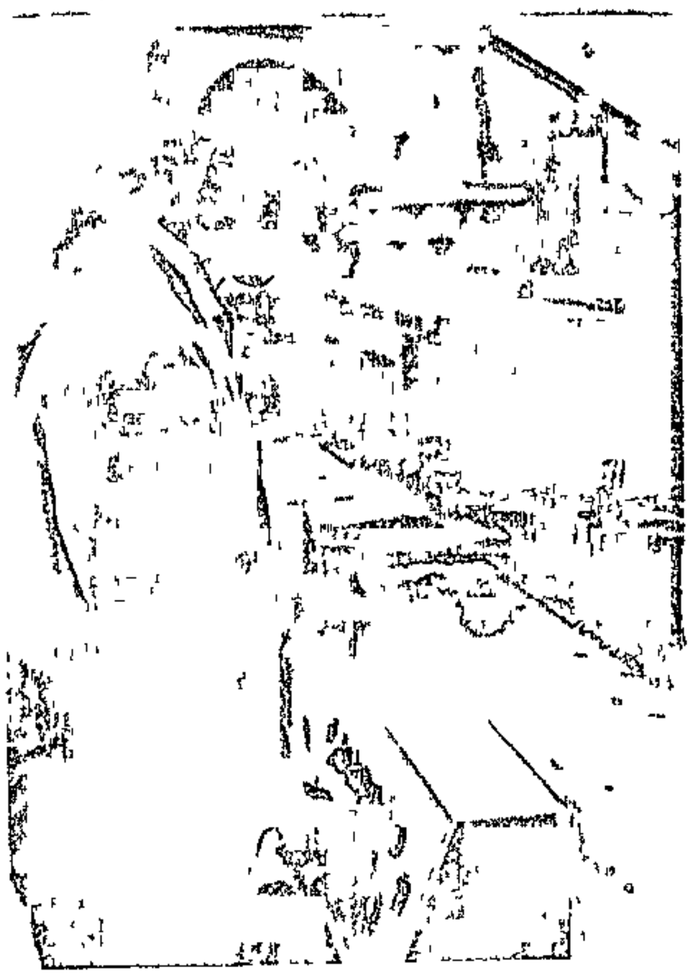
A further drawback for blacks is that they have to register as workseekers with the Department of Co-operation and Development, and then apply for benefits through the Department of Manpower Utilisation This causes undue delays in the processing of claims and the payment of benefits and is discriminatory

Wiehahn's reports also made extensive recommendations on the Registration for Employment Act which deals with placing of non-black workseekers through a registration procedure and vocational guidance service The system is hopelessly inadequate at present — only 12 572 coloureds registered as unemployed last year whereas the Department of Statistics quoted a figure of 65 000 jobless The commission found that this was because the system was ineffective

The fourth Wiehahn report also found that the legislation covering safety and health was restrictive in scope It pointed out that employees in commerce and agriculture, who were excluded from the Factories Machinery and Building Act, were equally subject to health hazards The Act protects only employees in factories, on building sites and machinery workers

Wiehahn felt this Act and the Shops and Offices Act should be consolidated into one — the Occupational Health and Safety Act which should "provide for the protection of the health and safety of all persons in employment"

Manpower Utilisation agreed to the marrying of the two acts but it categorically stated that "the government cannot accept that persons engaged in farming activities or domestic service be included in the Act



Labour observers point out that this stand is untenable "These workers are the most vulnerable and least protected They are also voiceless That the safety regulations have not been extended to include them is despicable"

Sheena Duncan of the Balck Sash, adds that the Acts are inadequate even to deal with those workers presently covered by it She says Wiehahn has failed to point out the inadequate role employers play with regard to safety regulations "Employers often do not report accidents, and we find workers approaching us for claims years later They also fail to keep detailed and up-to-date addresses which means that the government cannot trace those who qualify for compensation"

Clearly, the large number of unemployed — estimated by some at 2 million — cannot be reduced or helped if the machinery is inadequate even for those who qualify for placement and aid Wiehahn — and to a much greater extent government — have not even begun to address themselves to the problems of this silent mass of people

STAR 28/11/80 (166)

Black labour federation uneasy over changes

The country's biggest federation of black trade unions might pull out of the Government's new labour dispensation if many of the latest proposals for changes to the law are not dropped

The Federation of South Africa Trade Unions (Fosatu) made this clear in a statement today following what it called a "very unsatisfactory meeting with the Minister of Manpower Utilisation, Mr Fanie Botha, yesterday.

The statement said Fosatu believed that the "positive steps proposed" by the Government recently were "heavily outweighed by other proposed amendments which would lead to the credibility of the whole package collapsing.

The fact that the meeting with Mr Botha took place was probably a step in the right direction, said Fosatu. But if there were further meetings they should be much longer and involve all unregistered unions.

Fosatu unions have applied to register under the Government's new labour dispensation. But Fosatu warned today that it would not be prepared to participate if new, unacceptable proposals were implemented.

The proposals would have the effect of exerting greater potential control over the activities of emerging trade unions, the statement said

Fosatu said the following proposals were unacceptable

- Measures to "freeze out" unregistered unions, such as the prohibition on stop order facilities for them and no legal standing for their agreements with employers

Fosatu switch could sink labour deal

29/10/86

By STEVEN FRIEDMAN
Labour Reporter

THE GOVERNMENT's new labour dispensation is now almost certain to be dealt a crucial blow unless changes are made to legislation due to be introduced during the next parliamentary session

This emerges from a statement issued yesterday by the non-racial Federation of SA Trade Unions whose unions have agreed to register thus entering the Government's official bargaining system

The statement says categorically that Fosatu will change its mind and pull out of the system if the legislation goes ahead unchanged

While details have not been announced, the Minister of Manpower Utilisation, Mr Fanie Botha has spelled out the legislation broadly

"Fosatu believes that the positive steps that have been proposed are going to be heavily outweighed by (other) points and that the credibility of the whole package will collapse and therefore jeopardise constructive reform

"Fosatu will not be prepared to participate in such a process '

A decision to pull out of the official system would deal a crushing blow to its credibility Fosatu is the largest of the groups which have agreed to register and its non-cooperation would mean that virtually all major black union groupings had opted out of the new system

It is known that the Government is anxious to see Fosatu unions enter the official bargaining system

According to the statement, Fosatu s objections to the legislation are directed against

- Measures to ' freeze out' unregistered unions by banning stop order' facilities for them and declaring agreements between them and employers to have no legal standing

This Fosatu said, is "contrary to the principle of freedom of association' and "will destroy credibility among workers and internationally '

- Moves to deport contract workers who strike illegally

Fosatu said this would deny these workers "basic justice ' because they would be deported before they were found guilty in the courts

It added 'No law can prevent official or unofficial wildcat strikes Strikes occur because there are problems and these cannot wait for lengthy and cumbersome procedures to resolve them "

This measure "will not stop strikes but will jeopardise the credibility of the legislation "

- The control of foreign funds for strikes whether legal or illegal

"In the case of a legal strike, this clearly restricts unions' freedom of association More generally, there is distrust as to how this will be implemented," Fosatu said

- Alleged statements by the authorities that new powers of investigation and discretion would be given to Government officials,

- Proposed Government involvement in strike ballots

' There is already sufficient legislation to deal with irregularities, according to Fosatu

It said the proposed changes "make the mistake of mixing real improvements with changes that have the effect of exerting greater potential control over the emerging trade unions '

This would "create a climate of distrust and loss of credibility

Fosatu's statement follows talks between Mr Botha and a range of black unions — the first time a Cabinet Minister has invited a wide range of these unions to talks

Fosatu said "the fact that the meeting took place at all is probably a step in the right direction "

It complained, however, that unionists had insufficient time to clarify "complex issues" and that the meeting was unsatisfactory

It said that "if there are to be future meetings they should be for longer periods and involve all unregistered unions'

166 S Tribune 30/11/80

It's back to the drawing boards

Tribune Reporter

IT'S BACK to the drawing boards for Minister of Manpower Utilisation Fanie Botha if he hopes to attract unregistered trade unions into the official industrial relations machinery.

His only other option is a continuing war of attrition against them through the security police and awkward legal provisions making their continued existence more difficult, but not impossible if the past is any indicator

This is the upshot of the stormy meeting this week between Mr Botha and unions affiliated to the Federation of South African Trade Unions (Fosatu) and the Council of Unions of South Africa (Cusa), on whose participation the success and credibility of the Government's developing labour dispensation depends

Fosatu, largest umbrella body for unregistered unions representing more than 50 000 workers, threatened after the meeting to have nothing whatever to do with the official system if proposed labour law changes went through unchanged

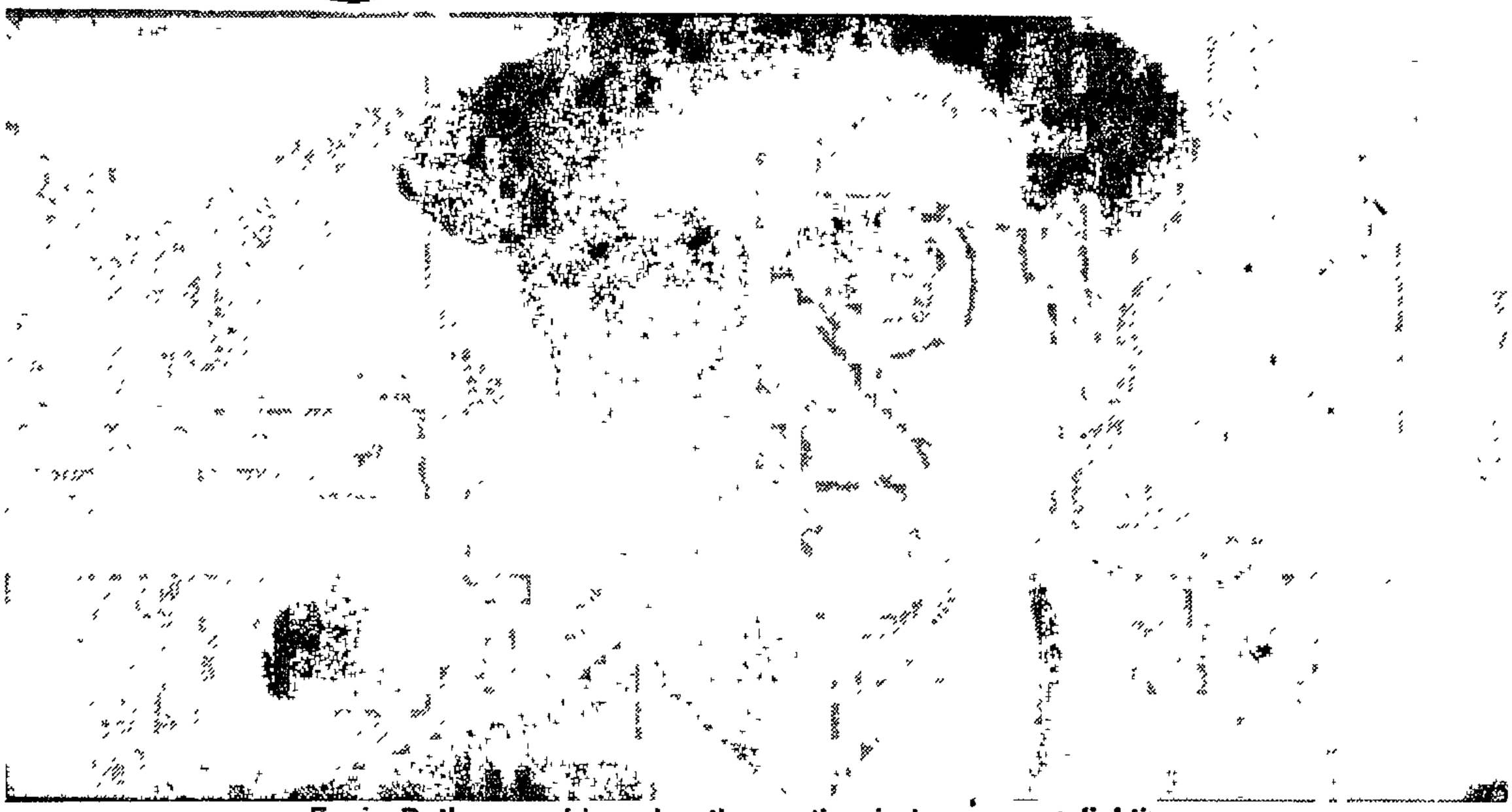
A number of Fosatu unions have already applied for registration These applications would be withdrawn unless certain proposed changes to labour law were scrapped, Fosatu said

Some Cusa unions have also indicated their past willingness to apply for registration Hence the Government's reliance on Fosatu and Cusa's registration as a way of getting credibility overseas for its labour dispensation something it appears very keen on having at the moment

But other major unregistered unions — the Western Province General Workers' Union, the South African Allied Workers' Union, and the African Food and Canning Workers' Union — have this far remained firmly opposed to registration in its present form.

It is these unions which would be the major victims of the labour law changes to which Fosatu has objected But, in Fosatu's opinion, any of its unions opting for registration would also suffer.

Fosatu has objected to anticipated measures which will ban stop-order facilities for unregistered unions



Fanie Botha . . . his only other option is to carry on fighting

Unions: Shock new curbs

Times 1/12/80

Own Correspondent

SHOCK NEW CONTROLS on trade unions — the toughest ever proposed — are contained in a draft bill drawn up by the Department of Manpower Utilization.

From page 1

● Unions would be prohibited from operating in "independent" black homelands and may also be barred from non-independent homelands

The draft bill would forbid unions from having their head office "or any other offices" in an area which does not fall "within the sole jurisdiction of the government of the Republic of South Africa"

This rules out offices in "independent" homelands and may also rule them out in the others

● Controls on political activity by unions are widened dramatically and it appears that unions would not be allowed to associate with any organization other than another union

Up to now, registered unions have not been allowed to affiliate to a political party, receive funds from one or give one funds

The draft bill prevents all unions, whether registered or not from assisting any group or person which has "political" aims or which promotes "socio-cultural interests in such a manner that he or it derives or may derive political benefit therefrom"

Many black and non-racial unions have been seeking informal ties with black community organizations The draft bill appears to ban this and to prevent unions from actively involving themselves in community issues

Controls on unregistered unions are increased

Up to now, most government controls have affected registered unions only The bill proposes to extend the bar on association with community groups to registered unions as well as other controls

These unions would have to submit records to the government, would be subject to controls on voting procedures and must have audited accounts

Strict controls are proposed on fund-raising by unions and no union registered or unregistered would be allowed to receive any donation without the minister's permission

It was originally thought that this bar would apply only to overseas money for strikes, but the bill forbids donations from any source "to further the interests" of any union, employer organization or union federation

These provisions are stricter than those currently contained in the Fund-Raising Act There is a minimum R500 fine for contravening this provision

Registration would become compulsory for union federations All unregistered union federations would have to apply for registration within three months of the passing of the Act

The draft bill also contains several far-reaching measures which will substantially improve the position of workers and their unions.

A copy of the first draft of the bill — the Labour Relations Amendment Bill — has come into the possession of the Rand Daily Mail

The bill is likely to provoke bitter protest from large sections of the union movement both here and overseas if major changes to it are not made

The draft seeks to give the government's registrar the power to close unions down, to prevent unions from having offices in the homelands, bars all donations to unions without ministerial provision drastically widens bars on union political activity makes it compulsory for union federations to register and extends official controls to unregistered unions

Sex discrimination

It also abolishes all references to race outlaws sex discrimination in wage agreements and makes it easier for unions to have union dues deducted on their behalf by employers

A source who has studied the draft bill yesterday described it as "a strange mixture of important progressive moves and highly draconian controls"

The draft bill proposes to

cont

make it an offence for any wage agreement to discriminate on grounds of sex This would bring an important change for thousands of black women workers in the lower-pay grades

Most wage determinations and some industrial agreements set minimum wages for women which are substantially below those set for men

It also removes all reference to race thus allowing all workers in the country to join unions and all unions to become fully integrated if they wish

The draft bill also makes it compulsory for employers to deduct union members' dues on unions' behalf whether or not the union is representative

The draft bill also seeks to abolish the system of provisional registration which has been strongly criticized by unions

Key controls

Among the key controls likely to be fought bitterly by many unions are

- The government's registrar would have the power to recommend the closing down of registered unions or union federations.

He could do this if he believed the union had acted "unreasonably" or had acted in such a way that its members were "dissatisfied with it" or if he believed certain "irregularities" had occurred

If he believed this, he could recommend that the registration of the union be cancelled and it would then cease to exist. Its funds would go to a rival union in the same industry.

➡➡➡➡ To page 2

Changes made in labour Bill

RDM 1/12/80

By STEVEN FRIEDMAN
Labour Reporter

SOME of the provisions contained in a controversial draft labour Bill, details of which were revealed by the Rand Daily Mail yesterday, will not appear in the final Bill

The Minister of Manpower Utilisation, Mr Fanie Botha, said this last night in a statement in which he sharply attacked the "Mail" report

In a statement released through Sapa, Mr Botha said some of the "so-called amendments" reported by the "Mail" yesterday were "incorrect" and "will not be in the final Bill"

His statement confirms information conveyed to the "Mail" yesterday by sources who said the draft Bill would definitely be changed before it was presented to Parliament

The draft Bill, a copy of which has come into the possession of the Rand Daily Mail, contains important steps aimed at improving the position of workers and unions, but also provides for tough new controls on unions

Unions yesterday reacted angrily to the draft describing it as "totally unacceptable"

Yesterday Mr Botha said the "Mail" report was "untrue" and reflected "draft proposals for discussion" only

The statement came only a few hours after the director-general of Manpower Utilisation, Mr Jaap Cilliers, had refused to discuss the document

Mr Cilliers' private secretary contacted the paper to say he had been instructed to say "Mr Cilliers has no comment to make to you"

Mr Botha said the legislation had not been completed and was still under discussion "There can therefore not be a first copy of the final Bill"

He called on the "Mail" to say "from whom it has obtained a draft of the proposals"

According to Mr Botha, broad guidelines for the legislation have already been discussed with unions and employer organisations and further discussions will follow

He claimed the report gave an "incorrect and untrue" impression of the proposed legislation and said "no value" could be attached to it

The report, he said, "can only have the effect of causing distrust with those with whom negotiations have already been held, and are still being held"

These organisations, Mr Botha said, had so far expressed "strong support" for the legislation

© See Page 2

Editorial Comment — Page 12

Tough new clamps on unions planned

166 from 1.12.80

By STEVEN FRIEDMAN
Labour Reporter

THE toughest-ever controls over South African trade unions are advocated in a new draft Bill — which at the same time proposes measures to improve the position of workers and their organisations.

The draft wants all references to race abolished; sex discimination in wage agreements outlawed; and for it to be compulsory for employers to deduct union dues from workers's pay on behalf of the unions.

But it also seeks to give the Government's registrar the power to close down unions, bar donations to unions without Ministerial provision, widen drastically the bars on union political activity, make it compulsory for union federations to register, and extend official controls to unregistered unions

Further, it seems to intend to prevent unions from having offices in the homelands

The draft Bill is the Labour Relations Amendment Bill, drawn up by the Department of

cont ↓

Manpower Utilisation — and a first copy of it has come into the possession of the Rand Daily Mail

Though there are likely to be alterations to it before presentation to Parliament, the Bill is certain to provoke bitter protest from large sections of the union movement in South Africa and overseas unless major changes are made

A source who has studied the draft described it yesterday as "a strange mixture of important progressive moves and highly draconian controls"

The proposal making it an offence for wage agreements to discriminate on grounds of sex would be welcomed It would bring an important change for thousands of black women workers, because most wage determinations and some industrial agreements set minimum wages for women below those of men

The clause proposing the removal of all race reference would allow all workers to join unions, and for all unions to become fully integrated if they wanted to

Unions are likely to welcome the clause making it compulsory for employers to deduct workers' dues on behalf of unions, whether or not the union is representative

The draft also seeks to abolish the system of provisional union registration, which has been criticised strongly by them.

However, the other wider-ranging controls in the draft are likely to be fought bitterly by many unions

Among the key controls are

- The Government's registrar would have the power to recommend the closing down of registered unions or union federations if he believed the union had acted "unreasonably", in such a way that its members were "dissatsified with it", or if there had been certain "irregularities"

If he believed this, he could recommend that the union's registration be cancelled — and it would then cease to exist. Its funds would go to a rival union in the same industry.

- Unions would be prohibited from operating in "independent" black homelands — and may also be barred from non-independent homelands

The draft forbids unions having their head office, "or any other offices", in an area which does not fall "within the sole jurisdiction of the Government of the Republic of South Africa".

This rules out offices in "independent" homelands, but could also rule them out in

□ To Page 2

Curbs on unions if Bill goes through

Argus Correspondent

JOHANNESBURG. — Part of a Bill leaked to newspapers here indicates that trade unions of both the left and the far right face threats

The Labour Relations Amendment Bill, which is scheduled for Parliament next year, is still confidential and is understood to have only reached the pre-draft stage.

This means it could still undergo many changes before it is put before Parliament.

Reports say the draft Bill aims at going even further in controlling trade unions than measures already announced by the Minister of Manpower Utilisation Mr Fanie Botha.

The draft is reported to increase political restraints on trade unions by preventing all unions from assisting any group with political aims.

'CATCH'

Mr Gert Beetge, general secretary of the white Building Workers' Union and deputy chairman of the Herstigte Nasionale Party, warned that he would go to court if the Bill in any way infringed his right to participate in politics.

Mr Beetge also said the draft Bill, as reported, appeared to give ministerial say over sources of union income.

It was traditional for unions to help each other with money, he said.

Mr Botha saw union leaders last month and told them that only foreign aid for unions would be prevented and that unions would have autonomy.

NON-RACIAL

"This is the catch. What kind of autonomy is this?" Mr Beetge said of political and financial control over unions

The Bill is also seen as clamping down on black trade unions which may have ties with black organisations outside the trade union movement

The Bill, as announced earlier, will also permit trade unions to admit members of all races if they choose to, without obtaining special Government permission.

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Table 11 analyses the differences between age-specific activity rates derived (in slightly different ways) from the 1970 Population Census and from the Current Population Survey.

TABLE 11: ECONOMIC ACTIVITY RATES: 1970 POPULATION CENSUS AND 1978 CURRENT POPULATION SURVEY

	Males						Females						Total
Activity Rates (%)	Vermaak (1970)	Sadie (1970)	Simkins (1970)	CPS (1978)	Vermaak (1970)	Simkins (1970)	CPS (1978)	V d Merwe (1970)
15-19	62,3	71,0	62,6	38,5	49,2	60,1	22,7	
20-24	92,9	94,2	93,8	85,7	59,9	65,4	45,9	
25-29	96,5	97,4	97,9	93,1	49,2	48,4	49,4	
30-34	97,3	97,4			44,1			
35-39	97,7	97,8	98,4	90,5	41,5	39,9	39,9	
40-44	97,3	97,8			39,9			
45-49	97,4	97,2	97,2	83,0	37,6	30,5	49,4	
50-54	96,9	97,2			34,6			
55-59			95,0		30,9		36,9	
60-64				65,6	13,6			
65-69			(65)	(65)	8,7	16,0		
70-74			48,4		5,2			
Averages								
15-74								
All								
Total EAP (reported) ('000)								
Total EAP								
EAP (standardised)								
Total EAP								

Unions hit out at draft labour Bill

By STEVEN FRIEDMAN
Labour Reporter

TOUGH controls on trade unions contained in a controversial draft labour Bill drawn up by the Department of Manpower Utilisation were slammed yesterday by a wide range of trade unions

Unionists said the draft contained "unacceptable controls" and that it was "totally unacceptable" One accused the authorities of "trying to bring Poland here".

Yesterday, the Rand Daily Mail revealed the contents of the draft Bill, which contains several important measures aimed at improving the legal position of workers and unions but also includes the toughest controls on unions in the country's history.

Most sources appraoched yesterday expected the Bill to be modified, at least in part, before it was put to Parliament next year

Yesterday the general secretary of the Federation of SA Trade Unions, Mr Alec Erwin, said the draft Bill as it stood "thoroughly jeopardises any chance the new legislation has of starting out on the right footing"

Referring to controversial legislation introduced after the Wiehahn Commission reported in 1979, he said "This means we will be getting off on the wrong footing for the second time"

The controls in the draft were "totally unacceptable" and "confirm our suspicions that reform would be mixed with Government control"

Mr Erwin called on established registered unions to "make their voice heard" in protesting against the Bill

The director of the Confederation of Metal and Building Unions, Mr Ben Nicholson said he was reluctant to comment fully without seeing the draft Bill, but added "If this is correct, the draft Bill seems to provide for extraordinary control over unions"

The CMBU is largely composed of established registered unions

Mr Nicholson said he was in favour of "some sort of control" but said that controls over unregistered unions suggested in the draft Bill "could drive unions underground".

The general secretary of the SA Allied Workers Union, Mr Samuel Kikine, said the draft was "an attempt to bring the Polish system to South Africa"

SAAWU has refused to register under the Government's labour dispensation

The general secretary of the National Federation of Black Workers, Mr Matthews Oliphant, said the draft was a case of "one step forward, nine steps back"

Rightwing unions are also likely to react to any further clamps on political activity as they have indirectly supported the HNP on some occassions

Necessary controls

AT FIRST sight the mixture of progress and restraint which pervades the reported draft of a Labour Relations Amendment Bill seems no more than a reflection of the Government's desire to secure greater autonomy for the country's trade unions, putting an end to racial discrimination while at the same time ensuring that machinery would exists to prevent unions being hijacked for political purposes

No doubt the proposed controls, if this is what the Government has in mind, could prove unpopular in some quarters However, bearing in mind that such legislation would open the door to a completely new era in labour relations in this country, involving many thousands of black workers who have had little or no experience of trade unionism, we would not regard the restraints as unduly harsh In fact during what could be a complicated period of transition, certain controls would seem imperative

The good news, if that is what it is, is that by removing all reference to race, all workers would be allowed to join unions, and all unions would be free to become fully integrated if they wished. Black women workers too would stand to benefit considerably from any provision which would make it an offence for any wage agreement to discriminate on grounds of sex.

Meanwhile it would seem there is nothing unreasonable about requiring South African unions to operate only in areas which fall 'within the sole jurisdiction of the Government of South Africa' Measures to control fund-raising by unions would also seem understandable, should this be included, in view of the activities of certain overseas organisations in smuggling funds into this country to promote political projects within the labour framework. By the same token it is not unreasonable to require unions to confine their activities to union matters

One need only look to Europe to see some of the disastrous consequences that can flow from largely unfettered trade unionism. In Britain, much of the union hierarchy has been taken over by communist elements, who have brought down one Tory government and secured a large measure of control of the Labour Party

Heaven forbid that South African trade unionism should acquire that sort of 'freedom'. In our particularly complex society the least we must demand is that a proposed 'new order' is forged on an anvil of order and discipline

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TABLE 3: AFRICAN EMPLOYMENT BY ECONOMIC SECTOR, 1960, 1970 AND 1979. (thousands)

	1960	1970	1979 B
1. Agr	565		
	112		
	493		
	44		
	1 214	1 045	
	614	608	
	736	782	
	25	29	
	288		
	366	295	
	78		
	335	567	
	196	215	
	30	52	
	444		
	915		
	1 359	1 293	
	4 875	4 886	

Table 3 presents estimates of African employment by economic sector in 1960, 1970 and 1979. These figures have been estimated using the principles set forth in Simkins, 1978a and 1978b; column B under 1979 reports Current Population Survey[2] estimates.

(Throughout this section, South Africa includes Transkei and Bophuthatswana in 1960 and 1970, and excludes them in 1979. This is necessitated by the form of presentation of official statistics.)

The distribution of African employment by sector, sex and region-type, 1960 and 1970 and by sector and sex, 1979.

Unshackling labour

RDM 7/12/80 (166)

WITHIN 12 hours of our publication yesterday of details of the Government's new draft labour Bill, the Minister of Manpower Utilisation, Mr Fanie Botha, indicated that his department had already been making changes to the proposed measure. That is good news

Not that the draft Bill we published is all bad It contains a number of worthy objectives including proposals to eliminate all references to race. It also seeks to outlaw sex discrimination in wage agreements and to compel employers to deduct union dues from workers' pay on behalf of the unions

But the Bill in the form which we published carried within it the message that the Government was again failing to realise that it can never succeed with reform if it continues to attempt to control what people should do with their new rights.

Consider what the draft Bill intended doing to give the Industrial Registrar the power to close down unions, bar donations to unions without Ministerial permission, widen drastically the bars on union political activity, make it compulsory for union federations to register; and extend official controls to unregistered unions. In other words, unions would be turned into captive organisations

But now the Minister has given the assurance that the draft Bill has not been completed; that it is still under discussion and that a number of its clauses will not be contained in the final version.

Inevitably perhaps, the Minister demands to know from whom we obtained the draft proposals. We believe the fact that we published the contents will have served to make the public more aware of the dangers that were looming, and possibly thus lead to further softening of any remaining restrictive clauses.

We look forward to the final text of the Bill. We hope its contents will enable us to congratulate Mr Botha on unshackling labour.

Unions hit out at draft labour Bill

By STEVEN FRIEDMAN
Labour Reporter

TOUGH controls on trade unions contained in a controversial draft labour Bill drawn up by the Department of Manpower Utilisation were slammed yesterday by a wide range of trade unions

Unionists said the draft contained "unacceptable controls" and that it was "totally unacceptable" One accused the authorities of "trying to bring Poland here".

Yesterday, the Rand Daily Mail revealed the contents of the draft Bill, which contains several important measures aimed at improving the legal position of workers and unions but also includes the toughest controls on unions in the country's history

Most sources appraoched yesterday expected the Bill to be modified, at least in part, before it was put to Parliament next year

Yesterday the general secretary of the Federation of SA Trade Unions, Mr Alec Erwin, said the draft Bill as it stood "thoroughly jeopardises any chance the new legislation has of starting out on the right footing"

Referring to controversial legislation introduced after the Wiehahn Commission reported in 1979, he said "This means we will be getting off on the wrong footing for the second time"

The controls in the draft were "totally unacceptable" and "confirm our suspicions that reform would be mixed with Government control"

Mr Erwin called on established registered unions to "make their voice heard" in protesting against the Bill

The director of the Confederation of Metal and Building Unions, Mr Ben Nicholson said he was reluctant to comment fully without seeing the draft Bill, but added "If this is correct, the draft Bill seems to provide for extraordinary control over unions"

The CMBU is largely composed of established registered unions

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SAAWU has refused to register under the Government's labour dispensation

The general secretary of the National Federation of Black Workers, Mr Matthews Oliphant, said the draft was a case of "one step forward, nine steps back"

Rightwing unions are also likely to react to any further clamps on political activity as they have indirectly supported the HNP on some occassions

STAR (166)

Wiehahn work is concluded

3/12/80

The Wiehahn Commission of Inquiry into Labour Legislation wound up its work in Pretoria yesterday when the final two parts of the report of the Commission were signed.

Chairman Professor Nic Wiehahn said if the recommendations contained in the final two parts were adopted by the Government, they would have far-reaching effects on the labour set-up in South Africa — Sapa

LABOUR LEGISLATION

Botha's leaky bill

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FM 5/12/80

Government's latest steps towards streamlining its "new labour dispensation backfired this week after a copy of the draft labour bill, which has been under discussion for some time was leaked to the press

The document, which proposed legislative changes to the Industrial Conciliation Act, caused a storm in labour circles because of the harsh measures proposed to curb union activities The controls particularly threaten the survival of unregistered unions — a move which some union leaders have speculated could drive unions underground

Despite Minister Fanie Botha's claim that the report on the draft bill could have "no value attached to it," the proposals formed the basis of recent discussions held between the Minister and trade union leaders and have also been bandied about in union circles in the last few weeks (*FM* November 21)

The draft bill contains improvements to present labour legislation, such as the removal of all references to race in the Industrial Conciliation Act, abolition of sex discrimination in wage agreements and measures to force employers to deduct union dues from workers' pay But

FIRST DRAFT

BILL

To amend the Industrial Conciliation Act, 1956, so as to define or further define certain expressions, to further regulate the functions of the National Manpower Commission to further regulate the registration of trade unions, employers' organisations and federations; to further regulate the establishment and funct[illegible] court, to further

harsh controls proposed far outweigh these positive developments and have triggered angry response from independent trade unions — both those who, post-Wiehahn, agreed to apply for registration and those who refuse to work within government's industrial relations structure

Says David Lewis Western Province General Workers Union organiser 'We opposed the controls suggested in the original Wiehahn report and the draft Bill has vindicated all our fears with respect to State intervention in independent trade union activities

"The draconian controls are totally unacceptable We will not be party to any attempts to turn unions into dummy institutions controlled by the State via an unacceptable system of registration

Other trade unionists have also condemned the draft and the Federation of SA Trade Unions (Fosatu) has threatened to withdraw from the present system of registration should the changes be introduced

Proposals include giving the Registrar powers to recommend the closing down of a registered union or federation if he thinks they have acted "unreasonably barring unions from operating in independent homelands restricting further union associations with "political bodies and stricter controls on unregistered unions such as banning stop-order facilities for them

Says Lewis "They have shown that their new labour dispensation amounts to little more than an elaboration on the ruthless control which they have exercised over the independent trade union movement"

He points out that these controls still exist and adds Currently nine trade union officials and members are in detention The draft bill is only an attempt to refine this crude repression as the State deems it necessary to continue detaining union leaders in order to ensure success of its new initiatives'

Publication of the proposals also sparked sharp reaction from the Minister Although he would not comment further when the *FM* contacted the Department on Wednesday, in a press release on Monday he said the "so-called amendments" were incorrect and "will not be in the final draft' He said the Bill reflected 'draft proposals for discussion only"

Labour observers say they 'sincerely hope this is the case"

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Rapport 7/12/80

WIEHAHN: NOG VERANDERINGE KOM

Dit gaan elkeen in SA raak

MANNEKRAG 2000

Deur THINUS PRINSLOO

VANDEESWEEK is die laaste twee dele van die Wiehahn-kommisie se verslag oor arbeidswetgewing onderteken. Die vorige vier dele van die verslag het reeds 'n ingrypende invloed gehad op die lewe van Suid-Afrika se meer as negemiljoen werkers.

Nog veranderings kom nou om ons arbeidsopset, wat regstreeks of onregstreeks die lewe van elkeen in die land raak, aan te pas by die eise van die dekade wat voorlê.

Die laaste twee dele van die Wiehahn-verslag sal na verwagting teen die einde van aanstaande jaar se Parlementsitting ter tafel gelê word. Vroeër in die sitting gaan ander aanbevelinge uit die vorige vier dele van die verslag in wette beliggaam word.

Dit alles moet meewerk om 'n arbeidsopset tot stand te bring, waarbinne amper 15 miljoen werkers van alle rasse teen die einde van die eeu vreedsaam kan saamwerk — 10 miljoen gaan swart werkers wees.

Die belangrikheid van die diepgaande veranderinge wat die afgelope jaar of twee op arbeidsgebied gebeur het, word onderstreep deur die eise wat die toekoms gaan stel

Die land se mensepotensiaal moet nou so ontwikkel word dat meer as 40 miljoen mense teen die jaar 2000 aan die ekonomie sal kan deelneem. Dis oor 'n skrale 20 jaar

Teen hierdie agtergrond van die formidabele eise wat die toekoms gaan stel, het die Wiehahn-kommissie onder leiding van prof Nic Wiehahn in Julie 1977 met 'n vergrootglas na al ons arbeidswette en arbeidspraktyke begin kyk

Die kommissie van veertien arbeidsdeskundiges is aangestel omdat die Regering, en by name min Fanie Botha, besef het dat ordelike aanpassings op die arbeidsveld 'n saak van die hoogste prioriteit is

Die eerste deel van die Wiehahn-verslag het verlede Februarie die lig gesien, en nog in dieselfde jaar het die eerste wette op die wetboek verskyn wat diepgaande veranderinge in die arbeidsopset teweeggebring het Die volgende ses hoofpunte kan kortliks aangestip word wat uit deel 1 van die Wiehahn-verslag voortgevloei het

● Wetgewing is ingedien wat dit moontlik gemaak het dat swart werkers lede van vakbonde word Dit geld vir alle swartes, behalwe dié wat van gebiede kom wat nie voorheen deel van Suid-Afrika was nie

● Statutêre werkafbakening is van die wetboek verwyder Daar was in 'n stadium 28 vasstellings van afbakening en op twee na het almal verdwyn

Die twee plekke waar dit nog geld, is by die verkeerspolisie, ambulansdiens en brandweer van die munisipaliteit van Kaapstad en by die afdeling wat te doen het met ventilasie, opmeting en monsterneming op myne.

Die Minister van Mannekragbenutting, mnr Fanie Botha, het reeds aangekondig dat hy in oorleg met die betrokke vakbonde dié afbakenings so gou moontlik gaan uitskakel Aanstaande jaar behoort alle statutêre werkafbakening finaal van ons wetboeke te verdwyn

● 'n Nuwe Nywerheidshof het tot stand gekom om te verseker dat onbillike arbeidspraktyke nie ontstaan nie Werkers wat ontevrede is oor veranderinge in hul diensvoorwaardes, kan hulle tot die hof wend

● Swartes is toegelaat om in alle bedrywe as vakleerlinge opgelei te word In die verlede was daar geen wetlike verbod hierop nie, maar weens die houding van sekere instansies het dit nie gebeur nie.

Altesame 160 swartes het tot middel Oktober aansoek gedoen om as vakleerlinge opgelei te word Kleurlinge en Asiërs is in die verlede op onbeperkte skaal as vakleerlinge opgelei

● Veral multinasionale maatskappye is tegemoetgekom deur die oopstelling van eet-, was- en toiletgeriewe vir alle rasse Die verslag het aanbeveel dat geriewe deur onderlinge bedinging, en nie deur Regeringsvoorskrifte nie, oopgestel word

Hoewel hierdie aanbeveling nog nie in 'n wet beliggaam is nie, huldig die departement van Mannekragbenutting die standpunt dat daar onderling ooreengekom kan word om geriewe te deel, mits die nywerheidsorde nie verstoor word nie.

Nog 'n voorwaarde is dat niemand gedwing moet word om geriewe te deel nie

● Die Nasionale Mannekragkommmissie is gestig om die Departement van Mannekragbenutting te adviseer oor sake wat die kommissie na hulle verwys het

Die Mannekragkommissie bestaan uit 42 deskundiges en help om arbeidsake gestroomlyn te hou

In Junie 1980 is deel twee van die Wiehahn-kommissie se verslag ter tafel gelê Geen wetgewing het nog hieruit voortgevloei nie.

In 'n witskrif daarop het die Regering die aanbeveling aanvaar om die vier opleidingswette te konsolideer. (Die Vakleerlingswet, die Wet op die Opleiding van Ambagsmanne, die Indiensopleidingswet van 1979 en die Swart Indiensopleidingswet van 1976, wat voorheen onder die Departement van Onderwys en Opleiding geval het)

Die ontwikkeling gaan groter stukrag gee aan die opleiding en heropleiding van alle bevolkingsgroepe Daar word beoog om opleiding op 'n uniforme basis met gelyke standaarde te gee

Deel drie en vier van die Wiehahn-verslag is verlede maand uitgereik en gaan aanstaande jaar in die Parlement ter tafel gelê word

Ingevolge aanbevelinge in deel drie word wetgewing aanstaande jaar beoog om die werkverskaffingsdienste vir alle bevolkingsgroepe onder die vleuels van die Departement van Mannekragbenutting te neem Die Departement van Samewerking en Ontwikkeling het voorheen die dienste vir swartes behartig

Die dienste gaan opgeknap word en meer stroombelyn gemaak word Dit gaan gedoen word aan die hand van inligting wat op twee oorsese studietoere na Amerika, Europa en die Ooste bekom is

In deel vier van die verslag word aanbeveel dat die Wet op Fabrieke, Masjinerie en Bouwerke met die Wet op Winkels en Kantore gekonsolideer word

Dit kan voortvloei uit die aanbeveling dat aspekte rakende veiligheid, wat nou in 'n afsonderlike wet is, ook onder die Fabriekswet geplaas word

Dit sal veroorsaak dat die huidige Wet op Elektrotegniese Draadwerkers en Aannemers van 1939 sal verdwyn Wetgewing hieroor sal egter nie aanstaande jaar al deurgevoer word nie

Deel vyf en ses van die verslag is vandeesweek onderteken en gaan nou aan die Staatspresident voorgelê word Die inhoud is nog geheim

Deel vyf gaan oor arbeidsbetrekkinge en deel ses oor mynwese. Daar word allerwee verwag dat dit, net soos die vorige dele, 'n belangrike invloed op die arbeidsopset gaan hê

● In 1951 was daar 4 miljoen werkers in Suid-Afrika en vanjaar 9 miljoen Hiervan is 6 miljoen swart werkers Daar is net minder as 2 miljoen blanke werkers, net minder as 1 miljoen Kleurlinge en meer as 'n kwartmiljoen Asiërs

In 2000 gaan daar amper 15 miljoen werkers in Suid-Afrika wees, van wie 10 miljoen swartes, 2 miljoen blankes, 1 miljoen Kleurlinge en 'n halfmiljoen Asiers sal wees.

Regte van die SA werker

- Die reg om te mag werk.
- Die reg op billike vergoeding en diensvoorwaardes.
- Die reg van toegang tot opleiding en heropleiding.
- Die reg om te organiseer en tot 'n werkersorganisasie te behoort.
- Die reg om te onderhandel en kollektief te beding.
- Die reg op beskerming van veiligheid en gesondheid.
- Die reg op bestaansekerheid.
- Die reg op werksekuriteit en beskerming teen onbillike arbeidspraktyke.

NOOSE BITES IN BID FOR LABOUR REFORM

By KEVIN JACOBS in New York and CONNAL VICKERS in Durban

THE noose around multi national companies in South Africa is tightening as overseas pressure groups step up their campaign for labour reform

The chief protagonist for change, American civil rights campaigner the Rev Leon Sullivan met 20 international company representatives in Europe last month to review the implementation of fair labour principles

Mr Sullivan architect of the Sullivan principles for fair labour practice that have been signed by 140 American companies with interests in Southern Africa is pushing for more stringent measures against companies that refuse to sign.

French, British, American and at least one South African company attended the meeting, where Sullivan again called for legislative sanctions such as tax penalties and the withholding of federal contracts from recalcitrants

He also discussed possible amendments to the principles that could be introduced next year

The principles call on employers to pay wages "well above the appropriate local minimum economic living level". This provision will probably be extended to specify a stated percentage, "say 30 percent" above the minimum living level

South African industrial sources spoken to viewed the amendment as unreasonable and uneconomic.

"South Africa is moving very well in the upgrading of wages," said Mr Roland Freakes, executive director of the Natal Chamber of Industries "At the moment we are talking about an average wage of R170 for unskilled black labour. This has increased far more rapidly than the cost of living index and wages will still increase further.

"I don't think that anyone in this country would not like to meet that kind of request but we have to be realistic. These people must be reasonable. We need a little more time as productivity has to increase as wages do.

"South Africa has a code of conduct for labour, the Saccola code, and this comes fairly close to the provisions laid down in Sullivan's code"

It is thought Mr Sullivan's European conference could lead to a combining of his principles with those laid down by the European Common Market. This code is in theory mandatory but monitoring has been haphazard and company's performances are not publicised

Mr Sullivan said he hoped that this would be the beginning of a broader and more worldwide effort to work against discrimination in the workplace in South Africa.

Similar meetings could follow

Neither the EEC nor Sullivan codes are enforceable, although both Mr Sullivan and the EEC countries have spoken of applying all pressure possible on companies not voluntarily embracing the codified principles

Under the provisions of Mr Sullivan's code, each signatory is committed to:

- Non-segregation in eating, comfort and work facilities.
- Equal and fair employment practices for all
- Equal pay for all employees doing equal or comparable work for the same period of time.
- Training for blacks and other non-whites in management and supervising
- Increasing the number of blacks and non-whites in management
- Improving housing, transportation, schooling, recreation and health

See Tribune Finance

40.* Modern English Language — Wed. 8.30 a.m

Lecturer . Dr J.M. Coetzee

After an introduction to the terminology and principles of modern linguistics, we will analyze in detail some of the basic syntactic structures of English There will be a strong emphasis on weekly class exercises

Prescribed Texts:

An Introduction to Language
(1978) p/b

Sunday Star 19/10/80

Unions will get foreign aid—prof

South African trade unions would become increasingly involved with South African labour and would increasingly link up with labour leaders

Managements had to take note of this development to help them handle the new labour situation properly. Diagnosis of labour problems was more important than treatment

As adviser to the NDMF he would help companies to accept the new situation and try to control it

This would include comprehensive analyses of labour relations within companies.

According to the NDMF's executive director, Mr Paul Penzhorn, Professor Wiehahn has been appointed as part of the Foundation's comprehensive service to member companies on all aspects of labour relations.

South African trade unions would increasingly receive moral and material support from international unions, South African labour reformer Professor Nic Wiehahn warned South African businessmen yesterday

The Wiehahn Commission on labour reform has completed its work and is expected to dissolve soon

New legislation will be promulgated by Parliament in the New Year

From next year Professor Wiehahn will head the University of South Africa's new industrial relations department

He will make his services as industrial relations adviser available to the private sector, acting as labour consultant to the National Development and Management Foundation

Professor Wiehahn said in Johannesburg it had to be accepted that interna-

Smith, P	The Beadle (Balkema) p/b
Plomer, W	Turbott Wolfe (Donker)
Plaatje, S	Mhudi (Heinemann) p/b
Bosman, H C	Mafeking Road (Human and Rousseau)
Abrahams, P	Mine Boy (Heinemann) p/b
Paton, A	Cry the Beloved Country (Penguin) p/b
Paton, A	Too Late the Phalarope (Penguin) p/b
Lessing, D	The Grass is Singing (Heinemann) p/b
Gordimer, N	The Late Bourgeois World (Cape)
Gordimer, N	Selected Stories (Cape)
Coetzee, J.M	In the Heart of the Country (Ravan)
Cope, J	My Son Max (Heinemann)

contd ...

1. COMPULSORY SECTION: — MONDAY & TUESDAY 8.30 a.m.

TERM I :

Shakespeare	.	King Lear (Arden preferred)
	.	Antony and Cleopatra (Arden preferred)
Jonson	:	Volpone (Methuen)
Shakespare	.	The Winter's Tale (Arden preferred)
	.	The Tempest (Arden preferred)
Webster	:	The Duchess of Malfi New Mermaid)
Donne	:	Complete English Poems ed. A.J.Smith Penguin)
Marvell	:	The Complete Poems ed D.S Dorno Penguin)

TERM II:

Milton	:	Poetical Works ed. D. Push (O U.P)
Dryden	:	All for Love (Regent's Restoration Drama Series)
Pope	.	The Norton Anthology of Poetry (Revised) (Norton)
Defoe		Robinson Crusoe (Norton)
Swift		The Portable Swift (Penguin)
Fielding		Joseph Andrews (Everyman p/b)
Austen	:	Persuasion (Penguin)

II TERM I - OPTIONS

A. PERIOD OPTIONS

1. Shakespearean Tragedy — Thurs. 2.15 p.m

Lecturer : Mrs. J. Heywood

A study of the nature and development of Shakespearean Tragedy Discussion will refer to Aristotle's Poetics with which students should familiarise themselves; they should also have read some Greek tragedies.

Texts dealt with will be :

Shakespeare	:	Romeo & Juliet
	:	Hamlet
	:	Othello
	:	King Lear
	:	Macbeth
	:	Antony & Cleopatra
Aristotle	:	On the Art of Poetry, trans. T.S.Dorsch, (Penguin, 1965)

Labour on the move — Wiehahn

Education Reporter

THE success or failure of sound human and race relations in the industrial society would largely be the barometer of their success in our broader society, Professor Nic Wiehahn said yesterday

Delivering the main address at a University of Cape Town graduation ceremony, Professor Wiehahn said changes in the South African labour system were inevitable

Factors such as the increasing involvement of trans-national corporations in South Africa, increasing international trade union involvement in the black labour force, anti-South African sentiments on the international scene and the developing influence of the Third World had all served as agencies for change in this country.

Professor Nic Wiehahn

OUTDEVELOPED

'As a result of these developments, practices in the field of labour have outdeveloped the official policy and law of the land,' he said

A good example was the different employment practices applicable to multi-nationals in South Africa, which had been largely responsible for changes in labour practices in those companies

'The reaction to this development could only follow one of two courses That policy and law should be lined up with the practical and factual situation in the country or, conversely, that development in the field of labour be stopped and practices be brought into line with existing policy, which would have been a retrogressive step,' Professor Wiehahn said

The principles that would guide progress in industrial relations in the next two decades would be the concept of humanisation of the worker and his work place, the basic principles of labour democracy and the concept of the new industrial society

Professor Wiehahn said education and training and the re-orientation of attitudes were of utmost importance in facing the challenges of the new dispensation

GREY AREA

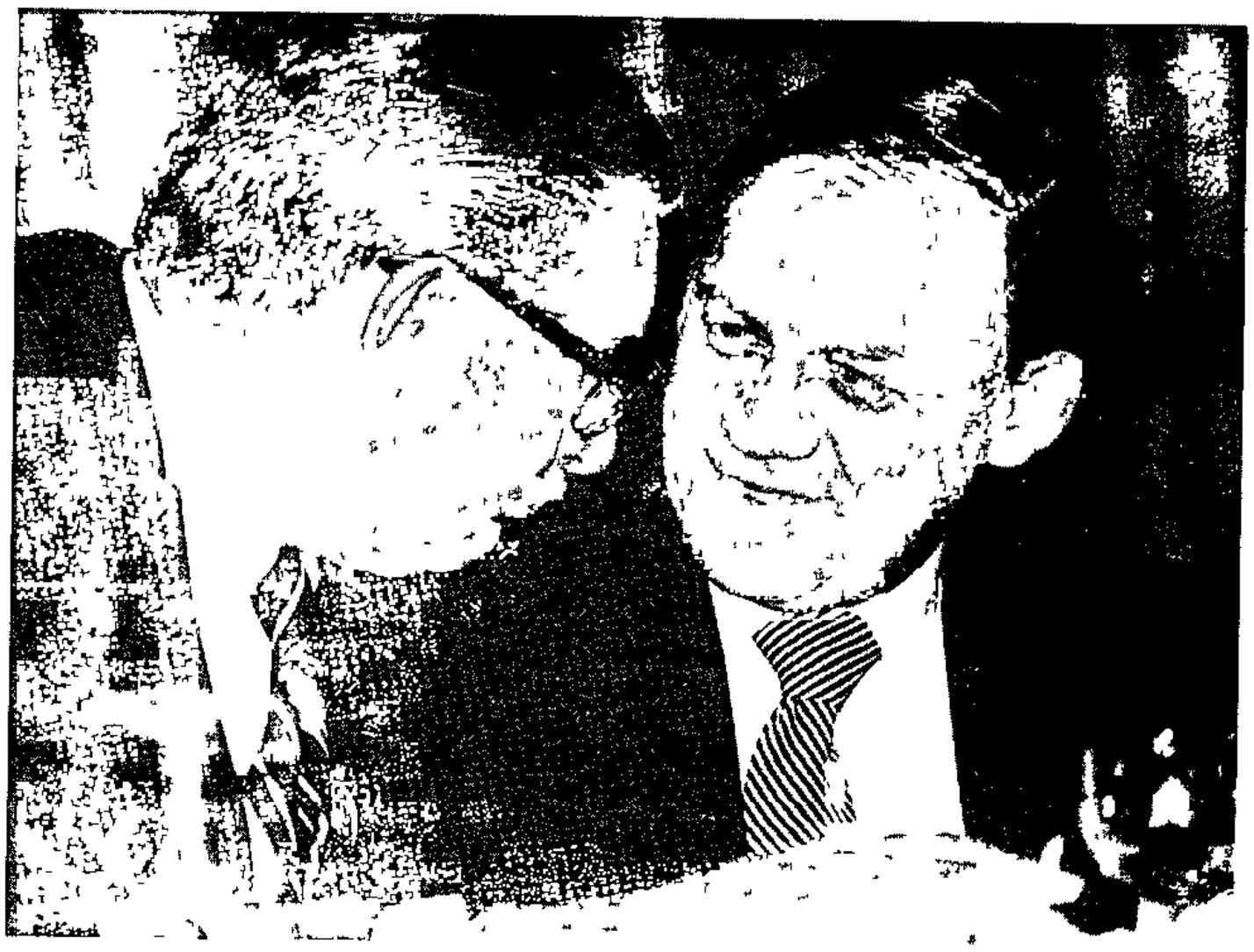
The Government may change law, policy and institutions to meet the demands of the times, but there was a vast grey area inaccessible to governmental control and regulation.

He added that the solution to the problem of unchanging or rigid attitude lay in the education of people and 'cruel to say', the dying-off of older generations.

FM 12/12/80

LABOUR RELATIONS (166)

Wiehahn moves on



Wiehahn . . . new tasks now

Professor Nic Wiehahn's loss to the civil service is clearly industry's gain For him the New Year means moving onto the board of directors of six large companies, taking over the professorship of Industrial Relations at Unisa's Business School and becoming industrial relations consultant for the NDMF

Although Wiehahn refused to discuss the appointments, the *FM* learnt that he has joined the boards of LTA, Goodyear Palabora Mining, Babcock BMW and Calan

After months of speculation, his academic posting has also been confirmed He will be joining the Business School at Unisa and will be closely associated with the Institute of Industrial Relations

Professors Blackie Swart and Willie Bendix left the Institute this year for Stellenbosch amid rumours that they felt the Cape academic air "treer to breathe " Although the Institute is now all but defunct it will be integrated into the Business School and continue to co-ordinate research projects in the labour field

As the NDMF's industrial relations consultant Wiehahn will be planning management training programmes to link ' theory and practice and advise employers on all aspects of labour relations Through the NDMF he will also "make his services available to large companies

Wiehahn was commissioned by government two years ago to find a 'new labour dispensation for SA He has completed six reports four of which have been published

His initiatives met with applause from many quarters but were also condemned by many trade unionists who felt his reform recommendations did not go far enough Rumours ran rife towards the end of this year when he announced he was leaving the civil service and some labour observers speculated that he had been 'squeezed out of office

His remaining two reports are still with government They deal with mine labour and the Industrial Conciliation Act and are believed to be highly controversial

LABOUR LAW

Three bills, two of which will deal with recommendations put forward in the Wiehahn and Riekert reports will be issued by the Department of Manpower Utilisation next week

They are the Manpower Training Bill Guidance and Employment Bill and the Wage Act Amendment Bill The Training Bill is a consolidation of four acts — the Apprentices Act Training of Artisans Act Black In Service Training Act and the In-Service training Act The Bill will give effect to Riekert and Wiehahn recommendations on consolidation of legislation that the responsibility of industrial training be transferred from the Department of Co-operation and Development to the Department of Manpower Utilisation

The Guidance and Employment Bill will incorporate the Registration and Employment Act and will transfer the responsibility for employment bureaus and guidance from the Department of Co-operation Development and to the Department of Manpower

Code	No. of Tuts
CA	4
CB	8
CC	2
CD	5
CE	7
CF	4
CG	8
CX	6

14/12/80 S. TIMES B (166)

Wiehahn reports were 'watered down'

Vera Beljakova put some questions to the Anglo American group's **DENNIS ETHEREDGE,** gold industry leader and prime mover in the crucial field of human resources development, who was honoured this month as one of Business Times's Five Top Businessmen of the Year

Mr Etheredge is in Europe for important conferences involving South African affairs

DENNIS ETHEREDGE

QUESTION: HOW IMPORTANT ARE THE WIEHAHN REPORTS IN RETROSPECT?

ANSWER: The first Wiehahn report was an important step forward, but I was extremely disappointed with the White Paper because it seemed to water down the report

Looking back now, when a lot of the things the Government decided to take slowly have in fact been accomplished, I feel the contribution of the report to the Government has been very important

The second report (dealing with training, which came out earlier this year) has one drawback the proposed separate training for black and white apprentices

It will lead to all sorts of difficulties On the one hand we already have spare accommodation in white technical colleges, and on the other it will be hard to satisfy trade unionists that all-black institutions will provide training equal in standard to that available in white centres

This must be a considerable stumbling-block, but the proposal may well be amended as a result of the critical noises currently being made by employees

Q: DO YOU FEEL INDUSTRY IS MOVING FAST ENOUGH?

A: This is difficult to tell. That we have turmoil among unregistered unions is to be expected and is not evidence of going either too fast or too slowly

It is a natural flexing of muscles among people who feel they were under-represented in the past The momentum will look after itself from now on, so the issue of whether we are going fast enough will hardly arise in the future

Q: WHICH AREAS NEED MORE RAPID DEVELOPMENT?

A: We are going too slowly in the training field and much more must be done soon The private sector has finally woken up to this fact and recognises that the problem is too large for our present institutions and organisations to handle

Private enterprise must become less private in the manpower-training area, where we can't afford to be competitive We must share our ideas and courses with those in need, so that scarce training staff can be used more effectively

The mining industry has always had pretty substantial training schemes for both black and white, but now we are looking at the next phase, where there will be indenturing of black apprentices, and the training obligations that will arise from this move

Q: WHAT ARE THE FIVE WORST FEATURES OF THE LABOUR SITUATION?

A: Well, I can think of some good features We have been relatively free of strikes and those we had were on a fairly small scale rather a flexing of muscles, which we must expect

In a private-enterprise system the activities of trade unions — within the law — and the airing of strikes is not something bad You have got to learn to live with it and see that the unions play as important a part in private enterprise as does the employer

The real problems, though, remain unemployment and wages structures

The dilemma is a very real one — if you increase minimum wages too much, you put people out of work I gather that in Zimbabwe, because domestic wages have been increased to a minimum level, there are now thousands of servants without jobs

Setting minimum wages adds to the unemployment problem, but, on the other hand, one cannot use unemployment as a basis for justifying low wages If private enterprise is to flourish, then the black must not feel exploited

We must encourage black businessmen and entrepreneurs, provide good wages and housing — and at the same time move away from paternalism If we don't do it now, blacks will believe Marxism to be a better alternative

Q: WHAT SHOULD THE PRIORITIES BE FOR 1981?

A: Advancement must happen twice as fast in 1981 as in 1980, which was a considerable improvement on 1979

Priorities remain a big increase in manpower resources and further involvement of the black in private enterprise, either as entrepreneur or well-paid and well-motivated worker Other obvious priorities are reducing inflation and unemployment and keeping up high growth

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol 186] PRETORIA, 19 DECEMBER DESEMBER 1980 [No 7342

GENERAL NOTICE

NOTICE 906 OF 1980

DEPARTMENT OF MANPOWER UTILISATION

GUIDANCE AND EMPLOYMENT BILL

The following Draft Bill is hereby published for general information and comment

Any comments or representations thereanent should be lodged in writing and in duplicate with the Director General Manpower Utilisation Private Bag X117 Pretoria, 0001 within 21 days of the date of publication of this notice

DRAFT BILL

To provide for the establishment of guidance and placement centres; the establishment of advisory employment boards the registration of private employment offices, and for matters pertaining thereto.

Submitted by the Minister of Manpower Utilisation

Be it enacted by the State President and the House of Assembly of the Republic of South Africa, as follows

Definition

1 In this Act unless the context otherwise indicates—

"board" means an advisory employment board established in terms of section 10

"centre" means a guidance and placement centre established in terms of section 2

"Director-General" means the Director-General Manpower Utilisation and also any other official or officer acting under his direction

ALGEMENE KENNISGEWING

KENNISGEWING 906 VAN 1980

DEPARTEMENT VAN MANNEKRAGBENUTTING

WETSONTWERP OP VOORLIGTING EN INDIENSPLASING

Die volgende Konsepwetsontwerp word hierby vir algemene inligting en kommentaar gepubliseer

Enige kommentaar of vertoe daaromtrent moet binne 21 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur generaal Mannekragbenutting, Privaatsak X117, Pretoria, 0001 ingedien word

KONSEPWETSONTWERP

Om voorsiening te maak vir die instelling van voorligting- en indiensplasingsentrums, die instelling van adviserende indiensplasingsrade, die registrasie van private werkverskaffingskantore; en vir aangeleenthede wat daarmee in verband staan.

Ingedien deur die Minister van Mannekragbenutting

Daar word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika soos volg

Woordomskrywings

1 In hierdie Wet, tensy uit die samehang anders blyk, beteken—

"amptenaar" 'n persoon op die vaste diensstaat van die Staatsdiens,

"beampte" 'n persoon wat kragtens artikel 4 as sodanig aangestel is,

"Direkteur-generaal" die Direkteur-generaal Mannekragbenutting en ook 'n ander amptenaar of beampte wat op sy gesag optree,

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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GUIDANCE AND PLACEMENT BILL

[illegible]

[illegible] thereanent should be lodged in writing and in duplicate with the Director General Manpower Utilisation Private Bag X117, Pretoria, 0001 within 21 days of the date of publication of this notice

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Submitted by the Minister of Manpower Utilisation

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Definitions

1 In this Act, unless the context otherwise indicates—

'board' means an advisory employment board established in terms of section 10

'centre' means a guidance and placement centre established in terms of section 7

"Director-General" means the Director-General Manpower Utilisation and also any other official or officer acting under his direction

ALGEMENE KENNISGEWING

KENNISGEWING 906 VAN 1980 (166)

DEPARTEMENT VAN MANNEKRAGBENUTTING

WETSONTWERP OP VOORLIGTING EN INDIENSPLASING

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Sen Afr text. See Gg.

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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Vol 186] PRETORIA, 19 DECEMBER DESEMBER 1980 GG 7341 [No 7341

GENERAL NOTICE

NOTICE 905 OF 1980

166

DEPARTMENT OF MANPOWER UTILISATION

WAGE AMENDMENT BILL

The following Draft Bill to amend the Wage Act, 1957, is hereby published for general information and comment

Any comments or representations thereanent should be lodged in writing and in duplicate with the Director-General Manpower Utilisation, Private Bag X117, Pretoria, 0001, within 21 days of the date of publication of this notice

General explanatory note

[ ] Words in bold type in square brackets indicate omissions from existing enactments

—— Words underlined with solid line indicate insertions in existing enactments

DRAFT BILL

To amend the Wage Act, 1957, so as to further define certain expressions; to make further provision for the establishment of divisions of the Wage Board; to apply the secrecy provisions to assessors, to provide for the discontinuation of the publication of Wage Board recommendations for objections; to provide for the delegation of authority; to repeal the provisions requiring the registration of employers; to provide further for the keeping of records and the displaying of notices by employers; and to provide for incidental matters.

ALGEMENE KENNISGEWING

KENNISGEWING 905 VAN 1980

DEPARTEMENT VAN MANNEKRAGBENUTTING

LOONWYSIGINGSWETSONTWERP

Die volgende Konsepwetsontwerp om die Loonwet, 1957, te wysig word hierby vir algemene inligting en kommentaar gepubliseer

Enige kommentaar of vertoe daaromtrent moet binne 21 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekragbenutting, Privaatsak X117, Pretoria 0001, ingedien word

Algemene verduidelikende nota

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan

—— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan

KONSEPWETSONTWERP

Tot wysiging van die Loonwet, 1957, ten einde sekere omskrywings te wysig; verder voorsiening te maak vir die instelling van afdelings van die Loonraad; die geheimhoudingsbepalings op assessore van toepassing te maak; voorsiening te maak vir die uitskakeling van die publikasie vir besware van aanbevelings van die Loonraad; om vir die delegasie van magte voorsiening te maak; die bepalings wat die registrasie van werkgewers vereis, te herroep; om verder voorsiening te maak vir die hou van rekords en die vertoon van kennisgewings deur werkgewers; en om vir bykomstige aangeleenthede voorsiening te maak.

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Vol 186] PRETORIA, 19 DECEMBER DESEMBER 1980 [No 7343

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GENERAL NOTICE

NOTICE 907 OF 1980

DEPARTMENT OF MANPOWER UTILISATION

MANPOWER TRAINING BILL

The following Draft Bill is hereby published for general information and comment

Any comments or representations thereanent should be lodged in writing and in duplicate with the Director-General Manpower Utilisation, Private Bag X117, Pretoria, 0001, within 21 days of the date of publication of this notice

DRAFT BILL

To provide for the training of manpower and for that purpose to provide for the establishment of a national training board; to provide for the recognition of skilled persons as artisans; to provide for the establishment and registration of group training centres; to provide for the imposition of levies for training purposes; to provide for the registration of contracts of apprenticeship, private training centres and training schemes; and to provide for incidental matters.

To be introduced by the Minister of Manpower Utilisation

ARRANGEMENT OF SECTIONS

ALGEMENE KENNISGEWING

KENNISGEWING 907 VAN 1980

DEPARTEMENT VAN MANNEKRAGBENUTTING

WETSONTWERP OP MANNEKRAGOPLEIDING

Die volgende Konsepwetsontwerp word hierby vir algemene inligting en kommentaar gepubliseer

Enige kommentaar of vertoe daaromtrent moet binne 21 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekragbenutting, Privaatsak X117, Pretoria, 0001, ingedien word

KONSEPWETSONTWERP

Om vir die opleiding van mannekrag voorsiening te maak en vir daardie doel vir die instelling van 'n nasionale opleidingsraad voorsiening te maak; om vir die erkenning van geskoolde persone as ambagsmanne voorsiening te maak; om vir die instelling en registrasie van groepopleidingsentrums voorsiening te maak; om vir die oplegging van heffings vir opleidingsdoeleindes voorsiening te maak; om vir die registrasie van vakleerlingskapkontrakte, private opleidingsentrums en opleidingskemas voorsiening te maak; en om vir verwante aangeleenthede voorsiening te maak.

Om deur die Minister van Mannekragbenutting ingedien te word

INDELING VAN ARTIKELS

For full text See GG

CHAPTER I

DEFINITIONS AND APPLICATION

Definitions

1 In this Act, unless the context otherwise indicates—

(i) "apprentice" means any person employed under a contract of apprenticeship registered or deemed to have been registered in terms of section 15 (2) (d) or section 17 (1) (c) or (3) and for the purposes of sections 38, 46, 47, 49 and 51, includes any minor employed under section 14, (xxxvi)

(ii) "area" includes any number of geographical areas, whether or not contiguous, (xii)

(iii) "area of jurisdiction", in relation to any committee, means the area in respect of which that committee has been established, and in relation to any subcommittee appointed in terms of section 6 means the area specified in respect of it in terms of subsection (1) (c) (i) of that section, (xx)

(iv) "authorised person" means any person authorised under section 41 (2) to perform any functions or exercise any powers of a training advisor, (xiii)

(v) "board" means the National Training Board established under section 3, (xxxiv)

(vi) "committee" means a committee established or deemed to have been established under section 4 (2) (b) and includes an officer in whom the powers, duties and functions of a committee have been vested or deemed to have been vested under section 8, (xvi)

(vii) "condition of apprenticeship" means any condition of apprenticeship applicable or deemed to be applicable in terms of sections 12 (2), (3), (12), (14) or (15), 21 (1) or 24 and for the purposes of sections 38, 46, 47, 49 and 51 includes, in relation to a minor employed under section 14, any condition of employment applicable to such minor under the last-mentioned section, (xviii)

(viii) "Department" means the Department of Manpower Utilisation, (vii)

(ix) "designated trade" means any trade designated or deemed to have been designated under section 12 (1) or if the Minister has defined any such trade under section 12 (1) (b) such trade as so defined and includes any branch of a designated trade, (i)

(x) "Director-General" means the Director-General Manpower Utilisation, (ix)

(xi) "educational institution" means any institution such as a school, a college, a technikon, or university which provides education leading to a school certificate or diploma or a degree which is recognised as an educational qualification by the Minister under whose jurisdiction the institution falls Provided that such education may also include training, (xxxi)

(xii) "employee" means any person who is employed by or performing work for any employer in any industry and who receives or is entitled to receive remuneration from such employer, (xlii)

(xiii) "employer" means any person whatsoever (including the State but not for the purposes of sections 30 to 33 inclusive) who employs or provides work for any person and who remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whatsoever in any manner to assist him in the carrying on or conducting of his business and further includes any person (including the State) who trains a minor in a designated trade, otherwise than in an educational institution, and "employ" and "employment" have corresponding meanings, (xl)

HOOFSTUK I

WOORDBEPALINGS EN TOEPASSING

Woordbepalings

1 In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "aangewese ambag" enige ambag wat ingevolge artikel 12 (1) aangewys is of geag word aangewys te wees, of indien die Minister enige sodanige ambag ingevolge artikel 12 (1) (b) omskryf het, daardie ambag aldus omskryf en ook enige vertakking van 'n aangewese ambag, (ix)

(ii) "ambag" ook 'n vertakking van 'n ambag en enige groep ambagte of vertakkings van ambagte, (xxxvi)

(iii) "arbeidsbetrekkinge" alle aspekte van en aangeleenthede wat voortspruit uit die verwantskap tussen werkgewers en werknemers met betrekking tot die werksituasie met inbegrip van die onderhandeling van besoldiging en ander bedinge en diensvoorwaardes van werknemers, die voorkoming en beslegting van geskille tussen werkgewers en werknemers, die toepassingg en uitleg van arbeidswetgewing en die administrasie van die sake van vakverenigings, werkgewersorganisasies, federasies en nywerheidsrade, (xxii)

(iv) "beampte" 'n beampte soos omskryf in artikel 1 (1) van die Staatsdienswet, 1957 (Wet 54 van 1957), (xxv)

(v) "besoldiging" enige betaling in kontant of *in natura*, of beide in kontant en *in natura*, gedoen of verskuldig aan enige persoon, wat op enige wyse hoegenaamd uit diens ontstaan, en het "besoldig" 'n ooreenstemmende betekenis, (xxxi)

(vi) "bestek van regsbevoegdheid", met betrekking tot enige komitee of onderkomitee, die nywerheid ten opsigte waarvan daardie komitee ingestel is of die werksaamhede en bevoegdhede van die raad of komitee, na gelang van die geval, wat aan die komitee of onderkomitee ingevolge artikel 6 opgedra is, (xxxii)

(vii) "Departement" die Departement van Mannekragbenutting, (viii)

(viii) "die betrokke komitee" die komitee wat ten opsigte van die betrokke nywerheid en gebied ingestel is en, behalwe vir die doeleindes van artikel 12 (1), (2) en (3), omvat dit 'n onderkomitee wat deur sodanige komitee ten opsigte van die betrokke gebied aangestel is Met dien verstande dat waar geen sodanige komitee ingestel is nie, dit die raad beteken, (xxxiv)

(ix) "Direkteur-generaal" die Direkteur-generaal Mannekragbenutting, (x)

(x) "federasie", 'n federasie wat ingevolge die Wet op Arbeidsbetrekkinge, 1956 (Wet 28 van 1956) geregistreer is of geag word geregistreer te wees, (xv)

(xi) "fonds" 'n fonds in artikel 30 (9) bedoel, (xvi)

(xii) "gebied" ook 'n aantal geografiese gebiede, hetsy aangrensend al dan nie, (ii)

(xiii) "gemagtigde persoon" iemand wat ingevolge artikel 41 (2) gemagtig is om enige werksaamhede of bevoegdhede van 'n opleidingsadviseur te verrig of uit te oefen; (iv)

(xiv) "groepopleidingsentrum" 'n opleidingsentrum wat ingevolge artikel 30 (2) geregistreer is of geag word geregistreer te wees, (xvii)

(xv) "hierdie Wet" ook 'n regulasie uit hoofde daarvan uitgevaardig, (xxxv)

Bills aim to take race out of labour

STAR 14/12/80

By David Breier
Pretoria Bureau

Three draft Bills to desegregate labour bureaux and abolish race and sex discrimination in industrial training were published in the Government Gazette today

The Bills are based on recommendations of the Wiehahn and Rickett reports, published over the past two years They have been published to enable the public to comment on them

If necessary they will be amended before the Bills are laid before Parliament Public comment should be in by January 10 The three Bills are

● The Manpower Training Bill, which aims to consolidate all existing acts dealing with training

These are the Apprenticeship Act, the Black Employees In Service Training Act, the In Service Training Act (for whites, coloured people and Indians) and the Training of Artisans Act (for adults) The Bill will be completely non discriminatory and will apply to all forms of industrial training.

It will set up a National Training Board to replace the Apprenticeship Board The board will have much wider powers and will deal with all aspects of industrial training and not only apprentices.

It will include representatives from employers, employees and the Government and will co ordinate training schemes

GUIDANCE

● The Guidance and Employment Bill will establish guidance and placement centres for all population groups

This Bill will also control private employment offices and will cover the old Registration for Employment Act for white, coloured and Indian people and the Black Labour Act

● The Wage Amendment Bill, which aims to streamline and rationalise the workings of the Wage Board

This board will no longer have to go through the red tape of putting determinations before Parliament, although its wage determinations will be open to inspection

IMPROVEMENTS

It involves improvements to administrative procedures without introducing fundamental changes

More radical legislation is expected to be introduced at the next parliamentary session

The Government is also expected to put clamps on the rights of trade unions to obtain support from outside the country Neighbouring countries supplying labour to South Africa may be obliged to sign an undertaking to withdraw any workers who take part in illegal strikes

UIF more easily accessible

Unemployment insurance benefits for blacks will be more widely accessible in the New Year

This has been announced by Dr P J van der Merwe, Deputy Director-General of the Department of Manpower Utilisation

He said this move came after one of the recommendations of the Rickett Commission, which suggested that labour bureaux of the administration boards should deal with the payment of these benefits

However in Johannesburg it has been decided for administrative reasons to retain the existing arrangements for unemployment insurance

The Department of Manpower Utilisation at 15 Market Street, will continue to deal with applications for benefit by men and women who register for employment at the labour bureaux in New Canada and Polly Street

Race and sex lines go in new draft laws

166 RDM 20/12/80

By STEVEN FRIEDMAN
Labour Reporter

ALL references to race will be abolished in Government training legislation, and sex discrimination in official wage determinations will be prohibited in terms of draft legislation released by the Department of Manpower Utilisation yesterday

However, the Bills leave open the question of whether blacks will be able to receive artisan training in the same institutions as whites — this training is segregated at present

The Bills also introduce new controls on training in labour relations

These controls are, however, not as strict as they were expected to be

The abolition of sex discrimination in wage determinations issued by the Wage Board would raise statutory minimum wages for substantial numbers of black women workers at the lower ends of the wage scale

The three Bills are the Manpower Training Bill, Wage Amendment Bill, and Guidance and Employment Bill

They were released by the department yesterday Interested parties have three weeks from yesterday to submit comment to the authorities

The training Bill consolidates all existing government training legislation into one non-racial law

It leaves open the possibility, however, that black apprentices will continue to be trained by correspondence or in separate institutions — a situation which has led to fears that black artisan training could be inferior

It also makes it an offence for anyone other than a trade union, federation of unions, industrial council or educational institution to offer labour relations training unless the training courses they offer are approved by a Government registrar

Controls over labour relations training were expected in the Bill, but it was thought that they would be wider than those laid down

Unions — particular those which are unregistered — rely heavily on this worker training and they feared the Government would seek to control this training directly

It is not clear from the Bill whether unregistered unions will be allowed to conduct training free from control, but it appears they will be

The Guidance and Employment Act sets up voluntary guidance and placement services for workers on a non-racial basis

It does, however, give the Minister of Manpower Utilisation wide powers to make regulations governing the centres and it is unlikely that the full details of how they will be run will emerge until the regulations are published

The Wage Amendment Bill prohibits for the first time sex discrimination in wage determinations issued by the Wage Board

The board sets minimum wages for workers not covered by industrial councils and affects only a minority of the country's workforce

However, most determinations have substantial sex differentials in minimum wages

Race and sex out in new draft laws

RDM 20/12/80 166

for the lower paid and the Bill would eliminate these.

Domestic servants and farm workers are excluded from the board's ambit and the new Bill does not seek to change this

The Bill also scraps the system whereby determinations have to be published in the Government Gazette for objections

The Manpower Training Act consolidates six existing training Acts into one non-racial Act Among the measures

- It sets up a National Training Board with wide powers to subpoena witnesses and collect information The Board will co-ordinate training and advise the Minister on policy matters It will also investigate a system of "graded training" for apprentices
- The Minister is prohibited from setting different conditions for apprenticeships on grounds of race, colour or sex
- It sets up a national training levy towards which employers may have to contribute and establishes a system whereby a group of employers running a training scheme may recommend that a levy be imposed on other employers, and,
- A system of training advisors who have wide power to conduct investigations will be introduced

The president of the Association of Chambers of Commerce, Mr I J Pinshaw, said the Bill represented "another step in the implementation of the Wiehahn and Riekert reports"

Race tags go in labour laws

DD 20/12/80

(146)

JOHANNESBURG — All references to race are to be abolished in government training legislation and sex discrimination in official wage determinations is to be prohibited.

This is in terms of draft legislation released by the Department of Manpower Utilisation yesterday

However, the Bills leave open whether blacks will be able to receive artisan training in the same institutions as whites — this training is now segregated

They also introduce new controls on training in labour relations These controls are, however, not as strict as they were expected to be

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The president of the Association of Chambers of Commerce, Mr I J Pinshaw, said the Bill represented "another step in the implementation of the Wiehahn and Rickert reports "

While the Bill would still require "careful consideration ' the general provisions regarding training centres and levies are in accordance with recommendations submitted by Assocom earlier this year ' — DDC

TABLE VIII Although there has been a remarkable reduction in dust levels over the years it can be seen that current levels are still unsatisfactorily high.

TABLE VIII. AIRBORNE CONCENTRATION OF ASBESTOS
(long fibres/ccm in the mines overall averages)

The increase of mining activity where the principal ARD's. 2 the long of expo

years service, together with a night increase of mining activity in black miners exposed for only a short period of time.[74] Given that a large proportion of slight and moderate cases of asbestosis are not picked up by X-Ray examination, the numbers recorded above may even be underestimated.[75]

Wage act amendment will help some women

The good news that sex discrimination is to be removed from the Wage Act is tempered by the fact that it does not include the thousands of women in domestic and agricultural work, report MOLLY HARDING and SUE GARBETT.

(166) S.I.R. 23/12/80

Provisions in a Draft Bill to amend the Wage Act of 1957, outlawing discrimination in wage determinations on the basis of sex, race or colour, have met with qualified approval by women who have fought for this cause for years

The Wage Act covers women in lower paid job categories not covered by the Industrial Conciliation Act, but not those in domestic work and agriculture

'I feel strongly that pay determinations for women in domestic and agricultural work should be the province of the Wage Board,' said Mrs Bobby Johnston, co-chairman of the Women's Legal Status Committee, who decried the omission

'Women in these job categories SHOULD be included in this Act because they are the vast majority of women who work in South Africa They are excluded from any kind of protection

Mrs Johnston said she welcomed the fact that women covered by the Wage Act would now be treated on the same basis as men but it would appear that there will have to be a further amendment to the Industrial Conciliation Act (Act 28 of 1956) to remove the sex discrimination clause with regard to wage determinations for women who are covered by the terms of the ICA

The ICA still contains the old clause allowing discrimination on the basis of sex, but 'we look forward to a change in the very near future,' said Mrs Johnston

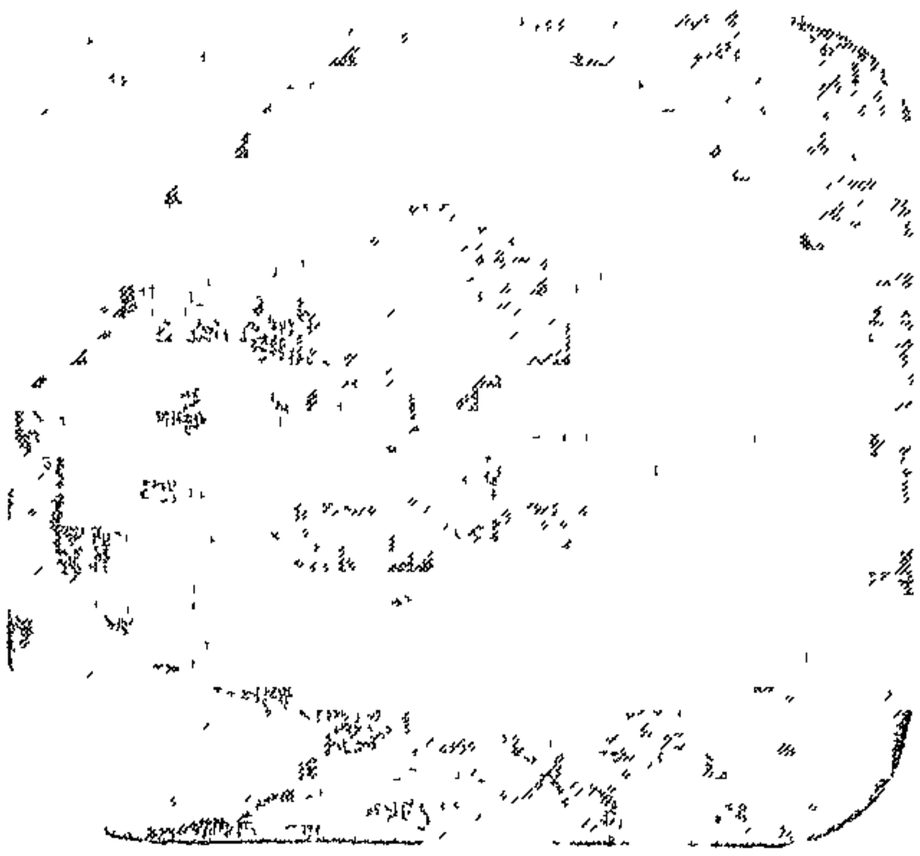
Benefit

The law still allows discrimination in wages of women in higher paid job categories

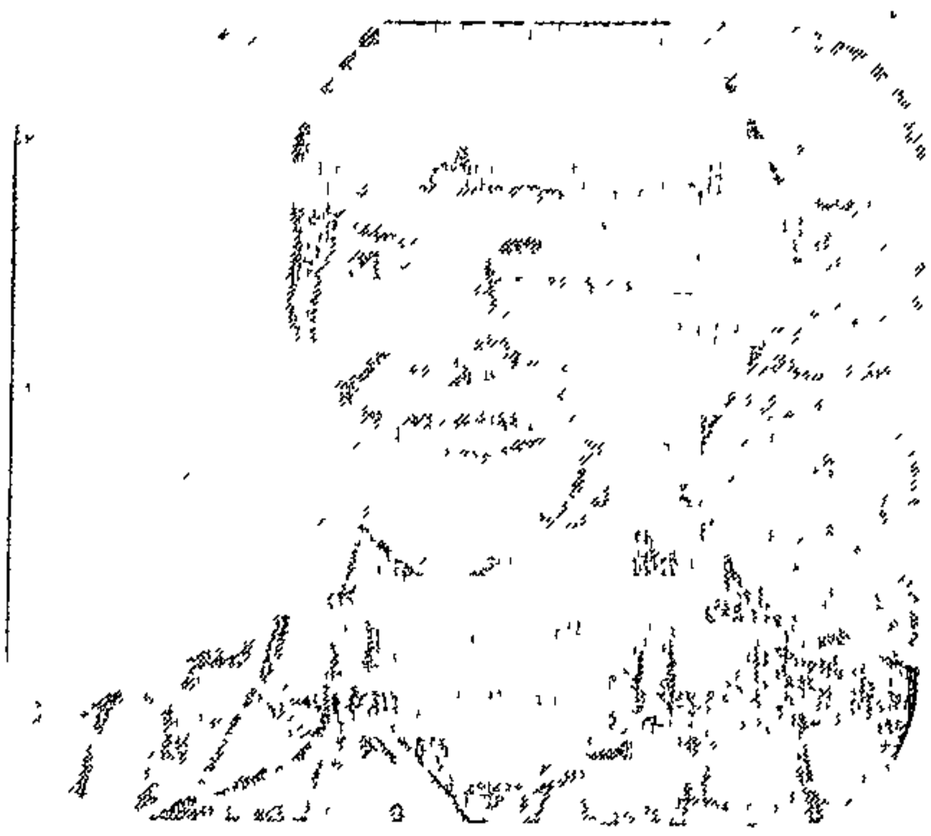
Another group of women will also benefit under the new provisions of the Draft Manpower Training Bill

"For the first time, this specifically lays down that there must be no differentiation on apprenticeships made on the basis of race colour or sex," said Mrs Johnston

'But there is now a great necessity for vocational guidance officers in schools and in the Department of Manpower Utilisation to draw the attention of girl school leavers and women seeking new employment training to these provisions.'



VELIA KIRKPATRICK — "I hope it will be a fundamental, not just an administration change. . . ."



ROBERTA JOHNSTON — "There will have to be an amendment to the Industrial Conciliation Act now"

Velia Kirkpatrick who chairs the Womanpower 2000 sub-committee, said "A lot of businessmen didn't know discrimination was there in the first place It shows what a lot of work we have to do to inform men about the state of working women'

Help

Mrs Kirkpatrick said 'she hoped the removal of sex discrimination would not be just an administrative change. 'I hope it will be a fundamental change and that it's going to improve opportunities for us.'

She said she thought the Bill would get rid of minimal wages for women and this should help the thousands of black women affected by this law '

On the face of things, then, it would appear to be very hopeful that even more change might be in the offing in the future legislation now the first firm steps have been taken to even out the position of men and women

And hould you encounter discrimination where it has now been outlawed, the place to take your grievance is the Industrial Court, Mrs Johnston said

Any sex discrimination contravening these particular Acts will be punishable by law once new legislation is enacted

The Bills were gazetted last week and are now subject to comments or representations from the public before being promulgated.

Bill will curb the training of union workers

RDM 23/12/80 (166)

By STEVEN FRIEDMAN
Labour Reporter

UNREGISTERED trade unions will no longer be able to formally train their members in union work free of Government control if a proposed Bill released last week becomes law — a move which is likely to provoke heated reaction from unionists

Anyone who contravenes this stipulation would face a fine of up to R600, or one year's imprisonment, or both

Unregistered unions argue that this training is essential to them if they are to grow

It was initially thought the Bill, the Manpower Training Bill, drafted by the Department of Manpower Utilisation, allowed all unions to conduct labour relations classes for their members, free of control.

However, a subsequent reading of the Bill reveals that the exemption from official control applies to registered unions only Several major unions have refused to register because they claim this would weaken them

The Bill would make it an offence for any union which is not registered to conduct labour relations classes unless these were registered with the Government and the courses had the approval of a Government registrar

Government controls on labour relations training by unregistered unions have been expected for some time.

The Wiehahn Commission claimed this training was based on overseas models and that it allowed "foreign influences" to be introduced into the country's labour relations

The commission expressed its "concern" at this, and Government spokesmen have made it clear that a clampdown was planned

The unions rely heavily on labour relations training to build up the skills required for running a union among their members.

They fear that official control would ensure they could only train their members within the confines of Government policy

Section 31 of the new Bill makes it an offence for anyone, except a registered union, registered union federation, employer organisation, industrial council or educational institution to conduct labour relations training at a "private training centre", unless the centre is registered

New Bill will affect unregistered unions

JOHANNESBURG — Unregistered trade unions will no longer be able to formally train their members in union work free of government control if a Bill released last week becomes law — a move which is likely to provoke heated reaction from unionists

Anyone who contravenes this stipulation would face a fine of up to R600 or one year's imprisonment or both

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The commission expressed its "concern" at this and government spokesmen have made it clear that a clampdown was planned

The unions rely heavily on labour relations training to build up the skills required for running a union among their members They argue that this training is essential if they are to build up grass roots leadership in the union movement

They fear that official control would ensure that they could only train their members within the confines of government policy This, they fear, could substantially weaken the union movement and ensure that unions could only develop along lines laid down by the government

Section 31 of the new Bill makes it an offence for anyone, besides a registered union, registered union federation, employer organisation, industrial council or educational institution to conduct labour relations training at a "private training centre" unless the centre is registered — DDC

Bill puts curb on training of union officials

STAR 24/12/80

166

135

327

By Drew Forrest

A draft Bill which proposes a curb on all industrial relations training by unregistered trade unions has been sharply attacked by several black unionists.

The controversial provisions are contained in the Manpower Training Bill, which was released in draft form last week

The provisions had "confirmed suspicions that the State intends using its new labour dispensation to take all independence from trade unions," a spokesman for the unregistered Western Province General Workers' Union said yesterday

And, according to the secretary of the South African Allied Workers' Union, Mr Sam Kikine, the Bill envisages the "domination rather than the education of workers"

The draft Bill restricts the private training of unionists to trade-unions, union federations, employer bodies, industrial councils and educational institutions which are registered under industrial law Private training centres would be registered "on such conditions as the registrar may deem fit to impose."

Several important black unions — among them the WPGWU and Saawu — have rejected registration. If the Bill is enacted in its present form, it will deny them the right to train members for union activities

The draft Bill also envisages the appointment of official "training advisers" to police training schemes, with wide-ranging powers.

The advisers would be empowered:

- To inspect the facilities, equipment or materials of any premises believed to be used for training
- To inspect any "book, record or other document, or microfilm thereof" connected with training, and to make extracts from it

The obstruction of an adviser during an investigation, or the failure to provide him with materials related to it, would be an offence

The vice-chairman of the National Manpower Commission, Professor P J van der Merwe, said that the registration and inspection of training centres would ensure that courses were properly conducted by trained personnel and were relevant to local conditions.

No State clampdown was intended, he said.

(166) **DETAIL NEEDED**
FM 26/12/80

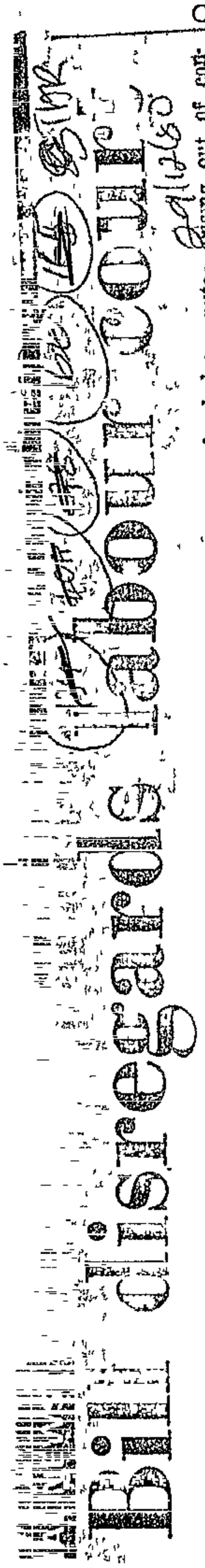
It was the week before Christmas but that did not help the Department of Manpower Utilisation's latest labour Bills (published last Friday) to draw much response

Objections to the Manpower Training Bill, the Wage Amendment Bill and the Guidance and Employment Bill have to be submitted within three weeks The principles behind the Bills are unlikely to be challenged, but questions of detail may be put to the Minister

As recommended by the Wiehahn and Riekert reports, all references to race have been dropped from the legislation governing training The Wage Bill also outlaws any discrimination on grounds of sex — which should help women at the lowest end of the wage scale Domestic and farm workers are still excluded from this dispensation despite contrary recommendations by Wiehahn and severe criticism from labour leaders

Labour observers still feel that some points need to be clarified The Training Bill, for instance, outlines controls on labour relations training These controls were expected, but the Bill's wording leaves doubt as to their exact extent

Similarly, the Guidance and Employment Bill allows for the creation of voluntary guidance and placement services for all workers but does not restrict the powers vested in the Minister of Manpower Utilisation to control them



STAR

29/12/80

Bill disregards labour cour

By Drew Forrest

A recently published draft bill — the Manpower Training Bill — has been sharply criticised for its failure to extend the powers of South Africa's new industrial court

The Bill appears to have been drafted without the court in mind, say labour lawyers, who comment that "it is pointless to set up an industrial court and then to deny it effective powers."

The draft follows existing labour law by proposing that apprentices underpaid in terms of their contracts should lay a charge against their employers. Civil action would be possible after an acquittal, or a refusal by the State to prosecute.

The lawyers point out however that the industrial court has no criminal jurisdiction, and that as a court of law it has no power to hear civil disputes arising out of contracts of employment.

A "golden opportunity" to strengthen the court will be lost if its jurisdiction is not extended into this area of wage recovery, the lawyers say

Meanwhile, the Federation of South African Trade Unions (Fosatu) has expressed misgivings over another section of the draft Bill — which appears to envisage controls over labour relations training by unregistered unions

Fosatu general secretary Mr Alec Erwin said yesterday that controls over the training of unionists for union activity was "a matter for labour, not the State."

REGISTERED

Under Section 31 of the proposed Bill any centre used by an unregistered union for labour relations training would have to be registered Such training would have to be "in accordance with training courses approved by the registrar."

The vice chairman of the National Manpower Commission, Professor P J van der Merwe, has said no State controls on the ideological content of training courses are intended

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1981 PROSPECTUS ENTRY TO REPLACE THE "GENERAL INFORMATION"
CHAPTER ON PAGE 118 OF THE 1980 PROSPECTUS

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ground in accounting and other subjects

wishing to qualify as attorneys, advocates or
advisers (see also the chapter on Entrance to
egal Profession)

wishing to qualify as teachers of Commercial
cts

seven basic first-year curricula, leading to several
streams. All the curricula have accounting as a
here are options with minimum and maximum contents in
and Statistics, and these subjects are offered as
cond majors, along with Economics.

ilum structure is detailed in Schedule A.

re designed in such a way that the student acquires
und knowledge for his final year in his first and
s. For example, a knowledge of commercial and
is essential for the final-year courses on accounting,
d auditing.

1A & 1B

ntenting to proceed to Economics II should take
1A. Economics 1B is a terminal course and does not
turally to Economics II. However, students who wish
to another curriculum after their first year may
he Head of the Department of Economics for permission
to Economics II after Economics IB.

athematics/Statistics curricula are intended for students
d background in mathematics. The attention of students
in these curricula is drawn to the entrance requirements
atics I, as detailed in the entry of the Department of
Mathematics in the last section of this prospectus.