

LABOUR LEGISLATION -

16/1/81 - 31/12/81

RDM.16/1/81
166

Training group criticises Bill

By JEREMY BROOKS

A NATIONAL training body has expressed its extreme disquiet over proposed labour legislation and has requested the Department of Manpower Utilisation to urgently review a Bill before it is presented in Parliament

The Manpower Training Bill was criticised by the National Development and Management Foundation for its "vagueness". The Bill did not cater for modern needs of technical training, the foundation said.

At a Press conference in Johannesburg yesterday, the foundation released the contents of a letter addressed to the Director-General of Manpower Utilisation commenting on the Bill

The Bill makes it an offence for anyone other than a trade union, federation of unions, industrial council or educational institution to offer labour rela-

tions training unless the courses are approved by a Government registrar

The foundation's general managers, Mr A M Kedzierski and Mr R I Marsden, said that while the Bill was commendable in that it consolidated all existing Government training legislation into one non-racial Bill, there were still many aspects which were disturbing

The most important of these was a clause empowering the Minister to impose a levy at short notice on all employers to finance any training scheme.

"The Minister could, with respect, have the power to shift the total cost of training to the private sector . . . with no right of appeal," they said

"We strongly object to the inclusion of this clause unless the Minister allows the private sector to appeal against the imposition of a levy which is agreed to by Parliament."

EAST LONDON — Thousands of black and white matriculants enter the labour market this month boosting fears of an increase in the unemployment rate in the Border, Ciskei and Transkei

But Daily Dispatch inquiries to both the public service and private sector suggest there are job and career opportunities available in a variety of fields

Although the Quail Commission report estimates unemployment in Ciskei at about 25 per cent, matriculants seem to be in big demand although some departments have already filled their annual quota

Dispatch reporters' inquiries show there is some race and sex discrimination and that white matriculants who have completed their military training stand a better chance of gaining employment than others

Mr P Le Grange, of the adult employment services section of the Department of Manpower Utilisation in East London, said there was no shortage of vacancies for matriculants — especially white men who have completed their military training

"There are positions both in the private and public sector but employers prefer people who have completed their military training," he said

Mr Le Grange said there were enough opportunities for women, especially in nursing. But they had less opportunities to choose from

He referred inquiries about opportunities for blacks to the Department of Co-operation and Development while a spokesman in the Department of Manpower Utilisation dealing with Indians and Coloureds predicted the unemployment rate would rise

"We have not had Indian and Coloured matriculants registering in us as ob spec"

Public, private sectors have jobs for Border matriculants

before and this shows there are not many vacancies around," he said

A spokesman for the Department of Co-operation and Development in East London refused to divulge any information "as we are not allowed to in terms of regulations"

The public service — railways, post office, police and defence — has a variety of opportunities although the post office in East London has filled its quota

The South African Railways — the country's largest single employer of the estimated 250 000 people entering the labour market annually in South Africa — has vacancies for whites although the situation for blacks is somewhat different and women take a back seat according to their male oriented employment practice

SAR employment officer for whites in the transport division in East London, Mr K Barnard, said he had not turned away a single applicant who had passed their aptitude test and there were still vacancies available

"These are mainly clerical posts but those who want to make money quickly, go for the jobs as drivers and firemen where there is scope for overtime. Few have been taken on in the technical side as assistant engineers and draughtsmen"

He said the railways was

a male oriented employer but there were opportunities for women as office assistants and typists. They were taken on in other clerical posts when there were not enough males to fill the posts

A spokesman dealing with black employment said the railways usually advertised when these posts arose but at this stage there were none available

The postmaster in East London, Mr P T Kruger, said his annual quota of 20 whites and 20 blacks had been filled while the training officer in the technical section, Mr E Hill, said his quota had been filled 80 per cent for whites while it was 100 per cent full for blacks

There was good news for matriculants from the police and Defence Force

Border divisional recruiting officer for the police, Captain R Niember, said "Till take as many as you can give me any time. And that goes for all races except that with women, we have to take into consideration the training facilities available"

Lieutenant M Nel of the recruiting section of the Border sub-command of the Defence Force, said there was a vast field of opportunities for matriculants for permanent careers in the army, navy, airforce and the

fourth medical branch.

"All they have to do is to come to our offices and they will be fixed up in no time," she said.

She said coloureds would be taken on for the Cape Corps while blacks would be sent to 21 Battalion and Indians to the navy base in Durban

The East London municipality has only two vacancies, according to the head of personnel, Mr Johan Deetleefs. The vacancies are for a drawing office assistant and a clerk

A spokesman for a construction firm said a fair amount of job opportunities were available, especially for trainee quantity surveyors and junior engineers. These jobs are available for all race groups and the spokesman said there was a need to introduce other race groups since his company operates in the Ciskei

The personnel manager of a factory Mr C

Montgomery, said his company had no vacancies at the present stage. He explained that factories don't have a new intake of staff at the beginning of the year, but merely fill posts whenever the need arises. Mr Montgomery said some opportunities for management trainees would probably become available towards June. — DDR

RDM 26/1/81

Legal men attack blacks' 'new deal'

166

329

By ARNOLD GEYER

SOUTH AFRICA's top legal men are to tell Parliament that the Government's so-called "new deal" for urban blacks will aggravate the plight of millions of citizens and further erode fundamental human rights.

Lawyers, attorneys and law academics from all over the country will tell the legislators that the proposed legislation — announced last year by Dr Piet Koornhof, Minister of Co-operation and Development — violates the basic right

of citizens "in the land of their birth" to live and work in the place of their choice

And they will present each Member of Parliament with a detailed analysis of the Black Community Development Bill which, if promulgated, they say would lead to increased poverty, overcrowding, unemployment and criminality, particularly in the homelands

Lawyers for Human Rights — an association monitoring and fighting the violation of individual and group freedom — met in Johannesburg at the weekend to discuss Dr Koornhof's Draft Bills, influx control, the recent effective banning of Post (Transvaal) and Sunday Post, and the proposed compulsory fingerprinting of all South Africans.

The association, which already enjoys the open support of a number of judges, warned the Government its proposed "new deal" would lead to extensive powers being vested in the executive branch of the State and a serious curtailment of the Supreme Court's jurisdiction

"Parliament should make laws — not officials," according to a statement issued after the meeting

Mr Johan Kriegler, SC, chairman of the Johannesburg Bar Council, said it was the duty of the country's lawyers to take an active role in public debates of the Government's proposed legislation and to convey to Parliamentarians "the stark horror" of the day-to-day life of blacks

He urged his colleagues to do this as it was the fundamental right of man to be consulted about his destiny

Mr George Bizos, SC, leading Johannesburg advocate, told the meeting a debate on Government legislation would have been unnecessary if all South Africans enjoyed the basic — internationally endorsed — right to direct Government participation

The director of the Johannesburg-based Legal Resources Centre, Mr Arthur Chaskalson, SC, told the association's second public meeting if Dr Koornhof's Bills became law all blacks living in rural areas would ultimately become "prohibited immigrants"

The lengthy statement to be sent to MPs included the following key-points

S A Read
For the best final year student.
Prize

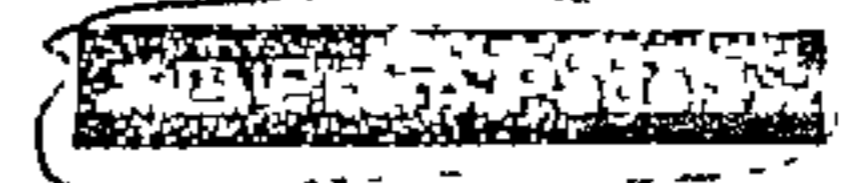
Legal men draft protest

RDM 26/1/81

329
166

opportunities of blacks

- The taking of fingerprints of law-abiding citizens for the purpose of controlling their day-to-day life — "under any pretext whatsoever" — was objectionable and totally unacceptable
- The Black Community Development Bill did not recognise the fundamental right of a citizen in the land of his birth to live and work in the place of his choice
- Dr Koornhof's "new deal" would perpetuate the system of legislative deprivation of citizenship



- The vested Section 10 rights of blacks were not to be entrenched in the Draft Bills and were instead to be replaced by tenuous privileges based on administrative discretion
- The Black Community Development Bill incorporated the perpetuation of the doubly disadvantaged situation of black women
- The extensive powers to be

vested in members of the executive branch of Government in terms of the Draft Bills were deplored and the provision in the Bills ostensibly aimed at the exclusion of the jurisdiction of the Supreme Court in matters governed by the proposed legislation were "vigorously" protested

ce. ity fect ity if Prize student Prize courses. Prize Prize Institute Prize student in :-

● The existing influx control legislation was administered in a racially discriminatory manner, regulated the conditions of residence for blacks in urban areas in a manner that subjected them to bureaucratic control of almost every aspect of their daily lives, caused profound indignity, and restricted the rights of blacks to take up employment to an extent unacceptable to the West

● Instead of eliminating "hurtful and unnecessary discrimination", the Black Community Development Bill both perpetuated and extended the hurtful discrimination inherent in the existing system of influx control.

● The persons intimately affected by the proposed legislation had not been granted the opportunity to participate in the design and would not be instrumental in the enactment

● This was particularly deplorable as two black newspapers were no longer available to promote and reflect public debate on the Bills among those most intimately affected

● Criminal law was being overburdened as an instrument for the enforcement of administrative control of the living conditions and employment op-

FINE ART & ARCHITECTURE

New Bill will bind blacks even more, says advocate

S Tribune 25/1/81

166 ~~237~~

Tribune Reporter

A SENIOR Johannesburg advocate yesterday exposed the "stark horror of a black person's existence" at the meeting of 70 prominent lawyers

Mr Arthur Chaskalson SC, director of the Legal Resources Centre said at the end of a lengthy analysis of one of three new Bills governing black life that it did nothing to remove hurtful discrimination against blacks

The Black Community Development Bill, published recently as part of Dr Piet Kooinhof's "new deal" for blacks, would instead have "serious implications" for blacks living in homelands

Mr Chaskalson was addressing Lawyers For Human Rights in Johannesburg

Mr Johan Kriegler, SC, chairman of the lawyers group said Mr Chaskalson had exposed, "the stark horror of a black person's existence" in his analysis

The envisaged new Bill would create "a more stringent control" on the influx into the metropolitan areas of blacks. It would also make it difficult for such blacks to find employment in the towns

Repatriation of unemployed blacks to the homelands could increase as a result of the new legislation

"There is a great deal of poverty in the homelands and considerable economic pressure on people living there to seek jobs," said Mr Chaskalson

This could mean that the "problems of poverty, overcrowding and unemployment will be concentrated in the homelands," he said

Mr Chaskalson expected that black urban areas within the boundaries of homelands would be particularly affected. Among them is Kwa Mashu. Unless there was concerted development to provide accommodation and work for people in places like Kwa Mashu "their prospects will be extremely bleak".

At the same time people living in remote rural areas would be subject to "an increasing problem of poverty"

Employers too could suffer from the new Black Community Development Bill. They would be liable to increased penalties for influx control violations. This would make the position of black migrant workers "much more difficult"

"Migrant workers are likely to drop to the bottom of the pile, doing the worst and lowest paid jobs for which labour cannot be found locally and without any reasonable prospect of being able to escape from this situation," said Mr Chaskalson

P F Dunckley

Sixth Year

Cape Provincial Institute
of Architects' Prize
For the best student in :-

ARCHITECTURE

FINE ART & ARCHITECTURE

within his legal rights not to do so. Although the case was settled out of court, the Industrial Court broke new ground by ruling that an unregistered union had *locus standi* to represent its members before the court. An earlier Supreme Court judgment held that unregistered trade unions had no such standing.

The respondent said the applicants could have sought a civil remedy — through a magistrate or Supreme Court.

A dispute of this nature, the respondent said, ought to be settled through the Industrial Council and until the applicants explored this avenue fully, the court was not in a position to act.

The applicants argued that the Industrial Court could deal with the matter as it had the same jurisdiction as a court of law. They conceded that the court did not have the power to decide on criminal cases, but argued that this did not exclude any case in which an alleged offence arose. The court they argued had not been asked to judge on an offence — it had been asked for relief as in a civil case.

The applicants said the case had been referred to the Industrial Council, but that the body did not have the powers to do what was being asked for — an interim interdict.

The court ruled neither on its jurisdiction nor on the application for an interdict.

Cumbersome

As yet the powers of the Industrial Court have not been defined. Outlining its function last year Wachman said: "The court will have countrywide jurisdiction with a wide range of judicial functions, the hearing of alleged cases of undesirable or irregular labour practices, and other issues of a legal nature in the labour field. The new court should develop a body of case law, should have no criminal jurisdiction at this point in time, should have a less formal procedure, should be open to all persons, groups and organisations, should be inexpensive and its decisions should be subject to appeal to the Supreme Court of SA."

Some labour observers argue that seeking redress through the court is proving expensive and cumbersome.

A further criticism is that key issues such as wage claims, reinstatements or compensation for victimisation could be excluded from the court's jurisdiction. Also, that discrimination on the basis of race, sex or religion is neither defined nor specifically prohibited in the legislation.

Then there is the problem that, according to the Industrial Conciliation Act, allegations of unfair labour practice must first be referred to the relevant industrial councils, which can either refer cases to the court or attempt to resolve them.

In industries with no industrial councils, cases can only be referred to the court if both parties agree. If there is no agreement, a conciliation board has to be called which can then refer the case to the court.

The court has only heard one major case (Richard Maponva vs Precision Tools) in which it heard allegations that an employer, who had refused to renew a migrant worker's contract, was guilty of an unfair labour practice although he was

INDUSTRIAL COURT

Workers waiting

FM 30/1/81
The Industrial Court established on Professor Nic Wachman's recommendation as a body to settle worker grievances — sat to hear its second case last week (Moses Nkadimeng and others vs Raleigh Cycles) and reserved judgment indefinitely without ruling on the urgent application for an interim interdict the applicant had called for.

The case arose as a result of a strike at Raleigh Cycles in November 1980 when 700 workers lost their jobs. Of these 206 workers asked for an interim interdict compelling the company to re-employ or reinstate those who had been fired — an action the applicants argued was an unfair labour practice and/or lockout.

Neither did the court rule on the applicants' application for interim protection which would have prevented the respondent employing new workers until the court had ruled on the first application.

The respondent argued that the court was not entitled to adjudicate on the matter of an interim interdict because this concerned an alleged offence, and because the court did not have criminal jurisdiction, it was not entitled to adjudicate.

Hans.

1

Quis

Col

9

30/1/81

166

9

FRIDAY, 30 J

**Commission of Inquiry into Legislation
Affecting the Utilization of Manpower**

*5 Mrs H SUZMAN asked the Minister
of Co-operation and Development

Whether he intends to take any steps to
implement the recommendations made by
the Commission of Inquiry into Legisla-
tion affecting the Utilization of Manpower
(excluding the Legislation administered by
the Departments of Labour and Mines) in
respect of influx control, the pass laws and
curfew regulations, if so, what steps, if
not, why not?

†The DEPUTY MINISTER OF CO-
OPERATION

The Black Labour Regulations were
amended by Government Notice no
R 1208 of 13 June 1980 in order to
implement those accepted recommenda-
tions which could be given effect to by
means of regulations under the Black
Labour Act, 1964 Furthermore, legisla-
tion in relation to these matters are under
consideration and in an advanced stage of
finalisation

Wiehahn
STAR 3/2/81 166
on board

Professor Nic Wiehahn, the leading authority on labour and industrial relations in South Africa and former chairman of the Wiehahn Commission, has been appointed to the board of directors of Goodyear South Africa.

His appointment was announced in Port Elizabeth by the company's chairman and managing director, Mr Wally Lefe.

Wichahn Commission
14/10/52 H. Cress 6/1/52 17/6/52
*10 Dr M H VELDMAN asked the
Minister of Manpower Utilization †

- (1) Whether allegations have come to notice that (a) the recommendations of the Wichahn Commission in connection with the Mines and Works Act are known in certain circles (b) the Government is considering amending the Mines and Works Act and the regulations thereunder with regard to 'scheduled person'
- (2) whether he will make a statement on the matter?

†The MINISTER OF MANPOWER UTILIZATION

I am aware that such allegations are being made, but must point out that the Report of the Commission has not as yet been laid upon the Table. In terms of the regulations promulgated under the Commissions Act 1947 no person shall publish or furnish the report of the Commission or a copy of part thereof to any other person until the report has been Tabled. Any person who makes himself guilty of such contravention is guilty of a punishable offence.

The report will, as in the case of all of the previous reports once it has been translated and processed be tabled together with a White Paper which will

WEDNESDAY 18

contain the Government's decisions thereon.

The Government has committed itself to the maintenance of labour peace and stability in the labour field.

So as to achieve this goal the Government will consult with the trade unions in regard to matters affecting them.

I have given the assurance that it will not be allowed that workers be threatened or displaced in the worksituation. As a result of recent inquiries from several quarters I want to re-affirm this assurance.

Hansard 2 Columns 822
 6/2/81

APPOINTMENT OF COMMITTEE TO
 CONSIDER DRAFT LEGISLATION
 BASED ON THE RIEKERT REPORT AND
 THE WHITE PAPER THEREON

(Statement)

The MINISTER OF CO-OPERATION
 AND DEVELOPMENT Mr Speaker arising from the White Paper on the Rieker Report the following three draft Bills were published for general comment in October last year—

1. Local Government Bill
2. Black Community Development Bill
3. Laws on Co-operation and Development Amendment Bill

I have made it clear from the outset that the objective of the proposed legislation is to improve the quality of life of Black communities in White areas and in accordance with the Government's declared policy to move away from harmful discrimination. Accordingly the proposed legislation is intended to give recognition to the settled Black urban inhabitants and to regulate properly the process of urbanisation and of rural settlement.

The Bills were published in order to afford all interested parties an opportunity to comment and to make suggestions about how these objectives could best be achieved. I want to convey my sincere thanks and appreciation to the large number of people

35
166
~~255~~

and bodies for the painstaking studies they undertook which are clearly evident from their comprehensive and valuable comments.

The diversity of the comment and the criticisms voiced in it and the considerable differences in the interpretations given to the published Bills. In some instances, they are even considered to have a negative effect instead of the positive effect that is intended.

Because this matter is so important to the maintenance and promotion of good relations I have decided that the draft legislation as a whole should be thoroughly revised in order to ensure that it will be fully in accordance with the contents and spirit of the White Paper and of the Rieker Report. With due observance of the proposals and the comments that have been received. For this purpose it has been decided to entrust to talk to a committee of experts which will combine the expertise of outsiders and of senior officials of the Department of Co-operation and Development. The committee will be led by a prominent lawyer. His name as well as those of the committee members will be announced by me as soon as possible.

The committee will be requested to complete its task not later than 15 April 1981 so that the legislation may be introduced during the next session of Parliament this year.

Hans 3 Q.C. 105

11/2/81

166

**Commission of Inquiry into Labour
Legislation**

21 Dr A L BORAINÉ asked the
Minister of Manpower Utilization

(1) Whether he has received the final
report of the Commission of Inquiry
into Labour Legislation, if not, when
does he expect to receive the report
if so,

(2) whether he intends to table the re-
port during the current session of
Parliament?

The MINISTER OF MANPOWER UTI-
LIZATION

Yes I received Part 5 of the Commis-
sion's report on the 27th November
1980 and Part 6, which is the final
part, on the 12th December 1980

No As both Parts 5 and 6 are at

Investigation of closed shops

STAR 3/2/81 (165) (166) (151)

Labour Reporter

The National Manpower Commission is likely this year, to make recommendations to the Government on closed shops at companies and industrial relations training for trade unions and managements

This was said in Pretoria this week by the chairman of the commission, Dr Henrie Reynders

Dr Reynders said the commission was preparing a report on the pros and cons of the closed shop principle and would possibly be making recommendations to the Government on this sensitive issue

He also said some company managements and trade unions were inexperienced in conducting proper industrial relations training, and the commission had looked into this

Sharing financing of training facilities was also being investigated

Concern had been expressed by the private sector over a provision in the Draft Training Bill which would enable the Department of Manpower Utilisation to transfer training costs to private industry

Dr Reynders said he was most disappointed in the private sector's reaction to Government initiatives in black apprenticeship training as there had been only 82 registrations since mid-1979

It was still possible for unregistered trade unions to conduct industrial relations training, although they first had to register with the department.

This would in turn place such unions under the scrutiny of department officials (Pending draft legislation would assign this task to training advisers)

The Manpower Commission may also review registration procedures for trade unions, Dr Reynders said.

Some unions had waited many months to be registered.

Dr Reynders referred to several key labour issues which arose last year. These were

① Government commitment to a free enterprise system.

② Government acceptance that black trade unions be accorded legal rights and other advantages

③ The registration of black apprentices throughout the country and not only in the "national states."

④ The increase in the number of strikes and work stoppages

⑤ The increased interest shown by employers in employee training

CHEM

Awarded on results of final
Professor George Menzies Prize

B F McClelland
J H Rens
D P Weeks
T J Cumming
P M Salmon

Fourth Year (Gold Medal)

Miss N C Davidson

Third Year (Silver Medal)

Miss G C Littlewort

Second Year (Bronze Medal)

For the best student in each
of the 2nd, 3rd and final years.
Corporation Medals

FACULTY OF ENGINEERING

NOT SO SIMPLE

TUESDAY, FEBRUARY 17, 1981

NOT SO SIMPLE

THE pass laws have for so long been one of the most visible and humiliating instruments of apartheid that one can readily understand the desire of blacks to get rid of every vestige of the hated system.

Thus as the Minister of Co-operation and Development, Dr Piet Koornhof, goes back to the drawing board to review his three draft Bills dealing with black mobility, the advice to him from Chief Gatsha Buthelezi is that he should withdraw influx control measures entirely.

Dr Koornhof has, equally understandably, indicated that the Government is not prepared simply to scrap influx control, though it is committed to removing 'hurtful discrimination' and relaxing controls in line with the recommendations of the Riekert Commission.

It is apparent that if the matter is not to remain deadlocked at this level there is an obligation on all concerned to give serious consideration to the social and economic as well as the political implications of influx control, both in the short term and the long term.

That these three aspects of the problem are inseparable has already been implied by Chief Buthelezi, who said recently that the greatest threat to the security of South Africa was going to come from 'the vast throngs of unemployed and disowned' living in squatter areas outside the cities. A similar warning has been voiced by

the Urban Foundation, which has urged that the only effective means of control is a rapid programme of rural development that would induce people to remain in the rural areas.

It must be remembered that the whole pass-law system as it has developed over many years is not the problem itself, but an attempt to deal with an underlying problem of haphazard and uncontrolled urban growth that is today assuming runaway proportions in many parts of the world, particularly the developing countries.

The assumption that urban living is the answer to population growth in under-developed regions is being increasingly questioned. Sound agricultural investment, which has been singularly lacking in most developing countries, brings returns as much as three times higher than costly investment in other sectors of the economy, according to a recent Worldwatch Institute report. Uncontrolled urban conglomeration are already showing signs of breakdown, with the poor in the towns having less to eat than their impoverished country cousins.

Laws alone will not halt the drift from the country to the towns, but those who are genuinely seeking solutions that are socially responsible as well as politically acceptable must acknowledge the complexity of the problem and realise that a sudden abolition of all forms of influx control is more likely to aggravate it than solve it.

374

107

166

200

Wiehahn

CT 19/2/81

leak?

(166)

HOUSE OF ASSEMBLY —
The Minister of Manpower Utilization, Mr Fanie Botha, said yesterday he was aware of allegations that the Wiehahn Commission's recommendations regarding the Mines and Works Act were known in certain circles

In answer to Dr M H Veldman (NP Rustenburg) he said he was also aware of allegations that the government was considering amending the act and its regulations regarding the "scheduled persons"

He pointed out, however, that the report had not yet been tabled and that it was an offence in terms of the Commissions Act of 1947 to furnish a commission's report or any copy or part of it to any other person until it was tabled — Sapa

MR BOTHA

Warning on ^{DD} 19/2/81 Wiehahn leaks (166)

THE ASSEMBLY — The Minister of Manpower Utilisation, Mr Fanie Botha, said yesterday he was aware of allegations that the Wiehahn Commission's recommendations regarding the Mines and Works Act were known in certain circles.

Replying to a question, he said he was also aware of allegations that the government was considering amending the Act and its regulations regarding the "scheduled persons".

He said the report had not yet been tabled, however, and that it was an offence in terms of the Commissions Act of 1947 to furnish a commission's report or any copy or part of it to any other person until it was tabled.

The report, like its predecessors, would be tabled along with a white paper containing the government's decision.

He told his questioner, Dr M. H. Veldman (NP Rustenburg) that the government had committed itself to maintaining labour peace and stability and in order to achieve this, would consult with trade unions on matters affecting them.

"I have given the assurance that it will not be allowed that workers are threatened or displaced in the work situation," he said — SAPA.

Today's parliamentary reports by — Political correspondent Barry Streek Political staff Helen Zille, Mike Acott, Ormande Pollok and Rob Nuttall SAPA reports by A Braid, C le Roux, F Neuhooff, P Claassen, J W Lordan, J E van Heerden, S Moller, D Powell, all of Press Gallery, House of Assembly, Cape Town

Unions told 'unrest' won't be tolerated

START
766
20/2/81

The use of the trade union movement for the creation of disorder and unrest which had nothing to do with labour matters could not be permitted, the Minister of Manpower Utilisation, Mr Fanie Botha said in Pretoria today

Speaking at the congress of the South African Iron, Steel and Allied Industries Union, Mr Botha said order was one of the principles on which the South African labour system rested.

This implied, above all, obedience to all laws and regulations, including those not directly relative to the field of labour

"There are, however, unmistakable signs that this principle is being undermined by certain elements inside and outside the trade union movement and responsible unions and employers, together with the Govern-

ment, must consider proper means of maintaining order, including labour peace"

In future there had to be even closer liaison between union leaders and employers because it could not be allowed that "the trade union movement be used to create a situation of disorder and unrest which has nothing to do with service conditions and work circumstances"

Mr Botha said justice was also a principle of the South African labour movement and to maintain it the Government had, among other things, set up the Labour Court to solve problems of clashes of interests and labour rights

Unjust labour practices were not limited to the relationship between employer and employee but also had a bearing on trade union activities —

"that is to say the conduct of union leaders towards workers and of unions towards one another

MISLEADING

"Supplying misleading and wrong information to workers, misrepresentation and engaging in political activities are but a few examples of practices which are taking place today in certain trade union circles and which are not in the interests of the workers or the union movement," Mr Botha said

If unions tried to "plough one another under" by following unreasonable practices, they would damage the interests not only of their members and other workers but would create a fertile climate for distrust of the recognised and proven system of labour relations

Fair treatment of workers and trade unions by the Government included the recognition and protection of the established rights of workers, groups of workers and of unions.

ALLOW

For this reason the Government decided, for example, to phase out job reservation instead of summarily abolishing it

Similarly it had been decided not to put a total ban on closed-shop agreements, but to allow existing agreements to remain and to seek the guidance of the Manpower Commission before further decisions were made.

The Government would in future, as it had in the past, respect the established rights of groups of workers and adjustments to legislation or administrative practice, where necessary, would be introduced only in consultation and co-operation with the parties concerned. — Sapa.

The new Industrial Court — hailed after its establishment in 1979 as a breakthrough for South African labour relations — has chosen to retire from public life

This was the conclusion of a wide range of labour lawyers and experts after studying the crucial judgment given by the court in Pretoria a fortnight ago

Proposed by the Wierhahn commission as a specialist labour court offering a cheap and easy civil recourse to aggrieved workers and employers, the court has long frustrated the hopes pinned on it

The Industrial Conciliation Amendment Act, which gave birth to the court, denied it the power to hear disputes arising out of contracts of employment. It also denied the right to appeal to the Supreme Court

In the 18 months since its inception, it has heard only two cases in its new

Labour court judged itself out of existence — lawyers

“An act of ritual suicide” is how one lawyer describes a judgment handed down recently in South Africa's Industrial Court.

He adds that the court's powers now seem so restricted that it cannot play the central role in labour affairs intended for it by its architects.

DREW FORREST examines the judgment, and its import.

Under the Industrial Conciliation Act, disputes involving unfair labour practices must pass through the official dispute-settlement procedure, either industrial council or conciliation board, before reaching the Industrial Court

In this case the industrial council could not meet within a time period acceptable to the workers and they turned to the Industrial Court

and the reasons advanced by the court's president, Mr B J Parsons, for rejecting the application are potentially vast in their implications

Under the Industrial Conciliation Act, the court is empowered to hear all disputes “arising out of the application of the provisions of the laws administered by the Department of Manpower Utilisation”

Mr Martin Brassey, counsel for the Raleigh workers, argues any dispute covered by industrial law — rather than say, the law of contract — falls under the Industrial Court

However, Mr Parsons ruled that the court has jurisdiction only in dis-

putes which follow the direct application of industrial law

Lawyers are baffled as they can envisage a situation where a labour dispute arises out of the “misapplication” of the law, but not out of its “application”

In practice a worker who goes on strike, or an employer who victimises an employee cannot be said to be “applying the law”

Such actions spark the vast mass of civil cases in the labour field and the court has ruled that it cannot hear them

Other features of the judgment have caused grave concern, not least the ruling that the court cannot hear an application grounded in an alleged criminal offence

The Industrial Court has, lawyers say, “judged itself out of existence”

Without ready access to an inexpensive and effective labour court, workers are more likely to resort to the simplest form of pressure — the strike

The workers asked not for a final settlement of the dispute, but for “interim relief” — an urgent court order restraining the company from continuing the alleged lock-out and the unfair labour practice

This was not to be —

H.S. 20166

166

Wage Am. Bill - 2nd Reading

Hansard 5 Cols. 2311 - 2330.

24/2/81

+ Cols. 2443 - 2448 25/2/81

Committee Stage ^{Cols} 2449 - 2457 25/2/81

3rd reading Cols. 2458 - 2460 25/2/81

STAR 26/2/81

Labour law setback

THE Industrial Court, created by the Wiehahn Commission 18 months ago as a mechanism to hear workers' grievances, began life under a cloud — a suspicion that its restricted powers and cumbersome procedures might disguise yet another means of controlling workers. The court's handling of its first case, however, was unexpected. It demonstrated independence and decisiveness.

But the optimism was premature. The court has heard only one other case since then, the one on February 12 involving the workers at Raleigh Cycles (SA) Ltd. Its handling of this case was very different. What made the difference was how the wording of a sentence in the Industrial Conciliation Act was interpreted.

affected by health because their such may result sts and benefits improve the discussing re, is valuable. e for discussions istrators;

Essentially the court's president, Mr B J Parsons, had to choose between ruling in terms of the "spirit" of the law or its "letter". He chose the latter, and in doing so, according to some legal opinion, set such severe restrictions on what cases the court is now empowered to hear that it has virtually judged itself out of existence.

This will be a blow to those who have worked to have labour grievances resolved through legitimate means — an untimely setback for moderation in an area where moderation is most needed. The irony is that it was not caused by any decree, order or interference by the authorities, but simply by the way a few words in a document were interpreted.

represent information roach to health approached only culty. A combination nt within the effects of ivities of ooses. the health e tool to an objectives. affected by health because their such may result sts and benefits improve the discussing re, is valuable. e for discussions istrators;

Development projects has resulted in just the kind of costly mistake referred to earlier: dams which raise malaria risks, industrial enterprises whose effect on the environment is hazardous etc. It recommends methods for the systematic evaluation of these effects. (22)

if the information available is not plentiful or of high quality it may be the highest level of analysis warranted.

5. Where some epidemiological information is available the results of the above exercise can be compared with a more formal analysis using an epidemiological approach. The most cost-effective methods for different objectives (programmes) are evaluated and compared with each other by their contribution to a small number of health indicators, such as life expectancy, morbidity or nutritional status.

6. Cost benefit studies are not generally a suitable method for assessing health programmes except where they can be made to yield unambiguous answers, e.g. where financial returns to the spending agency more than balance the outlay and the other benefits are positive.

Methods of incorporating health economics into the administrative framework to achieve these ends would include

- a) training planners in the principles of health economics
 - b) employ economists in the Department of Health and the provinces (as in U.K. initial difficulties of communication may be a necessary first step to the sharing of perspectives without which no benefits can be derived).
 - c) constitution of a health planning body, which deals with the health implications of policy in all sectors (as in, e.g. the Sri Lanka Planning Unit (23)).
- This body would first research and model the health system - that is, all the factors which contribute to health and their order of significance. The evaluation of projects falling under the health and other ministries could then be done. Unless some such basic model is referred to it is impossible to ensure

22 'Environmental, Health and Human Ecological Considerations in Economic Development Projects', World Bank, May, 1974.

23. This concept is outlined for Nutrition Policy in L. Joy and P. Payne, 'Food and Nutrition Planning', FAO, Rome, 1975.

URBAN BLACKS (163)

Now new deal? 1/1 27/2/81

HOSPITAL	OPENED/ FOUNDED
UMGENI WATERFALL	1949
CULLINAN	1974
STERKFONTEIN	1943

In a move which has been welcomed by all population groups. Co-operation and Development Minister Piet Koornhof has announced the establishment of a 10-man

committee to undertake an urgent review of his controversial draft legislation on urban blacks. Two blacks have been included — but the PM understands if meaningful changes are not effected particularly concerning the entrenchment of Section 10 rights there could be a political rumour. The inclusion of blacks is of course a welcome move.

There are hopes that the new Bill (probably incorporating positive aspects of the initial three Bills) will achieve its aim of removing 'hurtful discrimination' and improving the quality of life of blacks in urban areas. But some have doubts. Says Joyce Harris, national president of the Black Sash: 'If these Bills are aimed at removing so-called hurtful discrimination — and if they are to fall within the framework of present government policy — they cannot meet the needs and aspirations of the people, nor can they ever be anything but hurtful and discriminatory.'

Nonetheless Koornhof can avoid some obvious pitfalls. Clearly statutory rights for future generations of blacks should be entrenched — as should the Section 10 rights which qualify certain blacks and their children to remain in urban areas and which the proposed legislation undermined.

A report by Pauline Morris, commissioned by the SA Foundation and submitted to Koornhof, emphasises that 'development, like urbanisation is a process and it is difficult to promote development or restrict movement of one geographical group without affecting all groups operating in one economic system.'

So, the report points out the restrictions on employment opportunities in the urban areas would result in increasing poverty and unemployment in the rural areas placing pressures on the resources of the 'national states' and peripheral urban settlements such as Winterveld. The controls would not serve to combat unemployment, but rather to exacerbate it because the envisaged controls on labour would promote mechanisation.

The new Bill if it is to be of any use should extend the powers and functions of local government. Unless the fundamental issue of land ownership is dealt with in the 'new deal' the power of the mooted town and village councils will be inhibited by the lack of a viable revenue base.

Assurances must accordingly be given that the councils' financial resources are to be increased and that blacks are fully represented on the controlling development boards.

A positive step would be for provision to be made to integrate planning and development on a metropolitan basis. The foundation says: 'The municipal delimitation of black townships within their urban or metropolitan boundaries from the point of view of planning and finance is artificial.'

In addition there was little provision in any of the Bills to integrate the planning

is a clinic operated under Sterkfontein's control. For most of the clinics ceased functioning of Weskoppies.

and development of black townships with that of their urban or metropolitan regions. To work regional planning and administrative bodies will require a degree of black representation not hitherto planned for.

APP
HOS
STZ
UMI
PR
CO
PC
SP
TF
EF
SI
G
B
G
M

RIC HOSPITALS		-45-		OUTPATIENTS		
(PSY- CHIA- TRISTS) -DOC- TORS	DOC TOR: PA- TIENT RATIO	(QUALI- FIED) NURSES	NURSE: PA- TIENT RATIO	COM- MUN- ITY SIS- TERS	VISITS	COMMENTS
3 (O)	I:80	72 (45)	I:3	-	-	The hospital was only opened in 1976. It plans to accommodate ± 800 patients, and to develop a general hospital nearby. An alcoholic unit functions. Eventually psychiatric nurses will be trained there.
?	?	?	?	-	-	200 retarded patients are accommodated.
?	?	?	?	-	-	200 retarded patients are accommodated.
2 (I)	I:650	133 (35)	I:10	-	-	200 retarded patients are accommodated.
3 (I)	I:555	458 (?)	I:3	3432	3	
?	?	?	?	-	-	
?	?	?	?	-	-	
1 (O)	I:950	401 (?)	I:2	732	?	

(17)

resources allocated to health services, since the growth rate of the supply of hospital beds was considerably slower than the growth rate of per capita incomes

When, however, the racial distribution of hospital services is examined a bias in favour of Whites becomes clear; in 1960 there were 100 Whites per bed, against 186 Blacks per bed; and in 1975 the White ratio had fallen slightly to 96 persons per bed although the Black ratio had remained unchanged.

(18)

4. The Racial Distribution.

In 1970, Blacks accounted for 83 per cent of all Black people accounted for 84 per cent of all Black people received approximately 72 per cent of per capita income, resulting in a disparity of 15:1 in per capita incomes, and 5,1:1 and 6:1 for White and Coloured per capita incomes (1) are considerably below the average and the heavily dependant on the remittances of migrants. Remittances are included 1970 per capita income were only R80 per annum (16), 75 per cent through African incomes in urban areas are a substantial proportion of the urban families in 1970, approximately 50 per cent of African had incomes below their Poverty Datum Line. The relatively low incomes of Blacks have two health. The first is the lower level of health and environment and this is clearly illustrated

(15) L. McGrahn, Racial Income Distribution and the Income Gap Project, Report No 2, Department of Statistics, Report No 2, 1973/74, Department of Statistics, Report No 2. Incomes of commuters are in the income of migrants.

(17) G. Maasdorp and A.S.B. Humphreys (eds), From Shantytown to Township, Juta, 1978, pp. 109 and 110.

DD 27/2/81 (166)
1,1m Transkei workers in SA

THE ASSEMBLY — There were more than 280 000 black workers from eight independent African states employed in South Africa last year.

A further 1 163 113 workers from Transkei and Bophuthatswana were employed in the Republic

Altogether a total of 5 612 616 black workers were registered in South Africa

These figures were disclosed yesterday by the Minister of Co-operation and Development, Dr Piet Koornhof, in reply to a question tabled by Dr Alex Boraine (PFP, Pinelands)

Dr Koornhof said there were 291 black workers from Angola, 23 200 from Botswana, 140 746 from Lesotho, 32 319 from Malawi, 54 424 from

Mozambique, 19 853 from Zimbabwe, 10 377 from Swaziland and 864 from Zambia

There were another 3 102 from "other" countries

A total of 549 704 Transkeians were employed in South Africa, 172 575 in mining, and 613 409 people from Bophuthatswana working in the Republic

6/3/81
Union law
to change
— minister

TZANEEN Legislation would be introduced later this year to bring about order in trade unions, the Minister of Manpower Utilization Mr Fanie Botha said here last night.

In a report back meeting he said he considered this the most important labour legislation in 20 years. A dangerous situation had arisen in South Africa making it necessary to place all trade unions under the discipline of the law.

In accordance with the proposed amendment to the Industrial Conciliation Act, no black trade union would be allowed to have an office outside the Republic of South Africa, receive money for politicking or funds from overseas for strikes, the minister said.

In reply to an objection to the registration of black trade unions, Mr Botha said such unions had existed since early this century. Because they were not registered, their books and constitutions were obscure, they had no visible office or leaders and had not been subjected to the discipline of the law.

The minister said the white man in South Africa does not work hard enough. If the country wants to build up a strong economy and compete with countries like Japan on the export market, it will have to increase its productivity.

If South Africa strengthened its economy and maintained the high level, it could become one of the 10 strongest countries in the West within 20 years. Then the country could choose its friends and would not be kicked about by the Big Ones.

Sapa

DEPARTEMENT VAN MANNEKRAG-
BENUTTING

No R 467

6 Maart 1981

WET OP OPLEIDING VAN AMBAGSMANNEN 1951

Ek, Stephanus Petrus Botha, Minister van Mannekragebenutting, handelende kragtens artikel 2 van bovermelde Wet wysig hierby met inoang van 1 April 1981 die toelaes betaalbaar aan kwekelinge tydens and 12 maande intensiewe opleiding aan in sentrum soos gespesifiseer in klousule 4 (a) van Goewerments kennisgewing R 550 van 28 Maart 1980 dat dit soos volg lui

- 'n Kwekeling sonder afhanklikes R35 per week
- 'n Kwekeling met een afhanklike R45 per week
- 'n Kwekeling met twee of meer afhanklikes R60 per week

S P BOTHA, Minister van Mannekragebenutting

DEPARTMENT OF MANPOWER
UTILISATION

No R 467

6 March 1981

TRAINING OF ARTISANS ACT 1951

I, Stephanus Petrus Botha, Minister of Manpower Utilisation, acting under the authority of section 2 of the above mentioned Act hereby specifies with effect from 1 April 1981 the allowances payable to apprentices during their 12 months of intensive training at a centre as specified in clause 4 (a) of Government Notice R 550 of 28 March 1980 to read as follows:

- A trainee without dependants R35 per week
- A trainee with one dependant R45 per week
- A trainee with two or more dependants R60 per week

S P BOTHA, Minister of Manpower Utilisation

gg 7467

166 178

Malnutrition is however associated with desertion by at least one parent and provision for the care of a child. Illegitimacy and malnutrition are ^{causal} simple causal relationships. casual, careless sexual relationships, irresponsible and negligent disorganisation and the basic causes. Nevertheless, contraception, economic disruption and premature malnourished children are likely to be it is only necessary to prevent. Unfortunately, while stable and unlikely, readily accepted and and persuade people outside are likely to become malnourished. In these circumstances a of the client offers the to be to co-ordinate nutritional child's nutritional status at regular intervals. In incontrovertible evidence climate for acceptance of. Thus, in a nutrition service accompanied their children important to provide consistent later appointments, because less than half of be ^{causal} mostly in the care of. Malnutrition results from for their children. Who willing to fill the gap do not admit malnourish. There is an extreme who abused and neglected children because society does not

style in the care of able, outgoing, but otherwise unqualified, African women. Again, as in the experiment in mothering described in very young infants, children who had appeared mute and apathetic and even mentally defective when confined to their cots were soon walking, talking and assertive.

4. Social Interviews.

It seemed irresponsible and certainly ineffectual to discharge children into conditions which were likely to cause relapse without the most stringent precautions. To this end a careful, informed interview, time consuming though it was, was regarded as an integral part of the realistic management of malnutrition.

Such an interview helps to define children at risk who need especially close supervision and may suggest helpful actions such as applications for old-age, disability, widows or foster grants and maintenance from errant fathers.

Social aid is unfortunately limited by an inadequate social budget, so that grants can only promote recipients from destitution to poverty. There are long waiting periods after application for grants, and their administration is often arbitrary and easily abused.

This interview also offers an opportunity for contraceptive advice.

5. Contraception.

Childhood malnutrition is often ascribed to big families and contraception prescribed as its main remedy. This is an over-simplification.

In the Ciskei the average number of living children in MN and UN groups was 3,5 (3,1 in the UN group) and six out of ten children were either first born or had no more than two siblings (seven out of ten in the UN group). Interestingly, very big families with six or more children occurred with almost equal frequency in all groups (one in six). This probably reflects the need for a certain degree of family integration and support to achieve such a big number. Any meaningful discussion about malnutrition and family size must obviously take into account farming resources. Thus, in the recent past, families of eight or ten children were commonplace in prosperous communities but malnutrition was not. Conversely families with malnourished children are usually so poor that they cannot even feed one or two children adequately.

Mine jobs opening?

166
777

SOWETAN Correspondent
THE GOVERNMENT intends opening all mine jobs to blacks by simply changing two words in the relevant Act, according to Die Afrikaner, the Herstigte Nasionale Party's mouthpiece.

The report says Die Afrikaner learned "on the best authority" that the Wiehahn Commission recommended all job reservation in the mining industry should be scrapped.

recommended to the Cabinet that the words "scheduled person," in the Mines and Works Act be replaced with the words "competent person."

The newspaper says blacks will in future be allowed to obtain blasting certificates.

They would also be allowed to do "white work"

"In practice this will also mean that a black can become boss of a white mine worker," Die Afrikaner says.

The newspaper carries the report on its front page under a headline: "All jobs in mines open to blacks."

This would be done through an amendment to the Mines and Works Act of 1956.

This amendment would allow all jobs previously reserved for whites to be opened up for blacks as well, according to Die

Report by Peter Sullivan, 216
Vermeulen, 166
Street, Pretoria.

findings overseas to establish South Africa as a bastion of medical research and advancement. It is felt by some

that there may be an over-allocation in terms of the present needs of . . . The great problem areas in eady been extensively researched ic reasons they are not acted on. F research in favour of health y which could do this. nted by the State President and offessors - there are no economists, to give perspective. A director te controlled by the M R C and he ch work ded by the M R C, only 16,7% r public health research (nutrition, eases, etc.) whilst basic research This research, no matter how R C which considers one of its r publication of these research

The commission has Afrikaner

ica is funded by the Government ough it is not known exactly what There are two main medical research e M R C and research done at All State expenditure on medical th African M R C - it is funded by art of the Department of Health of the M R C was R4,2m, of which unt (0,5% of State Health expendi- 40% of its funds internally to h (of which there are approximately ices 'outside' research, mainly at en the M R C, the C S I R and scientific bodies in South Africa - a political decision and is not xperts or a learned body.

7.

researchers in receipt of M R C grants that M R C funds are available to university researchers with the attitude that it is for their academic advancement and pursuit of the knowledge which the researcher finds particularly interesting. Thus the choice of topics by recipients of M R C grants is tremendously free.

Research supported by private sources of finance is conducted mainly at university medical schools, whilst some further research is done at the South African Institute of Medical Research and by the drug companies. Research at medical schools, other than that financed by the M R C, comes largely from trusts, bequests, commerce and industry. Information on absolute amounts of money received for projects is difficult to get from universities because of the competition for funds between institutions. According to an administrator of U.C.T.'s Medical research finances, M R C grants constitute 21,5% of all research funds whilst all other grants constituted the balance. (1977) These other sources can be classified as:-

Research grants by private firms to medical schools are usually 'tied' in the sense that the recipient must research a project related to the needs of the donor. There is not much information by the drug companies, although it is known that R & D constitute roughly 6% of total turnover (approximately R285 million in 1976). However, most R & D done by these companies in South Africa is market orientated and little basic research is done locally. The South African Institute of Medical Research is often regarded as a part of the private research sector. It raises its finances from routine laboratory investigations. However the nature of the work done (histologies etc.) would not permit it to be classified as a bona fide research institution.

Wiehahn rumours fly in mine votes battle

By Bob Davis

The unpublished sixth report of the Wiehahn Commission into labour matters is rapidly becoming a National Party hot potato in 14 mining constituencies where HNP supporters are presenting their version of it.

The Minister of Manpower Utilisation, Mr Fanie Botha, is on record as saying that anyone who

leaked the contents of the report was committing an offence under the Commissions Act

But the NP parliamentary candidate for Rustenburg, Dr M Veldman said prosecutions were not envisaged

The Attorney General stated that the HNP pamphlet had not been brought to his notice and the Director General of

Manpower Utilisation, Professor van der Merwe, said all he could do was to draw attention to the Minister's statement on the matter

A Westonia business man, Mr Baardman Muller, confirmed recently that 70 000 of the pamphlets had been printed by the HNP. He said not only were they on public display, but in addition a

copy would be shown to the Prime Minister, Mr F W Botha, when he addresses a National Party meeting in Rustenburg on March 17

"We want the Prime Minister to tell us whether blacks are to be allowed to have blasting certificates on the mines," Mr Muller said

He said two policemen had come to his shop and had seen the pamphlet but had not done anything about it.

"The pamphlet quotes from the sixth Wiehahn Commission report," he claimed

Dr Veldman said the National Party position was that there would be no changes to the working conditions of white miners until discussions had taken place with their authorised union representatives

He said it was Government policy to maintain peace and stability in the labour field

(Report by R D Davis 47 Sauer St Johannesburg)

Labour laws which turn men into exiles

166
238
Job
14/3/81

LDR is a black man prevented by law from living with his wife and four children — because he was born in Potgietersrus and they were born in Johannesburg.

He has been in Johannesburg since 1972, working on annual contracts. During that time he met his wife, and they made a home and had a family. Then he was retrenched from his last job.

Now he has been told to go back to Potgietersrus and wait there until a job offer is made to him through the local Labour Bureau.

If he is lucky enough to get a job, there is no guarantee it will be in Johannesburg. He may never again live legally with his family.

He was one of 13 435 people who went to the Johannesburg Advice Office last year to ask for help. He was one of the 7 587 who could not be helped.

CATEGORIES

The annual report of the Advice Office, presented today, says 1980 was the worst year on record for black problems with repressive legislation.

The report cites seven separate categories of people who sought help in the 12 months to January 1981:

● Those with jobs, who are not allowed to work.

"It is simply not true that anyone who has a job and accommodation can be registered. This applies only to people who have

Section 10 rights in the urban areas." Rural blacks must wait in their home areas until the Labour Bureau requisitions them or a recruiting agent arrives

To make things worse, recruitment has been cut back (as recommended by the Riekert Commission)

● Those designated as farm labour.

"Black people who have grown up on white farms are not allowed to work in town. They are categorised as farm labour, and whether they are employed on a farm or not they will not be registered in any job they find in town." Since the introduction of the R500 fine for employers using unregistered labour, scores of these people have been fired or refused work

● Migrant workers

"Migrant workers who are caught up in the annual contract system are placed in categories of labour and are not allowed to change from those categories. This puts strict limits on the upward mobility of workers as they acquire new skills"

● Foreigners

There were 46 712 less foreign blacks registered in employment in 1980 than in 1979. Foreign blacks are being refused registration, or even re-registration, and ordered home. "Over and over again black people, both South African citizens and foreigners, contrast with great bitterness the way they are treated compared to the encourage-

ment and welcome laid on for white immigrants"

● Those with housing problems

"Even those who can afford to buy a house under the 99-year leasehold are told there are no houses. Complaints about bribery and corruption are rife."

● Those with citizenship problems.

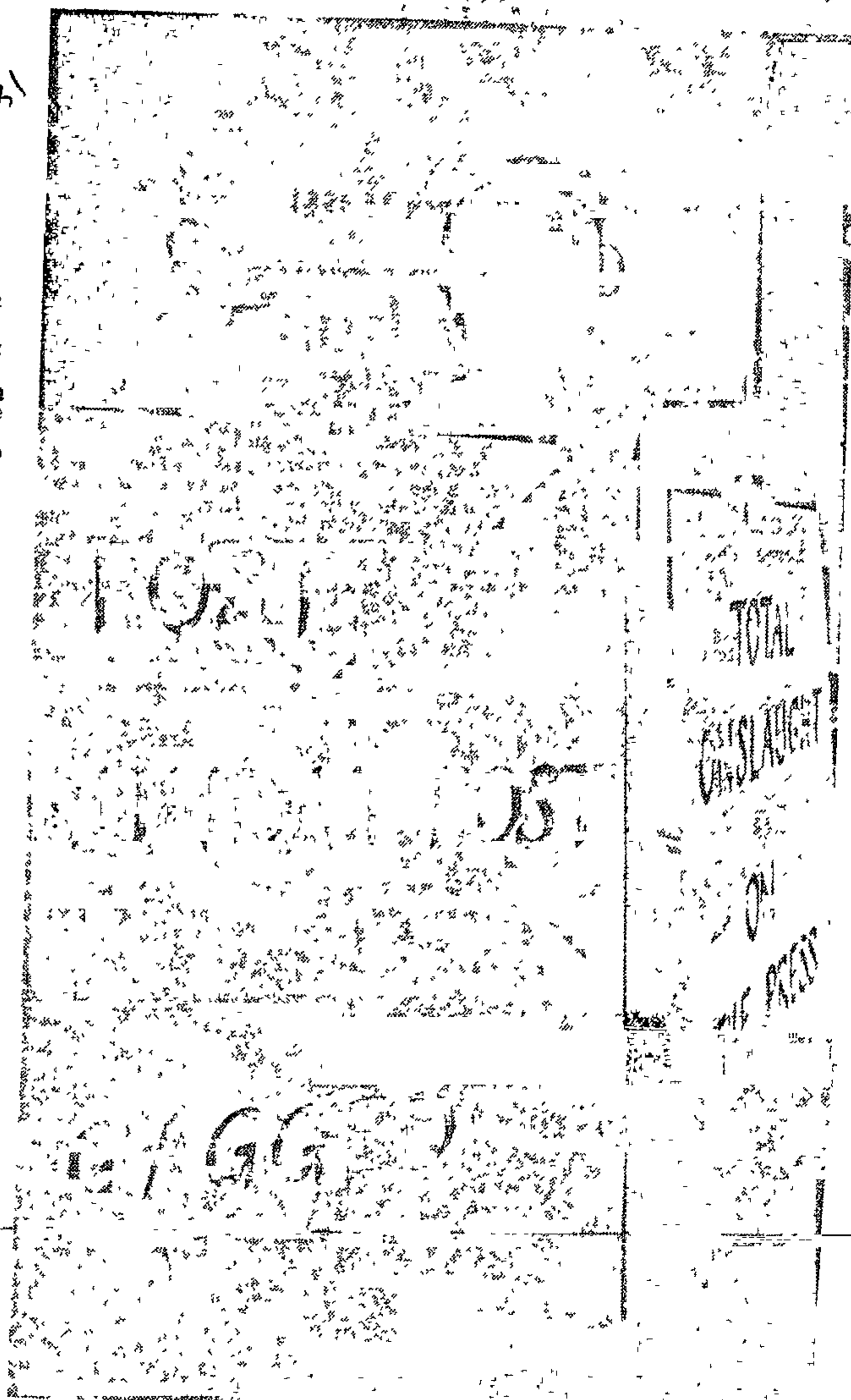
Since 1976, over 6,75-million black South Africans have lost their citizenship because their "homelands" became independent. All children born to these people after the date of independence, regardless of place of birth, are foreigners.

● Those with Section 10 problems.

Even those few rights entrenched in law are often denied to blacks. Section 10 (1) (b) rights, attainable after 10 years continuous work with the same employer, are being withheld from migrant workers on the grounds that annual contracts — even with the same employer — are not continuous. Striking workers are endorsed out of cities as a matter of course, regardless of their registration

The report ends "We can only watch the anger and bitterness growing as promise after promise turns out to be hollow as the economic boom brings no hope to the majority, as people are deprived of land and citizenship and of all legal rights to participation in either the political or economic structures of their country.

"It will give us no pleasure to say 'We told you so' when the inevitable happens."



National president of the Black Sash, Mrs Joyce Harris, during her most recent protest against repressive Government legislation — in this instance the effective banning of the black newspapers Post and Sunday Post.

12/11/81 166 STARR 14/3/81

Commissions 'face disaster'

Implementation by the Government of Riekert Commission recommendations has created "a situation of severe pressure in the rural areas and a state of tension in the urban areas," says the Black Sash Transvaal regional report for the past year

The report, presented to the conference today, says that both the Riekert and Wichahn Commissions

"are now facing disaster" on the labour front with the collapse of industrial courts, labour force unrest and resistance from unions and workers to commission recommendations.

Labour action last year had been of particular significance, the report said.

In the last six months of 1980 more than 90 000

workers had gone on strike and strikes had been handled with increasing severity by employers.

Said the report "In the Transvaal we have watched the increasingly stringent crackdown on labour which has resulted from the implementation of the Riekert Commission recommendations

"The commission tried

to contain the unemployment crisis. But, by upgrading worker skills, by creating a black middle class, by imposing greater control on labour from the rural areas and by removing workers not needed in the urban areas, Riekert created a situation of severe pressure on the rural areas and a state of tension in the urban areas"

TOTAL NO. OF WORKERS	WAGE IN (R) Family						
	2,51-7,50	7,51-10,01	10,01-12,50	12,51-15	15	>15	TOTAL NO. OF WORKERS
1	6	4	5	2	1		18
2	4	1	4	2			12
3	3	4	1	1	1		11
4	1	7	4	6	2		21
5	2	8	3	1	2		16
6	1	2	2	5	2		14
7		3	2	1	2		8
8	1	2	3		2		10
9		3	1	6	2		13
10	1	2	1	1			5
11							0
12							1
>12				1			1
TOTAL NO. OF WORKERS	4	22	34	33	20	6	11
	4	22	34	33	20	6	130

Distribution of workers by number in family (x) and cash wage (y)

TABLE 36

(166)



'Let's have more women'

Public sector 'should train them for management'

Mr Michael Smuts

Mercury Reporter

MORE women should be brought into management positions in the public sector and the Provincial Administration, the NRP Provincial candidate for Pinetown, Mr Michael Smuts, said last night.

Mr Smuts said women teachers far outnumbered male teachers in South Africa, yet there

was not one woman who had been appointed director of education in one of the provinces.

'It is suicidal for the public sector to try to compete with private enterprise for the dwindling supply of available managers,' he pointed out.

'The public sector must start now to train the many thousands of women in its service who

have the ability and motivation to do a manager's job.'

This would increase productivity, reduce inflation and lead to greater job opportunities for the many unskilled workers in the economy.

Mr Smuts said that, compared with 500 000 male managers in South Africa, there were only 21 000 women in management positions in the

country in 1979.

This meant that only 4 percent of managers were women. On the other hand, 35 percent of mature women were gainfully employed.

He estimated that up to 150 000 white women could be mobilised to join the ranks of management at fairly short notice.

(Report by P Leeman, 12 Devonshire Place, Durban.)

'Cinderella's? Natal's Neglect must be paid for, says Smuts

Mercury Reporter

THE Nationalist Government has been treating Natal as the 'Cinderella' Province, according to Mr Michael Smuts, NRP Provincial candidate in the Pinetown constituency.

Addressing the Westville South branch of the party last night, Mr Smuts said he was glad the Minister of Finance, Mr Owen Horwood, had reacted so sharply to his statement that Natal was not getting its fair share of development projects and funds.

This showed that he had touched on a sensitive subject

as far as Mr Horwood was concerned

Mr Smuts attacked the past record of the Nationalists in their treatment of Natal and said the Provincial Administration relied on the Treasury, controlled by Mr Horwood, for 88 percent of its revenue

Prof John Downing, head of the department of anaesthetics at the University of Natal, had said Natal was falling behind other provinces in medical services, Mr Smuts pointed out. The reason, he said, was the short-

age of funds from the Treasury

There were more doctors employed at Groote Schuur Hospital in the Cape than there were in all the provincial hospitals in Natal

Durban, he added, had been the last major centre to get an airport of international standard, and it was the last major centre to get a new station.

Mr Smuts said Natal was the only province which was not part of the total energy production programme

'The list of neglect is endless. As a result, if the minister says we are getting 17 percent of the Budget for capital projects, then this is not enough. As a result of past neglect, we must have more,' he said

'According to the 1980 census the population of Natal and KwaZulu is 5 722 215 people, or 24 percent of the population of South Africa. Therefore, the minimum allocation of funds to Natal and KwaZulu should be 24 percent of the total Budget.'

(Report by P Leeman, 12 Devonshire Place, Durban)

U 1 20/3/81
CT

Black unions 'legal'

JOHANNESBURG --
Registration of black trade unions was introduced in order to bring them under the ambit of the law the Department of Manpower Development said in a statement yesterday

The statement said it was wrong to say the government had only now given trade union rights to black workers and pointed out that the first black trade union was established in 1918

Previously all trade unions had the right to exist but they were not under legal discipline because they were not registered

Outside the law

More and more employers began negotiating with black trade unions outside the law This is wrong This must be stopped because everyone must come under the law's discipline and negotiate within the law

"Registration of trade unions has now been extended to black trade unions so that they too like all the other trade unions, have certain obligations under the law These include

- They must disclose their books,
- They must disclose membership lists
- They are subject to inspection and
- They may not participate in politics "

Like other trade unions, black ones must now also comply with the rules, the statement said - Sapa

Barlows pushes labour change

Financial Reporter

THE Barlow Rand is continuing to push for major changes in labour legislation.

This is clear from the annual reports of both ERPM and Durban Deep

The chairman of both mines, Mr D T Watt, says in the ERPM report

"Throughout the year the management and staff at the mine have conscientiously persisted with efforts to implement the Barlow Rand Group code of employment practice to the full extent permissible in the mining industry

"Progress has been made, but at a somewhat slower progress than we hoped to achieve

"The company does, however, continue to be constrained by certain legislation and legally enforced industrial agreements

"We had sincerely hoped to achieve some relaxation of the constraints based on the findings of the Wiehahn Commission.

"Unfortunately the commission had at the time of writing (March 6) still not published its report on the mining industry and it is now debatable whether anything of consequence will be achieved in this connection until after the forthcoming general election

"Consultative committees have been successfully introduced on the mine and further progress has been made in the related training of both managements and workers representatives

"These committees have been established in advance of any legislation which may flow from the release of the Wiehahn report relating specifically to the mining industry

"The committee system,

with its inherent weaknesses, is not necessarily seen as a permanent substitute for eventual sound and orderly employer-employee relations through the medium of fully representative trade union arrangements catering for employees of all races"

Mr Watt says in the Durban

Deep report "While the company experienced a relatively quiet year in terms of industrial relations and trade-union activity, this aspect of its operations will undoubtedly constitute one of the more interesting challenges confronting management over the next

few years

"The changing aspirations of all our workers and particularly the emergence of embryo trade union movements among the unskilled workers is being carefully monitored so that management can react sympathetically but constructively"

has worked off his debt. None of the farmer be expected to insist that the worker stays the farmer tie themselves to the farm, since other hand, it is possible that workers who seen as an important privilege of farm work The availability of credit facilities on Current debt. d) which are atypical of the areas studied. groups and this survey include a high proportion payments in kind, or the Unisa survey, the C either farmers' census returns do not accurate differences in dates are temporarily ignored those found in this survey than to census quoted in the Theron Commission Report, also estimate of R14,79 a week made in this study

of total payment should at least equal, and might exceed, the excluded from the Grootfontein figures are valued, estimates It seems that if the items included in this survey but

R15,32 a week. (9) a week. The range is R28,37 to R66,40 a month, or R6,55 to western, 'mixed' and southern Karoo is R51,91, or R11,98 19 study groups in various parts of the northern, north- For 1974-75 the average cost per worker per month for

COMMENT**Sort
out the
labour
laws**

THE REPEAL and prohibition of sex discrimination in Wage Board investigations and recommendations, announced by the Minister of Manpower Utilisation, Mr Fanie Botha, must be welcomed by all concerned with industrial stability in the country.

The effect of this Bill would be to remove wage differentiation on the basis of sex — long a sore point with workers.

Indeed, in the past, certain employers have opted to employ women to do certain work with the knowledge that they can pay them less than they would pay male workers.

As PFP spokesman on labour matters, Mr Alex Borraine has said, "it is a fundamental change of far-reaching significance."

Mrs Helen Suzman described the Bill as a great step forward.

Having said that, we must now ask the Minister to look into the general disparity of pay between men and women in all other areas. We hope, too, that the Government will look at the disparities in the Public Service, and particularly in the teaching profession where women who are better qualified than men still earn less only because they are women.

But, while Mr Botha must be lauded for taking this step, we wonder what he will do about the mess that his labour legislation is heading for.

This is all because four trade unions have resolved not to use government machinery because they were being given racial certificates of registration which preclude them from acting for any people not belonging to the racial group for which the certificate has been issued.

We note that the Minister has expressed his sincerity in setting up machinery that would make industrial relations absolutely stable. But we certainly do not believe that by trying to put restrictions on a trade union's affiliation would help towards that cause in any way.

Trade unions should, and must, of necessity, remain independent, and should determine for themselves whether they want to open their doors to all races or not. In this particular case, these unions have opted to be non-racial, but the government obviously is still trying to press into unionism its old-hat policies of separate unions for the different race groups.

We urge Mr Botha to tackle this issue urgently if the labour situation is not to collapse again.

New labour bill published today

CT 27/3/81 (166)

Own Correspondent

JOHANNESBURG — Mixed trade unions will be permitted and sex discrimination will be abolished in a draft labour bill to be published today but new government controls on unions and employer organizations will also be introduced

These are the implications of a statement issued in Pretoria last night by the Minister of Manpower Utilisation Mr Fanie Botha

He announced last night that a draft Industrial Conciliation Amendment Bill will be published in today's Government Gazette for comment

The government was planning to amend the Industrial Conciliation Act — which regulates labour relations — in the next parliamentary session, he said. The Act's name would be changed to the Labour Relations Act

The Black Labour Relations Regulation Act, which lays down special labour machinery for black workers, would be repealed

Mr Botha said the new bill would provide for the 'further enlargement and strengthening' of the principle of trade union autonomy

Unions would be allowed to decide who to admit as a member to decide how their financial affairs were to be run and the right of unions to 'full management of their affairs' would

be recognized

This means that unions will be allowed to remain open to one race only if they wish but that the right to fully mixed unions will be legally entrenched

All sex discrimination in the Act would also be repealed, Mr Botha said

But he also spelled out broad details of new controls which will be contained in the bill

- Possible political activities of unions would be further regulated

- Alleged irregularities in unions and employer associations would be combatted to 'protect those involved'

- The law governing strike ballots by registered unions would be extended to ensure regularity. Mr Botha said last year that union leaders who proposed to call a strike would not be allowed to run strike ballots

- The compulsory deduction of union dues on behalf of unions by employers would be 'regulated'

- Unions registered offices would have to be situated in the Republic. The first draft bill prevented unions from having any offices in independent homelands, but it is not clear whether this provision will be as broad

- Provision would be made to investigate irregularities in the affairs of official industrial councils 'to ensure order'

Union leaders sceptical about new labour Bill

By Tony Davis,
Labour Reporter

Trade union leaders are sceptical about proposed amendments to the Industrial Conciliation Act in today's Government Gazette.

The provisions of the draft Bill were announced last night by the Minister of Manpower Utilisation, Mr Fanie Botha

Major amendments include

● Regulation of political activities by trade unions.

● Acceptance of the principle of trade union autonomy, allowing unions to manage their own affairs and financing, and to determine who may be admitted to the union

● Repeal of provisions which differentiate on the basis of sex

● Regulation of the compulsory deduction of trade union membership fees

Mr Ike van der Watt, general secretary of the Boulermakers' Society which is a Trade Union Council (Tucsa) affiliate,

said it was important that the amendments effect some change to the process of registration

He felt that the draft Bill largely affected the constitutional part of the act and not provisions of registration

AFFILIATIONS

The general secretary of the South African Allied Workers' Union (Saawu), Mr Sam Kikine, said he questioned the amendment about "autonomy" for trade unions when provisions were also made for restricting political affiliations

"Many unions have members who do have political affiliations," he said "Must they now drop these ties"

The general secretary of the Federation of South African Trade Unions (Fosatu) Mr Alec Erwin, said the problem still remained of a racial union blocking a multiracial union from receiving registration

Mr M Khumalo, the president of the Black Allied Workers' Union, said in Natal today that Bawu would probably make representations to the Minister on the amendments

Argus 27/3/81

'More union freedom' planned

166
Argus Correspondent
PRETORIA — Steps are being taken to entrench the rights of trade unions to decide on their membership and control their finances

In terms of a draft Bill to amend the Industrial Conciliation Act, 1956, published in the Government Gazette today, provision is being made — among other things — for a further enlargement and strengthening of the principle of trade union autonomy in the legislation

Acceptance of the principle of trade union autonomy meant that the right of trade unions to full management of their own affairs was recognised, said Mr S P Botha, Minister of Manpower Utilisa-

tion, announcing the publication of the draft Bill

This would allow unions to decide who to admit as members and how their financial affairs were to be managed

'In other words, any trade union in South Africa will be at liberty to regulate applications for its membership although any worker will be free to apply for membership if the constitution of the trade union concerned makes provision for it,' said Mr Botha

The Government envisaged further amendment of the Industrial Conciliation Act during this year's second parliamentary session and repealing the Bantu Labour Relations Regulation Act. The name of the Conciliation Act would be changed

to the Labour Relations Act

The draft Bill also provides for

- The further regulation of possible political activities of trade unions,
- The combating of certain alleged irregularities of trade unions and employer organisations in order to protect those involved,
- The provision of investigation into irregularities in the affairs of industrial councils in an effort to ensure order,

- The provision that in the constitutions of registered trade unions and employer organisations it must be laid down that their registered offices shall be situated in South Africa.

- The repeal of provisions which differentiate on the basis of sex,

- The extension of provisions which relate to a strike ballot in order to ensure regularity, and

- The regulation of the compulsory deduction of trade union membership fees

New labour Bill an open and shut deal

RDM
27/3/81

166

By STEVEN FRIEDMAN
Labour Reporter

MIXED trade unions will be permitted and sex discrimination abolished, but new Government controls on unions and employer organisations will be introduced in a draft labour Bill to be published today.

Union "political" activities, ballots to call a legal strike and union stop order facilities will be subject to new controls in the Bill, and "certain alleged irregularities" in unions and employer groups will be "combated".

However, the Bill will guarantee "union autonomy", including the right of unions to decide how their financial affairs will be managed.

These are the implications of a statement issued in Pretoria last night by the Minister of Manpower Utilisation, Mr Fanie Botha.

The details of the new Bill provided by Mr Botha are broadly in line with those he furnished to employers, registered unions and the Press last year.

However, observers will be watching the draft Bill closely to see whether further controls on unions envisaged in a first draft of the Bill — "leaked" to the Rand Daily Mail last year — have been removed.

That draft contained the toughest controls on labour

relations ever proposed, but it is understood that at least some of them have been removed.

Mr Botha announced last night that a draft Industrial Conciliation Amendment Bill will be published in today's Government Gazette for comment.

He said the Government was planning to amend the Industrial Conciliation Act — which regulates labour relations — in the next parliamentary session and that the Act's name would be changed to the Labour Relations Act.

The Black Labour Relations Regulation Act, which lays down special — and, experts argue, inferior — labour machinery for black workers, would be repealed.

Mr Botha said the new Bill would provide for the "further enlargement and strengthening" of the principle of "trade union autonomy".

Unions would be allowed to decide who to admit as a member and how their financial affairs were to be run, and the right of unions to "full management of their affairs" would be recognised.

This means that unions will be allowed to remain open exclusively to one race if they wish, but that the right to fully mixed unions would be legally entrenched.

At present, registered unions

may only open their constitutions to all races with Ministerial permission.

All sex discrimination in the Act would also be repealed, Mr Botha said.

But he also spelt out broad details of new controls which will be contained in the Bill.

- "Possible political activities" of unions would be further regulated.

- "Alleged irregularities" in unions and employer associations would be combated to "protect those involved".

- The law governing strike ballots by registered unions would be extended to "ensure regularity" — Mr Botha said last year that union leaders who proposed to call a strike would not be allowed to run strike ballots.

- The compulsory deduction of dues on behalf of unions by employers would be "regulated".

- Unions' registered offices would have to be situated in the Republic the first draft Bill prevented unions from having any offices in independent homelands, but it is not clear whether this provision will be as broad.

- Provision would be made to investigate irregularities in the affairs of official industrial councils "to ensure order".

Observers point out that much depends on the detail contained in the Bill.

Bill may Scrap factory councils

RDM
27/3/81
166

By STEVEN FRIEDMAN
Labour Reporter

IN A surprise move which may alarm some employers the Government's new labour Bill appears to scrap entirely the controversial committee system which black trade unions have fought for decades.

But the Industrial Conciliation Amendment Bill released on Friday also appears to place tough new clamps on strikes which fall foul of labour law.

While it is still possible for employers to introduce such committees or works councils, there will be no provision for them in labour law.

This move is likely to be acclaimed by a wide spectrum of unions, both registered and unregistered, which believe that bargaining through factory-level committees is a device to keep unions out of factories.

These points emerge from a further reading of the Bill which abolishes all references to race, outlaws sex discrimination in industrial agreements, but poses the toughest-ever clamp on trade unions.

Until now it has been an offence to incite an illegal strike. The Bill now makes it an offence for anyone to grant financial or other material assistance to any person with the object of inducing or

enabling them" to strike or lock workers out.

Labour lawyers argue that this would make it illegal for unions to assist their members already on strike in any way if that strike is illegal.

It would they say make it impossible for unions to pay strike pay to members as for example unions did during the Cape meat strike last year.

The lawyers say the provisions enabling workers to strike legally are extremely cumbersome and that few strikes have been technically legal.

The new Bill also scraps the Black Labour Relations Regulation Act, which established the works and liaison committee system for black workers - which has been fought by unions for decades.

But the Bill was expected to introduce a system of works councils - multiracial liaison committees. The first draft of the Bill which was leaked to the Rand Daily Mail last year, established such a system.

However the draft Bill released on Friday makes no provision for works councils - because some sources say white unions objected to a system in which their members would have to be represented by multiracial councils.

If the Bill becomes law, there would thus be no provision in labour law for any committee or council system.

Many employers had been banking on such a system but unions are likely to be ecstatic as they have argued consistently that employers use these committees to keep trade unions out of factory-level bargaining.

They believe committees should be replaced by direct union representation on the factory floor.

No union or employer comment on the new Bill could be obtained yesterday as most of those approached were still studying the Bill.

All interested parties have 30 days from last Friday to send comment on the new Bill to the Government.

of mental health personnel, which is still reflected in the acute shortage of qualified, and especially qualified Black personnel. In 1974 there were 42 full-time psychiatrists in the departmental services, who carried the brunt of the care for a population of 26,1 million people. Although a few Black general practitioners are working in the mental health field, there are as yet no Black psychiatrists in

clinics, working in collaboration with existing medical clinics, have been established in the rural area served by Groothoek. Most of these clinics are staffed by full-time nursing sisters, most of them residing next to the clinic. With the inception of the psychiatric clinics these sisters received an intensive though short in-service training in psychiatric emergencies, outpatients and after care services. They are motivated to make home visits to psychiatric patients

the extent of transfers from other psychiatric hospitals in the remaining area of the Transvaal. Training facilities for psychiatric nursing students have been established at Groothoek hospital. The hospital is also recognised as a training centre for medical and psychology interns. In the past five years 20 psychiatric outpatients

to identify the source of misfortune, illness or death, which is always caused by a human agent, namely either by ancestral shadows or by a living witch or sorcerer. The practitioner's prestige depends not only on his ability to identify the source of misfortune, but also on his power to neutralise or counteract the results. The herbalist's power is vested in his divinational

SRS
field in South Africa
tion of the
tional practitioners
f the separatist
rest of South Africa,
ers can be distin-
as the 'general
st', who could be
task is essentially

./...

./...



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

PRYS + 1c AVB 20c PRICE + 1c GST
As 'n Nuusblad by die Poskantoor Geregistreer BUITELANDS 30c ABROAD *Registered at the Post Office as a Newspaper*
 POSVRY POST FREE

Vol 189]

PRETORIA, 27 MAART 1981
 MARCH

[No 7521

ALGEMENE KENNISGEWING

KENNISGEWING 235 VAN 1981

DEPARTEMENT VAN MANNEKRAGBENUTTING
 WYSIGINGSWETSONTWERP OP
 NYWERHEIDSVERSOENING

Die volgende konsepwetsontwerp om die Wet op Nywerheidsversoening, 1956, te wysig word hierby vir algemene inligting en kommentaar gepubliseer

Enige kommentaar of vertoë daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekragebenutting, Privaatsak X117, Pretoria, 0001, ingedien word

Algemene verduidelikende nota

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan
 ——— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan

KONSEPWETSONTWERP

Tot wysiging van die Wet op Nywerheidsversoening, 1956, ten einde die onskrywings van sekere uitdrukkings te skrap en sekere uitdrukkings te omskryf of nader te omskryf; die werksaamhede van die Nasionale Mannekragekommissie uit te brei; die funksionering en registrasie van vakverenigings, werkgewersorganisasies, federasies van werkgewersorganisasies of vakverenigings, en nywerheidsrade verder te reël; vir die samestelling en werksaamhede van die nywerheidshof verdere voorsiening te maak; voorsiening te maak vir die uitsluiting van sekere gebiede

GENERAL NOTICE

NOTICE 235 OF 1981

DEPARTMENT OF MANPOWER UTILISATION
 INDUSTRIAL CONCILIATION AMENDMENT BILL

The following Draft Bill to amend the Industrial Conciliation Act, 1956, is hereby published for general information and comment.

Any comments or representations thereon should be lodged in writing and in duplicate with the Director-General Manpower Utilisation, Private Bag X117, Pretoria, 0001, within 30 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 Industrial Conciliation Act, 1956, so as to delete the definitions of certain expressions and to define or further define certain expressions; to extend the functions of the National Manpower Commission; to further regulate the functioning and registration of trade unions, employers' organizations, federations of employers' organizations or trade unions, and industrial councils; to make further provision for the composition and functions of the industrial court; to make provision for the exclusion of certain areas from the

166

See Gg for full text



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 189]

KAAPSTAD, 27 MAART 1981

[No 7514

CAPE TOWN, 27 MARCH 1981

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No 654

27 Maart 1981

No 654

27 March 1981

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 51 van 1981 Wysigingswet op Omgewingsbeplanning, 1981

No 51 of 1981 Environment Planning Amendment Act, 1981

166

See Act Box



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 189]

KAAPSTAD, 27 MAART 1981
CAPE TOWN, 27 MARCH 1981

[No 7509

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No 627

27 Maart 1981

No 627

27 March 1981

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 48 van 1981: Loonwysigingswet, 1981

No 48 of 1981 Wage Amendment Act, 1981

166 See Act 30

20/3/81
SOWETAN
166

Unions face more controls

THE NEW amendments to the Industrial Conciliation Act introduces new controls by the Government over unions, say trade union leaders and labour lawyers.

The Bill was printed in Friday's Government Gazette following an earlier announcement by the Minister of Manpower Utilisation, Mr Fanie Botha

The proposed amendments are seen as further steps by the Government to involve itself in labour matters

Amendments which have brought sharp criticism from trade unionists include.

- The appointment of an inspector who is entitled to examine union documents and offices,
- A union must notify the Minister that it intends to hold a strike ballot,
- An unregistered union will be unable to pay strike relief to an unemployed member on strike, and
- There is a total ban on a union or member having affiliations to any political party

However, the draft Bill does make provision for the removal of age and sex discrimination, extends its provisions to all races, allows unions multiracial constitutions and extends trade union rights to workers on contract from independent homelands and foreign countries

Labour Bill seen to drop entire committee system

CT. 31/3/81 (166)

Own Correspondent

JOHANNESBURG — In a surprise move which may alarm some employers the government's new Labour Bill appears to scrap in its entirety the controversial committee system which black trade unions have fought for decades.

But the Industrial Conciliation Amendment Bill released on Friday, also appears to place tough new clamps on strikes which fall foul of labour law.

While it is still possible for employers to introduce such committees or works councils there would be no provision for them in labour law.

This move is likely to be acclaimed by a wide spectrum of unions both registered and unregistered who believe that bargaining through factory-level committees is a device to keep unions out of factories.

These points emerge from a further reading of the bill which abolishes all references to race and outlaws sex discrimination

in industrial agreements but poses the toughest-ever clamps on the trade union movement.

Until now, it has been an offence to incite an illegal strike.

The new bill, however, makes it an offence for anyone to "grant financial or other material assistance to any person with the object of inducing or enabling them to strike or lock workers out."

It is also an offence to assist anyone to commit such an offence.

Labour lawyers argue that this would make it illegal for unions to assist their members already on strike in any way if that strike is illegal.

It would they say make it impossible for unions to pay strike pay to members as, for example unions did during the Cape meat strike last year.

Labour lawyers say the provisions enabling workers to strike legally are extremely cumbersome and that few strikes have been technically legal.

They thus argue that it become impossible for unions to

assist their members in most strikes.

The new bill also scraps the Black Labour Relations Regulation Act which established the works and liaison committee system for black workers.

But the bill was expected to introduce a system of works councils — multiracial liaison committees.

However the draft bill released on Friday makes no provision for works councils — because, some sources say, white unions objected to a system in which their members would have to be represented by multiracial councils.

If the bill becomes law in an unaltered form, there would thus be no provision in labour law for any committee or council system.

Many employers had been banking on such a system but unions are likely to be ecstatic as they have argued consistently that employers use these committees to keep trade unions out of factory-level bargaining.

The death of unregistered unions?

In last Friday's

Government

Gazette the

Government

released details of its new draft bill

amendments to

the Industrial

Conciliation Act.

These amendments

are largely

concerned with

spreading control

over unregistered

unions.

Labour lawyers and union leaders saw the new draft bill amendments to the Industrial Conciliation Act spell the death knell for unregistered unions

Sections in the draft bill include measures which will extend official controls over unregistered unions while at the same time, allow them none of the benefits of being a registered union

For about a year now the issue of compulsory registration of trade unions has been debated within the Department of Manpower Utilisation, according to sources there

Conservative elements in the department felt it was necessary to bring unregistered unions — which are largely black — under industrial laws. The more liberal camp in the department felt strict measures would only serve to alienate these unions

The draft bill amendments are seen as a compromise on the issue of compulsory registration with few controls making registration more practical and a matter of union survival

Labour lawyers consulted by The Star said while the draft bill did not force unregistered unions to register it did make certain regulations for them to operate under

Like their registered counterparts, unregistered unions under the draft bill will have to keep accounts auditors reports member registers minutes of meetings, and all correspondence for three years

The ban on political activities contained in the present act would be extended to unregistered unions and include measures against affiliation to political organisations

Unregistered unions would have to submit to inspection and be subject to penalties under the draft amendments

The scope of the Government Inspector is extended with powers of investigation into unregistered unions of fees and papers as well as the power of seizure

One of the new amended acts is a force unregistered unions would have three months to submit their constitutions to the registrar

Under the draft bill registered unions have the right to compulsory stop over payments (union dues deducted through wages by management) while the unregistered union has to apply to the Minister of Manpower Utilisation for such a facility

The draft bill makes it an offence to assist anyone who participates in an illegal strike, which would keep the unregistered unions from helping their members with strike relief

The bill also goes away with the earlier Black Labor Relations Regulation Act and its subsequent amendments which would mean the effective stripping of compulsory registration open to workers through the works committees

Unregistered unions are expected to meet in the near future to discuss these amendments, and major union federations are also expected to make representations to the department about the draft bill

representations to the department about the draft bill. Those unions largely affected by the bill are the South African Allied Workers' Union (Saawu) and two Western Province unions

Mr Sam Kikine general secretary of Saawu, said the draft bill amendments were a measure to force his federation into taking out registration

"These political activities represent restriction on industrial matters," Mr Kikine said

Saawu has refused to consider registration as long as there are laws affecting the work force such as the Group Areas Act

The president of the Black Allied Workers' Union Mr M Khumalo also said the Government was introducing politics into the labour sphere and said these amendments would severely restrict the autonomy of trade unions

Labour lawyers have also criticized the draft bill for ignoring certain labour "trouble spots" such as no changes to registration procedures which are a sore point to the Federation of South African Trade Unions (Fosatu) by allowing existing unions to block the admission of newcomers, and nor does it bolster up the Industrial Court with wider legal powers

On the plus side however, the draft bill does make provision for the removal of age and sex discrimination, extends its provisions to all races and allows unions mutual aid constitutions, and extends trade union rights to workers on contract from independent homelands and foreign countries

ordinance. More experiments, such as... are relatively easy to try such as beards, rump and sprinck than the more drastic ones such as beetroots and onions. Growings of fruit trees, should be recommended, and trees and seeds should be provided at low cost by the I.O.U's.

With regard to fencing, the use of electric and hedges should be encouraged in those areas where gardeners cannot afford chicken-wire, while the provision of electric fences at low cost by the I.O.U's should be investigated. Alternatively in those areas which have been "rehabilitated", with the population living close together, community gardens should be regarded as a priority.

economic, social, agricultural and other factors tend to... health education. Bearing this in mind, the study has, however, provided information on health recommendations concerning the I.O.U's may be based.

Recommendations

Length of stay at the I.O.U: From the nutritional situation aspect, the study points to a need for only about 1 week's stay at the I.O.U. However, the over-riding factor should be whether the clinical condition of the child is such as to safely allow discharge home, so to minimise those deaths occurring within a few days of discharge.

Moreover he said this at a time when the dust risks for rock drillers were far more dangerous and the mortality rate far higher. Even before the Anglo-Boer war dilution of the white miners' skills had begun and the numbers of Africans at the rock face increased ^{absolutely and relatively to whites.} From 1897 five Africans were running two rock drills themselves under the supervision of a single white miner. (189) Not only did Africans operate drills in the dead ends of all development work - shaft-sinking, driving and tunnelling of winzes - but they also utilised them in the stopes. (190)

African miners did not necessarily benefit as much as Whites from improved working conditions on the mines. This, as has been observed, was the case concerning the construction of change houses. They also did not benefit from the statutory introduction of the eight hour day, face to face in the mine, instead of ten hours which were being worked on many mines. One of the reasons why eight hours had not been introduced bank to bank, was the immobility of transporting such vast contingents of

clusively been proven to be beneficial or a 'valuable safeguard' to miners at risk of contracting silicosis. (180) Also it is highly debatable whether, in fact, the periods of service, in many cases, were as short as has often been alleged.

There is a great deal of evidence to suggest that before the Anglo-Boer war many Africans served for long periods on a mine. Edward Way, when manager of the George Goch Mine, stated in 1897 that a considerable number of Africans had worked continuously at the mine for eight years, while living at the location with their wives and families. (181) This statement was supported by Dr Turner in 1910 who claimed:

... when the boys had to walk to Johannesburg, they appear to have remained and worked as hammer boys etc. for much longer periods at a stretch, and they then undoubtedly contracted the disease much more commonly than now. (182)

After the Anglo-Boer war Africans from Portuguese East Africa usually served contracts of eighteen months and then returning to their old mines. From 1902 to several periods of indenture and were high their increased skills in comparison to their fewer contracts. (183)

Other recruits usually served contract periods to a year until the WMLA in 1905 doubled the periods. These Africans were allowed to complete their original service. (184)

Of great importance to this argument is the number of Africans who were not recruited, but who came of their own accord and went to the mines where they engaged and re-engaged themselves. In 1904 these amounted to 'over 2 000 per month' and Drs. Irvine and D. Macaulay stated that their numbers were 'steadily increasing.' (185) They also contended that the Africans who voluntarily engaged themselves on the spot comprised 30 per cent of the African mine work-force which consisted of more than 87 000 men, and that 25 per cent of this contingent had transferred to other mines on completion of their original contracts. (186)

In order to allay white miners' fears of contracting silicosis, it was stated that this was unlikely because: 'The actual drilling is now done by natives under the supervision of the European miner.' (187) This was the same argument which Irvine had used in 1903 before the Milner Commission to show exactly why African miners were likely to contract the disease in a shorter time than the white man because he is usually stationed closer to the drill and does not go away, as the white man has an opportunity of doing. (188)

RDM 1/4/81
 No curbs on trade unions, says FCI

By STEVEN FRIEDMAN
 Labour Reporter

THE Federated Chamber of Industries, which represents organised industry throughout the country, says curbs should not be imposed on unregistered trade unions unless the Government's union registration procedure is changed.

The FCI said this yesterday in a statement on the Industrial Conciliation Amendment Bill, which imposes tough new clamps on unregistered unions, removes all references to race, abolishes sex discrimination and scraps the controversial committee system of bargaining.

The statement follows a meeting of the FCI's executive council in Pretoria.

However, the FCI welcomed most aspects of the new Bill and said it contained "many positive elements".

Yesterday's statement said the FCI will make representations to the authorities to amend some of the provisions of the Bill but added that it nevertheless 'accepts its pragmatic approach which is in line with the flexible FCI guidelines for industrial relations'.

The FCI said it would give evidence to the authorities on the need to make "a more effective distinction" between "registration for the purpose of notifying the authorities of (unions) establishment and to determine the scope of bargaining of that union".

POLITICAL comment in this issue by Allister Sparks, Benjamin Pogrand, Lin Menge, news bills by Peter Bunkell, headlines and editing by Chris Smith, cartoons by Bob Connolly, all of 171 Main Street, Johannesburg.

But on their return many miners had to stand at warping considerable length of time often in an atmosphere vitiated by dust and nitrous fumes. In no way did the half-an-hour travelling time for white miners who were boosted first apply to the Africans. Although underground conditions seem to have been worse for African miners than Whites, one would require far more statistical evidence of the numbers of Africans who were employed continuously, or the number of times they had renewed their contracts, before making any judgments in this connection. It is also necessary to investigate the way medical examinations were conducted. As has been suggested this has a strong bearing on the establishment of incidence and prevalence rates, and after compensation was introduced, on these awards as well. Gray's contention that the improvements recommended by the Committee of Doctors in 1903, and the implementation of better medical examinations and choice of recruits by the WMLA, and improvements in diet, sanitation and compound facilities inter alia, do

claims for silicosis, was not exaggerating when he claimed that ten to eleven miners were appearing daily before the board. Despite the fact that the number of daily applicants had dropped from six to eight in 1914, this did not necessarily indicate that the incidence of the disease had fallen;

Fosatu goes to court over funding curbs

Labour Reporter

THE Federation of South African Trade Unions has filed a Supreme Court action against the Minister of Health, Welfare and Pensions, Dr L. A. P. A. Munnik, in an attempt to overturn his controversial decision to cut off Fosatu's right to raise funds.

The Minister's decision — published as a notice in the Government Gazette last year — is said to have hardened international union attitudes to the Government.

The court action asks for the withdrawal of Mr Munnik's decision.

Papers have been filed in the Natal Provincial Division of the Supreme Court.

The Minister used Section 29 of the Fund-Raising Act of 1980 to cut off Fosatu's right to raise funds either inside or outside the country.

Although the move appeared to be aimed primarily at unions in the Western world who helped to fund Fosatu, it had the effect of preventing the federation from raising funds from sources within the country.

Some lawyers argue that the prohibition also prevents Fosatu from raising funds from its own affiliated unions, although Government officials have said this is not the case.

The Minister's decision provoked an outcry from unions inside the country as well as from the international trade union movement.

Unionists saw it as a crucial clamp on union activities. They also argued that black unions were dependent on outside funding because they had been deprived of official bargaining rights for over five decades.

It was also argued that funding of local unions by their counterparts in the West was "a contribution to industrial peace" and that the Government encouraged foreign investment for companies and therefore had no right to prevent unions from raising money abroad.

Government spokesmen argued at the time that foreign funding of unions was interference in the country's domestic labour affairs and could be used to finance strikes.

The motion filed by Fosatu in the Natal Provincial Division calls on the Minister to show cause why the notice published in the Government Gazette curbing Fosatu fund-raising should not be withdrawn.

The notice appeared in June last year. The motion was filed on March 24 and the Minister has 14 days to respond.

minework to see whether they were physically fit and of the correct physique and to determine whether or not they had tuberculosis. This innovation vindicated the Medical Commissioner's recommendations that there should be compulsory examinations of miners and that all tuberculous miners should be prohibited from working underground. (135) In addition, regular periodic checks of these miners became compulsory. As the bureau was obliged to keep all records, it was from 1916 to 1917, therefore, that incidence figures could be calculated accurately, but only in the case of the New Rand Miners, the newcomers to underground work for whom statistics had to be compiled. (137)

As has been indicated, the estimated prevalence rate per annum for silicosis from 1903 to 1912 was approximately 23 per cent. (138) When medical examinations were introduced on a systematic basis in 1912 it became somewhat easier to estimate incidence figures for the years 1912 to 1916. However the calculations were still only approximate ones because incidence figures could not be based on medical examinations alone. Calculations also had to take into account accumulated cases amounting to approximately 3 000, and awards for secondary stage silicosis numbered 2 235 out of a total of 6 427. Estimated incidence rates per annum were therefore approximately 500 to 900 for this period — 1912 to 1916. (139)

After 1916 incidence figures per annum for the New Rand Miners could be accurately assessed. However there was still a large number of Old Rand Miners, namely those who had commenced working at the Witwatersrand before 1916. A greater proportion of these miners had worked only on the Rand, while a smaller number had had mining experience elsewhere as well. Incidence figures until 1929 (the terminal point for calculations in this paper, apart from those of the present day) therefore had to include an approximate figure for the Old Rand Miners as well as other variables during the period 1914 to 1929. These variables included four main factors: first, occupational and hygienic circumstances and increase in length of service before contracting the disease; second, the sharp rise in the incidence rate for New Rand Miners after 1915, when the anti-primary stage was added as an additional stage for compensation and also enabled the detection of the disease even before the primary stage had been reached; third, the possible importance of the initial even rate which might have resulted in miners who contracted pneumoconiosis during the pre-1915 period and whose chances of contracting the disease were hoped, would be lessened, and fourth, the raising of standards as a result of the introduction of services. This means that when there was a settled mining population — and this had been a steadily occurring feature on the Wit-

I've witnessed some terrible scenes. I've been a nurse for years, but I must confess all the awful things one sees in life are more detailed to those he sees on the Rand. I've known great things that related to man's anatomy, general, including the begging of us to get them breath. (135)

Before we started for improvements in dust control, one of the dust inspectors at the mine was the proprietor, in 1914. The Health Inspector, National Bureau, whose function was to examine all miners...

of the... was frequently described by a nurse:

Factories Act to be amended

Amendments to legislation which would increase safety in industry were being drafted and would be promulgated as soon as possible, the Minister of Manpower Utilisation Mr Fanie Botha, said in Pretoria.

Opening a symposium on the safety of textiles, Mr Botha said the Factories' Act was primarily concerned with the protection of the safety, health and welfare of industrial workers.

It had been amended and updated several times to keep abreast of industrial developments.

In its White Paper on the Wichalm Commission report on the Factories' Act, the Government had once again declared intention to amend the Act to extend the protection it afforded to workers.

Workclothes should not endanger safe work, Mr Botha added. Precautions against fire and the use of protective clothing and equipment under certain conditions were mandatory in terms of the Factories Act. In this field, the textile industry could play a major role.

It was imperative that the search for more efficient materials with which to equip and clothe workers in different conditions of employment should never stop.

"To this end I urge the textile industry to consider the production of more specialised safety products through the use of nonflammable and other specially designed textiles" — Sapa

the demand for the services which it covers, and in South Africa, medical aid benefits apply to 73 per cent of the White population

A racial allocation of the distribution of public sector expenditure cannot be made accurately, and even hospital costs and subsidies are the biggest items of expenditure) cannot be divided by indication of the distribution of these services can, however, be gained from indexes of the physical quantity supplied, and a measure of the quality of the services can be gained from the analysis of expenditure patterns in racially segregated hospitals. General hospitals account for 77 per cent of all beds provided in the public sector, and Table 10 shows the racial distribution of beds in these hospitals and the racial distribution of services in these hospitals. In 1959 and 1974, beds for Blacks accounted for 10 per cent of total beds. The proportion of hospital services provided by Blacks was, however, larger than this as Blacks accounted for 82 per cent of patient days, and 81 and 82 per cent of outpatient attendances in 1959 and 1974. The percentage of White attendances was low in both years and indicates substantial excess capacity in the supply of White services, while Black beds in both years were used. The results of Table 10 indicate a change in the pattern of treatment particularly for Whites, with the ratio of inpatient to outpatient attendances falling from 2,5 to 1,4.

(25) See Klaarman, *ibid*, pp 31-36, Data on medical aid membership is from the Report of the Secretary for Health, op cit., Annexure 17 Medical Aid Schemes covered only 14 per cent of the whole population

Table 10 The Racial Distribution of Provincial and Homeland Hospital Services and Subsidised Hospital Services 1959 and 1974

RDM 214/81
166
Labour forum threatened, says unionist

By STEVEN FRIEDMAN
Labour Reporter

WORKER access to the Government's industrial court has been seriously restricted by the new Industrial Conciliation Amendment Bill, according to a leading black unionist.

Mr Piroshaw Camay, general secretary of the Council of Unions of SA, said yesterday that the Bill meant that "the courts are now unable to serve as a forum for worker grievances"

Mr Camay sharply attacked this and other provisions in the Bill, as criticism mounted of clamps on unions contained in it

And Mr Alec Erwin, general secretary of the Federation of SA Trade Unions, said the Bill appeared to be "the same old story of mixing important reforms with controls on the union movement"

Earlier this week, the Federated Chamber of Industries welcomed most aspects of the Bill but said clamps should not be imposed on unregistered unions until Government registration criteria were changed.

Mr Camay pointed to a provision in the Bill that parties who took cases to the court for arbitration would have to pay their own costs

This meant, he said, that unions or workers would have to bear the costs of an action even if they won it

"An attempt to take an employer to the court can be extremely costly. Now unions cannot win those costs back even if they are in the right. It is difficult to see how black unions can now afford to go to the court - let alone individual workers"

Mr Camay added that the court had been designed as a "cheap and speedy" forum for workers or employers on labour disputes instead of settling them by confrontation

This would no longer be possible for workers and unions and "the court's original purpose has now totally disappeared"

He said Cusa welcomed several provisions in the Bill, such as the abolition of sex discrimination, the removal of references to race, the admission of foreign workers to registered unions and the abolition of the committee system of bargaining

However, it would seek a meeting with the Minister of

Manpower Utilisation to voice its "total opposition" to some provisions in the Bill

Mr Camay said the Bill granted "very wide powers" to the Government's Industrial Registrar to withdraw unions' official bargaining rights

Cusa also opposed the provision that workers who wanted to "hive off" from a union could do so without going through the normal registration procedures. They would also be entitled to a portion of the unions' assets.

"This means any minority group can simply gain registration by going to the Minister," he said. Cusa was also opposed to clamps on unregistered unions.

Although it welcomed the abolition of the committee system, which unions have fought for decades, there was now no official bargaining machinery for blacks on the shopfloor

"The Bill should entrench the right of union shop steward committees to bargain on the factory floor," Mr Camay said

Cusa is regarded as more "moderate" than most black union groups, and its unions have applied for registration

Fm 3/4/81
LABOUR LEGISLATION



Botha's backhander

Fame Botha's new Industrial Conciliation Amendment Bill is neither as bad as suggested by the original draft leaked last year, nor as good as expected by those tuned into the Wiehahn Commission's verligte rhetoric

Says Phiroshaw Camay, general secretary of the Council of Unions of SA (Cusa) "While we welcome some of the steps government has taken to remove sex and race discrimination and to repeal the Black Labour Relations Act, we remain concerned at the controls vested in the Industrial Registrar"

The Federated Chamber of Industries (FCI) says the Bill contains many "positive elements" and it particularly welcomes the "change in definition of employee which will permit workers freedom

to join any trade union of their choice. But, it adds the Bill does not make an effective distinction between the issues of registration for the purpose of notifying the authorities of the establishment of the union and to determine the scope of bargaining of that organisation. Because these two issues are not clearly separated the registration is not seen as a neutral process, argues the FCI.

It adds "A clear distinction between these two issues is an important prerequisite in granting or withholding check-off facilities to unregistered unions or in the use of measures to prevent the abuse of funds or curb the political activities of trade unions."

Says Camay "The Bill does not change the registration procedure to a certification process."

He also points out that although the Bill does away with the controversial works and liaison committee systems, it does not provide an "alternative system for plant level bargaining."

Trade unionists belonging to the Trade Union Council of SA (Tucsa), the SA Confederation of Trade Unions (Sacla) and the Federation of SA Trade Unions (Fosatu) said they could not comment as they had not yet studied the Bill.

Barlow Rand — which, like the FCI, has emphasised representativeness over registration — also could not comment.

The Bill allows for all workers to join a trade union and permits mixed unions. Unions cannot be registered along racial lines. Also, members of a registered union which has had its membership qualifications changed can apply to the Minister to be registered as a new union. The new union would not have to go through the registration process but could simply be

granted registration status by the Minister.

Unregistered unions are subject to the same controls as registered unions, while employers may not deduct stop-orders for unregistered unions unless the Minister gives his consent. Federations of both employer groups and unions are also subject to the same controls as those imposed on individual unions and the Registrar has the power to recommend the de-registration of any union, employer organisation or union federation if he feels the organisation has failed to "observe any provision of the constitution of the council concerned, or has acted unlawfully."

The Bill also provides for control of both registered and unregistered trade unions as far as their "political activities" are concerned. No union can "endeavour to influence its members in favour of any political organisation." Further controls on strike ballots and "illegal" strikes are also imposed.

All references to race and sex are abolished, but the toughest controls ever are imposed on unions in terms of a draft Industrial Conciliation Amendment Bill released for comment last week by the Department of Manpower Utilisation

Among other measures, the Bill would impose sweeping clamps on union "political" activity, place unregistered unions under the same control as their registered counterparts and give the government the power to deprive unions of their official bargaining rights

It may prevent unions also from having head offices in the black homelands

The Bill introduces a new provision, chiefly aimed at white workers who don't want to belong to non-racial unions. They will be able to form a separate union without going through the normal registration procedures

The clamps on unregistered unions appear to be aimed at making it unviable for them to continue outside the official bargaining system. The political clamps are likely to be bitterly resisted by both right-wing unions and black unions committed to political involvement

Although the Bill is not as stringent as a first draft "leaked" last year indicated it might be, it still contains wide-ranging controls

Among its features are All reference to race is abolished. Mixed unions are now permitted and unions cannot be registered on a racial basis

All workers, including foreign blacks, may belong to registered unions

All sex discrimination in legally-binding wage agreements between employers and unions is prohibited

A group of members of a union which has changed

DD 314/81

Tough new bill to control unions

By STEVEN FRIEDMAN and RIAAN DE VILLIERS

its membership qualifications can apply to the minister for permission to be registered as a separate union. The decision on this application lies with the minister and the new union would not have to go through the normal registration procedure

Sweeping new clamps on "political activities" are proposed for both registered and unregistered unions

Up to now, only direct registered-union links with political parties have been prohibited. Now no

All reference to race and sex abolished

union, whatever its status, may grant any assistance to, or "endeavour to influence its members", in favour of any "political organisation"

This is defined as "any person, association or group of persons who has as its objects, or as one of his or its objects, whether expressed or otherwise, the promotion of his or its political interests or the political interests of its members or some of its members"

This would certainly

rule out all links between unions and community organisations

Unregistered unions are compelled to submit their constitution, address and names of office bearers and officials to the government's registrar on pain of a maximum fine of R200. They must also notify the government of all changes to their constitutions

They are subjected also to all the controls on their constitutions, election of office-bearers and finances to which registered unions are subject. For example, ballots must be secret, finances audited and so on

Employers may not deduct union "stop orders" on behalf of unregistered unions unless the minister has agreed

The head office of all unions, whether registered or not, must be situated in the Republic exclusive of any territory which is a self-governing territory within the Republic

This would appear to forbid any union to have a head office in a self-governing black homeland

The government's

registrar has the power to recommend the deregistration of any union, employee organisation or union federation. This would mean that the organisation would lose all official bargaining rights

He can do so if he believes the organisation is not adhering to its constitution, has broken the law or has acted in a manner which is 'unreasonable in relation to its members' or has caused 'substantial dissatisfaction' among members

The decision lies with the minister, although organisations affected are allowed to make representations on the issue

Union federations are subjected to all the controls to which individual unions are subjected, including the provision that

Sweeping new clamps on political activities proposed.

they can be deregistered

New controls have been placed on the holding of strike ballots by registered unions. The union must notify the minister of the date and time of the ballot and the minister has the right to appoint a person to supervise the ballot

The law governing the industrial court is changed. Among other measures a contempt of court provision is introduced

The controversial system of provisional registration for unions, which has been sharply criticised, is abolished by the Bill

Employers are compelled to deduct stop orders on behalf of registered unions if a laid-down procedure is followed

A prison sentence of one year or a fine of R1 000 is imposed for contraventions of the Act



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA

PRICE (GST included) 50c PRYS (AVB meesluit)

Available at the Post Office and Newsagents ABROAD 10c BELTJASD Available at the Post Office and Newsagents
 POSTERIE POSVRY

Vol 190

PRITORIA, 3 APRIL 1981

No 7510

PROCLAMATION

by the State President of the Republic of South Africa

No 78, 1981

ADMINISTRATION OF THE PHYSICAL PLANNING ACT, 1967 (ACT 88 OF 1967)

Under the powers vested in me by section 13B of the Physical Planning Act, 1967 (Act 88 of 1967), as amended, I hereby assign with effect from 27 March 1981, the administration of the provisions of—

- (a) this Act (excluding sections 2 and 3) to the Prime Minister,
- (b) section 2 of this Act to the Minister of Community Development and Auxiliary Services and
- (c) section 3 of this Act to the Minister of Industries, Commerce and Tourism

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-seventh day of March One thousand Nine hundred and Eighty-one

M. VILJOEN, State President
 By Order of the State President-in-Council
 P. W. BOTHA

GOVERNMENT NOTICES

OFFICE OF THE PRIME MINISTER

No 792 3 April 1981

ALLOCATION OF POWERS, DUTIES AND FUNCTIONS IN REGARD TO THE ADMINISTRATION OF THE PROVISIONS OF THE PHYSICAL PLANNING ACT, 1967 (ACT 88 OF 1967) (INCLUDING SECTIONS 2 AND 3)

It is hereby notified that the State President has under section 10 (4) of the Interpretation Act, 1957 (Act 33 of 1957) approved that the administration of the Physical Planning Act, 1967 (Act 88 of 1967) (excluding sections 2 and 3) be assigned to the Minister of Internal Affairs with effect from 27 March 1981.

591 - A

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No 78, 1981

DIE UITVOERING VAN DIE BEPALINGS VAN DIE WET OP FISIËSE BEPLANNING, 1967 (WET 88 VAN 1967)

Kragtens die bevoegdheid my verleen by artikel 13B van die Wet op Fisiëse Beplanning, 1967 (Wet 88 van 1967) soos gewysig dra ek besluit met ingang van 27 Maart 1981 die uitvoering van die bepalings van—

- (a) hierdie Wet (uitgesonderd artikels 2 en 3) op aan die Eerste Minister en
- (b) artikel 2 van hierdie Wet op aan die Minister van Gemeenskapontwikkeling en Owerheidshulpdienste en
- (c) artikel 3 van hierdie Wet op aan die Minister van Nywerheidsweese, Handel en Toerisme

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria op hede die Sewe-en-twintigste dag van Maart Eenduisend Negehonderd Een-en-tagtig

M. VILJOEN, Staatspresident
 Op la van die Staatspresident-in-rade
 P. W. BOTHA

GOEWERMENTSKENNISGEWINGS

KANTOOR VAN DIE FERSTE MINISTER

No 792 3 April 1981

TOEWYSING VAN BEVOEGDHEDE, PLIGTE EN FUNKSIES MET BETREKKING TOT DIE UITVOERING VAN DIE WET OP FISIËSE BEPLANNING, 1967 (WET 88 VAN 1967) (UITGESONDERD ARTIKELS 2 EN 3)

Hierby word bekendgemaak dat die Staatspresident kragtens artikel 10 (4) van die Interpretasiewet, 1957 (Wet 33 van 1957) goedgekeur het dat die uitvoering van die bepalings van die Wet op Fisiëse Beplanning, 1967 (Wet 88 van 1967) (uitgesonderd artikels 2 en 3) met ingang van 27 Maart 1981 aan die Minister van Binnelandse Sake oorgedra word.

7540 1

THE labour relations executive of a top company sat back in his chair "They'll mess it up again," he sighed. "They're obsessed with control."

"They" were th. Government and the executive was discussing off. promises of wide-ranging reforms in labour law.

He went on to argue that reforms would indeed come — but that they would be accompanied by new and drastic controls.

To many critics, he has been proved right by the publication of the Industrial Conciliation Amendment Bill late last week. Certainly, the Bill contains several important enlightened measures.

As promised by Mr Fanie Botha last year, all references to race are removed. Any union can now open to all without official permission and cannot be compelled to have segregated branches or unracial executives.

They can no longer be registered on a racial basis as those in Fosatu were this year.

Foreign workers can now join registered unions, a move which will relieve black unions with members and officials who hail from countries like Lesotho.

The controversial provisional registration system is scrapped. Sex discrimination in agreements which set minimum wages is outlawed. This does not mean sex discrimination in wages is banned. Employers can still discriminate — as long as they pay women the minimum laid down in an agreement.

Nevertheless, this will undoubtedly help lower-paid black women.

Perhaps the most surprising — and, to most unions, positive — aspect of the Bill is that it abolishes the committee system of bargaining.

This system, in which employers were able to bargain with legally-entrenched works and liaison committees, has been the bane of black unions for three decades.

Ever since the Minister of Labour told Parliament in the Fifties that this system was designed to 'bleed black unions to death', unionists have seen committees as an attempt to replace unions and keep them out of factories.

The new Bill abolishes the Black Labour Relations Regulation Act which provided for the establishment of works and liaison committees.

This was expected, but so was the introduction of the works councils recommended by the Wiehahn Commission — liaison committees for all races.

It has not and, while it will still be possible for employers to form these committees, they will no longer be legally protected.

And officials will presumably no longer be able to go about exhorting employers to establish liaison committees in their plants.

But, as usual, the Bill contains controls — the toughest ever imposed on unions.

The Minister will be able to de-register a union, depriving it of official bargaining rights.

Up to now, this could only be done if a union ceased to function. Now they can lose their status if, for example, "they have acted unreasonably in relation to their members". The Minister decides whether they have done so.

New political clamps on both registered and unregistered unions are breath-takingly wide. Up to now, registered unions have not been allowed to affiliate to a political party, give money to it or receive money from it.

Now no union can assist any 'political organisation'. They also cannot try to influence their members in favour of such a body.

And a political organisation, according to the Bill, is any body — or any person — which has as one of its objects "whether expressed or otherwise" the promotion of its political interests or those of any its members.

Some lawyers say this is so wide that a union could not talk to a newspaper — the Press does, after all, advance political interests and providing information to a paper does assist it.

This provision will certainly make it impossible for the president of the Mine Workers' Union to stand for the HNP or for the president of the Garment Workers' Union to be a parliamentarian.

It would also make it very difficult for black unions to have any links with community organisations or take an active interest in community issues.

No Western country prevents unions having such links — as long as they are with legal organisations.

Local figures and bodies ranging from the Garment Workers' Union through Chief Buthelesi to Azapo, as well as several black unions, argue that it is impossible for unions to ignore politics and that a worker does not cease to be a worker when he goes home.

It is precisely this idea, however, that the Government wants to stop. Its greatest fear is that blacks will use their industrial muscle to make political demands and the clause is designed to prevent that.

The Bill also contains clamps on strikes. A registered union which holds a strike ballot (which it must do in order to call a legal strike) must inform the Minister of the ballot and he can appoint someone to supervise it.

Supervision by an independent third party has been supported by the Federated Chamber of Industries, but unionists reply that a Ministerial appointee is not independent.

In addition unions (or anybody else) would be prevented from giving workers any "material assistance" if they embark on an illegal strike.

Some unions fear they would not even be allowed to negotiate on behalf of their members in this situation — certainly they would not be allowed to support them with strike pay as they have done in several strikes.

Unions also seem to be barred from having a head office in a black homeland. This is of little concern to most unions, but could be of great concern to an emerging black mine union.

The mines seem set to refuse unions permission to hold meetings on mine property. As almost all black mine workers are contract workers housed on mine property, there seems no way that unions can get to potential members.

Unless of course they organise workers at their place of recruitment in the homelands or Southern African states. The new clause would certainly make organising a black mine union more difficult.

There has also been some criticism of a new stipulation that any group of workers within a union who are dissatisfied with a change in its membership criteria can hive off and form a new union.

They do not have to go through normal registration procedures, such as proving that they represent an interest. They simply need Ministerial permission, which entitles them to a portion of the original union's assets.

This is obviously designed to cater for, say, white members of a union which has admitted blacks who don't want to belong to a multiracial union.

Unionists have pointed out, however, that it could lead to a proliferation of small minority unions who would be entitled to a bargaining status which their numbers do not merit and assets which they haven't earned.

And a new stipulation that all parties who take a case for arbitration to the industrial court must pay their own costs has been sharply criticised and could hasten the court's decline.

The court was devised as a cheap and speedy forum for labour disputes. But the new stipulation will make it very difficult for workers and unions to go to the court with adequate legal representation.

The idea that anyone should have to pay for legal action even if they win a case is unusual and could be intended to stop certain unions arriving in court with high-powered legal teams to defend their members' interests.

The Bill also introduces a new "contempt of court" provision for the industrial court which curbs criticism of it.

A key aspect of the new Bill is that it imposes new controls on unregistered unions which radically change the registration concept.

Up to now, unions had a choice — if they stayed unregistered, they had no access to the official bargaining system and had to rely on winning recognition from employers.

They were also likely to face employer and official hostility or harassment. But they avoided the controls imposed by the registration system.

Now they are subject to several controls, whether or not they register.

Most are not onerous — whatever in principle objections unions may raise.

Unregistered unions would have to submit their constitutions to the registrar and notify him of changes to them, but he does not seem to be able to veto changes. They must keep proper books, have them audited and so on.

They do, however, include a stipulation that ballots must be secret. Labour lawyers argue that workers who are illiterate will not know who they are voting for and that this is "an invitation to corruption".

But only the extension of "political" controls to them is likely to be a serious burden for these unions.

A further control on unregistered unions is that they may not have stop order facilities from employers without Ministerial permission. Some unions see the automatic collection of union dues as a source of financial stability.

The intention of the legislation is clear — reform, but only under strict control — and some have already dubbed it the "Total Strategy Amendment Bill".

In the wake of the Wiehahn Report, the authorities appeared to want a compliant black union movement — preferably under the "guidance" of non-black registered unions.

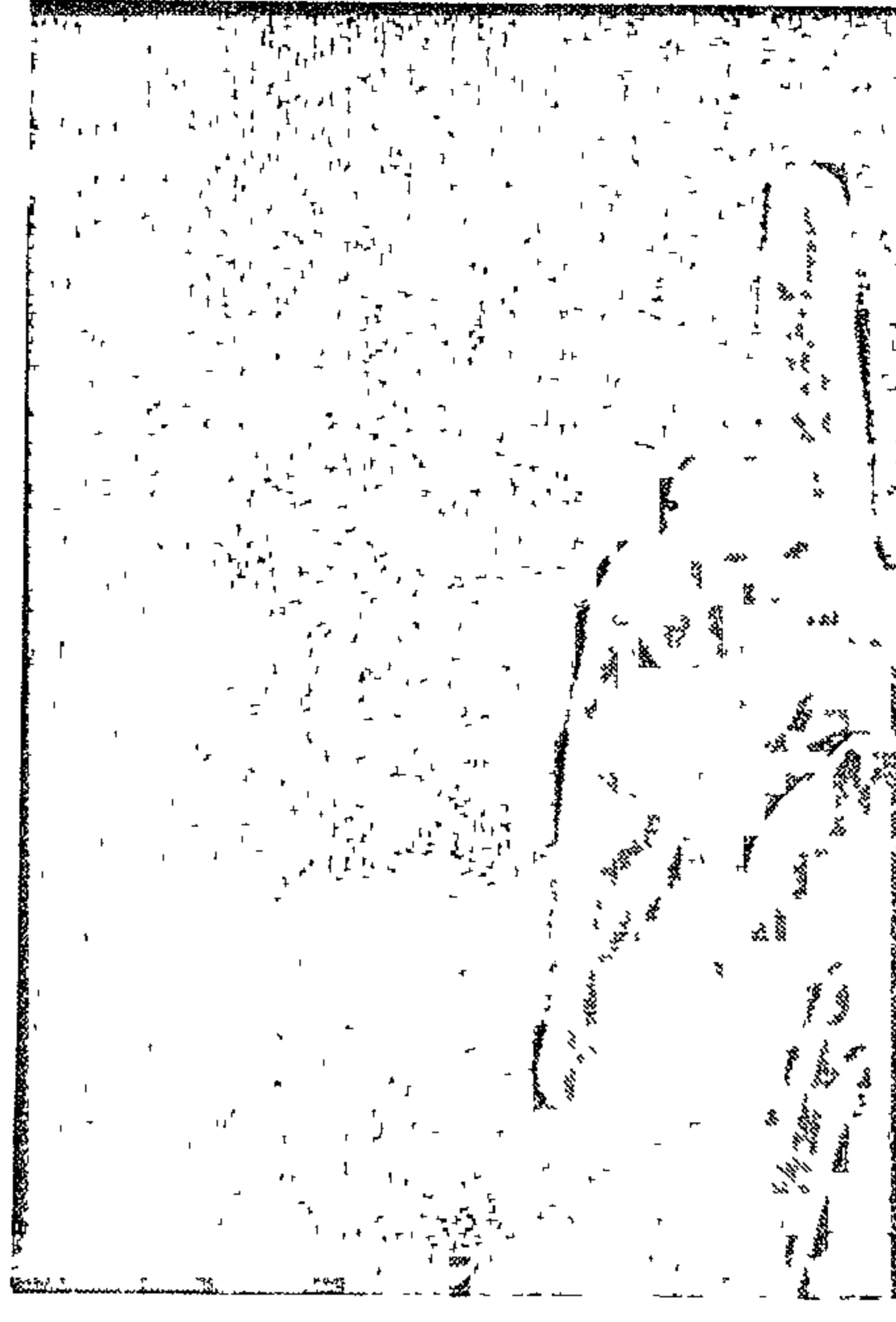
They hoped to curb this unionism through the works council system which would have aimed at keeping unions off the factory floor.

This strategy was not an unqualified success. Last year saw the birth of new black unions committed to links with community organisations, scores of resignations from "parallel" unions, and the biggest strike wave in years.

Sure, the new system had not got off the ground fully, but the writing was on the wall. Without an effective union movement, conflict would simply grow.

Influential employers realised this — hence the decision by the giant Barlow Rand group and the FCI to back dealings with unregistered unions.

A small, but growing, number of employers decided to recognise representative unregistered unions and on the day the Bill was released Johnson and Johnson became the third East London employer to recognise the SA Allied Workers Union, which totally rejects registration.



NEW BILL AIMS TO KEEP UNIONS OUT OF POLITICS

Botha bolts the factory gates

By STEVEN FRIEDMAN
Labour Reporter

The Government has also, to some extent, accepted this. But it is determined to ensure three things.

These are that bargaining take place through its system and under its control, that strikes only occur if the cumbersome legal procedure is followed (which means hardly ever) and that unions will not be involved in "politics" (which means anything that happens outside the factory gates).

Thus the clamps on unregistered unions in an attempt to make staying out of the official system worthless, the ban on community involvement by unions and the new anti-strike measures.

And, it seems, anyone who uses the official system in a manner the authorities don't like, will have to leave — hence the registrar's new powers.

Whatever one's views on Government intervention in labour, curbing unregistered unions and illegal strikes would be much less controversial if the registration and strike procedures were made more effective.

But strike procedures are unchanged and it is as difficult as ever to call a legal one. For workers at Putco and the city council it is still impossible.

So the new curbs are likely to be seen as curbs on strikes themselves. Strikes are, of course, unpleasant. But, as one European observer remarked, "We tend to prefer them to revolutions".

The registration procedure has also not been changed. It is still possible for registered unions to try to keep new ones out by objecting. The procedure is still cumbersome, partly because processing objections can take months.

And the registrar can still confer or deny union bargaining rights.

The FCI, several registered and many unregistered unionists argue that registration should be made an entirely neutral process and should have nothing at all to do with bargaining rights.

To register, they say, a union should simply have to notify the registrar that it exists, has a democratic constitution and funds which are in order.

Bargaining rights can then be worked out on a basis of representativeness.

Indeed, the FCI has argued that such a "neutral" registration system is essential before controls on unregistered unions are considered.

But the Government has done none of this and the official bargaining system remains restrictive.

And, although unionists are delighted with the abolition of the committee system, Mr Piroshaw Camay of Cusa argues that this leaves a "vacuum" in industries not covered by official industrial councils.

Employers can thus continue to deal with committees — albeit without legal protection — and the Bill should have created a mechanism for negotiation with union shop steward committees at factory level, he argues.

So much for the carrots. What about the sticks? Certainly, the ban on "political" activity will have its effect on black labour action and will be a blow to organisations ranging from Inkatha to Azapo (not to mention the HNP).

But the Bill seeks to stop a legal form of potential black political mobilisation. This has been tried before — and didn't really work then either.

Neither are the clamps on unregistered unions likely to succeed. Some have suggested that they sound the "death knell" of unregistered unions. They do nothing of the sort.

The unregistered union movement is likely to find the controls unacceptable. But the controls are not certain to force them into the official system.

There are still crucial differences between being unregistered and registering. Unregistered unions are still not subject to the registrar's decisions on bargaining rights, for example.

And the new powers granted to the registrar in the Bill apply to registered unions — not their unregistered counterparts.

Many unregistered unions reject the official system and are unlikely to lose sleep about not having access to it. Some of them reject stop orders, arguing that they enable union leadership to lose contact with members, so they're not going to worry about that very much either.

There are very divided views on registration among black unions. But those who are determined to stay out have no pressing reason to change their minds.

As one unregistered union man put it this week: "Now — with this Bill — seems the worst possible time to decide to register".

So once again control may well not have its intended effect. Some employers have argued consistently that, if blacks are to be drawn into a unitary bargaining system, they should be enticed in by improving the system — not by attempting to herd them into it.

Several employers are putting that into practice by negotiating with representative unions, whether they have the official stamp of approval or not.

Most say this has improved labour relations in their factories and reduced the threat of unrest. They may well wonder whether their method is not a more effective route to labour peace than the new controls.

(11) B. Abel-Smith, An International Study of Health Expenditure, pp 40-44.

(14) Ibid. p. 43.

(9)

(10)

Bill extends powers to shut unions

SFRK
8/4/81
166
A

Labour lawyers are concerned at controversial clauses in a draft Bill on labour relations, which would give the Government new powers to shut down registered unions and union federations

The Industrial Conciliation Amendment Bill, published recently, proposes to extend the powers of the Industrial Registrar to rescind the registration of a union or federation.

Once deregistered, the organisation concerned could be "wound up" and its assets transferred to another union in the same industry.

DISCOURAGE

Labour lawyers interviewed today described the relevant sections of the Bill as a "mess," and pointed out that they could have the effect of discouraging unregistered unions from entering the statutory bargaining system

This ran counter to the overall thrust of the Bill, they said, which was to make the position of unregistered unions untenable and thus to lure them into the official system.

POWERS

Section 12 of the Bill widens the powers of the Registrar by enabling him to recommend that a registered union or federation be deregistered if it has acted unconstitutionally, unlawfully or in such a way that "a substantial number" of its members are dissatisfied with it

Whereas under the existing Act, unions can be shut down if they have ceased to operate, the Registrar could in terms of the Bill shut them down if their registration has been cancelled for any reason.

Unions alarmed at snub to down threat

RBM 8/4/81

166 139

By STEVEN FRIEDMAN, Labour Reporter

THE Minister of Manpower Utilisation will be given wide powers to close down registered trade unions and union federations if the Government's new draft Industrial Conciliation Amendment Bill becomes law.

This clause, the toughest control on unions ever proposed by the authorities, could be a major setback to Government labour plans, which partly depend on wooing unregistered unions into the official negotiating system.

Spokesmen for unregistered unions said yesterday the clause was likely to persuade them not to enter the official system for fear of being closed down.

The deputy Director-General of Manpower Utilisation, Dr Piet van der Merwe, yesterday advised unions concerned about the clause to make representations to the department

The Bill proposes that a registered union be closed down if the Government's Industrial Registrar is satisfied it has acted in a manner which is unreasonable in relation to its members and which caused serious dissatisfaction among a substantial number of members

The union can also be closed if the registrar is satisfied it has "failed to observe any provision of (its) constitution" or has acted unlawfully

If the registrar believes this he can recommend to the Minister that the union lose its registration, which means it loses official bargaining rights. It was originally thought that

This

However, labour lawyers have now pointed out that a clause in the new Bill stipulates that any union which loses its registration in this way will be automatically closed down.

If the Bill becomes law it will lay down that any union deregistered in this way "shall be wound up". In some cases, a liquidator can decide to give the union's assets to a rival union operating in a similar area or industry.

Unionists approached yesterday would not comment formally, as most are preparing detailed comment on the Bill.

But they agreed that the new clause was likely to persuade unregistered unions not to register.

The new Bill imposes several controls on unregistered unions in what is seen as an attempt to persuade them to enter the official system.

But unionists said yesterday that it could have the opposite effect.

A prominent Cape unregistered unionist said "We are hardly likely to agree to register so that we can risk being closed down."

"At present if the Government closes us down, it has to use security legislation, an obviously political move."

"But this (Bill) would allow us to be closed down by an administrative decision for vague reasons which are totally in the Minister's discretion. The only way to escape this is to remain unregistered."

He added that the Bill did not make it impossible for unregistered unions to operate. "We can stay unregistered, and this sort of thing is likely to convince us to do so," he said.

A source close to the Federation of SA Trade Unions pointed out that Fosatu had said its unions would reconsider their decision to register if additional controls were placed on unions.

"This sort of thing is obviously an additional control and could well have a bearing on Fosatu's decision," he added.

Dr Van der Merwe said interested parties who were concerned about the clause should write to the department suggesting changes.

"We released the Bill for general comment precisely because anomalies may creep in, and there may be clauses which worry interested parties."

CT 2/4/81
**Broader
union
controls¹⁶⁶
proposed**

JOHANNESBURG — The Minister of Manpower Utilization will be given wide powers to close down registered trade unions and union federations if the government's new draft Industrial Conciliation Amendment Bill becomes law.

This clause, the toughest-ever control on unions proposed by the authorities, could be a major setback to government labour plans, which partly depend on wooing unregistered unions into the official negotiating system.

Unregistered unionists said yesterday that the clause was likely to persuade them not to enter the official system for fear of being closed down.

The Deputy Director-General of Manpower Utilization, Dr Piet van der Merwe, yesterday advised unions who were concerned about the clause to make representations to the department.

The bill proposes that a registered union be closed down if the government's industrial registrar is satisfied that it has "acted in a manner which is unreasonable in relation to its members and which caused serious dissatisfaction" among a substantial number of members.

The union can also be closed if the registrar is satisfied it has "failed to observe any provision of (its) constitution" or has acted unlawfully. At the registrar's recommendation, a union may lose its registration, which means it loses official bargaining rights.

The new bill imposes several controls on unregistered unions in what is seen as an attempt to persuade them to enter the official system.

But a prominent Cape unregistered unionist said "This would allow us to be closed down by an administrative decision for vague reasons which are totally in the minister's discretion. The only way to escape this is to remain unregistered."

RDM 9/4/81

'Rightwing unions crackdown target'

By STEVEN FRIEDMAN
Labour Reporter

SWEEPING new powers in the Industrial Conciliation Amendment Bill, enabling the authorities to close down registered unions, seemed to be aimed mainly at Rightwing unions, registered union sources claimed yesterday

At the same time, however, a spokesman for the unregistered SA Allied Workers' Union said the Bill had "merely confirmed the correctness of our decision not to register"

The new Bill proposes to empower the Minister of Manpower Utilisation to close down a registered union or union federation if it acts unlawfully does not observe its constitution or acts in a manner "unreasonable in relation to its

members'

The discretion to decide whether a union has done this lies with the Government's Industrial Registrar

Most unions and employer groups approached about this clause yesterday refused to comment formally, saying they had not studied the Bill fully

However, registered union sources said yesterday that the clause appeared to be aimed at Rightwing unions such as the Mine Workers' Union, which have opposed Government labour reforms

"They seem to be trying to crack down on one 'bad boy' It seems wrong that we should all be subject to a piece of legislation like this just to get at a small group of unions" a prominent registered unionist

said

He added "We are not all that concerned about the clause that says the Minister can de-register a union But the stipulation that he can close it down is frightening"

The general secretary of the MWU, Mr Arrie Paulus said he could not comment as he was still studying the draft Bill

Several sources have argued that, whatever its intention, the clause would be a factor in persuading unregistered, predominantly black unions not to register

The SAAWU, one of the biggest unregistered unions to have refused registration, said the Bill "confirms what we have been saying all along — that it is unwise to register"

In another development yes-

terday, the president of the Federated Chamber of Industries, Mr Chris du Toit disclosed that the FCI would meet next week to draw up detailed proposals on the Bill to put to the Government

Mr Du Toit said a recent FCI statement on the draft Bill was not its final reaction to it and that regional chambers of industry throughout the country had been asked to discuss the Bill with their members

The FCI's labour affairs committee would then meet to formulate a detailed response based on the views of regional chambers

The FCI would not comment further on specific provisions in the Bill until then, he added

● Editorial comment
— Page 12

BRIEF BIBLIOGRAPHY

1. BRYANT, A T. (1970). *Zulu Medicine and Medicine-Men*, Strunk, Cape Town.
2. FERNANDEZ, J.M (1967) *Divinations, Confessions, Testimonies: Zulu Confrontation with the Social Superstructure*: Occasional Paper No.9, Institute for Social Research, University of Natal, Durban.
3. GOODY, J. (1962): *Death, Property and the Ancestors*, Tavistock, London.
4. HAMMOND-TOOKE, W D. (1970). 'Urbanization and Interpretation of Misfortune A Quantitative Analysis', *Africa*, 40, 25-39.
5. LONDON, J B. (1959). 'Psychogenic Disorder and Social Conflict among the Zulu' in M.K. OPLER (ed.) *Culture and Mental Health*, Macmillan, New York.
6. ——— (1965). 'Social Aspects of Ideas about Treatment' in A.V.S. van REUCH and R PORTER (eds) *CIBA Foundation Symposium on Transcultural Psychiatry*, Churchill, London.
7. MEER, F. (1969): *Portrait of Indian South Africans*, Avon House, Durban.
8. NGUBANE, H (1977): *Body and Mind in Zulu Medicine An Ethnography of Health and Disease in Nyuswa-Zulu Thought and Practices*, Academic Press, London.
9. VERN, O.P. and D. RAMA RAO (1974) 'Medical Practitioners in Rural India — Their Profile and Role' in *NIBAE BULLETIN*, 7,(2) 123-137.

UNIONS 1

Fear of control

111
121
166 FM 10/4/81

Close scrutiny of the Industrial Conciliation Act Amendment Bill published by government two weeks ago discloses even more strenuous controls on unions than was first believed (*Current Affairs* April 2). These controls relate to registered unions and their implementation threatens to undermine government's attempts to draw all unions into its industrial relations system.

The provisions deal with the deregistration of unions and give new powers to the Industrial Registrar. Deregistration powers have always been vested in the Registrar but the Bill goes further by making it possible for him to wind up the affairs of a trade union once he has decided on its deregistration.

Previous interpretations of the Bill were that deregistration would merely cost a union its official bargaining status without threatening its existence. But the Bill in fact stipulates that a union be closed down on losing its registered status.

Says one labour observer: 'The whole purpose of labour reform will be defeated if the controls have the effect of scaring off unions. The Bill is just another example of expansion of the discretionary authority of bureaucrats outside the scope of legal control.'

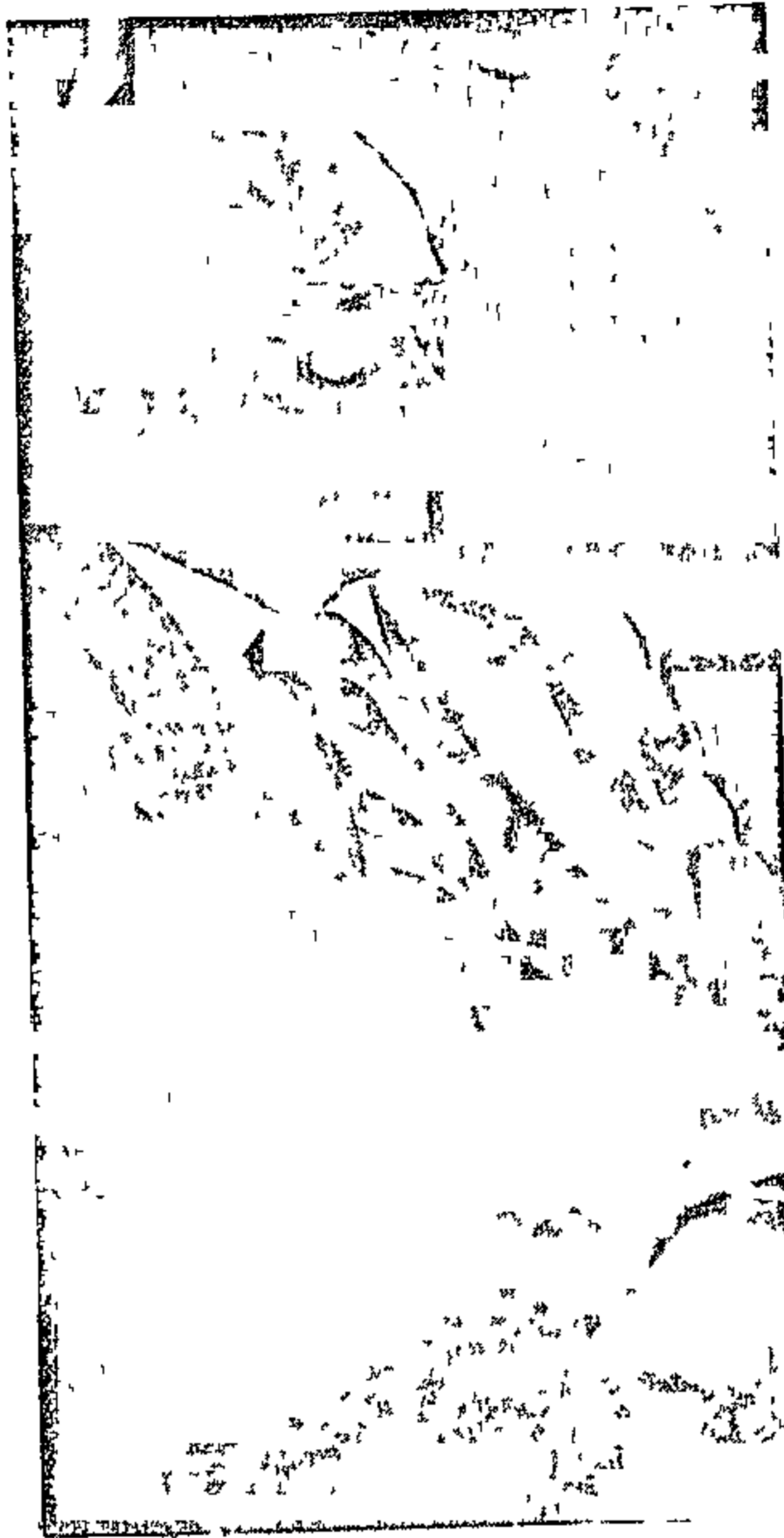
Labour observers say the provisions might force unions across the board to reconsider their registration status as it would be safer for them to work outside the official bargaining system. They also point out that the controls will tighten away any unions that might have considered registration.

Suicidal

Says Fred Ferreira, Ford's industrial relations manager: 'If the interpretation is correct, the added controls sound illogical. On the one hand, government is trying to entice unions to register and on the other, it is threatening those that register with tougher controls. What union would elect for registration if its affairs could be wound up at the discretion of government?'

Already the Federation of SA Trade Unions (Fosatu) has hinted that it will be forced to reconsider registration if the Bill is passed. Spokesmen for unregistered unions have said the new controls would make it 'suicidal' for them to apply for registration.

Trade unionists fear that the Registrar's new powers could be misused as the Bill does not provide for appeal. Says one: 'I would go along with the provision



Ford's Ferreira: 'added controls are illogical'

providing there was a form of appeal to higher authority. I would like to see this as a balance check. Without this, the consequences could be frightening.'

Unionists have expressed particular concern about vague wording in the Bill. The Registrar is given the power to cancel the registration of a trade union, employers' organisation or federation if he believes the organisation has failed to observe any provision of the constitution or has acted unlawfully.

He may also take this step if he feels the union has acted in a manner which is unreasonable in relation to the members and which has caused serious dissatisfaction among a substantial number of its members.

Argues one unionist: 'This is wide open to misinterpretation and could sound the death knell for any unions government wants to stamp out.'

The Department of Manpower Utilisation has made it clear that it will consider

all representations on the draft legislation. A spokesman said all interested parties should make representations suggesting changes. There are two weeks left for comments to be filed.

Unions hit out at Industrial Bill

Sowetan 10/4/81
166

THE Government's mistake to exclude black migrant and commuter workers from the country's industrial machinery has been completely reversed, says the Garment Workers Union and the National Union of Clothing Workers

The two unions' views are contained in their official newsletter where they comment on the Industrial Conciliation Act Bill. They also add that the inclusion of foreign workers — and that means mainly those from the Southern Africa block — will be represented and protected

But the unions warn "it should by now be obvious that the Government is prepared to have a fair and equitable labour dispensation in South Africa, as long as it is a dispensation under their control"

The Bill, it has been said, is to ensure three things that bargaining takes place through its system and under its control, that strikes only occur if the cumbersome legal procedure is followed, and that unions will not be involved in "politics"

The newsletter continues "Because of the climate in South Africa that definition of 'politics' has become a lot harder, but in essence

those three goals have always been the core of the Industrial Conciliation Act since 1926"

The one area, points out the newsletter, that does represent change is the abolition of the works and liaison committee systems "We surely cannot be expected to note the death of that idea without a brief celebration. We have always opposed works and liaison committees for numerous valid reasons

"In the full knowledge that time would prove them unworkable, the shop stewards of an independent union are the only true representatives of the shop-floor workers, because they have the strength of the independent union behind them, should an in-factory dispute prove to be insoluble. If there is a factory committee it must be of shop stewards"

"Unfortunately, the Bill still fails to recog-

nise the crucial shop-floor role of union shop stewards, but at least it does abandon the ludicrous works and liaison committees," argue the unions in the newsletter

The unions also say that this does not really represent a change of policy. After decades of criticism and blatant failure of the committee system, the Government by implication abandoned it when they accepted the Wiehahn recommendation to recognise the union rights of black workers

Those who accepted that the Government was moving in the right direction also realised that the Minister of Manpower Utilisation, Mr Fanie Botha, could not move too quickly without arousing opposition

The removal of race as a consideration in South Africa's labour laws is a major achievement, for which even the harshest critic must give credit, it will be the achievement of an ideal for many trade unionists. Race is a divisive issue amongst workers who should be naturally united in their interests

MIMS, it is clear that promotional activities of firms are also of considerable influence, the fact that drug firms continue promoting must indicate that the effort pays off.

./...

played down. Little attention is paid to price of new forms of treatment. Where detailmen use case-studies, the drug of choice is always the one being promoted and no other form of therapy is considered.

./...

are industrial... only cause of this, but the call is... to oppose the media forces that advise arrangements for... for each of life's trials... for every cold, nursing

(5.2.1) The Cr-ration of Detailmen
Detailmen play a large positive role in providing information and answering doctors' queries. Doctors are good detailmen

help of value. (12) On the other hand, however, has been leveled at the way in which the detailmen are an average of 8 calls per day and work on a Each detailman is not able to cover more than 250 far To cover the 11 000 doctors in S.A. thus far to employ up to 4000 detailmen, clearly a (13) The cost is warranted from the view, otherwise they would not incur the ex- social return has been questioned because of practices of detailmen.

has been leveled at the fact that detailmen are able enough to give doctors a quite information. at recruiting medical representatives that have try in South African newspapers require only a certificate by way of educational qualification, to calling experience is essential. This may the priorities of drug firms are has been the topic of much research as the made by the detailmen to the doctor. (14) be able to promote drugs for ailments that they ed to cure. In South Africa a drug is regis- medicines Control Council if it is safe and useful ment of just one ailment. It would then be avail- al prescription and it is possible that detail- its use for other illnesses as well.

into approaches by detailmen has concluded that and contra-indications are usually ignored or Little attention is paid to price of new forms of treatment. Where detailmen use case-studies, the drug of choice is always the one being promoted and no other form of therapy is considered.

Hospitals should be effective complements and not substitutes. In Britain, one of the original intentions of the National Health Service was to encourage the establishment of group practices of general practitioners who would work in the same health centres as preventive health staff. Initially there was little support for the practice by doctors, but since the early 1960's, health centres have become increasingly common. In France, there is a growing tendency for private physicians to work in terms with ancillary personnel under one roof. In the districts of large cities in the United States, neighbourhood health centres have been established and financed by the government. These centres are staffed by specialists, general practitioners and nurses and community health aides with the aim of providing comprehensive primary health care close to where the need is greatest. In place of the superspecialist approach of the indigent live, in place of the superspecialist approach of a typical outpatient department. (10)

In less developed countries, one of the main features of health centres is the use of medical auxiliaries and health assistants in place of physicians, for example the barefoot doctor in China, the village medical helper and rural health aide in Tanzania. (11)

In developing countries, the functions of health centres range from rural to urban location. In urban areas, health centres are usually responsible for preventive care only since outpatients departments and private physicians are readily available to provide curative medical care.

From this brief study of health centres in other countries, it appears that clinics providing only curative treatment are uncommon. In South Africa, responsibility for preventive curative medicine is separated because of the separate financing. However, both Provincial and Municipal health centres are heavily subsidised by the Central Government. At the Day Hospitals, doctors are responsible for the first diagnosis and the writing of prescriptions. Nurses take pressures, do urine analysis, take case histories, carry dressings, thereby reducing the work load in the doctors' offices. There are 3,6 nurses to each doctor including District nurses. Antenatal care and deliveries are largely the responsibility of the nursing staff and midwives. While the type of treatment provided at the Day Hospitals is more sophisticated than at the Soweto and Eastern Province clinics, the question must be raised whether/.....

whether the characteristics of the community are such that the illnesses cannot be treated with the simple drugs, with the few complicated cases being referred to doctors.

Draft Labour Bill unfair

RDM 15/4/81

Mvubelo

By STEVEN FRIEDMAN
Labour Reporter

IN A shock for the Government, the black union movement's staunchest supporter of official labour reforms says the draft Industrial Conciliation Amendment Bill tends to justify the stand of unions who are against registration.

Mrs Lucy Mvubelo, general secretary of the registered National Union of Clothing Workers, added "If this Bill goes through, we would rather not have registered at all."

Mrs Mvubelo is also a member of the Government's National Manpower Commission and a Tucsá deputy vice-president.

Mrs Mvubelo's strong attack on the Bill is likely to be a major shock to the authorities.

She has been a strong supporter of Government labour reforms and has backed registration by black unions wholeheartedly — a view which has led to her being attacked by black unionists.

The Bill is regarded by the Government as a major reform.

But the fact that it has been sharply attacked by a unionist who has always tended to support Government reforms could be a serious blow to its credibility.

Mrs Mvubelo's criticism of the Bill is centred around a clause which would allow the Government to close down a registered trade union if it has acted unlawfully or "has failed to observe" any provision of its constitution.

It could also close the union down if the Government's industrial registrar decided that it had "acted in a manner which is unreasonable in relation to its members and which causes serious dissatisfaction among a substantial number of members."

Mrs Mvubelo said yesterday "I have been heralding the new labour dispensation but this clause gives those who are against registration all the ammunition they need."

"Why must the Government intervene in internal union affairs?"

"If a union does not apply its constitution, the matter can be

taken to the rank and file. It has nothing to do with the Government."

In an interview with the Rand Daily Mail's Port Elizabeth correspondent earlier this week Mrs Mvubelo described the proposed Bill as a "disgrace" and said it was unfair.

She was in the Eastern Cape to receive an honorary doctorate from Rhodes University.

Mrs Mvubelo said the Bill tended to justify unions who opposed registration and added:

"We who have laboured for registration for so many years have now been given many rights but the Government now wants to take it all away again."

She said she was "very perturbed" about the Bill.

Meanwhile the Motor Assemblies and Components Workers Union of SA has joined other anti-registration unions in saying the Bill "has fully justified our decision not to enter into the Government's registration machinery."

New labour bill a disgrace — unionist

PORT ELIZABETH — Mrs Lucy Mvubelo, the controversial trade unionist who has supported the government's moves towards labour reforms in the past, slammed the proposed Industrial Conciliation Amendment Bill this week as "unfair" and "a disgrace".

She was commenting in a clause which would give the Minister of Manpower Utilisation wide powers to close down registered trade unions and union

federations if the Bill becomes law

The Bill proposes that a registered union could be closed down if the government was satisfied that it had acted "in a manner which is unreasonable in relation to its members and which causes serious dissatisfaction" among a substantial number of members, or if it had "failed to observe any provision of its constitution" or had acted unlawfully

The assets of a union

that had been closed down could then be given to a rival union

Mrs Mvubelo, who is deputy vice president of the Trade Union Council of South Africa, said during a visit to Port Elizabeth that she was "very perturbed" about the Bill

"How can the government close down a union because of the actions of a few members? I think it is very unfair that this could be done without the

members being consulted

"The government is going beyond its bounds."

Mrs Mvubelo said the Bill would tend to justify the stand of those unions who were against registration

"And even registered unions, we who laboured for registration for many years (her National Union of Clothing Workers was granted registration in February) and who now have been given so many rights, the

government wants to take it all away again," she said

The Bill has also drawn sharp criticism from Unions, including Port Elizabeth's unregistered Motor Assembly and Communist Workers' Union of South Africa (Macwusa)

A spokesman for the union said

"This has fully justified our decision not to enter into the government's registration machinery," he said — DDC

MRS MVUBELO

2. cont.....

- (1) Plot this demand curve as accurately as possible, preferably using graph paper.
- (2) Now suppose that over a period of ten successive years the annual "crop" amounted to outputs of 80, 60, 70, 40, 50, 80, 60, 50, 40, and 70 million bushels respectively. Calculate and tabulate the gross value of the crop in each of these years, if the demand curve scheduled above was the demand curve of each of the ten years.
- (3) Calculate the average annual gross value of the crop over the ten years, and the output and price which would yield this value.
- (4) Construct a schedule showing what price would have to be received for each output in the demand schedule in order to make each year equal to the average annual gross value of the crop (the same paper as the demand curve and its elasticity).

- (5) Calculate the amount which must be offered for each output price discovered in part (4), showing how much the government total output.

- (6) Calculate the amount which the government would have to offer for each successive years of part (2). Would the total amount be greater than the amount it would have to offer for a crop of average output? Does the answer mean that a crop of average output is impossible?

* * * * *

COMPENSATION

Defective laws?

Every year 32 000 South Africans are permanently disabled or killed at work. Some R43m is spent annually on compensation and rehabilitation payments as a result of occupational injuries. This means the Workmen's Compensation Act and the Factories Act are of tremendous importance in the protection of workers and their families both financially and physically.

According to a report in the latest issue of Pulse, official organ of UCT's Medical Students Council, there are a number of shortcomings in these measures. For example, there is no way in which an individual employer can be penalised for accidents caused by negligence other than by being compelled to pay a higher levy to the Workmen's Compensation Commissioner. Nor are domestic workers and prison labourers protected.

The report states that the legislation appears designed to protect employers rather than workers. "A worker injured at work, even if he or she can prove that the employer was negligent, or expected dangerous work to be done may not sue the employer."

(On the other hand, Section 27 of the Act states that "if the accident is attributed to the serious and wilful misconduct of the workman, no compensation shall be payable unless the accident results in serious disablement or the workman dies leaving a dependant wholly dependent on him". Which means that workers are penalised for misconduct but employers seemingly are not.)

Pulse also says that safety precautions in the workplace are often neglected.

S.M. 22/4/78 1668

SA to get 'new labour deal'

By Jean Waite
South Africa is to embark on a new programme of legal reform under which discrimination on the grounds of race, colour or sex will be eliminated

Discussing the principles of a "new labour order in South Africa," Dr Piet van der Merwe, vice-chairman of the National Manpower Commission, told delegates at the Womanpower 2000 conference in Johannesburg yesterday that there was a

new approach to labour within the framework of new policies

Dr van der Merwe said the current legal framework was too fragmented but was being modified

He emphasised Government policy of minimum interference and maximum incentive to the private sector in vital areas of labour training

He said he hoped women would take their rightful places on the proposed National Training Board aimed at coordinating all training efforts in South Africa. He emphasised that women

had an important role to play in its economic growth and development

He saw an increasing role for women's organisations in the practical implementation of training schemes.

Men should change their attitude towards women and become more active in training children and making a home, Dr N Alberts the deputy director of the National Manpower Commission, told the conference

This implied a "re-education for men" "Women are not inferior, but different. They are taught from infancy

to react with more emotion and intuition than men

"Men should note that intuition is just as important as rational thinking, and often the women's feelings are more correct than the man's logic," he said

He also said employers should realise that the work output of a person working half days was as much as 70 percent of a full-time employee and that the sooner employers realised this, the better it would be for the business world

He hit out at education

in South Africa, saying it laid too much emphasis on academic subjects

Subjects such as science and mathematics were not given enough attention, and girls at school often disliked such subjects.

Many women and girls were genuinely interested in technology and should be encouraged to widen their interests

There was an increase in the number of women entering the economically active sector of the population, underlined by the fact that in 1936 women constituted 18 percent of the total white workforce and 33 percent in 1977

Associate Professor B Hopkins spent Research leave in the United States University of Glasgow and then spent 3 months as a visiting professional acco

Dr M Kabat was appointed an examina Studies of the South African Institute Commerce.

Mr I McCaig attended the International Conference in Durban during late

Mr V Razis attended the National Development, at the CSIR in Pretoria BER Conference on "The Future of Stellenbosch University in August

Mr J M Rice, was appointed Chair of the South African Market Research a paper on "Market Models and Methods at the National Conference of the October 1980.

Mr M Vorster completed his PhD on the following papers:
1. "Management Education for Business Conference of the Institute in September 1980.
2. "Engineering Management Techniques of the Institute of Civil Engineers He taught at the Universities of

Stellenbosch during the year, while identifying management education needs with the objective of identifying management education needs for civil engineers. He also led 2 seminars entitled "Work, Study and Project Planning" for CEITB.

Tucsa threat over planned union Bill

RDM 23/4/81 (166) 130

Labour Reporter

IN A shock move, the Trade Union Council of South Africa has warned the Government that some of its unions "and even Tucsa itself" would consider quitting the official bargaining system if the draft Industrial Conciliation Amendment Bill is not altered.

But at the same time, Tucsa has backed tough official controls on unregistered unions, and in some cases has called for even tougher control.

It has also proposed changes to the Government's registration system which would make it more difficult for new unions to register.

These points are contained in Tucsa's submissions to the Government on the Bill which the Rand Daily Mail received yesterday.

Tucsa is regarded as the most conservative of union organisations with black members and represents registered unions almost exclusively.

Its threat to consider de-registration therefore takes on far-reaching importance.

The president, Mr Andre Malherbe, said yesterday Tucsa wanted "the controls on registered and unregistered unions to be identical".

It complains that "stringent" controls are being proposed for registered unions which "are not being advocated for the unregistered organisations".

It adds "To introduce further stringent controls over the registered unions will hardly serve to encourage the unregistered unions to become registered."

"In fact, the exact opposite will result."

In particular Tucsa is concerned about a new provision which will give a group of workers within a union the right to hive off and form a new union without going through the normal registration procedures.

It complains that this applies only to registered unions and that these unions might consider de-registering to ensure "they do not experience fragmenting of their membership, which is apparently now

being actively encouraged (by the Bill)".

Tucsa also condemns the wide powers to close down unions which the Bill would give authorities.

It says it can "never consider supporting such a Draconian proposal" and says this "undesirable proposal" affects registered unions only.

But it does say it is prepared to accept wider powers for the authorities to de-register a union if an appeal to the Supreme Court is provided for.

In line with its support for control on unregistered unions, however, Tucsa also asks that controls on union strike ballots and other strike controls be extended to unregistered unions.

It also requests that the proposed fine on unregistered unions for not complying with Government controls be raised from R200 to R2 000.

It also calls for controls on union federations to be extended to unregistered federations.

Tucsa also wants a change to

the registration system which would give established unions greater powers to block new applications for registration.

If a union applies for registration on behalf of a group of workers and is only granted registration for some of them, it should have to start applying for registration afresh, Tucsa says.

Mr Malherbe conceded yesterday that this would make the registration procedure more cumbersome but added "We want to ensure that unions don't gain registration unless they represent people."

Tucsa also complains about the wide clamps on union "political activity", saying that the draft Bill's definition of a "political organisation" is so wide that it could even cover Tucsa itself.

It also says the Bill seeks to change the composition of the industrial court by "tampering" with the system in which both employers and workers can appoint assessors.

It says this will further diminish the court's credibility.

through particular groups centred around institutions,

(89)

there is a shortage^(I) of extension officers so they can no longer operate on this level.

APPENDIX 2.

PEASANT CO-OPERATION, CONSCIOUSNESS AND SOLIDARITY.

Beno Galjart

In many developing countries, peasant (service) co-operatives are induced by governments, local authorities or other local leaders, without due regard to the fact that everything depends on the degree of incorporation of a rural community, on who will be willing to co-operate, and to what ends. For this reason, the co-operatives often fail. If they do not, governments are likely to have unrealistic expectations regarding their effects.

The promoters see the co-operative not only as an excellent way in which to stimulate local agricultural development but often expect, implicitly, that everyone will benefit. However, the history of all successful service co-operatives shows that they benefit the somewhat richer, somewhat larger, more innovative and more educated peasants rather than the others, and that they cannot prevent the increase of socio-economic differentiation.

The rise and fall of induced co-operatives can be sketched in ideal typical form (cf. Galjart, 1975a):
a, A local government official or some other prominent person who is certain of the utility of a co-operative, talks about it with local peasant-farmers. If these show interest, he looks for informal leaders whose task it becomes to convince others to participate in setting-up an association.

(I) This shortage and also the lack of adequately trained personnel has been cited since the Tomlinson Commission. For references see Neil Alcock "Thoughts on Kwa-Zulu's agricultural future (Roneed) p.9 + 10. See also The Kwa-Zulu Government Service Select Committee on Land Tenure Interim Report 1975.

(90)

Labour laws crucial in Vaal area

By Melody McDougall
Vereeniging Bureau
Crucial issue at stake in the industrial constituency of Vereeniging is the new labour dispensation now taking form.

Mr F W de Klerk, Minister of Mineral and Energy Affairs and sitting MP in the constituency for nine years, acknowledges that a large percentage of voters is directly involved in industry and therefore affected by the new laws. He says: "I believe that the

new labour dispensation offers security to the white worker and combines with that opportunity for the workers of colour.

"Our opposition tries to make out that the Government has relinquished its concern about the interest of the white worker. This scare which they want to put into the voters of Vereeniging rests on a misrepresentation of the new labour dispensation, which has built into it more

effective safeguards for group security than those which were offered by statutory job reservation."

Statutory job reservation, he says, affects only one in 500 workers.

During an interview with Mr de Klerk, the following questions were posed:

Q. How will the Government control trade unions to prevent them from striking?

A. Our labour legislation ensures that by recognising the autonomy of the

trade unions. But the lifeline and the basis of labour legislation is to prevent strikes and to ensure that before a strike even becomes possible, one has to go through intense negotiations, which usually solve the problem.

We have always had this principle in our legislation and that is why we have had such a marvelous track record.

Q. Is the recent increase in the national speed limit a ploy by the Government to win votes

in the coming election?

A. I would totally like to dispel the propaganda trick which presents this as a ploy. In November last year, I made a statement that the Cabinet had considered the possibility of raising the speed limits after receiving requests from the private sector, but required more time to clarify the situation.

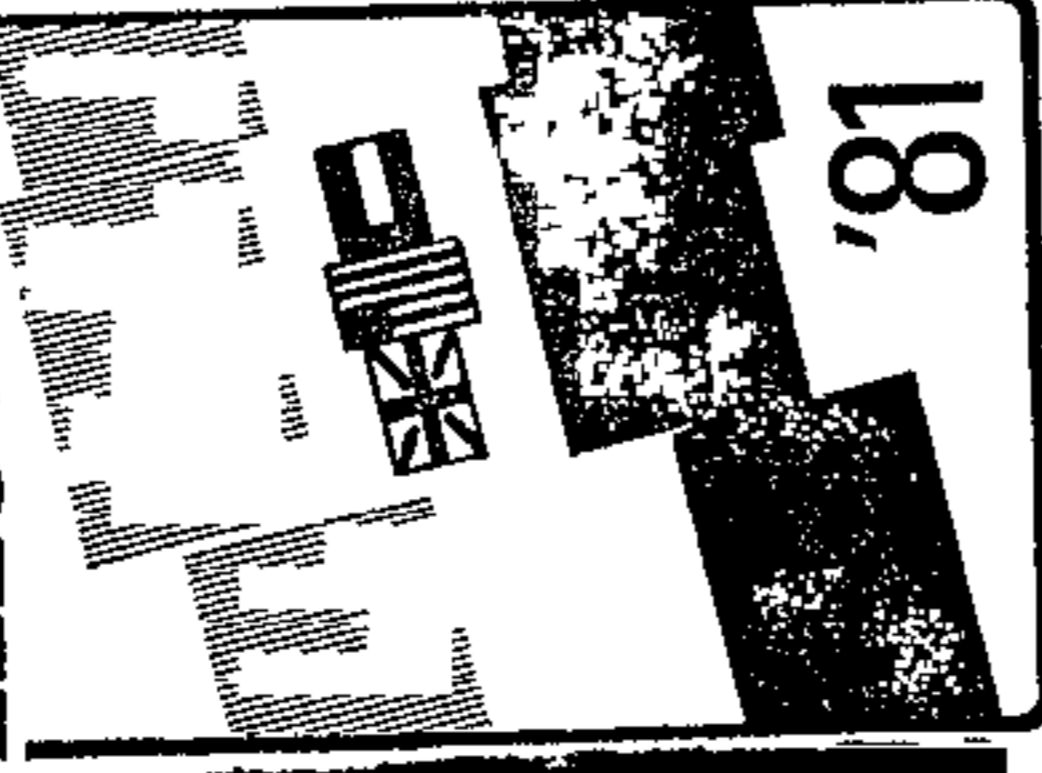
Mr de Klerk has represented Vereeniging unopposed for the last nine years since he was elected during the by-

election in November 1972.

He received his first portfolio in April 1978 as Minister of Posts and Telecommunications Services, Social Welfare and Pensions. This was followed by the portfolios of Sport and Recreation, Mining and Environmental Planning and Energy. At present he is also the vice-chairman of the National Party in the Transvaal.

Among his special achievements is his decoration for meritorious service awarded to him by the State President.

ELECTION



'81

166
Sven 14/8

Tucsa gets tough

The Trade Union Council of SA (Tucsa) — the largest trade union umbrella organisation — has made a scathing attack on government's proposed labour legislation. In an unprecedented move, the largely conservative labour body says some of its unions may have to consider deregistering. Tucsa itself will have to give "serious

thought" to doing this if the Industrial Conciliation Amendment Bill is passed unchanged.

Interested organisations have only this week to complete their representations on the Bill to the Department of Manpower Utilisation.

In a document addressed to the department, Tucsa strongly criticises what it sees as further attempts to introduce stringent control measures over trade unions, particularly over the registered unions. "The Council fails to see the logic behind this approach, particularly since it is assumed that the government seeks to encourage the unregistered organisations to become registered," it says.

However, Tucsa also proposes the department introduce stricter controls on unregistered unions — a proposal certain to anger the independent trade union movement.

The report states that Tucsa is disappointed at the negative approach adopted in the Bill. "There seems to be too much of a tendency to revert to the practice of 'prohibiting' rather than attempting to introduce 'enabling' legislation. It is the Council's considered view that the negative approach of 'prohibiting' does not materially assist in creating a suitable climate for the development of sound industrial relations in SA."

Tucsa expresses strong dissatisfaction

on specific issues. It feels the definition of a "political organisation" is far too wide. "It is also vague in context and meaning, as well as lending itself to many forms of interpretation. This proposed definition therefore needs to be more narrowly circumscribed and to be made more specific, otherwise it will be discerned — quite correctly — as being of a sinister nature."

Tucsa also voices strong objection to the clauses which allow unions to "split up." Says the report: "Tucsa has always been perturbed about these provisions which allow for the splitting of trade unions, and which encourage a 'hiving off' of membership of the trade unions, because such provisions — and the encouragement for fragmentation which is thereby furnished — are unpalatable and unacceptable to all truly democratic trade unions."

Discretion

Particularly disturbing, says Tucsa, is the provision which gives the minister unrestricted discretion to decide on the interests and areas for which any break-away group should be registered. It is blatantly unfair that a break-away group does not have to satisfy the Registrar, or anyone else, of being sufficiently representative for the purposes of registration, says Tucsa.

The report points out that the proposals

for splintering only apply to registered unions, and this places them at a serious disadvantage. "Many presently registered unions might well consider the wisdom of deregistering, in order to ensure that they do not experience a blatantly unfair experience such as a fragmenting of their membership."

The Council attacks the provision which allows for the automatic winding up of a union or organisation, if the minister has decided to cancel its registration. "The Council can never consider supporting such a draconian proposal. It has to be rather ironically pointed out that once again a most undesirable proposal is being made which will affect only the registered organisations."

On the same issue, Tucsa says a right of appeal should be instituted against the decision by the minister to cancel the registration of any organisation. The Council feels the only suitable appeal body would be the Supreme Court.

Tucsa also lodges its "strongest objections" to the repeal of Section 59 of the Act which provides for the registration of employers with the department. "The primary purpose of this section is the control of employers, particularly in relation to specified financial obligations. The repeal of this Section should not be proceeded with, since employees could be at a serious disadvantage."

In certain instances Tucsa calls for proposed controls to be extended to unregistered trade unions. Although many unionists have expressed concern over procedures for strike ballots, Tucsa states no opposition to the provisions but urges they be extended to unregistered unions.

And where the Bill recommends a R200 fine for an unregistered union that fails to provide certain information — Tucsa calls for a R2 000 fine. The fine would be imposed on an unregistered union which failed to furnish the Registrar with a copy of its constitution, head office address and the names of its office-bearers within three months of it becoming eligible for registration.



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE
STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No 3185

REGULASIFKOERANT No 3185

PRICE (GST included) 30c PRYS (AVB ingesluit)

Registered at the Post Office as a Newspaper ABROAD 40c BUITLANDS 4s n Nuusblad by die Postkantoor Antevestert

POST FREE POSVRY

Vol 190]

PRETORIA, 24 APRIL 1981

[No 7558

PROCLAMATION

by the State President of the Republic of South Africa

No R 82, 1981

DATE OF COMING INTO OPERATION OF THE WAGE AMENDMENT ACT 1981 (ACT 48 OF 1981)

Under the powers vested in me by section 29 of the Wage Amendment Act, 1981 (Act 48 of 1981) I do hereby declare that the said Act shall come into operation on the first day of May 1981

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Ninth day of April, One thousand Nine hundred and Eighty-one

M VILJOEN, State President

By Order of the State President-in-Council

S P BOTHA

GOVERNMENT NOTICES

DEPARTMENT OF AGRICULTURE AND FISHERIES

No R 894

24 April 1981

SPECIAL LEVY ON CITRUS FRUIT

In terms of section 79 (a) of the Marketing Act, 1968 (Act 59 of 1968) I Pieter Theunis Christiaan du Plessis, Minister of Agriculture and Fisheries hereby make known that the Citrus Board, referred to in section 6 of the Citrus Scheme published by Proclamation R 2 of 1979, as amended, has in terms of section 21 of the said Scheme, with my approval imposed the special levy set out in the Schedule hereto, in substitution of the special levy published by Government Notice R 685 of 7 April 1978

P T C DU PLESSIS, Minister of Agriculture and Fisheries

572—A

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No R 82 1981

DATUM VAN INWERKINGTREDING VAN DIE LOONWYSIGINGSWET 1981 (WET 48 VAN 1981)

Kragtens die bevoegdheid my verleen by artikel 29 van die Loonwysigingswet, 1981 (Wet 48 van 1981) verklaar ek hierby dat genoemde Wet op die eerste dag van Mei 1981 in werking tree

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria op hede die Negenste dag van April Eenduisend Negehonderd Een-en-tagtig

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

S P BOTHA

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN LANDBOU EN VISSERIE

No R 894

24 April 1981

SPEZIALE HEFFING OP SITRUSVRUGIE

Kragtens artikel 79 (a) van die Bemarkingswet 1968 (Wet 59 van 1968) maak ek Pieter Theunis Christiaan du Plessis, Minister van Landbou en Visserie hierby bekend dat die Sitrusraad, genoem in artikel 6 van die Sitruskema, afgekondig by Proklamasie R 2 van 1979 soos gewysig kragtens artikel 21 van genoemde Skema met my goedkeuring die spesiale heffing in die B.1.1e hiervan uiteengesit opdele het, ter vervanging van die spesiale heffing afgekondig by Goewermentskennisgewing R 685 van 7 April 1978

P T C DU PLESSIS Minister van Landbou en Visserie

7558—1

Botha outlines labour plans

JOHANNESBURG — The Minister of Manpower Utilisation, Mr Fanie Botha, yesterday gave an indication of legislation envisaged as a result of the Wiehahn Commission on labour legislation.

He disclosed the plans in a speech delivered on his behalf at the opening of the manpower utilisation conference here.

A number of important changes in the present legislation concerning industrial relations and training would be tabled.

Mr Botha said an important aspect of the legislation was the provision for the training of work-seekers.

"I regard the provision of training as of such importance that I have already instructed my department to design schemes for the training of work-seekers".

The Government made a substantial contribution towards the advancement of the country's workers.

The working ability of the total work force had to be upgraded to the highest possible level.

The conservation of the country's manpower depended on maintenance of industrial peace, the protection of the mental and physical health and welfare of every worker and the retention of trained workers.

The Government aimed to maintain and foster individual economic freedom and competition by, among other things, elimination of unjustifiable discrimination among the population groups.

Promote individual economic responsibility in accordance with the principle of self-government.

Maintain safety, order and stability in the field of manpower by, among other things, the evolutionary phasing-in of changes in established labour practices, consultation and discussion among all parties concerned and avoid, as far as possible, coercive measures.

Mr Botha said the know-how and productivity of the South African work-force was by far the best in Africa, but lagged far behind countries such as the United States, Western Europe and Japan.

"But it is not sufficient to compare favourably with Western countries. We are aiming at becoming one of the 10 most affluent countries in the world".

South Africa lagged behind the great industrial nations because a large part of its population was unskilled, and often lacked motivation and zeal, he said. — SAPA (News by C. Crous, 514 Barclays Bank Building, Church Square, Pretoria)

to show inter-
used and that
by conditions
ce to the
(1) and (11) be

not be
of calculators
ations. In
t that this had
must clear their
s on this question

this situation

examinations;
reason to ban

(ADMIN.)

nations in question.
office to the Registrar for
itted. Heads of Departments
ons the use of calculators
departmental notice boards
that the Registrar request
view of divergencies
in regard to the use of

by magnetic card.
start of the examination and
n examinations must be switched
the Student Engineers' Council

mediate steps
students using
under which ca
necessity for
approved with
resolved that

(2)

cleared,
to the stage t
view of the fu
been done, pri
calculators an
it had stipula

(1)

The Board

20.4.77

when setting e
that academic
and

(11)

Board
Engineering

the use of suc
that the Sub-C

(1)

Retainable Memories
The Use of Programmes

(c)

him to advise the inv
are to be requested to
(whether programmeabl
so as to inform studen
heads of departments
in practice reported
calculators by studen
Members noted that th

G.P. Mins

14/10/74

Use of Calculators in

(a)

may in any even
off (or the me
and resolved t
The Board cons

Mins 22/4/76
Engineering Board

USE OF PROGRAM

15.

Union calls for ^{RDM 29/4/81} 'united front' against Bill

Labour Reporter

A KEY unregistered trade union has reacted to the Government's new labour Bill by reaffirming its refusal to register

It has also called for a "united front" against the Bill, which contains tough new controls on the union movement

The Bill is believed to be designed to persuade unregistered unions to register and join the Government's official bargaining system

The union, the General Workers Union (previously known as the Western Province General Workers Union) took this decision at its first national conference, held in Cape Town at the weekend, a union statement said yesterday

The GWU's decision confirms predictions of labour analysts who argued that the Bill would fail in its main object — that of persuading unregistered unions to join the system. The decision is almost certain to be followed by similar moves by other unregistered unions

The statement said the GWU's members had decided at the conference to reaffirm

"our policy and principles of worker control of, and non-interference of the authorities in, union affairs"

Accordingly, the conference had reaffirmed the union's decision not to seek registration

It said the proposals contained in the draft Bill "further indicates the State's contempt for trade union autonomy"

It added that delegates had "pledged themselves to struggle relentlessly against such attempts by the State to take control of the union's affairs out of the hands of its members"

The statement called on "all concerned" to launch a "united front" against the Bill

A union spokesman added "As far as we are concerned, industrial relations is an issue between trade unions and their employers. It has nothing to do with the State. Official control of the union is totally unacceptable to our members"

○ The union has submitted comment to the Department of Manpower Utilisation setting out the conditions under which it would be prepared to register

(166) SIMR 2/14/81

All-round opposition to labour proposals

By Tony Davis
Labour Reporter

One month ago the Government gazetted its draft Bill to amend the Industrial Conciliation Act. Trade unions and other interested parties have since shown opposition to many parts of the Bill.

Submissions to the Minister of Manpower Utilisation are critical of the large number of "prohibitive" measures included in the amendments.

Among these are:

- Provision for regulated strike ballots
- Prohibition on political affiliation and campaigning
- Ministerial powers to cancel union registration.
- Protection of the Industrial Court by contempt measures.

The Trade Union Council of South Africa (Tucsa) was especially critical

of prohibitive measures being applicable to registered unions but not to unregistered unions.

Tucsa said it would even consider de-registering to escape certain measures, thereby withdrawing from the official bargaining process.

An amendment in the Bill stating employers were no longer compelled to register would lay employees open to exploitation because firms would be free from penalties for labour infringements Tucsa warned.

Tucsa has also called on the Minister to warn unions prior to cancellation of registration, as provided in the Bill, and to allow them the right of appeal.

Various labour groups have been critical of the political restrictions placed on unions.

The restrictions, which cover political affiliation, campaigning and associa-

tion, are seen as too vague and general.

In an editorial in "The Garment Worker" it is suggested that if the political restrictions had applied 10 years ago, the Garment Workers' Union president, Dr Anna Scheepers, would have had to resign from the Senate.

The power of the Minister to deregister a union has been seen as political interference in labour matters.

The Black Allied Workers Union (Bawu) has questioned Government interests in controlling unions.

The draft Bill has come in for some praise, however, in relation to the lifting of racial and sexual restrictions in the labour field.

The amendments to the Industrial Conciliation Act are expected to be tabled in Parliament in the coming session.

47

G

In: Schlemmer, L and E Webster (Eds)

1978 Change, Reform and Economic Growth in
CHAPTER I INTRODUCTION South Africa.
Economic growth and its relationship to social and political change Johannesburg: Ravan Press. Pages 9 - 27.

FOZIA FISHER
LAWRENCE SCHLEMMER
EDDIE WEBSTER

1. Preamble

ments which have been advanced about the relationship growth and socio-political change in South Africa, nous have become almost inextricably confused. There ions. These will be outlined briefly.

ore conventional view, is that the main socio-political Africa is racialism, seen as an attitude of Whites towards I viewpoint is that the problem is exploitation by rich lack). It might be argued that perhaps we could debate avoid the question of which of the two views reflects .problem, by asking instead two independent questions: .kely effect of continued economic growth on racial it is the likely effect of continued economic growth on .wealth in South Africa? Unfortunately this way of possible common ground for analysis may not work. arly only one of a complex of motives and attitudes, .gree on the possible effects on racialism of economic on the relationship between racialism and these other des, and in particular, the overt or latent motives of arly, we can only agree on the likely effect of economic istribution of wealth if we agree in our account of the at present determine the way in which wealth is dis- resupposes some agreement on the role of power and racial ideology) in the whole process.

attempt first to resolve the question as to the nature of e faced with similar serious difficulties. How we judge is on our model of an alternative society, and this in on value judgements and on judgements about what erty are possible. The argument about racialism and lly associated with alternative theoretical models which e described as 'liberal capitalist' and 'socialist'. The ralism turns to a very large extent on the question as

is desirable. A debate on this vital topic would lead us very far afield. However, if these difficulties are borne in mind, it may still be possible to find ways of reaching agreement. Currently, the main problem is that the argument is conducted at a fairly high level of generality. It may be

'Controls'

Agus 1/5/81

attacked

ON UNIONS

Labour Reporter

THE aim of the draft Industrial Conciliation Amendment Bill is to increase State intervention in the internal affairs of unions and the conduct of industrial relations, according to the Western Province General Workers' Union.

In a memorandum submitted to the Department of Manpower Utilisation, the union says the Bill is in flagrant contradiction with internationally accepted practice

'The Bill makes no attempt to facilitate the redress of the basic grievances which lie at the heart of burgeoning industrial disputes. Rather it is designed to circumscribe narrowly the independence and accordingly the effectiveness of the trade union movement'

CONTROLS

Long an opponent of union registration under existing legislation, the WPGWU sees the Amendment Bill as a means of extending controls on registered unions to unions which choose not to register

'This further reinforces the tendency to shift conduct of individual industrial relations from a permissive to a compulsory basis. We must restate our belief that sound industrial relations have to be based on acceptance by all representative parties'

MEMBERS

On the grounds that industrial relations primarily involve negotiations between workers, their employers and their respective representative organisations, the WPGWU believes all that is required of registration is 'the notification of the existence of these representative organisations'

It believes that on its internal relations, a voluntary organisation such as a trade union should be answerable to its members only

AUTONOMY

The union objects to sections of the Bill which it sees as violating the internationally accepted principles of trade union autonomy'

These include the prohibition on affiliation of a union to a political party or political organisation and the extreme policing powers' the Bill would give the State

ment" in the trade union movement and the extended controls proposed in the Bill. The union makes it clear that it feels relationships in the labour field should be worked out between employers and employees — with little state interference.

But the union also says it is not opposed "in principle" to registration and outlines its reasons for refusing to do so.

On the issue of controls the statement says, "Unfortunately the Bill as a whole is aimed at increasing state intervention in the internal affairs of the union and in the conduct of industrial relations generally. We wish to record strongest opposition at these attempts."

The union holds that the measures contained in the Bill "stand in flagrant contradiction with internationally accepted practices and are an attack on the autonomy and essential independence of the trade union movement." As a result, the statement argues, government is also circumscribing the union movement's effectiveness.

"An exception to the section of the Bill which puts further controls on unions affiliated to political organisations. Although, says the union, it is not affiliated to any political party or "political organisation," it wishes to retain the right to affiliate if its members so wish.

The union says it strongly objects to this provision if the aim of the legislation is "to prohibit trade unions from active participation in the affairs of the wider community in which the members reside."

Objections

The statement also argues that the Bill makes matters worse as far as dispute procedures are concerned. The Bill makes provision for a strike ballot which must be overseen by the Department of Manpower Utilisation — a move the union says will "inevitably lengthen and certainly complicate an already unacceptable procedure for the settlement of industrial disputes."

It argues that it does not object to dispute procedures but that they must emphasise speed and keep open acceptable channels of communication between the parties.

The union also objects to the prohibition on unions or members of the community from assisting striking workers. The paper points out that in many countries it is standard practice for workers to be paid from a special fund especially intended for this purpose.

Despite these criticisms, the union says it is prepared to accept certain controls in the Bill proposed for unregistered unions. "Our opposition to the state's involvement in our affairs does not stem from a desire to maintain secrecy about the affairs of our organisation. Our attitude reflects our belief that, in its internal relations, a voluntary organisation such as a trade union should be answerable to its mem-

LABOUR LAW
1965
Outsiders object
FM 1/5/81

In a surprise move, an unregistered union — the Western Province General Workers' Union — has sent representations to the Department of Manpower Utilisation on the Industrial Conciliation Amendment Bill.

The union which organised last year's Western Cape meat strike, reaffirmed its stand not to register at its national conference over the weekend. Thus, it will not join government's official bargaining system although it voted to submit criticism on government's latest labour legislation. "Conference noted the Industrial Conciliation Bill further indicated the state's contempt for trade union autonomy and accordingly endorsed the union's submission to the Department of Manpower Utilisation regarding the Bill," says a union press statement.

The union's submission strongly condemns the state's "pervasive involve-

their representative organisations "So, in our opinion all that is required of registration is the notification of the existence of these organisations."
□ The union changed its name from the Western Province General Workers' Union to the General Workers' Union at its national congress.

contained in these sections should constitute the sole requirements of a registration process."

The union says it does not object to registration as long as it is voluntary and enshrines the principle that industrial relations primarily involves negotiation between workers and their employers and

bers only.
From this standpoint the union says it is prepared to submit its constitution (and changes to it), the names of its officials and office bearers, information about its financial records and membership registers to the Registrar.
"We in fact, believe that the provision

The Federation of South African Trade Unions (Fosatu) this week formally responded to the draft Bill on labour relations, published some weeks ago.

Its reaction has been guided by a powerful critique of the Bill by two of South Africa's leading labour lawyers — an analysis described by Fosatu as "the most comprehensive available" and "a highly

informed opinion on a matter of national and international importance."

The lawyers' memorandum, which has been widely circularised by Fosatu to employers and international labour bodies, represents one of the first systematic attempts to codify "alternative" thinking on South African labour law. DREW FORREST reports. . . .

Labour law reforms

under fire

45/18
166
S/M



South Africa's workers -- still waiting for an industrial relations system which meets their needs?

"Impractical" . . . "inequitable" . . . "fails to recognise certain fundamental principles of labour law" . . . "is so unattractive to many potential participants that it will discourage their voluntary participation in the system."

These are some of the conclusions of two labour law specialists contained in a submission to the Government on its new draft amendments to the Industrial Conciliation Act.

The draft Bill is the climax in a chain of labour reforms set in motion four years ago by the appointment of the Wiehahn Commission into labour legislation, and is seen by the State as a major step forward in the normalisation of our industrial relations system.

The lawyers think otherwise. If it passes through Parliament in its present form, they say, "it will not improve the existing system of labour relations, nor will it limit the extent of industrial unrest in the country."

At the core of their wide-ranging indictment is the view that the Bill does little to make the official bargaining machinery attractive to unions, while undermining the position of those which choose to stay outside it.

The bargaining machinery established by the State — and especial-

ly its cherished Industrial Council system — comes under sustained fire.

"The Act as it presently applies is encouraging employers to negotiate with unrepresentative bodies in Industrial Councils," they write. "It is forcing them and their employees to be bound by agreements which may not have the assent . . . of representative bodies."

Since the statutory definition of "employee" was widened in 1979 to include blacks, Industrial Councils have become "factually unrepresentative" in that their member unions have little or no black membership. Despite this, they are reaching agreements binding all workers in an industry —

thus undermining "widely accepted principles of collective bargaining."

A "serious, inequitable consequence is the extension of closed-shop agreements to all workers in an industry, requiring them to join unions which they may reject."

Disputes

The lawyers stress that even if Industrial Council parties were representative the system would remain fundamentally undemocratic. The Act does not require the "weighting" of council voting procedures, so that at present small unions may have the same voting power as their larger counterparts.

And the dispute settlement and prevention role of the councils "has not been satisfactorily fulfilled" but because they are not established and have to be set up, they are too large to respond quickly and efficiently to conflict.

Two other conflict mechanisms available under the Act are examined by the lawyers and both are found wanting.

Conciliation Boards are likely to be more representative than Industrial Councils, they state, but the mechanism for their establishment is "so slow and cumbersome as to be virtually useless."

And the intervention in disputes by officials of

the Department of Manpower Utilisation has been "most undesirable" because of a "tendency to act as advisers to employers rather than as conciliatory role."

Certainly, the lawyers submit, a national contact or union registration procedure proposed in the bill.

Cumbersome

The Industrial Registrar will still have the power to register unions for certain industrial interests and areas — a feature of the Act they consider for all practical purposes meaningless.

They point out that the test of "representativity" applied at registration is duplicated when a union

wishes to make use of its statutory rights by applying for the formation of an Industrial Council or conciliation board.

The procedure for registration is cumbersome in the current law and involves the participation of the Registrar in very considerable expenditure of time and resources.

The Bill allows minority groups of all kinds to have off from registered unions and register by direct ap-

INSIDE
BACK PAGE

BRIEFING

Lawyers critical of labour reforms

o From Page 1

plication to the Minister, without running the gauntlet of objections from more representative bodies

The State's apparent intention is to allow white workers the right to their own registered unions, but seems too coy to say so openly. By extending these rights to all disgruntled minorities, the lawyers warn, it may open the flood-gates to a proliferation of unrepresentative splinter unions based on race, tribe, nationality and even religion

Non-racial

But the most telling weakness singled out by the lawyers is that under the Bill, unions may still be denied non-racial registration — a major flashpoint on the labour front this year

Six affiliates of the non-racial Federation of South African Trade Unions have threatened to withdraw from the official system after receiving racial registration certificates. But despite this threat, there is nothing in the Bill which prevents the Industrial Registrar from continuing to view race as an industrial interest.

In common with the Federated Chamber of Industries and a number of far-sighted registered union leaders, the lawyers call for an end to the current rigmarole of registration

In its place, they propose a purely formal system that would require unions to establish their independence from management and the State and submit to certain minimal financial and administrative checks.

The rights of registered unions under the Bill may be 'far less extensive' than for those in other countries, the lawyers say, but for unregistered unions, the benefits are "almost non-existent". They will be subject to no less than 33 new strictures ranging from audits to political control

Registration

Some have argued that the Bill leaves 'crucial differences' between registered and unregistered union status — it is clear from a brief perusal of the lawyers' submission that it does nothing of the kind

The key difference is that the State may deregister, and then liquidate registered unions in certain circumstances. This provision has drawn the fire of the Trade Union Council of South Africa (Tucsa) and is known to be unpopular with several influential registered union leaders

According to sources in the Department of Manpower it is likely to be amended before the next session of Parliament

The effect of these new requirements may be to cripple unregistered unions by systematically placing them on the wrong side of the law. With scant funds, and without professional administrators, the lawyers say they will find it almost impossible to meet their statutory obligations

Their ability to do so will be further sapped by the Bill's controversial proposals regarding "stop orders" — the deduction of union dues from workers' wages by their employers. These will be extended to un-

registered unions only at the discretion of the Minister

"Without stop orders, it is almost impossible for a union to become financially viable," the lawyers state. "It is regrettable that unions may be forced to register, because the choice forced on them is one of insolvency or registration"

The lawyers stress that before controls are imposed there should be consultation with unions, and complain that no "quid pro quo" is offered in the Bill in return for them

"Now that the Act has imposed all relevant obligations applicable to registered unions to their unregistered counterparts," the lawyers point out, "the rationale for refusing these bodies access to the negotiating and conciliation mechanisms of the Act has fallen away"

The true "quid pro quo," in the lawyers' view, should be the entrenchment of "representivity" as the open sesame to real bargaining rights

In a radical departure from conventional industrial relations wisdom in South Africa, they recommend compulsory bargaining with representative bodies at industry, regional and plant level — a system embraced by many Western European countries and America.

By "compulsory bargaining," the lawyers do not mean that a failure to negotiate would be a criminal offence. But they envisage a situation where, if one party refused to talk, an independent arbiter would be entitled to step in.

The lawyers lay heavy

stress on compulsory bargaining rights for representative unions at factory level. This tier of bargaining is "completely ignored" by the Act as it is applied, and the refusal of many South African employers to countenance it has sparked "unnecessary industrial unrest," they state

The final portion of the submission deals with strike provisions under the Act and these, the lawyers say, are failing

The underlying philosophy of the provisions — that workers should not strike for better work-conditions while they are covered by a negotiated agreement, or unless attempted conciliation has failed — is "commendable," they say.

But they point out that agreements are negotiated by Industrial Councils, which may not be representative and which lay down "minimum" rather than "appropriate" conditions.

They add that the procedures required for a legal strike are "so cumbersome and elaborate that they are virtually useless"

Underlying the lawyers' submission is the belief that the industrial relations reality in South Africa — and particularly the implications of admitting blacks to the system — has not been recognised by the law-makers. Their priority has been "to maintain industrial peace at any cost by State intervention," the lawyers say

Such a peace will be "uneasy, artificial and temporary" if those affected by it are constantly left dissatisfied.

Union lays down PROVISOS

By STEVEN FRIEDMAN
Labour Reporter

FOR the first time, a key unregistered trade union has spelt out the conditions under which it would be prepared to accept Government registration.

However, the union, the General Workers Union (formerly the Western Province General Workers Union) has reiterated its refusal to register if the Government's draft Industrial Conciliation Amendment Bill becomes law.

The union says the Bill, seen by the Government as a major reform, is "provocative" and "an attack on the independence of the union movement".

These comments are contained in the union's submissions to the authorities on the Bill.

The submissions confirm speculation that the Bill, which extends control to unregistered unions in an attempt to persuade them to register, will not persuade these unions to enter the Government's labour system.

The GWU says all that should be required of registration is that representative worker and employer bodies notify the authorities of their existence.

The union says it also has no objection to giving the authorities information "which we regard as public in any case" as part of registration criteria.

The GWU says it is opposed to control of the union movement, firstly because "our members have never been party to the law-making process" which sanctions the State's involvement in the affairs of their organisation.

It adds that "the extreme measures against the union resorted to by the authorities" also create suspicion among union members.

Nevertheless it stresses that its opposition to State involvement does not stem from a "desire to maintain secrecy" about its affairs.

Among other clauses, it objects to

- Clamps on union political activity which it describes as a "further attempt to stifle free and open discussion of, and participation in, areas which are of intimate concern to the workers".

- Further clamps on strikes. The union calls for "simple disputes" procedures negotiated between the workers themselves and their employers".

- Bars on unions assisting members during an "illegal" strike which will "introduce an element of chaos and anarchy into a strike situation".

- A proposal that minorities in unions be allowed to live on and form new ones which, it says, is designed to facilitate divisions among workers".

- The registrar's powers to recommend the closing down of a union.

- A clause barring unregistered unions from "stop order" facilities without Government permission, and

- A proposal that the Government could take steps against a union if it did not comply with its constitution.

Fosatu warns of industrial unrest

RDM 2/5/81

~~166~~ 166

By RIAAN DE VILLIERS
Labour Correspondent

THE Federation of South African Trade Unions (Fosatu) has expressed fears that the Government's new labour Bill will not improve South Africa's industrial relations system or limit industrial unrest.

It has also warned that the potential for industrial unrest will increase unless a "truly representative and accessible" collective bargaining system was evolved in South Africa.

These warnings have come in a comprehensive memorandum released at the weekend on proposed amendments to the Industrial Conciliation Act published recently by the Government.

Fosatu has also released a resolution adopted at its central committee meeting, setting out its formal attitude to the Bill.

Fosatu is the largest co-ordinating body of predominantly black unions. Its far reaching criticisms of the Bill and the official industrial relations system generally have added to growing opposition to labour legislation.

In its resolution, Fosatu noted that

○ Progressive elements in the Bill were outweighed by new elements of control over unions,

○ "Draconian" official powers to de-register and wind up unions had received wide publicity — but other elements were equally authoritarian,

○ Controls on registered unions would now be applied to unregistered unions, which would receive no benefits in return,

○ The Bill made no progress towards establishing an effective collective bargaining system.

The union proposed that

○ Registration should become merely a formality, requiring only that a union prove that its constitution assures control and independence of its membership,

○ The right of a representative union to recognition and to enter into collective bargaining should be guaranteed by law,

○ Control over a union's internal affairs should be vested solely in its membership, guaranteed by the normal rights of members under common law.

Analysing the official system, Fosatu said it was in many respects "impractical and inequitable" and failed to recognise certain fundamental principles of labour law and relations.

It was so unattractive to many of the major potential participants that it would discourage their voluntary partici-

pation in the system.

Obligations imposed on unregistered bodies were far more extensive than those imposed on registered bodies in other countries and the benefits granted to unregistered bodies were "virtually non-existent".

Even benefits granted to registered bodies were far less extensive than those granted in other countries, the memorandum argued.

Fosatu's criticism comes in the wake of a warning by the Trade Union Council of South Africa — the largest co-ordinating body — that it would consider quitting the official system if the draft Bill was not changed.

Recently, a key unregistered trade union — the Cape-based General Workers Union — reaffirmed its refusal to register and also called for a "united front" against the Bill.

Labour

Bill

protests

grow

W3
166
S102
6/5/51

By Drew Forrest

The Council of Unions of South Africa (Cusa) has added its voice to the swelling chorus of protest from the labour movement against the new draft Bill on labour relations

In its submission to the Department of Manpower Utilisation, this important association of black unions attacks the recently published draft amendments to the Industrial Conciliation Act for seeking "stringent controls" on worker bodies, while removing "the few existing but necessary controls on employers"

Cusa refers to the failure of the Bill to extend official union rights to workers in agriculture, domestic service and state employment — branding it "a flagrant breach of accepted conventions and recommendations of the International Labour Organisation"

As an organisation, "which more than any other has experienced breakaway trade unions," Cusa opposes provisions in the Bill which would allow for the division of union assets when factions hive off from registered unions.

It warns that its affiliates may decide to de-register to "avoid harsh regulations" enabling unrepresentative breakaway groups to register by direct application to the Minister of Manpower Utilisation

The effect of this provision will be to "fragment and divide worker unity and so cause industrial unrest."

In contrast to the proposed controls on worker bodies, the Bill "supports employer organisations and their evasion of the law at every opportunity" Cusa states

Of particular concern to Cusa is the proposed repeal of Section 59 of the main Act, which requires employers to register with the Department of Manpower Utilisation. The deletion of the section would strip workers of protection from "unprincipled employers bankruptcies, sequestration orders and similar actions."

Labour strategy goes wrong

In view of its past refusal to give registered union rights to blacks, there is a rich irony in the Government's current drive to steer black unions towards registration.

For that is the clear purpose of the many proposed controls on unregistered unions contained in the recently published draft Industrial Conciliation Amendment Bill.

The trouble is that the strategy is failing — a fact which has emerged with growing clarity from the public statements of unregistered unions in recent weeks.

At its annual congress at the weekend, the South

The strategy of the Government towards unregistered unions as shown in its new draft Bill on industrial relations — is going badly wrong. Drew Forrest reports.

African Allied Workers Union restated its refusal to register and condemned the Bill as an attempt to "destroy the only peaceful weapon workers can use in the struggle for their rights".

The Transvaal branch of the African Food and Canning Workers Union has "objected strongly" to the Bill, and has called for "a united front of independent unions against these repressive measures". The AFCWU has not responded to the

Bill as a national body, but it is sure to re-affirm its anti-registration stance. And the breakaway union at the Ford plant in Port Elizabeth, Macvusa, has publicly stated its decision to remain unregistered.

The principal argument originally advanced by these unions — that registration imposed unacceptable controls — now falls away, since the Bill seeks to extend almost all the statutory obligations of registered bodies to them.

Indeed, their position will be weakened by proposed clamps on stop-order facilities for unregistered unions and by a provision which will effectively make it illegal for them to pay strike-relief to their members.

The stance is elaborated in greatest detail by the General Workers Union — formerly the Western Province General Workers Union of 'red meat' strike fame.

The GWU reaffirmed its refusal to register at its

first annual national conference in Cape Town last month, holding that the Bill "fundamentally violates the principles and policies" of the union.

In its submission to the Department of Manpower Utilisation on the Bill, the GWU states it would accept registration if only certain formal duties were entailed.

It would agree to submit its constitution, and names of officials, and office bearers to the registrar, notify him of changes to the constitution and provide certain information relating to financial records, membership registers and union officials and office bearers.

But many clauses in the Bill are rejected as a flagrant violation of internationally accepted principles of trade union autonomy.

These include clamps on political affiliations, which are 'standard practice in many countries,' the prohibition on union assistance to workers on illegal strike and the "extreme policing powers" given to the State in terms of the Bill.

The GWU also condemns the extension of new controls on registered unions, including a provision which would encourage their fragmentation.

No consultation has preceded the Bill, it points out, and GWU members are excluded by dint of race from the law-making process of which it forms part.

The thrust of the union's submission is that "in its internal relations, a voluntary membership

such as a trade-union should be answerable to its members only."

Until this is recognised by the State, it seems unlikely that the GWU and its km will choose to register.

CT. 7/5/81
166

Union challenges Conciliation Bill

Staff Reporter

ONE OF Cape Town's strongest unregistered trade unions, the General Workers' Union, has opposed certain provisions of the proposed Industrial Conciliation Bill which it sees as "the most flagrant violation of internationally accepted principles of trade union autonomy"

In submissions to the Department of Manpower Utilization, endorsed at the first annual conference two weeks ago, the GWU spelt out its objections to the proposed legislation

The union was in principle opposed to the involvement of the state in the trade union movement. Such involvement was sanctioned by the Industrial Conciliation Act and would be further extended by the proposed bill

The bill would also extend controls over those unions which had chosen not to register

Prohibition

Clauses in the bill would have the effect of prohibiting the union from affiliating to a political party or "political organization". Although the union was not affiliated to any such body, it would like to reserve its right to do so should members so wish

The union was opposed to being prohibited from participating in the affairs of the wider community in which the members reside as some of the clauses in the bill suggest

"The trade union is obliged to

assist and protect its members both in their work environment and in their interaction with the wider community," the submissions read

The proposal that the government could take steps against a union if it did not comply with its constitution was not acceptable to the union

"In a democratic organization it is for the members themselves to secure compliance with the constitution, if necessary using the courts to do so," the submissions read

Policing function

There would be no need for a specific policing function of the Department of Manpower should registration require only informational guarantees and not the imposition and acceptance of state control, the submissions read

The GWU believed all that should be required of registration was the notification of the existence of these representative organizations

Although the union was not in principle opposed to registration, it felt that such registration should be voluntary

"Any further regulating or controlling function of the state through the process of registration is totally unacceptable," the submissions read

The union welcomed the amendment proposing the lifting of racial restrictions on registered unions as well the removal of discrimination based on sex

More unions RDM 7/5/81 oppose 166 new 135 Bill

By STEVEN FRIEDMAN
Labour Reporter

TWO more trade unions have come out against key elements in the Government's draft Industrial Conciliation Amendment Bill.

And one of them has called for a united front of all independent unions against sections of the Bill.

In a statement this week the Transvaal branch of the African Food and Canning Workers Union slammed the Bill which, it said, "will increase the intervention of the State in the internal affairs of unions".

AFCWU is opposed to seeking Government registration.

The union's Transvaal branch said it objected strongly to the Bill.

It added "The arbitrary powers invested in the State (by the draft Bill) to shut down unions confirms that the aim of the Government's new labour dispensation is to further stifle the growth of democratic worker organisations".

It calls for a united front against "these repressive measures".

A second union, the registered Garment Workers Union of South Africa, which represents white and coloured workers, has sent a memorandum to the authorities on the Bill, according to its journal, *Garment Worker*.

In the memorandum, GWUSA welcomes aspects of the Bill but objects to several controls on unions including the proposed widening of the bar on union "political" activities.

The union says that, while unionists would be barred from political activity, Parliament is stacked with farmers, domineers, reverends and other interest groups. Why then must workers be deprived of spokesmen in their interests?

The union objected to proposed wide powers for the Minister to close down unions, saying that it is "wrong to punish rank and file membership for what may be the wrongdoings of a corrupt official".

The union also opposes provisions in the Bill which would make it easier for minority groups within a union to hive off and form a new one.

In its statement the Transvaal branch of AFCWU also expresses "full confidence" in the union's East London secretary, Mr B P Norushe, who is serving a one-year jail sentence for refusing to testify "against a friend".

It expresses the same confidence in its national organiser, Mr Oscar Mpetha, who is on trial in Cape Town.

AFCWU Transvaal also backs the call for a boycott of Wilson Rowntree products following a dispute at the company.

166

THE Minister of Manpower
Ulstein, Mr Fanie Botha,
would probably be a little dis-
mayed to hear his new labour
Bill described as a good con-
versation piece.

Nevertheless, although the
Bill has not satisfied anyone in
the labour arena, the reaction
to it has sparked proposals,
not only for changes to the
Bill, but for wide-ranging re-
forms of the country's official
labour system.

In an important develop-
ment, a consensus has
emerged embracing virtually
all predominantly black unions
and, by implication, the Fed-
erated Chamber of Industries.
While they disagree on detail,
all agree that the official bar-
gaining system is in need of
overhaul.

Thus, while the Bill is likely
to be amended before it
reaches Parliament, any
changes will have to be judged
against the growing calls for
basic reform.

Changes to some of the
more obviously Draconian
clauses only is unlikely to sat-
isfy some of the most impor-
tant sections of labour organ-
isation.

The only indication of organ-
ised employer reaction to the
Bill thus far has come in a
Press statement by the FCI.
But on the labour side, three
groups, representing virtually
the entire spectrum of unions
representing blacks, have re-
leased detailed submissions.

TUCSA

They are the Trade Union
Council of South Africa
(TUCSA), the Federation of SA
Trade Unions (Fosatu) and the
Western Province General
Workers Union.

Tucsa mainly represents
registered unions who have op-
erated within the official sys-
tem for years and support it
almost in its entirety.

Most Tucsa unions are also
hostile to the emerging pre-
dominantly black unions, who
they see as competitors for
black worker support.

Since the Wehman report,
Tucsa has also been the or-
ganisation most prepared to
back Government labour
moves, a role it has taken over
to some extent from the

whites-only Confederation of
Labour.

The fact that it reacted to
the Bill by threatening to de-
register was therefore
startling.

Chief cause of its wrath was
the clause allowing minorities
in a registered union to have
off and form a new one with-
out P F O V I N G its
representativeness.

Tucsa was also less than
happy with some other
clauses. It opposed the "Dra-
conian" clause allowing the
Government to shut down reg-
istered unions and to the
clause allowing it to de-regis-
ter unions, thus depriving
them of official bargaining
rights.

On the second point, howev-
er, it objected not to the prin-
ciple of de-registration but to
the fact that to appeal to the
Supreme Court was provided.

Tucsa also attacked the w-
anted clamp on union "politi-
cal" activities, pointing out
that Tucsa itself could be seen
as a "political organisation"
in terms of the Bill, making it
an offence for unions to sup-
port it.

It is also unhappy about the
proposal that employers would
no longer have to register in
terms of labour law, a move
which, it says, would elimi-
nate control on their financial
obligations to workers.

It seems likely that the ar-
bitrators will listen to Tucsa in
part and, at the very least,
amend the "hiving off" and
"closing down" provisions
in it.

After all, the authorities are
trying to bring new unions into
the system, not drive off those
who are happy to remain with-
in it.

But, despite Tucsa's anger,
its submissions support the
present system of union regis-
tration in broad terms and
generally endorse the official
bargaining system.

It objects to moves to
tamper with that system by

introducing new controls and
is especially worried about the
Bill introducing controls on
registered, rather than unreg-
istered unions — thus giving
an advantage to unions who
stay out of the system and
avoid control.

Tucsa certainly believes
that these unions should be
controlled.

It complains that new
strikes curbs on registered un-
ions have not been explicitly
extended to unregistered un-
ions (although they seem to
apply to them anyway) and
even suggests that fines on
unregistered unions for not
sending information to the au-
thorities should be set at
R200 instead of R20.

Nor does it believe that the
registration system should be
streamlined. Indeed, it sug-
gests changes which would
make it even more difficult
for unregistered unions to
register.

So, while it is undeniably
very unhappy with some mea-
sures in the Bill, amendments
which retained the existing
system intact and extended
controls to unregistered unions
would probably satisfy Tucsa.

This is not the view of the
independent predominantly
black unions or, indeed, of bo-
dies representing employers
While the unions also oppose
those controls Tucsa is against
the General Workers Union is
particularly unhappy about the
political controls, they go
much further.

GWU

The GWU has reacted to the
Bill not only by criticising it in
detail but by spelling out the
terms under which it would
register.

The GWU is one of the most
influential of the anti-registra-
tion unions. Some assume that
it is simply opposed to any
form of registration and that
to amount of reform would
persuade it to change its mind.

The union has stressed that
this is not so, and has spelled
out the kind of conditions un-
der which it would register.
Firstly, the union rejects
its objection to registration
stems from a desire for "se-

Labour

Laws

the
RWU
16/6

clamour

for

change

Reaction to the
Government's
draft labour Bill
has revealed
broad
agreement that
the country's
official labour
system is in
need of a
substantial
overhaul.

Labour Reporter
STEVEN
FRIEDMAN
reports.

as it is voluntary and en-
shrines the principle that la-
bour relations are basically a
matter between worker and
employer organisations, not
the State.

Thus all that is required of
registration is the "notifica-
tion of the existence of repre-
sentative worker and employ-
er organisations."

The GWU says it has no
objection to giving the State
information which regards
as "public in any case" but is
opposed to any other forms of
control.

Thus the union surprises
most observers by saying it is
willing to accept many of the

the authorities to decide who a
union should bargain for,
whether its constitution is
acceptable, and so on.

Indeed, a memorandum
drawn up for Fosatu by two
lawyers points out that, al-
though all references to race
have been removed from the
Bill, the registrar could still
register a union on a racial
basis if he wished.

So even that form of control
remains in the registration
process.

The GWU has also outlined
its objections to the official
system itself.

Firstly, it will not take part
in industrial councils — the
cornerstone of the official sys-
tem — because it says this
would lead to a situation in
which full-time negotiators,
rather than workers them-
selves, bargain.

The GWU also makes it
clear that it is opposed to the
"cumbersome" disputes-set-
tling and strike machinery laid
down in labour law.

It pleads instead for "sim-
ple" disputes-settling machin-
ery devised not by the State
but by workers and employers
in negotiation.

One of the essential features
of such machinery, it argues,
should be speed in settling
disputes to be settled.

The GWU says that its own
factory committees have nego-
tiated disputes-settling ma-
chinery with employers which
emphasise simplicity and
speed. The union argues that
the fact that the machinery
have been negotiated by work-
ers themselves means that
they are more likely to be
committed to them.

It also suggests that ma-
chinery negotiated in this way
will minimise the need for
strikes rather than the official
approach of "merely defusing
grievances without the possi-
bility of real redress".

Fosatu's statement repre-
sents the middle ground for,
while Fosatu is a predominant-
ly black body poles apart
from Tucsa, it is prepared to
back registration — as a tactic
if not as a principle.

Fosatu also argues that reg-
istration should simply be
come a formality, in which
unions would only have to
prove that their constitutions
assured that the union was
independent and controlled by
its members.

The key concept for bargain-
ing would then be recognition
by an employer or industry
and it is here, rather than
when it applies for registra-
tion, that a union should have
to prove its representa-
tiveness.

It also argues that control
over union internal affairs
should be vested in union
members only, rather than the
authorities, and that the right
of representative unions to
bargain should be guaranteed
by law.

Unlike the GWU, it does not
reject industrial councils out
of hand. But it does say that
they have catered for only a
small section of the workforce
up to now and will have to be
"drastically revised" to cater
for black workers.

The Fosatu proposals are
backed up by a memorandum
drawn up by two labour law-
yers. Although Fosatu says it
does not necessarily agree
with all their points, it would
obviously not have published
them if it did not broadly
agree.

The memorandum makes
some telling comments on the
official system.

One of the most important
points it makes is that regis-
tration, despite the controls
which surround it, does not
guarantee a union's right to
bargain.

To make registration attrac-
tive, they argue that negotia-
tion or conciliation between
employers and representative
registered unions must be
compulsory.

This would not mean that a
body which did not negotiate
would be prosecuted, but that
a failure by either side to ne-
gotiate would mean that a dis-
pute was referred to an inde-
pendent arbitration body.

The only stage at which re-
presentativeness becomes im-
portant is when a union seeks
to bargain with an employer.

Conf.

Thus unions applying for registration should not have to prove that they are representative, as at present. They should only have to do so when they seek to bargain, the lawyers say.

This would remove a key source of criticism — the right of established unions to object to new registration applications and thus delay or block them.

The lawyers are strongly critical of the official industrial council system which is the chief form of bargaining recognised by the Government.

They point out that most unions on these councils at present represent only a small portion of the work-force (mainly non-blacks). The councils are therefore unrepresentative but are allowed to make binding agreements.

This means that the majority of workers in an industry are being legally bound by agreements negotiated by a minority. It also means that the minority can negotiate a "closed shop" agreement which would force the majority to belong to the minority union.

The lawyers argue that industrial councils are expected by law to resolve disputes but cannot do so "satisfactorily" because they are too unwieldy and unrepresentative.

They therefore argue that the law should recognise the right of representative unions — whether registered or not — to negotiate at factory and regional level.

The lawyers are also critical of the law governing strikes which, they argue, makes all strikes illegal unless a cumbersome procedure is followed.

They suggest a relaxation of strike laws which should ensure that "as few strikes as possible" are illegal. They also argue for a streamlining of official disputes-settling bodies including the industrial court.

FCI

Although it has restricted itself to a brief Press state-

ment, the FCI has said previously that the way to create a single bargaining system is to make registration and the official bargaining system more attractive.

In particular, it has said that registration should be simply a "neutral" procedure and that bargaining rights should be determined on the basis of representativeness once unions have passed the registration test.

It has strongly implied that no controls should be extended to unregistered unions until that step is taken.

The Council of Unions (Cusa) has made this point as has Mr van der Watt.

With the exception of conservatives in the registered union establishment, therefore, a broad consensus of unions and employers is emerging.

There are important differences on detail. The point of agreement, however, is that the official bargaining system is not attractive to unions and that many of them will therefore decide to stay out of it — despite the new controls on unregistered unions.

And the one principle on which there is broad agreement is that registration should not be an instrument of control but a formal show of "good faith" similar to a company's decision to register under the Companies Act.

There is also agreement that representativeness, not Government approval, should be the standard for union bargaining rights.

The authorities are resisting this view, partly because they still believe firmly in control and partly conservative registered unions whose interests are protected by the present system, have the Government's ear.

So Tucsa's representations stand the best chance of success. But a refusal to listen to the growing clamour for fundamental change in the system could have far more serious consequences than the authorities now appear to imagine.

Bill 166 (YESA)
Agms 8/5/81
condemned

Labour Reporter

THE SA Allied Workers Union (SAAWU) has reaffirmed its opposition to union registration and has called for fundamental changes in South Africa at its third annual congress in Durban.

In a statement, Saawu said the congress had condemned the Industrial Conciliation Amendment Bill as it is 'intended to destroy the only peaceful weapon the workers could have used in their struggle for their rights.'

It reiterated a demand for the unconditional right of workers to strike in support of their demands, and to form or join trade unions of their own choice.

Describing apartheid as 'a brutal system of labour control', it called for the abolition of the pass laws and the migratory labour system. It demanded an end to discrimination in education and training, including apprenticeships.

Saawu said a minimum wage of R50 a week should be paid in rural areas and at least R2 an hour in urban areas, with both rates indexed to inflation.

ORDER FORM

ORDER FORM

For publications obtainable from the Centre for Intergroup Studies, c/o University of Cape Town, Rondebosch, Republic of South Africa, 7700

For publications obtainable from the Centre for Intergroup Studies, c/o University of Cape Town, Rondebosch, Republic of South Africa, 7700

Name and Address:
.....
.....
.....

Name and Address:
.....
.....
.....

Date: Signature:

Date: Signature:

Cheque/Postal Order/Cash for R

Cheque/Postal Order/Cash for R

OCCASIONAL PAPERS

PAPERS

- No. 1 Afrikaner Nationalism by Professor (R1,00 post free)
- 2 District Six: A Factual Report. English and Afrikaans (gratis)

- Afrikaner Nationalism by Professor J Degenaar (R1,00 post free)
- District Six: A Factual Report. Available in English and Afrikaans (gratis)

A REVIEW OF THE FIRST TEN YEARS of the Studies (gratis)

THE FIRST TEN YEARS of the Centre for Intergroup Studies (gratis)

IN COORSIG VAN DIE EERSTE TIEN JAAR van die groepstudies (gratis)

AN DIE EERSTE TIEN JAAR van die Sentrum vir Intergrasies (gratis)

THIRTEENTH ANNUAL REPORT 1980 (gratis)

ANNUAL REPORT 1980 (gratis)

REPRINTS/HERDRUKKE (gratis)

ERDRUKKE (gratis)

No. 14 Brand, Politics and African Trade Unions since Federation.

Brand, Politics and African Trade Unionism in Rhodesia since Federation.

17 Groenewald, Sosiale Afstand by Verdere Toeligtig met 'n Steekproef

Goenewald, Sosiale Afstand by Afrikaans-sprekendes: Verdere Toeligtig met 'n Steekproef van Studente.

18 Van der Horst, Women as an Economic Force in Southern Africa.

18 Van der Horst, Women as an Economic Force in Southern Africa.

Some employers favour old 'committee' system

Labour Reporter
INFLUENTIAL employer opinion is urging the Government to reinstate in its proposed Labour Relations Bill the controversial "committee" system of bargaining, which has been sharply attacked by trade unions.

The Bill removes any reference to factory-level committees, which unions see as a substitute for unions and an attempt to weaken them. The proposal that the statutory committee system be scrapped has been hailed by unionists.

Although employer sources confirm that influential sectors of opinion want the committee

system retained, they also stress that employer opinion on the issue is sharply divided.

A source hinted that some employer bodies may be prepared to see them scrapped.

Another source stressed that an influential submission to the Government calling for the retention of the committee system was merely aimed at arguing that the scrapping of statutory committees was "premature."

Nevertheless, it is understood that some employer bodies want to see the system retained in the same form as at present.

Up to now, the law has only

provided for a committee system for black workers. It was assumed that the new Bill would provide for multiracial works councils which would play the same role as the old committees.

The Bill did not do this — to the great delight of most unionists.

They argue that the committees would serve to keep trade unions off the factory floor "where they are needed most" and would weaken the union movement. They add that the committees are "discredited" among workers and are seen as "instruments of management."

PLEASE CIRCLE ITEMS REQUIRED

PLEASE CIRCLE ITEMS REQUIRED

ORDER FORM

For publications obtainable from the Centre for Intergroup Studies, c/o University of Cape Town, Rondebosch, Republic of South Africa, 7700

Name and Address:
.....
.....
.....

Date: Signature:

Cheque/Postal Order/Cash for R

OCCASIONAL PAPERS

- No. 1 Afrikaner Nationalism by Professor J Deg (R1,00 post free)
- 2 District Six: A Factual Report. Available in English and Afrikaans (gratis)
- A REVIEW OF THE FIRST TEN YEARS of the Centre for Studies (gratis)
- 'n OORSIG VAN DIE EERSTE TIEN JAAR van die Sentrale groepstudies (gratis)

THIRTEENTH ANNUAL REPORT 1980 (gratis)

REPRINTS/HERDRUKKE (gratis)

- No. 14 Brand, Politics and African Trade Unionism in Rhodesia since Federation.
- 17 Groenewald, Sosiale Afstand by Afrikaans-sprekendes: Verdere Toelighting met 'n Steekproef van Studente.
- 18 Van der Horst, Women as an Economic Force in Southern Africa.

PLEASE CIRCLE ITEMS REQUIRED

ORDER FORM

For publications obtainable from the Centre for Intergroup Studies, c/o University of Cape Town, Rondebosch, Republic of South Africa, 7700

Name and Address:
.....
.....
.....

Date: Signature:

Cheque/Postal Order/Cash for R

1981 14/5/81
Union attacks employer stand

Labour Reporter

THE general secretary of an unregistered trade union has reacted sharply to employer arguments that the controversial committee system of bargaining should be retained

Mr Samuel Kikine, general secretary of the SA Allied Workers Union claimed yesterday that attempts to retain factory-level bargaining with official works and liaison committees was an attempt to retain a "Polish system" of labour relations

Yesterday the Rand Daily Mail reported that influential employer bodies wanted the works and liaison committee system - its abolition has been proposed by the draft Industrial Conciliation Amendment Bill - retained

Trade unions argue that the system is designed as a substitute for unions and is aimed at weakening them

Employers on the other hand, argue that the committees are an important channel for communication with workers and that they can operate together with a system in which trade unions are recognised

Mr Kikine said yesterday that these committees were discredited among black workers and that any attempt to keep them will not work

By retaining the committee system, he charged the authorities would be ignoring the interests of the majority of workers

THIRTEENTH ANNUAL REPORT 1980 (gratis)

REPRINTS/HERDRUKKE (gratis)

- No. 14 Brand, Politics and African Trade Unionism in Rhodesia since Federation.
- 17 Groenewald, Sosiale Afstand by Afrikaans-sprekendes: Verdere Toelighting met 'n Steekproef van Studente.
- 18 Van der Horst, Women as an Economic Force in Southern Africa.

PLEASE CIRCLE ITEMS REQUIRED

Committees unions not alternatives, AHI told

August
14/5/81
166

STRONG dissatisfaction with Government plans to scrap workers' committees on company level in favour of registered trade unions was expressed by a speaker at the yearly congress of the Afrikaanse Handelsinstituut in Bloemfontein.

Mr T J Steenkamp said workers' committees and trade unions were incorrectly viewed as alternatives to each other.

'The AHI states expressly that unions and committees should be complementary and not competitive,' he said

The 'sorry failure' of previous policy in not recognising unions and attempting to replace them with committees occurred because the motive was wrong.

FALL AWAY

'There is no alternative to trade unions and the latest plans would appear to reinforce this error

'Apparently, the argument is that the need for legally-based workers' committees will fall away now that unions can register officially.

'If management accepts responsibility for healthy labour relations, the move will make acceptance and execution of this responsibility impossible'

Mr Steenkamp urged the institute to call on the Government to re-establish a system whereby a centralised body for collective bargaining be integrated with decentralised workers' committees.

Labour RDM 14/5/81 Bill is 166 ~~123~~ under

fire

By STEVEN FRIEDMAN
Labour Reporter

THE influential Federated Chamber of Industries has recommended that the Government's draft labour Bill — seen by the Government as a major reform — be withdrawn and referred to the National Manpower Commission.

The proposal is contained in the FCI's submissions on the Bill which are sharply critical of many of its clauses.

The Rand Daily Mail has obtained a copy of the submissions in which the FCI adds its voice to the spectrum of unions and lawyers who have sharply attacked the Bill.

In particular, the FCI has criticised the Bill's proposed clamps on unregistered unions and on union political activities and called for a significant overhaul of the official union registration system.

It says the Bill provides a partly retrogressive solution to current labour problems.

It says the legislation should be delayed and that the National Manpower Commission, which comprises Government, employer and some registered union representatives, should have the opportunity of thrashing out the kind of negotiating framework within which they want to operate.

It is understood that some employer representatives also feel that the NMC should be expanded to include representatives of the independent black union movement.

The FCI's chief submission is that the registration process should be made entirely neutral. All unions would have to do to register is have their titles included in an official register and satisfy minimum standards of financial management.

Unions' right to bargain should be determined only by their representativeness, the FCI says.

It is important that the test of representativeness be conducted under a method which is satisfactory both to employers and employees, the FCI says.

The FCI also argues that proposals that unregistered unions be forced to provide information to the authorities not be used as a mechanism for controlling the activities of such organisations.

It also rejects proposals giving the registrar the power to de-register or close down unions.

In another controversial move the FCI calls for the retention of the controversial committee system of bargaining.

Business sources stress that the FCI is not opposed to factory-floor bargaining with unions and does not see committees as a substitute for unions.

Other points raised by the FCI are:

- Registered unions should not automatically be entitled to stop orders.
- A clause proposing that a party should have to pay its costs in the Industrial Court whether it wins or loses, should be scrapped and the court should be allowed criminal as well as civil jurisdiction.
- Sex discrimination should not be scrapped immediately but should be 'phased out'.
- It should not be an offence for employers to initiate a lock-out.

Although the document does not say so, employer sources say the FCI feels the same provision should apply to strikes.



FCCI calls for a rethink

The draft legislation is in conflict with certain principles already accepted by the government. It provides a piecemeal and partly retrogressive solution to some of the problems of transition in the country's industrial relations system. It will obstruct rather than further the maintenance of industrial peace.

This response to the Industrial Conciliation Amendment Bill comes not from anti-government trade unionists but from one of SA's largest employer organisations, the Federated Chamber of Industries (FCCI). The FCCI has made a detailed study of the proposed legislation and like the bulk of trade unions has found government's latest reform bids grossly wanting.

The chamber has even recommended that the Bill be retracted and referred to the Manpower Commission which represents employers, employees and government. This would afford the negotiating parties themselves the opportunity of thrashing out the kind of negotiating framework within which they want to operate, it says.

The FCCI goes on to say that such an approach would clearly be supportive of the principle of self-governance and in addition lend greater credibility to the government's reform intentions in the sensitive labour relations area.

Barlow Rand executive director responsible for industrial relations, Remald Hofmeyer, says his group fully supports the FCCI's stand and goes further. Scrapping the Bill would most certainly be a step in the right direction but the issues need to be thrashed out by all the parties concerned. Emerging black trade unions are not represented on the Manpower Commission and their involvement is absolutely necessary if a new dispensation is to sustain any credibility.

What is needed, in the words of the FCCI, is that the process of registration be made entirely neutral. All that is needed to co-ordinate unions is for government to demand simply that a union has its official title included in a register for which it must comply with minimum standards of financial management. The chamber warns against government over-control in labour affairs.

The FCCI urgently recommends that the industrial relations structure should not be disrupted by further attempts to use the process of registration as a mechanism for controlling the activities of trade unions or to protect the bargaining position of certain entrenched unions against competition from other trade unions.

The FCCI says it stands firm in its belief



Barlow Rand's Hofmeyer blacks must be involved

that the crux of the problem currently posed by the registration of trade unions is that no separation is made between the issues of registration and representativeness. It adds that negotiation status should be determined only by the repre-

sentative character of an employee body.

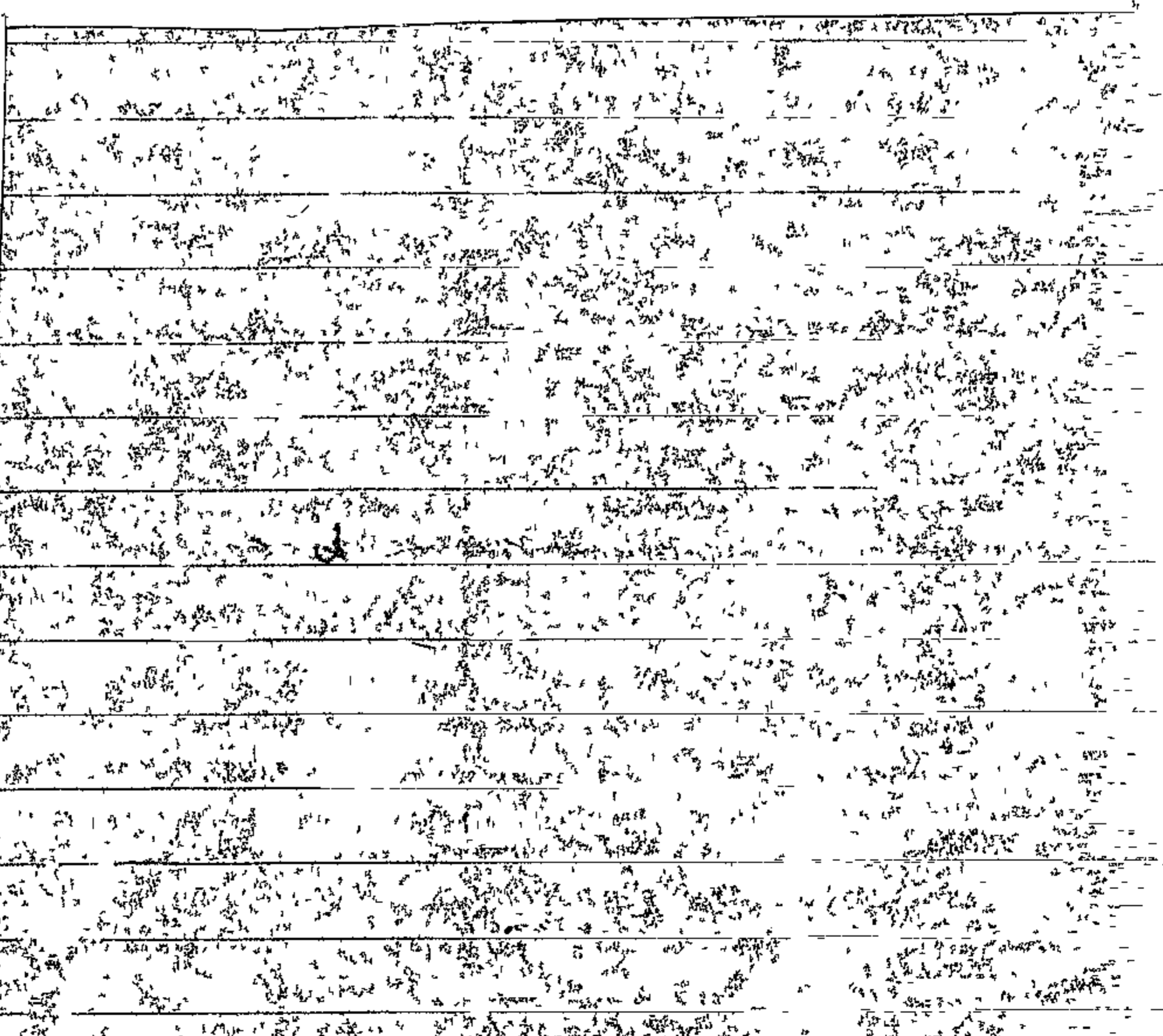
On this issue and some others, the FCCI's views coincide with even those of the General Workers Union (GWI) and the South African Allied Workers Union (SAAWU) — unions that have consistently refused to buy government's promise of a new labour dispensation.

The FCCI slams the additional government controls provided for in the Bill.

Wide discretionary powers held by the PCB that are in conflict with the principles of autonomy and self-governance for bodies representing workers and employers. The Chamber contends that such powers threaten to destabilise the framework of negotiation between employers and employees. At the same time it reintroduces the hand of government directly into the negotiation process.

The FCCI like the the Federation of SA Trade Unions (Fosatu) and the Trade Union Council of SA (TUCSA) criticises the Bill's definition of political activities in the Labour arena. If a body undertakes political activities which would endanger the interests of the State, it should be prosecuted in terms of security legislation or legislation other than the Industrial Conciliation legislation, it says.

In its report, the FCCI also suggests th



the committee system be retained. The Bill wants it scrapped and the FCI (Federal Control) is likely to be seen as retrogressive by many unions. Sources in the FCI insist that it is essential to have the

Bill during the current transition period. However, unions have always opposed the centralization which the Bill would afford management, the opportunity to put a union presence off the factory floor. They are unlikely to be persuaded by management promises that the committee system should be retained only temporarily.

As usual, constructed as the Bill may be it has nevertheless provoked a wide campaign of hate in the crucial labor circles. Such a reaction is not representative of the general opinion of the Reg. Trans. Committee, and the position of unorganized union.

Professor "Public Enemies" of the Institute of Industrial Relations points out that the debate centers on a search for a rough transition from a union to a collective bargaining system, a system which predominantly would work to the benefit of relations between the union and the employer.

In their remarks on the Bill, the on the Bill, the union and employer organizations have been able to set out some points of view of the proposed legislation. The severest critics say that even the most radical removal of relations between the two parties. Some sources that the primary problem is to deride the Act. What they do not realize is that the structure will be a common problem, and although the removal of the Black Labor Relations Act, and that the committee system is a better one, applied to four of every five unions, it has left a negotiating system which government has failed to bid.

In a very responsive government going to be to criticism of the Bill. Several department sources insist that it has a potential and that there are no potential problems about the Bill. Trade union officials have called for a proposal to be moved which would prevent a government continuing obsession with control of industry. But there is a major problem for retention. The Bill would supply a method for reducing of the direct control of Bill on the part of the

Assocom calls ¹⁶⁶ for labour Bill to be redrafted

STAR 21/5/81

By Craig Charney

The Association of Chambers of Commerce (Assocom) yesterday called for the controversial Industrial Conciliation Bill to be withdrawn and redrafted

The association, which represents 17 000 member firms, joined other employers' federations in calling for the Bill to be referred to the National Manpower Commission

While praising "the general thrust" of the legislation, Assocom was sharply critical of several provisions

Assocom's major criticisms of the Bill, contained in a memorandum to the Department of Manpower Utilisation, were

● The provisions regu-

lating the collection of union dues and requiring Ministerial consent for granting stop order facilities to unregistered unions, should be dropped. It should be "a matter that is solely for negotiation between employers and employees"

● The ban on providing material support to illegal strikes should be eliminated. It was already an offence to aid in the commission of a crime, Assocom noted, while the Bill was so loosely drafted as to possibly render participation in a support boycott illegal.

● The ban on links between unions (and employers' organisations) and political organisations should be dropped. While

Assocom would not object to a ban on direct affiliation to political parties, outlawing links to any political organisation "could expose many innocent parties to prosecution"

● Registration procedures for unions should be streamlined. Assocom said the single most representative union in an industry or trade should be registered

It did not go as far as the FCI in accepting that competing unions in the same field should be registered

● The veto right of each union and employer group represented on an industrial council over the admission of new members should be scrapped.

● See Page 33.

Govt to 'reduce role in labour'

Own Correspondent

PRETORIA — The government had set itself on the path of granting complete autonomy to labour organizations like trade unions, the Minister of Manpower, Mr S P Botha, said last night.

Addressing the opening ceremony of the new building of the South African Union of Municipal Workers in Pretoria, Mr Botha said he envisaged less government involvement in the labour field in future.

Mr Botha, however, warned against attempts to create "chaos" on the labour market.

He added that the government, as well as organized labour, would have to find means to counter those forces which sought to incite workers not to make use of "the tried and tested means of reconciliation."

"Industrial peace is of cardinal importance for employers, employees and the government and we will have to ensure that the trade union movement is not abused to create chaos," he said.

The aims of these forces, Mr Botha said, were to create unrest and had nothing to do with labour relations. They sought to overthrow the order in South Africa.

Labour legislation was also based on the principle of fairness and Mr Botha said that he expected "fairness from the trade union movement as well." He warned against trade union activities which aimed at reaching political goals.

He warned that trade unions should not mislead their members in order to create a climate of distrust in the country.

The government would also decide in the foreseeable future over the question whether closed shop agreements had to remain a principle in the South African labour pattern.

Mr Botha added that the next few years would pose great changes to South Africa. This, he said, was because there was a continuous onslaught against the tested reconciliation processes on the country's labour fields.

The government had to ensure order in the labour field as well and Mr Botha warned that workers had to realise that "unnecessary conflict" will have a detrimental effect on their job opportunities.

New clamps on unions rejected

Own Correspondent

JOHANNESBURG — The Association of Chambers of Commerce (Assocom) which represents organized commerce throughout the country has rejected new political clamps on trade unions and employer bodies contained in the Government's new labour bill.

But, in a blow to supporters of wide ranging reform in labour legislation, Assocom has not objected to the provision in the bill which gives the authorities the right to close down trade unions or to most other wide-ranging clamps on unions contained in the bill.

It has also rejected employer and union calls for a fundamental relaxation of the government's union registration system and has called for a move which would make it more difficult for new unions to become registered.

Unlike most other employer groups, however, Assocom says it does not object to the scrapping of the official works and liaison committee system. The proposal to abolish this system has been hailed by unions.

These points are contained in Assocom's submission to the government on the bill, which were released at a Press conference yesterday.

Although Assocom objects to several points in the bill it generally welcomes it and its submissions are sharply at variance with calls for reform from the Federated Chamber of Industries and a

wide spectrum of unions.

Unlike the FCI, Assocom has not called for the bill to be withdrawn and referred to the official National Manpower Commission. Assocom says it is prepared to see some sections referred to the NMC but adds that it is eager to see the legislation introduced in the forthcoming parliamentary session.

Assocom's secretary, Mr Vincent Brett, said his organization had not objected to most of the clamps on unions "because we are an employer association and comment on those clauses should be left to the unions."

On union registration, Assocom rejects the idea that registration should be an entirely neutral process and that union bargaining rights should not depend on registration.

Assocom also wants the law to stipulate that only one union should be registered in any one industry, trade or occupation. This would make it more difficult for new unions to gain registration.

Other points made by Assocom are:

- The new clamps on 'political activity' are 'unnecessary' and would be damaging internationally.

- New clamps on strikes in the bill are 'unacceptable' and would also have serious international implications.

- The law should not compel employers to grant stop order facilities to unions or prevent them from granting these facilities to unregistered unions.

Assocom knocks political curbs in labour Bill

RDM 21/5/81
(30) (166) (123)

By STEVEN FRIEDMAN
Labour Reporter

THE Association of Chambers of Commerce which represents organised commerce throughout the country, has rejected new political clamps on trade unions and employer bodies contained in the Government's new labour Bill.

But, in a blow to supporters of wide-ranging reform in labour legislation, Assocom has not objected to the provision in the Bill which gives the authorities the right to close down trade unions or to most other wide-ranging clamps on unions.

It has also rejected employer and union calls for a fundamental relaxation of the Government's union registration system and has called for a move which would make it more difficult for new unions to become registered.

Unlike most other employer groups, Assocom says it does not object to the scrapping of the official works and liaison committee system.

These points are contained in Assocom's submissions to the Government on the Bill which

were released at a Press conference yesterday.

Although Assocom objects to several points in the Bill, it generally welcomes it.

Assocom says it is prepared to see some sections referred to the National Manpower Commission but adds that it is eager to see the legislation introduced in the coming parliamentary session.

The association also wants the law to stipulate that only one union should be registered in any one industry, trade or occupation. This would make it more difficult for new unions to gain registration.

Other points made by Assocom are:

- The new clamps on "political activity" are unnecessary and would be damaging internationally.
- New clamps on strikes in the Bill are "unacceptable" and would also have "serious" international implications, and
- The law should not compel employers to grant stop order facilities to unions — or prevent them from granting these facilities to unregistered unions.

Labour RDM 2/5/81 market (166) 'chaos' warning

Pretoria Bureau

THE Government had set itself on the path of granting complete autonomy to labour organisations such as trade unions. Mr S P Botha, the Minister of Manpower, said last night.

Mr Botha was speaking at the opening of the South African Union of Municipal Workers building in Pretoria.

He envisaged less Government involvement in the labour field but warned against attempts to create 'chaos' on the labour market.

The Government, as well as organised labour, would have to find means to counter forces which sought to incite workers not to make use of the tried and tested means of reconciliation.

'Industrial peace is of cardinal importance for employers, employees and the Government. We will have to ensure that the trade union movement is not abused to create chaos,' he said.

Mr Botha said these forces aimed to create unrest and had nothing to do with labour relations. They sought to overthrow the order in South Africa.

Labour legislation was based on the principle of fairness and Mr Botha said he expected fairness from the trade union movement as well.

He warned against trade union activities which aimed at reaching political goals and against unions misleading members to create a climate of distrust in the country.

The Government would also, he said, decide soon on the question of closed shop agreements as a principle in the South African labour pattern.

The next few years could mean great changes because there was a continuous onslaught against the tested labour reconciliation processes.

The Government had to ensure order in the labour field as well and Mr Botha warned that workers had to realise that unnecessary conflict would have a detrimental effect on job opportunities.



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No 3198 PRICE (GST included) 30c PRYS (AVB ingesluit) REGULASIEKOFRANT No 3198
 Registered at the Post Office as a Newspaper ABROAD 40c BUITELANDS As n Nuusblad by die Poskantoor Getegistreer
 POST FREE POSVRY

VOL 191]

CAPE TOWN, 22 MAY 1981

KAAPSIAD 22 MEI 1981

166

SS [No 7589]

GOVERNMENT NOTICES

DEPARTMENT OF MANPOWER
 UTILISATION

No R 1035] [22 May 1981

FACTORIES, MACHINERY AND BUILDING
 WORK ACT, 1941

AMENDMENT OF REGULATIONS

The State President has, under section 51 of the Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941), made the regulations set out in the Schedule hereto

SCHEDULE

1 In these regulations unless the context otherwise indicates the expression 'the Regulations' means the regulations published under Government Notice R 929 of 28 June 1963 as amended by Government Notices R 1934 of 13 December 1963 R 1492 of 25 September 1964, R 1497 of 25 September 1964 R 3475 of 9 October 1969 R 1336 of 21 August 1970 R 1237 of 16 July 1971 R 109 of 26 January 1973 R 780 of 11 May 1973 R 2237 of 30 November 1973 R 2262 of 4 November 1977, R 1496 of 6 July 1979 and R 1112 of 30 May 1980

2 The definition of 'pressure vessel' in Chapter I of the Regulations is hereby amended by the substitution for paragraph (h) of the following paragraph

(h) vessels of which the product as calculated in paragraph (g) exceeds the figure 10 000, but of which the maximum working gauge pressure is less than 40 kPa

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN
 MANNEKRAGBENUTTING

No R 1035] [22 Mei 1981

WET OP FABRIEKE, MASIJNERIE EN BOUWERK
 1941

WYSIGING VAN REGULASIES

Die Staatspresident het kragtens artikel 51 van die Wet op Fabriek, Masjinerie en Bouwerk 1941 (Wet 22 van 1941) die regulasies uitgevaardig wat in die Bylae hiervan uiteengesit is

BYLAE

1 In hierdie regulasies, tensy uit die samehang anders blyk, beteken die uitdrukking 'die Regulasies' die regulasies gepubliseer by Goewermentskennisgewing R 929 van 28 Junie 1963 soos gewysig by Goewermentskennisgewings R 1934 van 13 Desember 1963 R 1492 van 25 September 1964 R 1497 van 25 September 1964 R 3475 van 9 Oktober 1969 R 1336 van 21 Augustus 1970 R 1237 van 16 Julie 1971 R 109 van 26 Januarie 1973 R 780 van 11 Mei 1973 R 2237 van 30 November 1973 R 2262 van 4 November 1977, R 1496 van 6 Julie 1979 en R 1112 van 30 Mei 1980

2 Die woordbepaling van 'drukhouer' in Hoofstuk I van die Regulasies word hierby gewysig deur paragraaf (h) deur die volgende paragraaf te vervang

(h) houers waarvan die produk soos in paragraaf (g) bereken die syfer 10 000 te bowe gaan maar waarvan die maksimum werkme-terdruk minder as 40 kPa is "

Jan full and sa SS

SWELLING CRITICISM

FM 22/5/81

133

166

To the growing list of organisations critical of government controls contained in the draft Industrial Conciliation Amendment Bill add the Association of Chambers of Commerce of SA (Assocom). In a memorandum to the Department of Manpower Utilisation it states: "Assocom welcomes the general thrust of this amending Bill which it believes represents a considerable step forward in bringing our industrial legislation up to date."

However, Assocom asserts that a basic principle of such legislation is that it is the function of the State only to establish a framework of law within which a sound form of industrial relations may be developed. The legislation should be enabling and not mandatory and "should seek to establish only the parameters within which employer and employee relationships can be handled with the minimum amount of disruption to the community at large."

In this respect, Assocom expresses similar views to those already voiced by the Federated Chamber of Industries and many trade unionists who contend that additional government controls contained in the Bill threaten

to destabilise the negotiating framework (*Current Affairs* May 15)

Meanwhile, chief spokesman on labour for the Afrikaanse Handelsinstituut (AHI) Naas Steenkamp has added his voice to criticism of government plans to scrap the statutory basis of the works committee system. At the AHI annual congress last week, Steenkamp made a plea for the retention of the system. He told the *FM* there are two dimensions to this issue. Firstly, regardless of the existence of a union, there has to be some kind of negotiating structure to help deal with matters confined to a particular factory. Secondly, committees have an important role to play in industries where unions have not yet got off the ground. Works committees should not be seen as alternatives to trade unions — the two are complementary, he says.

At its congress, the AHI resolved that managements had a responsibility to create sound relations with recognised unions, and that they should also talk to emerging and unregistered unions with a view to persuading them to enter the established labour relations system.

RDM 22/781

IMF fears SA's draft labour Bill threatens unions

By RIAAN DE VILLIERS
Labour Correspondent

THE powerful International Metalworkers Federation may call on foreign governments to consider "adequate sanctions" against South Africa if it continues its apartheid policies.

The appeal is contained in a draft resolution on South Africa due to be debated at the IMF's congress in Washington next week.

A number of South African trade unions are affiliated to the international body — it has 14-million members — and several prominent South African trade unionists have left for the US to attend the congress.

In the wide-ranging resolution, the IMF

○ Expresses fears that legislative steps enabling black unions to register now seem "seriously jeopardised by the Government's new draft labour Bill which, it says, is "aimed at further control of unions."

○ Expresses alarm at the "lack of liberalisation" of projected new influx control measures,

○ Deplores the fact that the South African Government, while claiming to be engaged in major reforms continues to deny the majority of the population all basic rights, thus "gravely endangering" prospects of a peaceful solution.

○ Appeals to the South African Government to amend labour and influx control legislation, to bring labour relations in full harmony with standards set by the ILO, and immediately cease all repressive policies "against blacks."

The resolution also demands that governments of countries with investments in South Africa enforce the various codes of employment practice for firms with South African subsidiaries.

It further appeals to all IMF affiliates at companies employing black metalworkers in South Africa to "use their strength" to obtain the recognition of black unions and equal employment practices, and pledges the IMF's "full support" to black metalworkers in their struggle for equal rights.

Labour deal draws ^{STAR} more criticism ⁽¹¹⁶⁾

Labour Reporter

Registration should be a formality and proof of membership should be the basis for union recognition, a meeting of employees and union officials was told yesterday.

The meeting to discuss union registration was organised by the Institute of Industrial Relations in Johannesburg.

A prominent labour lawyer, who may not be named, said the registration process was too cumbersome with the registrar demanding proof of 'representativeness' from unions.

FORMALITY

Mr Ike van der Watt, general secretary of the SA Boilermakers' Society suggested that registration of unions be a formality in the same way that registration of companies is.

Because the registrar had to examine objections by other unions, the process was a lengthy one.

Speakers and members of the audience criticised aspects of the draft amendments to the Industrial Conciliation Act.

MAJORITY

There were arguments about new unions forming in some industries as well as the development of black unions in recent years.

Dr Anna Scheepers, president of the Garment Workers' Union, argued that only unions which had a majority of worker support in a particular industry should have negotiating rights.

Mr van der Watt said the Government should provide guidance and not control for unions.

"Unless fundamental changes are made to the whole system of registration, I don't see any way out of the present labour dilemma."

A SHOOTING at the Sigma motor plant on Wednesday, April 15, dramatized the tragedy of South Africa's labour relations

The union involved claimed the death could have been avoided had management negotiated with it in time

Since then we have seen thousands strike at Leyland, Ford, Wilson-Rowntree, Firestone, Hulett the list is a long one. The vast majority of those strikers were sacked

Considering that the strike is the worker's final option, and an illegal one, the channels for solving disputes don't seem to be offering a viable alternative

Last month saw the publication of the draft of government's latest offering to labour relations, the proposed amendment to the Industrial Conciliation Bill, which has been reported to pack the toughest controls on unions ever proposed by the authorities

'Disgrace'

Like so much government-inspired labour reform in the past, the reviews it has received have ranged from guarded to poor. A union leader regarded by left-wingers as a government puppet has attacked the draft bill as "unfair" and "a disgrace". Other unionists are on the record as saying the proposed bill justifies their stand against registration.

Only white business interests represented by the Association of Chambers of Commerce (Assocom) have expressed any formal agreement with the proposals.

All this augurs badly for the government's policy of wooing unregistered unions into its system. Some feel cheated, having fought for registration. Others, the white unionists, have been on the government's back about its labour reforms right from the start.

But the Minister of Manpower Utilization, Mr Fanie Botha, got the ball rolling in November last year when he predicted wide-ranging changes in South Africa's labour legislation.

Among other things, the new dispensation, which he said enjoyed the support of 98 percent of the country's registered trade unions,

Tragedy of SA labour relations

would ensure the unions full autonomy. Beyond this, the minister announced the first step including migrant workers in the union system

Deportation

Migrants would now be able to join trade unions but through bilateral agreements with homeland governments, they would be prohibited from participating in unlawful strikes — if they did so they would be deported. Autonomy would mean they were allowed to draw up their own constitutions, decide on membership.

Proposed amendments would also prohibit unions having sub-offices outside the Republic and foreign funds being used to support strikes.

Criticism of the "new deal" has centered on the keeping from the labourer of the right to withhold his labour — strike.

Critics have pointed out that the machinery for legal strike is so cumbersome that there have been few legal strikes in South Africa's history. Before a legal strike can be called, workers have to go through elaborate machinery which can take months to complete.

Time-consuming

By the time the channels are exhausted, workers have usually long since lost interest in them. Mr Botha indicated the machinery would not change.

Of registration, it has been said that procedures are too time-consuming. The Registrar can register unions for specific areas, industries or part of industries only, giving him power to deny unions rights in areas where they have members.

Dr Lucy Mvubelo, deputy vice-president of the Trade Union Council of South Africa, has said the proposed bill made a laughing stock of the registered unions, and a



The final article by LUCA MENATO looks at the latest government proposals in labour legislation, and the response they have received

mockery of the government's talk of labour reforms.

Dr Mvubelo, who in the past praised the Industrial Conciliation Act which was amended in 1979 in the wake of the Wiehahn report, as a move which would "entrench the autonomy of trade unions", attacked the proposed bill as "unfair" and "a disgrace".

She said the bill would tend to justify the stand of those unions who were against registration.

The bill has also drawn sharp criticism from other union bodies. The position of the unregistered unions was highlighted by a spokesman for Port Elizabeth's Motor Assembly and Component Workers' Union of South Africa (Macwusa), who told the Eastern Province Herald the proposed legislation merely proved the government saw registration as a way to gain greater control over unions.

Distrust

"This has fully justified our decision not to enter into the government's registration machinery," he said.

"The effect of this law," a Fosatu spokesman maintains, "is to create a climate of distrust and loss of credibility, jeopardizing prospects of genuine reform."

The legislation, which the minister had promised would grant greater autonomy to

unions is seen by Fosatu as "an attempt to exert greater control on the running and functioning of trade unions".

"Fosatu," a federation statement said, "is not prepared to participate in a system of registration that denies basic union rights nor in one seen by our members as a means of creating acceptable trade unions."

Eager

And while the Federated Chamber of Industries (FCI) has called for the measure to be withdrawn, Assocom has stated that while it is prepared for some clauses to be referred to the National Manpower Commission for review, it is eager to see the bulk of the legislation introduced.

Its secretary, Mr Vincent Brett, said his organization had not objected to most of the proposed clamps on unions "because we are an employer organization and comment on those clauses should be left to the unions".

But Assocom wants the law to stipulate that only one union should be registered in any one industry, trade or occupation. This would make it more difficult for new unions to gain registration.

But it is the unregistered unions the government is trying to pacify — and the same unions which are rejecting the offer, and calling the strikes.

By RIAAN DE VILLIERS
Labour Correspondent

THE Government has re-affirmed its policy that people of different races should, as far as possible be trained at separate institutions

However, it has undertaken to re-examine existing arrangements, particularly with regard to high-level manpower training at universities and technikons, and the Department of National Education is to take a lead in the matter

This has emerged from a Government White Paper on a report by the National Manpower Commission (NMC) on high-level manpower in South Africa. The report and White Paper were released in Pretoria yesterday

The policy statement was made in response to a recommendation by the commission that universities and technikons should be better utilised by making "more generous provi-

Govt to take new look at manpower training

4/1/81 rom
178 166

sion for the training of non-whites at white institutions', in line with recommendations by the Wiehahn and Riekert commissions

In its response the Government also noted that it had already accepted the admission of people of other races to white institutions provided 'suitable arrangements' were made to the satisfaction of all concerned in consultation with the State

The Government also endorsed a message in the preface to the report which said the country would not be able to realise its development potential if it persisted in trying to recruit high-level manpower

mainly from the white population group

It was therefore of the 'greatest importance' that all population groups should have full and equal opportunities to participate in development processes

In its report the NMC made a range of recommendations most of which have been accepted by the Government

Calling for the more extensive use of trained women, including married women, the NMC recommended that the Department of Finance should consider revising the present tax structures, especially as they still prejudiced the optimum use of female employees

The White Paper said the Standing Commission of Inquiry into Fiscal Policy would consider the matter

Other recommendations were

• The NMC should take the initiative in promoting manpower planning in both the public and private sectors,

• Government departments and other bodies must speedily carry out, in letter and spirit the recommendations of the Wiehahn and Riekert commissions relating to high-level manpower

• The NMC should monitor progress made with the implementation of the two reports,

• The Department of Finance

should consider further tax concessions for employers who allowed employees to attend approved courses

• Universities and technikons should include more short courses for the upgrading of employees skills

• Cash grants instead of tax concessions should be considered for employers who trained employees

• The Department of National Education should investigate the need for more training facilities in high density areas especially for blacks Coloureds and Indians and

• The merits of an open university should be investigated

6 Relating th
to wider sy

6.1 Reserves an

The poverty
in which th
South Afric
mining woul
exploitatio
people to a
been by des
alternative
African his
aid of succ
early days

By the late
complaining
not to have
undercutting

Various clea
on blacks to
motivating t
Cecil Rhodes
men and make
do this is

It must be i
nine-tenths
daily labour

The most se
Land Act wh
the reserve
of the Natl
from those
labour by e

5.2 Projects as providing some involvement in cash economy and experience of wider systems.

One must see the way in which the participants value the projects in the context of their environment. Many people obviously believe in "development", "progress" and change from the old way of life. For these the choice is probably between the dairy, garden or whatever as a vehicle to these ends, or nothing.

In a discussion with members at Inkomo, they said that they had realised that they were being badly used by N.M. but they still thought that participation in the dairy was worthwhile for what it taught them.

In the course of their involvement in the project people learn various technical skills and others related to group work. They learn about channels of liaison with outside groups, whether these be officials, shopkeepers or people selling cows. They learn about the various restrictions on what they can achieve from their position in the group relative to other members. People become aware of what the project as a whole can achieve in their particular situation of markets limited through poverty and competition from South Africa, lack of capital and lack of infrastructure and skills.

It may be that this type of development and experience is a necessary stepping stone to people being able to assess their situation and trying to change it or start other types of projects. (Some evidence that this is so is given in Part II of this paper.)

Food unions hit at 'racial' clause in Bill

By STEVEN FRIEDMAN
Labour Reporter

DESPITE claims that the Government's draft labour Bill recognises the right of unions to be non-racial, it will still enable unions to be registered on a racial basis, according to two trade unions in the food industry

This charge is contained in a submission on the Bill to the Department of Manpower Utilisation by the Food and Canning Workers' Union and the African Food and Canning Workers' Union

The FCWU is a registered union for coloured workers. The AFCWU is an unregistered union which refuses to register

In the submission, the unions say they welcome the Bill's recognition of non-racial unions

But they say they "note with alarm that the system of registration proposed still maintains racial and other divisions in

trade unions and so will lead to the creation of a weak and fragmented union movement"

The two unions refer specifically to a clause which says that if a union objects to the registration of another union, the Government's Registrar only has to take into account the members of the objecting union who are eligible to belong to the new union

They say they take this to mean that where a racially exclusive union applies for registration in an area or industry where a multiracial union has an overall majority, the multiracial union may only object on behalf of its members who belong to the same race group as those in the exclusive union

"Clearly, this makes it easier for unions which divide workers, whether on racial or other lines, to be established"

They also object to other clauses in the Bill which have drawn sharp union criticism,

such as new official powers to close down unions, clamps on unregistered unions and bars on union "political" activities

In particular, the unions are unhappy about new clamps on "illegal" strikes, pointing out that all strikes in the food industry are illegal, because it is regarded as an "essential industry"

It says such legislation will not prevent strikes occurring, "since the causes of strikes are in most cases low wages, poor conditions of work, dismissals which workers regard as unjust".

The unions also object to the present system of registration, in which the Registrar can lay down in which industries a registered union may organise

They say this concerns them directly, as some food factories are considered to be "farming operations", outside the ambit of labour law.

FURTHER HEALTH CARE DEVELOPMENTS IN GAZANKULU
Health care developments are being directed to fulfill observed (research) and 'felt' needs (as expressed by Care Groups, Health Committees and individuals).

Constraints to fulfill needs are limited resources of.

1. MANPOWER

2. TRAINING

4. SKILLS

- d) Limit sophisticated processes.
- e) Motivate politically the central government to make resources available for development in rural areas.
- f) Encourage each level to find a local solution for local problems.
- g) Apply for financial assistance from industry inside the country and from abroad, and from relief organisations.
- h) Increase investment in preventive and promotive medicine.
- 1) Evaluate cost/effectiveness of health care interventions.
- a) Translation of observed and felt needs into task programmes.
- b) Training people to fit the programme (Community Health Worker, Community Sanitary Worker, Primary Health Care Nurse, Community Health Nurse, Clinic Sister, Care Group).
- c) Obtain expert help from other departments and development agencies.

OBSERVED AND EXPRESSED NEEDS

(a 4-village study)

ANSWER

1. Better local curative service
 - Improve skills of clinic sister/midwife by training her as Primary Health Care Nurse or Community Health Nurse.
2. Malnutrition rate 12,7 - 22% below 3rd percentile. 10% wasted, 2% stunted, Waterlow Table under fives).
 - Control seasonal/temporal malnutrition by C.H.W. visiting and measuring each child at home every 6 months.
 - Use of Road to Health Chart, adapted to local needs.
 - Nutrition Rehabilitation through Family Rehabilitation by C.H.W., Clinic Sister and Social Worker with Community Health Nurse from the Health Centre.
 - Back up by regional Nutrition Rehabilitation Unit.
 - Making weaning food based on local food available.
 - Improve gardening through community and individual gardening projects, with help of Care Group, C.H.W., C.S.W., Agricultural Adviser.

2/...

3/...

Labour: no more tinkering

KOR
9/6/81
166

LAATEST round in the dingdong battle for worker control must surely go to employers and unions — Mr Fanie Botha has withdrawn three provisions of his new labour Bill following public comment on the Bill.

Yet the battle over the draft Conciliation Amendment Bill is not one that can be fought and won on points. Government insistence on trying to control labour through union registration needs to be knocked out cold.

Ever since the report of the Wiehahn commission raised hopes of real reform, the Government has threatened to shatter those hopes by imposing severe labour controls. Each time there has been an outcry, followed by more amendments, more attempts to water down technicalities of what is basically an unworkable system. Thus only two years ago the draft Bill included restrictions on whom unions could enrol, a partial ban on mixed unions and the exclusion of migrants.

This Bill shows considerable advances any union can now open to all without official permission, foreign workers may now join registered unions and the system of liaison committees — originally aimed to keep out unions — has been abolished.

But still the Government tries to intervene in internal union affairs, giving itself the powers to close down unions and imposing controls which actually frighten

unregistered unions off registering, and make a conservative organisation like Tucsa threaten to de-register.

There are wide political clamps, by which the Government obviously hopes to prevent blacks from using their industrial muscle to make political demands. But to divorce unions from community and therefore political issues, is plainly impossible. And try as it might, the Government cannot hope to dissipate black suspicion of official control, however well-intentioned, as long as blacks have no say in the legislative process which imposes that official control.

Instead of merely tinkering with the provisions he has now withdrawn, Mr Botha should take note of the broad agreement among employers and unions that has emerged in the widespread opposition to his Bill. That consensus is that registration should not be an element of control but merely a formal show of good faith similar to a company's decision to register under the Companies Act, and that representativeness, not Government approval, should be the standard for union bargaining rights.

That means a fundamental change in the Government's approach, a recognition that labour relations must be, ultimately, a matter between worker and employer, not worker and State.

Porn in the mind

IF "Black Beauty" had not already been a classic of sorts two decades ago, its banning at the hands of South African censors would almost have made it one. And the world had a huge belly-laugh at our expense.

It was the same, some years later, with "Rape of the Earth", a rather dull treatise on ecology. "Black" and "rape" then were simply knee-jerk words that had naive officials reaching for their red pens.

The incredible saga of "Gentlewoman" is hardly less ludicrous but rather more serious: almost the final caricature of what can go on behind the scenes of the Publications Control Board in this day and age and an indictment of just how little we have progressed.

In any other Western society, "Gentlewoman" would be regarded as a straight pictorial art work, even though it may reveal the odd nipple and pubes. Hardly any other Western censor would have given it a second glance.

But since its appearance in 1976, "Gentlewoman" has been passed, banned, passed, banned and banned again. Until last week when the Publications Appeal Board once again gave the book the partial green light. It may now be sold in bookshops, as long as it is not "displayed" — however that crime might be constituted.

Nor is there any reason to expect that will be the end of the saga, since over the years the Appeal Board seems to have had as many second thoughts about "Gentlewoman" as its own directorate and publications committee. Another appeal by someone at any time could move the pendulum back again.

It's all rather like the story of the mental patient who kept on reading salacious interpretations into the most simple graphic patterns. "Don't blame me," he told his psychiatrist. "You're the one who's drawing all the dirty pictures."

Labour law hot potatoes shelved

By AMEEN AKHALWAYA
Political Reporter

CERTAIN controversial provisions of the Draft Industrial Conciliation Bill are to be withdrawn provisionally, following public comment on the proposed legislation

The Minister of Manpower Utilisation, Mr Fanie Botha, announced this week that three provisions will not be included in the Bill in the coming session of Parliament

Speaking on the SABC radio programme "Weekend Newsroom", he said the provisions to be withdrawn affected

- The procedure for the registration of trade unions,
- The mandatory deduction by employers of union dues, and
- The question of the division of unions

Sapa reports Mr Botha as saying that these aspects would be given further consideration and would be added to the proposed legislation at a later stage.

Trade union spokesmen and labour law experts approached yesterday declined comment on the announcement until specific details were available

Officials of the Department of Manpower Utilisation could not be reached to elaborate

An expert on labour legislation said the provision regarding deduction of union dues made it compulsory for registered unions to have dues collected by means of stop orders, at the same time prohibiting stop orders for unregistered

unions

"The effect (of withdrawing it) is that the status quo will be maintained. This would be to the advantage of unregistered unions, and to the disadvantage of registered unions, because it does not make stop orders compulsory"

The question of the division of unions has aroused widespread controversy.

Labour experts said that, in terms of the original legislation proposed, if a registered union decided to open its ranks to all races, a minority of dissatisfied members could break away and apply for, and obtain, registration without having to go through the objection procedure

"Such a system would have been farcical," a unionist said.

But in the absence of clarification from the Department of Manpower Utilisation, there is considerable confusion in labour ranks over the real implications of the withdrawal of the provision affecting the registration procedure

"The existing procedure has been criticised, and so has the proposed amendment," a legal expert said. "If the status quo is maintained, it will still be criticised, but I presume this aspect will be looked at in greater detail"

Much of the criticism involved the prohibition on unions having political links, and the wide powers granted to the Government's registrar to close down unions

166
P10M
9/6/68

make his choice, taving into consideration which medical practice will suit his realm of acceptable possibilities
Medicine today needs flexibility especially in the training to meet the needs of patients from all walks of life. The future scientific doctor needs a liberal education intended to increase his capacity to accept the patient as a total individual

results in specific cases of illness Functionally, scientific medicine in this area is not specific to the types of disorders. Scientific medicine is sometimes able to cope with many of the symptoms of mental illness by drug therapy and other medical techniques, but faced with such chronic ills, complicated with social psychological factors, the sick person may find it more satisfying

Govt modifies controversial labour Bill

166
Some notes

By Drew Forrest

The Minister of Manpower Utilisation, Mr Fanie Botha, has announced the provisional withdrawal of certain widely criticised provisions of the draft Industrial Conciliation Amendment Bill.

Sapa reports that Mr Botha said that certain provisions in the draft Bill would not appear in the Bill which is to be tabled in the next session of Parliament.

However, there is confusion about Mr Botha's reported statement that these aspects would be added to the legislation at a later stage and after further consideration. Highly placed sources in the Department of Manpower Utilisation say that as far as they are concerned, the provisions have been dropped altogether.

Mr Botha is reported to have said that two crucial provisions relating to union rights would be withdrawn. These are

● A provision regarding the division of unions. The draft Bill enables minorities to hive off from registered unions and to obtain registration without going through the normal objection procedures.

This has been universally criticised as encouraging union fragmentation, particularly on racial lines.

Department sources also

say that this covers withdrawal of widely criticised clauses which provide for the de-registration of unions by the Minister and their subsequent liquidation

● A proposal that stop-order facilities — the deduction of union dues by employers — should be compulsory for members of registered unions. Both unions and employer bodies have argued that stop-order facilities should be the subject of negotiation, rather than a statutory provision

Official sources say that the section of the draft Bill which allows unregistered unions to have stop-order facilities only at the discretion of the Minister will also be dropped.

Mr Botha is also reported to have said that proposals on trade union registration procedures, are to be withdrawn. The significance of this is unclear and department officials could not provide clarification.

While applauding certain reforms proposed by the Bill — notably the lifting of racial restrictions, the abolition of sex discrimination and the scrapping of the statutory committee system — unions have attacked the many controls it would introduce

Mr Botha is abroad and cannot be contacted for comment.

environment.

Traditional medicine has persisted in the area of chronic or psychosomatic ills where scientific medicine has either failed to produce equally good results or has simply ignored the need for systematic attention research. The functional scope of each medical system has been mainly determined by its ability to get

are faced with problems of some of the stress of urban sorts of psychological problems nson, etc. Since there is a lack h these problems, it would be fair nal medicine, with its emphasis on on of disease patterns, will continue area of psychological illness. In traditional medicine would persist

REFERENCES

- Magic, Witchcraft and Curing by John Middleton
- Lambo T.A in African Traditional Beliefs
- Wilson, M in Witch beliefs and Social Structure
- Ackerknecht, E.M. in Problems of Primitive Medicine
- Gelfand, M. : An African Religion
- Field, M.J. : Search for Security
- Kiev, A : Magic, Faith and Healing

More changes likely to draft labour Bill

By STEVEN FRIEDMAN
Labour Reporter

CHANGES to the Government's controversial draft labour Bill will go further than the three changes announced on Sunday night and are likely to include the scrapping of a provision giving the authorities wide powers to deregister and close down unions, informed sources said yesterday.

It was also learned that some senior officials have considered withdrawing the Bill in its entirety as a result of negative comment from both trade unions and employers.

Nevertheless, confusion persists over the statement by the Minister of Manpower Utilisation, Mr Fanie Botha, who said on a Sunday night radio programme that three provisions in the draft Bill would be withdrawn.

These, he said, related to union stop order facilities, the right of minorities within a union to "hive off" without going through the normal registration procedures, and clauses

relating to registration procedure itself.

Senior officials could not be contacted for clarification of the Minister's statement yesterday.

Both the director-general and deputy director-general of Manpower Utilisation are overseas and other senior officials were not available.

Nevertheless, an official source said that envisaged changes to the draft Bill went further than the three points raised by the Minister.

He stressed, however, that the proposed amendments have not yet been finalised and that details were therefore not available.

Official and other sources were unable to clarify the chief source of confusion — Mr Botha's reference to registration procedures.

A wide consensus of unions, together with influential employer bodies, have urged a total overhaul of Government registration procedures, which, they say, are seen as a means of controlling unions.

They want registration to become an entirely "neutral" process.

It is not clear whether Mr Botha's announcement means that the authorities are attempting to meet these objections or whether he was simply referring to new clauses on registration contained in the draft Bill.

Official sources did say, however, that the official National Manpower Commission was still examining union registration criteria and that it was unlikely that any decision would be made until the NMC reported.

Another source suggested the Minister could have been referring to the clause allowing the Government to deregister or close down a union.

"This is almost certain to be removed," he said.

Meanwhile, it is understood that the Department has discussed the idea of withdrawing the Bill in the face of heated criticism from a wide range of organisations.

REFERENCES

1 Constitution of the World Health Organization,

New York, 1946.

2.

13. Peterson O.L. and Stoockle J.D. (1977) Editorial. *J. Med. Educ.* 52, 1008.
14. Mather, K.K., Barna, D., Crejetanovic, B. and Vemiera, K. (1971). In. "Strategy of Cholera Control". Wld Hlth Org., Geneva.
15. Gish, O. (1975) Planning the Health Sector: The Tanzanian Experience, Croom Helm, London.
16. De Beer, J. (1977) Opening address at the First Southern African Health Education Symposium. Pretoria, October 1977.
17. Editorial. *Med. Educ.* (1976), 10, 339.
18. Kennedy, E.M. (1973), *J. Med. Educ.* 48, 3.
19. Githhorn A. (1977) *J. Med. Educ.* 11, 294.
20. Antonovsky A. : Student Selection in the School of Medicine Ben-Gurion University of the Negev. *Med. Ed.* 1976, 10, 219-234.

~~depends on Page of Bill~~
 however the tax rate - If it > its
 expenditure by an injection of £1 million
 the whole of £1 million is going to
 be passed in the circular flow - on
 the other side...

ADAPTING THE BILL (166) FM 12/6/81

In addition to three sections of the draft Industrial Conciliation Amendment Bill which have been provisionally withdrawn by the government, the FM learns that two other sections — those affecting unions' political links and the arbitrary powers of the Registrar to close down unions — are to be "adapted"

However, as in the case of the sections which have been withdrawn, it is still not clear what changes the government has in mind. The announcement last weekend by Manpower Minister Fanie Botha that certain sections are being withdrawn provisionally has puzzled trade unionists and labour lawyers. Even some officials in his department are in the dark and could not give the FM much clarification about Botha's announcement. Botha and the two most senior men in the department are overseas and could not be reached for comment.

Botha said three sections will not be included in the Bill when it is placed

before Parliament later this year. They are the procedure for the registration of trade unions, the mandatory deduction by employers of union dues, and the question of the division of unions. These provisions are to be given further study and will be added to the proposed legislation later.

He did not include two provisions which have been strongly criticised by both trade unionists and employers: the extremely strict curbs on unions having political links and the extensive powers granted to the authorities to close down unions. However, informed observers tell the FM that some amendments will be made to these provisions before the Bill goes to Parliament.

There is great uncertainty among trade unionists and labour law experts about the implications of the provisional withdrawal. "It is impossible to say what this means. It is a mystery," says one lawyer. There is even speculation in some labour circles that Botha's

announcement should be seen as a tactical move to help mute criticism of the draft Bill. It has been so vehemently condemned by both unionists and employers that — according to some sources — there were fears that the department would not have enough time to study all the representations and have the Bill ready for passage through Parliament this year. However, it appears that Botha still intends laying the Bill before Parliament during the coming session.

The decision to reconsider the registration process is being welcomed by many groups in the labour arena who oppose government attempts to use the registration process as a means of controlling unions. However, despite the encouraging signs that government is willing to be flexible on important issues, it still remains to be seen how willing it is to curb its desire to have strong controls over the country's labour affairs. It has not been willing to do this in the past.

(ii) The govt by injecting £1m in the economy
 face a deficit budget. The deficit will
 be reduced when the increased amount
 of money in the economy has generated
 enough withdrawal (savings, taxes). The
 deficit will be reduced up to a certain
 amount - It will not close completely
 then leaving the govt with a proportion
 of the initial deficit.
 To try balance its budget the
 govt in deciding on an injection
 will increase its expenditure by
 £1m but will also > its tax rates
 by one million.

If industrial peace is maintained at all costs in South Africa, it will be uneasy, artificial and temporary if those affected by it are constantly left dissatisfied, says a Federation of South African Trade Unions (Fosatu) memorandum.

The memorandum is the result of Fosatu's Central Committee discussions in Durban on April 25 and 26 on the controversial Draft Industrial Conciliation Amendment Bill Early this month Fosatu published the memorandum "in the interests of making available a highly informed opinion on a matter of national and international importance"

And this week Minister of Manpower Utilisation, Mr Fanie Botha, announced that certain controversial provisions of the Bill are to be withdrawn provisionally, following public comment on the proposed legislation.

The provisions to be withdrawn affected the procedure for the registration of trade unions, the mandatory deduction by employers of union dues and the question of the division of unions.

A fearful picture of registered and unregistered unions (mostly with black membership) emerges from the Fosatu memorandum, a very significant right given to registered trade unions is the right to obtain stop orders. Without stop orders it is but impossible for a union to become financially viable. It is regrettable that unions may be forced to participate in the registration system because the choice forced on them is one between insolvency or

Fosatu paints bleak picture

these relates to the possibility that race may be considered an industrial interest for the purpose of registration and representivity," adds the memorandum which was prepared with the help of two lawyers specialising in labour law.

If it is the intention of the legislature to allow registration of unions on a non-racial basis, the memorandum argues then it should be clearly specified that the Registrar may not take race, sex or creed into account in considering a non-racial union's application for registration.

The proposed Section 4 (3) (c) of the Bill as presently

worded, will allow a union to choose its criterion of membership when it knows it is not representative and be assured of registration — "For example, a union which has only 100 members in an industry of 100 000 members could make religion or tribe a criterion for membership and the Registrar will only be entitled to take into account persons in the opposite union, who meet those criteria, in deciding which unions is representative. This has numerous drawbacks.

It encourages the proliferation of unions on membership criteria totally irrelevant to labour relations.

III

SMSVLAJOEN

II

Minister of Manpower Utilisation, Mr Fanie Botha announced that certain provisions of the controversial Draft Industrial Conciliation Amendment Bill are to be withdrawn provisionally.

Unless careful consideration is given in consultation with registered and unregistered unions is given, the memorandum submits, to the very serious financial, administrative and practical implications of the imposed obligations, these unions will be compelled to comply with statutory obligations which they do not have the resources to meet

Warns the memorandum further "unless this is done and suitable practical amendments are made to the obligations imposed on these bodies, many of them and their office bearers will become criminals for reasons which may be largely beyond their control"

The Industrial Conciliation Act applies representivity at the stage of registration and this is inappropriate according to the memorandum. "the test of representivity applied at the registration stage is applied in the abstract as a test to determine which two or more unions is sufficiently representative in an industry, trade or occupation

"It does not, for example, bind employers to accept that representivity in deciding whether or not to negotiate with any particular union in the interest in which it is registered or any other interest"

Another crucial matter which has bedevilled black unregistered unions crops up in the memorandum — many of the requirements for proving representivity are objectionable to the fundamental principles which may wish registration. "The most important of

Thou shalt not kill,
But needst not strive
Officiously to keep alive.

A.H. Clough: the latest Decalogue

Introduction

The purpose of this paper is to examine policy issues associated with the provision of health services. Implicit in the decision to hold a health conference would seem to be the view that health and the provision of health services are in some sense unique - that they fall into a category of their own and as such merit special attention. The proposition is a reasonable one and deserves consideration. To place

He could not say whether the controversial provision allowing for unions to be deregistered and wound down would definitely be scrapped, as he was waiting for the NMC to comment

Asked whether this meant no amendments would be tabled during the coming session of Parliament, he said he would prefer to keep legislation back for a couple of months to let all parties contribute to joint discussions of it. "We are having such discussions and if necessary we will rather keep some things back until next year," he said

But other organisations remained hostile. Questioned on the future of the Government's controversial draft labour Bill, Mr Botha said it had elicited widespread comment from interested parties and would have to be "renegotiated" with them

Mr Botha, who was accompanied by top officials of his department, said they had visited Geneva during the recent International Labour Organisation session, as well as Belgium and Germany. Discussions had been held with employer organisations and heads of South African missions had also been briefed on the labour situation

The renewed onslaught was not aimed directly at the Government but at multinational companies, which were under "very serious and strong pressure". Their activities were being monitored by various organisations and they would be placed under increasing pressure in their home countries

Addressing a Press conference at Jan Smuts Airport, Mr Botha described this as a "dangerous turn of events for South Africa". SOUTH Africa was being subjected to a growing overseas "onslaught" on the labour front, Mr Fanie Botha, Minister of Manpower Utilisation, said yesterday on his return from Europe

By RIAAN DE VILLIERS
Labour Correspondent

'Blitz on SA labour front'

an optimum way to meet the "needs" of an expanding population. It is here one feels that economists may be able to make a contribution. To take a slightly broader perspective, it should be realised that the economic frontier where the most rapid development has occurred in recent years has been in the area of public choice and the provision of public goods. The rapid growth of the State in Western countries over the last three decades has, belatedly perhaps, called the attention of economists to that area of the economy where change has been most obvious - the growth of the public sector. It is these recent

with clothing and ornaments but if they were unsuccessful they might be buried in a common grave with recently deceased patients".

These ancient practices have a remarkably modern tone about them. Current discussion centers on issues such as the appropriate rewards for medical practitioners and the assignment of liability. In the United States doctors are often criticised for an excessive use of 'defensive medicine'. Inca society must have been little different in this respect.

At the basis of any discussion of health services are questions of a technical nature as well as issues of morality. Medical practitioners can claim a particular competence in the first of these areas, philosophers in the second. Fundamental to the entire discussion, however, is the problem of decision making - of allocating scarce resources in

tendency for inter-disciplinary fraternisation and occasionally imperialism is frequently to be applauded, it cannot be universally welcomed. Property rights must at some point be respected. The tendency to muscle in on other peoples affairs is not always a good thing. A simple example may serve to illustrate this:

Those of us who are members of the permanent teaching staff at the University of Cape Town are aware that every month there is a deduction from our paychecks for medical aid. This deduction is compulsory. Generally speaking this scheme is welcomed, and though one might not choose this precise scheme given freedom of choice, it can be argued that for many people it is a satisfactory scheme. We note, however, that it is compulsory and are forced to conclude that if it were not so a

Manpower ideas — 'no shelving'

Act should protect strikers — Mvubelo

Star 8/6/81 125 166

Lowveld Bureau

For how the two dur wor the wor not (c) whi lar the for gua

PIETERSBURG — The chairman of the Manpower Commission, Dr Hennie Reynders, told delegates to the South African Master Bakers' Association conference here yesterday that the commission's recommendations on labour and manpower matters could not be shelved by the Government

"This commission is different from others, in that it is a statutory body which will follow through

The commission's priorities remained the in-depth investigation of education and training, labour relations, and the creation of job opportunities, he said

The question of "open universities" was being studied thoroughly

"This concept has been misconstrued by certain sections of the media. The term simply implies the possibility of lifting the usual university entrance requirements to accommodate students who can be trained in certain skills and trades"

By Bob Davis

The Industrial Conciliation Act should be amended to prevent employers from replacing striking workers, the general secretary of the National Union of Clothing Workers. Mrs Lucy Mvubelo, said in Johannesburg.

Addressing a National Development and Manpower Foundation seminar on industrial relations, Mrs Mvubelo said the "conciliation" machinery remained that of compulsion, control and penalties.

"But in our very imperfect society, it remains essential that workers must have means by which bosses can be forced to sit down and negotiate."

She said regrettably each side had a pistol at its head during negotiations

"The workers have the strike and the employers have the lockout as a weapon"

The workers' weapon was weakened, however,

because, "nowhere does the law specifically state that legally striking workers cannot be replaced by others"

Mrs Mvubelo said workers could therefore only use the strike weapon where they were skilled and could not easily be replaced

"The Industrial Conciliation Act thus does not provide a solution for unskilled or semi-skilled workers who can readily be replaced"

She said this was perhaps why so many illegal strikes occurred among unskilled workers

"A strike - first - and - talk - afterwards principle does not allow the employer to find replacements, particularly if they must be recruited from a homeland area

"I certainly would like to see written into the Industrial Conciliation Act a proviso that legal strikers may not be replaced by others"

Mrs Mvubelo said her union had now been admitted to the formal negotiating machinery

seasonally required inputs of the factor of production labour) we divided migrants recruited for eight to ten months into permanent and short-term contract workers. However in this section we are considering the supply (offer) of migrant labour for contracts of varying lengths. It is thus necessary to distinguish between these different contract lengths. Table 5 illustrates the number of migrants employed by length of contract for our sample.

TABLE 5 : Number of Migrants, By Length of Contract

Contract Length	Number of Workers	Number of Farms
12 Month	128	7
8-10 Month	502	6
6-7 Month	67	3
Under 6 Months	103	6

For the duration of their contracts, the migrant workers - recruited almost entirely from the Transkei - live on the farms at which they are employed.

Labour field needs 'rapid evolution'

Govt
1981
to train
166
132
blacks

THE greatest challenge facing South Africa was to develop and synchronise the country's labour, mineral and energy resources to the benefit of all, the Minister of Manpower Utilisation, Mr Fanie Botha, said yesterday

"This can only take place through evolution and co-operation and not through revolt. Our future therefore lies in rapid evolution," he told a symposium on manpower utilisation at Vanderbijlpark

The symposium, organised by the Vaal River branch of Potchefstroom University, has as its theme "Manpower 1981 - Evolution or Revolution"

Mr Botha said the 80s was a

particularly challenging era, for during this time the foundation for the country's future survival would be laid

The labour terrain presented the greatest challenge, he said, for among other things it was the field where unrest could be created most easily. It was in this field that a sense of balance, responsibility and good judgment by all the country's leaders was needed if South Africa was to prosper

Mr Botha said South Africa was unique in that no other comparable developed country had such an exceptional population composition, it had a high level of development despite a shortage of high-level manpower, its economy was being

slowed because of the backlog of trained people and its State administration was beginning to suffer as a result of personnel shortages while, at the same time, it had a high percentage of unemployed

"That is why the Government has already taken measures to make greater provision for the training of all population groups to bring about a bigger participation (in the economy) to catch up on backlogs and to ensure greater efficiency

Today there was better security and protection for all workers than at any other time, Mr Botha said

The formulation, finalisation,

transfer and implementation of policy in the labour terrain had brought greater clarity, understanding and co-operation during the past two years than in any other period

The trade union composition was 80 white, 54 coloured, 21 black and 42 mixed

"With a few exceptions South Africa's labour dispensation enjoys wholehearted support"

The Afrikaner, the Englishman and the Tswana worker, just like workers of other population groups were protected in their work situation as never before. They belonged to trade unions of their own choice and shared in the fruits of labour peace as never before, Mr Botha said - Sapa

IF SOUTH Africa's demands were not training it might be a disaster, Dr Fanie Botha, Minister of Training, said yesterday

Addressing the congress of Assocom, training of the and provision of were more than 100,000, however

"Behind the state people, individual things who are standing in the sun for and their families, bigger earning capacity mean more than more money," Dr H. said

He said project that 1990 would produce 22 400 black matric university exempted above an expected Certificate

"It is evident that we will have an abundance of educable young people and eager to enter the adult world where they can play their part in the country," Dr. said - Sapa

national rates are then applied to the region's population to obtain for each condition, the expected utilization rates for each area (This will be independent of regional differences in the availability of hospital beds.) The utilization rate by condition for each area is then weighted by the OMR of the population, weighted for age structure by national to take account of condition-specific rates for each region. Some for conditions unlikely to lead to death, e.g. skin diseases should not be used. For conditions of pregnancy, childbirth and postpartum, OMRs should be replaced by an index of fertility rates standardized by age.

1.11) Mukhrjee's reply

This is discussed elsewhere (37).

B. PERSONNEL

In order that such personal health services as exist should be a maximum impact on health status, allocation of these services should be related to 'need'. The ideal rationing criterion for services likely to be scarce (such as specialist consultation and hospital admission) is the one most closely related to 'need'. Price rationing has some claims in this respect since people are willing to pay more for more appropriate care; but unfortunately the patient is not always best placed to know the urgency of his need; and even differences in felt urgency are obscured in a situation

37. See paper by Dr. J. Natrass 'Decision making and optimality in the provision of health care.'

FM 3/7/81

SKILLED LABOUR

Racial minefield

166
211
177

"South Africa will not be able to realise its developmental potential if it persists in attempting to secure its high-level manpower requirements mainly from the white population group." This government view expressed in the white paper on the report of the National Manpower Commission on high-level labour is underlined in the recent presidential address of the Chamber of Mines.

Yet there must be reservations about the implied removal of certain racial barriers governing labour legislation in SA. These are suggested by the recent fracas over the issue between Manpower Minister, Fanie Botha, and his ultra-rightwing Cabinet colleague and Transvaal leader, Andries Treurnicht. The extent of government's promised, more liberal dispensation in the labour field could, therefore, have the brakes put on it despite industry leaders' calls to "open up" to meet the skilled labour shortage.

Outgoing Chamber of Mines President, Bill Lawrence, said in his address that "the problem lies in the inability of SA's relatively small white population to supply all the skills necessary to maintain a rapidly expanding economy." Illustrating the skills shortage, Lawrence said that

in the nine months to March this year, skilled worker vacancies on the gold mines alone increased by more than 40% to 2 609 of which over a thousand were for artisans, mainly electricians, fitters and boilermakers. Vacancies for holders of blasting certificates amounted to 684.

"It is difficult to see how expansion plans for the industry, involving envisaged expenditure of R12 billion over the period 1980-1985, can be implemented in the face of such a worsening skilled manpower situation," said Lawrence. About 100 000 jobs, mainly unskilled, are expected to be created with the industry's known expansion plans. He warned, moreover, that "to the extent that new projects in this programme are delayed, postponed or cancelled, so will the social and economic progress of the country as a whole be retarded."

Significantly, Lawrence stated that the mining industry was aware that "the better utilisation of manpower is a sensitive issue" and, somewhat curiously, if diplomatically, accepted the task "to persuade organised labour that this can be done in a non-discriminatory fashion without jeopardising the employment opportunities of any racial group."

This can be taken to refer to the white Mineworkers Union (MWU), which has traditionally opposed the job advancement of blacks which they see as threatening

their positions. Asked to comment on the apparent intention of the Chamber of Mines to promote "full and equal opportunities" — as emphasised also in the White Paper — MWU president Arrie Paulus said he had "no comment" to make until he had studied the forthcoming Wiehahn Commission recommendations on labour legislation. The report, Wiehahn's sixth, deals with statutory discrimination in the mining industry enshrined in the Mines and Works Act. And judging from the tone of Lawrence's address, the Chamber would be disappointed — assuming Wiehahn does in fact advise more liberal practises — if government's reaction is then to stall.

This scenario can by no means be dismissed in view of extreme rightwing reac-

tion shown in the general election, when the right espoused the "interests" of the white mineworkers. The issue has apparently found a new champion in Treurnicht. And despite the PM's assurance that no differences of principle exist in the ruling party, Treurnicht's intervention in labour policy could open a can of worms that will gnaw away any progressive measures. Wiehahn is expected to recommend

KANTOOR VAN DIE EERSTE MINISTER

No 1392

3 Julie 1981

KENNISGEWING INGEVOLGE ARTIKEL 6A (9) VAN DIE WET OP FISIËSE BEPLANNING, 1967 (WET 88 VAN 1967) — VRYSTELLING VAN 'N GIDSPLAN VIR KIMBERLEY EN OMGEWING

Kragtens die bevoegdheid my verleen by artikel 6A (9) van die Wet op Fisiese Beplanning, 1967 (Wet 88 van 1967), soos dit bestaan het voor die inwerkingtreding van die Wysigingswet op Omgewingsbeplanning, 1981 (Wet 51 van 1981), saamgelees met Goewermentskennisgewing 792 van 3 April 1981, maak ek, Jan Christiaan Heunis, Minister van Binnelandse Aangeleenthede, hierby bekend dat 'n gidsplan deur my goedgekeur is ten opsigte van die gebied omskryf in die Bylae van Kennisgewing 595 wat in die *Staatskoerant* van 23 Maart 1978 verskyn het

Afskrifte van die dokument is vir insae beskikbaar in die kantore van die Tak Fisiese Beplanning van die Kantoer van die Eerste Minister (African Eagle Lifesentrum, Pretoria), die Direkteur van Plaaslike Bestuur van die Kaapse Provinsiale Administrasie, die Stadsklerk van Kimberley en die Sekretaris van die Afdelingsraad van Vaalrivier

Geteken te Pretoria, op hede die 27ste dag van April 1981

J. C. HEUNIS, Minister van Binnelandse Aangeleenthede

OFFICE OF THE PRIME MINISTER

No 1392

3 July 1981

NOTICE IN TERMS OF SECTION 6A (9) OF THE PHYSICAL PLANNING ACT, 1967 (ACT 88 OF 1967) — RELEASE OF A GUIDE PLAN FOR KIMBERLEY AND ENVIRONS

166 3/16/81 GG 7647

Under the powers vested in me by section 6A (9) of the Physical Planning Act 1967 (Act 88 of 1967), as it existed before the commencement of the Environment Planning Amendment Act, 1981 (Act 51 of 1981) read with Government Notice 792 of 3 April 1981, I, Jan Christiaan Heunis, Minister of Internal Affairs, hereby make known that a guide plan has been approved by me in respect of the area defined in the Schedule to Notice 595 published in the *Government Gazette* of 23 March 1978

Copies of the document are available for inspection at the Offices of the Physical Planning Branch of the Office of the Prime Minister (African Eagle Life Centre, Pretoria), the Director of Local Government of the Cape Provincial Administration the Town Clerk of Kimberley and the Secretary of the Divisional Council of Vaal River

Signed at Pretoria, this 27th day of April 1981

J. C. HEUNIS, Minister of Internal Affairs

Pledge for labour reforms

Argus 6/7/81
166

Political Staff

THE Minister of Manpower Utilisation, Mr Fanie Botha, has promised to push ahead with labour reforms in the face of renewed turbulence in Transvaal Nationalist ranks.

He has given this undertaking barely a week after the cease-fire called between the party's warring verligte and verkrampte factions.

Among the latest developments threatening the fragile peace in the party are

● Conservative Nationalist resistance to the proposed appointment of black air hostesses

● An 'invitation' to a senior official of the multi-racial Trade Union Council of South Africa (Tucsa), Mr Robert Botha, to stand for election as a National Party nominated MP, and

● Support for Dr Andries Treurnicht's objections to labour policies from Mr Arrie Paulus, right-wing secretary of the Mineworkers' Union

Mr Paulus said he intended taking up an election offer from Dr Treurnicht of round-table talks on the

future of the white worker.

Conservative Nationalist suspicions are bound to be roused by both Mr Botha's promise of continued labour reform and the invitation to a Tucsa official to stand for election as a nominated MP.

Mr Botha set out his department's future labour policy programme in an interview with the Afrikaans Sunday newspaper Rapport to 'remove any possible misunderstanding.'

PROGRAMME

He said the legislative programme included a consolidated law to provide for industrial training for all population groups, a single law to provide for guidance and employment of all work-seekers, a single law to provide for minimum conditions of employment in shops, offices and factories, and a single consolidated law to govern industrial relations.

The legislative programme will coincide with the tabling in Parliament of parts five and six of the Wiehahn commission report

Fanie outlines 'new look' policy

RDM 6/7/81 (166)

Own Correspondent

PORT ELIZABETH — The Minister of Manpower Utilisation, Mr S P Botha, has outlined the Government's 'new look' labour policy

But, although the policy promises more enlightened attitudes towards labour relations, Mr Botha leaves no doubt the Government's antipathy towards unregistered unions remains

In an interview with an Afrikaans Sunday newspaper, Mr Botha said the Government was to embark on a legislative programme which would reduce the number of laws administered by the Department of Manpower Utilisation from 14 to eight

This would form a legal framework which could be held up with pride to employers, employees and all inhabitants of South Africa

He said the Government had

laid down a number of principles as guidelines for employers and employees

These included

- Evolutionary adjustments in established labour practices and traditions where necessary, including more consultation and dialogue,
- Minimal State involvement and neutrality in the private relationship between workers and employers and
- Responsibility to community and country and responsible and orderly conduct under all circumstances,

Mr Botha went on to say the trade union movement was going through a time of growth and development, and that in such a time tensions must be expected

He said the ideal being strived for was a "voluntary, unitary system in which all unions act within the framework of the law"

URBAN &
REGIONAL
PLANNING

tion.
in the

C W von During

S A Brick Association Prizes
For the best student in the
subject of Building Construction.

III: No award

II : A R Low Keen

I : N D G Sessions

For the best student in each of
the courses of Building Economics I,
II and III in the third, fourth &
fifth years respectively.

LTA Prizes

P R Swift

Professional Practice.

For the student obtaining
the highest marks in

Surveyors' Prize

Cape Chapter of Quantity

The Committee of the Western

P C Key

Bell-John Prize
For the best all-round student
in any year of study.

QUANTITY
SURVEYING
(Continued)

New labour deal to go ahead despite verkramptes

star 6/7/81
166

Political Staff

CAPE TOWN — The Minister of Manpower, Mr Fanie Botha, has promised to push ahead with labour reforms in the face of renewed turbulence in Transvaal Nationalist ranks.

He has given this undertaking barely a week after the ceasefire called between the party's warring verligte and verkrampte factions.

Among the latest developments threatening the fragile peace in the party are:

- Conservative Nationalist resistance to the proposed appointment of black air hostesses

- An "invitation" to a senior official of the multiracial Trade Union Council of South Africa, Mr Robert Botha to stand for election as a National Party nominated MP

- Support for Dr Andries Treurnicht's objection to labour policies from Mr Arie Paulus, right wing secretary of the Mineworkers' Union

Mr Paulus said he intended taking up an election offer from Dr Treurnicht.

night of round-table talks on the future of the white worker.

Conservative Nationalist suspicions are bound to be roused by both Mr Botha's promise of continued labour reform and the invitation to a Tucs official to stand for election as a nominated MP.

Tucs's journal, Labour Mirror, has reported the invitation has come from "senior members" of the National Party.

Mr Botha set out his department's future labour policy programme in an interview with the Afrikaans Sunday newspaper Rapport to "remove any possible misunderstandings."

He said the legislative programme included a consolidated law to provide for industrial training for all population groups, a single law to provide for guidance and employment of all work-seekers, a single law to provide for minimum conditions of employment in shops, offices and factories, and a single consolidated law to govern industrial relations.

For a student who has
Helen Gardner Travel Prize

P F Dunkley

Sixth Year

For the best student in :-
of Architects' Prize
Cape Provincial Institute

FINE ART & ARCHITECTURE

ARCHITECTURE

Streamlining use of labour laws

Labour Reporter

The Department of Manpower Utilisation plans to reduce the number of laws it administers from 14 to eight and set standards which would be held up with pride by all employers and workers

The Minister of Manpower Utilisation, Mr Fanie Botha, said in an interview with a weekend Afrikaans newspaper that the department had "literally moved mountains" in recent years to modernise labour laws

The Government had established certain principles to ensure harmonious industrial relations, he said. These principles included:

- Trade union autonomy
- Evolutionary development of established labour practices, with consultation and negotiation
- State neutrality and minimal intervention in employer-employee relations.

During the forthcoming session of Parliament changes aimed at creating harmony in the work place would be made to the Industrial Conciliation Act, Mr Botha said. Parts five and six of the Wiehahn Report would be tabled

The Government recognised that tension developed when the gap in the standard of living between various sections of the population increased and it was taking action on the labour front.

TENSION

Because trade unionism was experiencing growth increased tension was expected, he said

Mr Botha discussed the increased number of strikes as well as the growth of trade union membership in the country and added that the Government's aim was to create a voluntary, unitary system in which all unions operated within the framework of the law.

shown

ent in the

the
izes
truction.

PLANNING
REGIONAL
URBAN &

III: No award
II : A R Low Keen
I : N D G Sessions

For the best student in each of the courses of Building Economics I, II and III in the third, fourth & fifth years respectively.

LTA Prizes

P R Swift

For the student obtaining the highest marks in Professional Practice.

Surveyors' Prize

Cape Chapter of Quantity

The Committee of the Western

P C Key

For the best all-round student in any year of study.

Bell-John Prize

QUANTITY
SURVEYING
(Continued)

Govt plans changes in labour laws

RDM. 17/7/81

166

By GERALD REILLY
Pretoria Bureau

LEGISLATION will go through Parliament this coming session to make further important adaptations to the country's labour policy and practices, the chairman of the Manpower Commission, Dr Hennie Reynders, said in Pretoria yesterday

The legislation included a Bill on manpower training, another on employment and guidance and a third to make certain amendments to the Industrial Conciliation Act

The curbing of ministerial powers in certain areas was provided for in draft legislation circulated for comment earlier this year

Addressing the Pretoria branch of the Associated Chambers of Commerce (Assocom), Dr Reynders said the country's unemployment problem was centred mainly on the Witwatersrand, the Eastern Province and in the homelands

Among the package of solutions studied was the possibility of extending labour intensive industries

However, the danger was if this went too far South Africa's competitive position on export markets would be adversely affected

Family planning could be another solution, but not enough was being done in this field

However, more than a million women, mostly black, were being protected from pregnancy in the Department of Health's family planning programme

Referring to closed-shop agreements Dr Reynders said a report on the issue was now with the Minister of Manpower Utilisation. The report, it was hoped, would be published within the next few months

A minority in the Wiehanh Commission report found not only that the practice was undesirable, but that it held certain dangers. It was a negative form of association and a form of job reservation, it was claimed

Dr Reynders referred to the "knotty" problems of works committees and councils

The question of whether to grant the committees and councils statutory negotiating powers was being investigated by the commission

Dr Reynders said it was felt in some areas of the economy that ministerial discretion to intervene in the principle of freedom of association in the trade union movement should be curbed

In fact, provision had been made in a draft Bill to amend the Industrial Conciliation Act to do just that

Attention had also been given in draft legislation earlier this year to curb ministerial interference in the formation of mixed unions

On the issue of training Dr Reynders said the National Productivity Institute was investigating worker training and particularly in-service training

Dr Reynders conceded even the Manpower Commission had a labour problem and was compelled to contract out certain work

PLA
REC
URE

III : No award

II : A R Low Keen

I : N D G Sessions

For the best student in each of the courses of Building Economics I, II and III in the third, fourth & fifth years respectively.

LTA Prizes

P R Swift

Professional Practice.

For the student obtaining the highest marks in

For the student obtaining

Surveyors' Prize

Cape Chapter of Quantity

The Committee of the Western

P C Key

For the best all-round student in any year of study.

Bell-John Prize

(Continued)

QUANTITY
SURVEYING

Union rights intact unless laws repealed

RDM 17/7/87

(166)

Southern Africa Bureau
INCREASED industrial decentralisation will not affect the trade union rights of workers unless the governments of the self-governing homelands repeal South African labour legislation and formulate their own.

This was explained yesterday by labour experts at the Department of Manpower in Pretoria and at Cape Town University's SA Labour Development Research Unit (Saldru) following the announcement this week that R11 200 000 is to be invested in homeland industry in the next two years.

To date, no homeland administrations have repealed South Africa's labour laws, although a number of homeland leaders — notably Chief Lennox Sebe of Ciskei — have indicated their opposition to trade unions by

detaining union leaders and denouncing their activities.

The general manager of the Corporation for Economic Development (CED), Mr Johannes Nieuwoudt, announced this week that the CED planned to build 26 factories in various homelands by 1983.

A CED spokesman said yesterday the factories would probably be suitable for light engineering enterprises.

In the past 10 years the CED has invested R226-million in buildings and infrastructure for 214 factories in the homelands.

More than 35 000 jobs have been created. The number of workers to be employed at the new factories will depend on the type of industries.

The CED aimed at a ratio of one white executive to 30 workers, the spokesman said.

and shown

ent in the
 truction.

PLANNING
 REGIONAL
 URBAN &

Bell-John Prize
 For the best all-round student in any year of study.
 P C Key

The Committee of the Western Cape Chapter of Quantity Surveyors' Prize
 For the student obtaining the highest marks in Professional Practice.
 P R Swift

LTA Prizes
 For the best student in each of the courses of Building Economics I, II and III in the third, fourth & fifth years respectively.
 I : N D G Sessions
 II : A R Low Keen
 III : No award

S A Brick Association Prizes
 For the best student in the subject of Building Construction.
 C W von Düring

QUANTITY
 SURVEYING
 (Continued)

New Bills will alter labour laws, policy

166

PRETORIA — Legislation will go through the next session of Parliament to make further important adaptations to the country's labour policy and practices the chairman of the Manpower Commission, Dr Henrie Reynders, said here yesterday.

The legislation included a Bill on manpower training, another on employment and guidance and a third to make certain amendments to the Industrial Conciliation Act.

The curbing of ministerial powers in certain areas was provided for in draft legislation circulated for comment earlier this year.

Dr Reynders told the Assoccom branch here that the country's unemployment problem was centred mainly on the Witwatersrand, Eastern Cape and in the homelands.

Among the package of solutions was the possibility of extending labour-intensive industries.

However the danger was if this went too far, South Africa's competitive position on export markets would be affected adversely.

Family planning could be another part of the solution. It was said not enough was being done in this field.

However, more than a million women, mostly black, were being protected from pregnancy in the Department of Health's family planning programme.

Dr Reynders said the aim was to increase this total to a million and a half by 1983-84.

Black population growth was showing "slight downward tendency".

However, according to the Department of Statistics figures the black population is mushrooming at about 430 000 a year.

The figure will exceed 500 000 by next year.

According to figures released here yesterday, in April this year the black population was 17 500 000.

Demographers point out that the white population increase during the current year is expected to be about 53 000.

Referring to closed shop agreements, Dr Reynders said a report on the issue was now with the Minister of Manpower Utilisation.

A minority in the Wiehahn Commission report found not only that the practice was undesirable, but that it held certain dangers. It was a negative form of association and the commonest form of job reservation, it was claimed.

Dr Reynders referred to the "knotty" problems of works committees and councils.

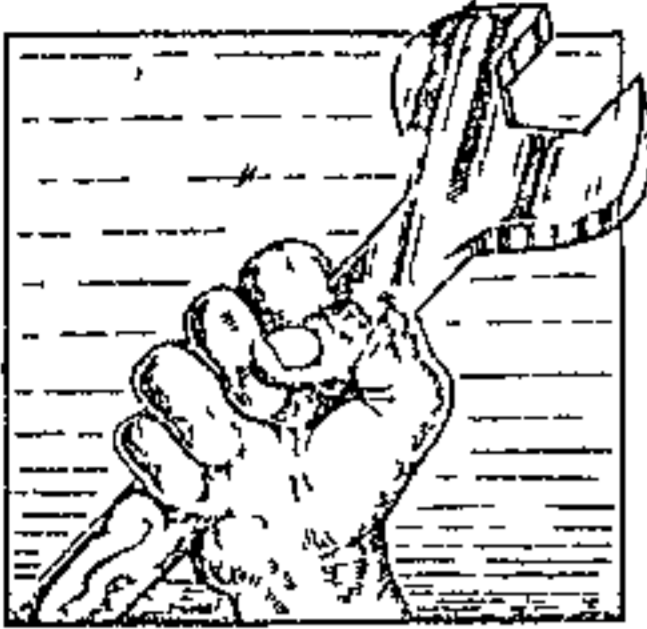
The question of whether to grant the committees and councils statutory negotiating powers was being investigated.

He said it was felt in some areas of the economy that ministerial discretion to intervene in the principle of freedom of association in the trade union movement should be curbed — DDC.

The challenge of the 30s

166

FM 24/7/81



No one doubts that SA managements face tough labour challenges. Black workers are set to make increasingly sophisticated use of collective bargaining rights. Government's belated — yet courageous — decision in 1979 to accept the Wiehahn Commission recommendation to grant trade union rights to blacks also has a more far-reaching significance. As Professor Willie Bendix, of the University of Stellenbosch Business School points out, whether acknowledged or not, the power structure of SA society is changing with labour assuming a central position.

Employers are already feeling the effects as emerging black unions flex their muscles after having been ignored and suppressed for decades. Last year, 207 strikes and work stoppages, caused mainly by unregistered black unions, resulted in the loss of 174 615 man-days. Managements will have to become increasingly skilled in dealing with the aspirations of their workers if SA is to develop a system of industrial relations in which the potential for conflict is kept to a minimum.

They will have to improve their ability to communicate with their workers. Recent worker unrest over new fringe benefits has vividly illustrated the difficulties managements face in explaining complex issues to unsophisticated employees.

Black unions will have problems as they struggle to define their social role in the new labour dispensation. They will be under severe pressures to be vehicles for black social and political aspirations and those unions which do not have strong links with the broader black community may find themselves being rejected by the very people they are trying to serve.

Managements naturally, fiercely resent what they perceive to be political issues being raised by unions. However, Fred Ferreira, Ford's director of industrial relations and a veteran in dealing with highly politicised black unionists, warns that whether they like it or not, managements should expect the bargaining table to be increasingly cluttered with issues which are not traditionally part of negotiating agendas.

The government, which for so long has teared black labour's political muscle will have to learn to exercise restraint. Having created a climate for reform in the labour arena, it should refrain from trying to define in great detail how employers and employees should relate to each other.

"The less the State becomes involved in 'relationship building' between organised

labour and management, the better for the future," says Loet Douwes Dekker, senior lecturer in industrial relations at the Wits Graduate School of Business Administration. In its response to the draft Industrial Conciliation Amendment Bill, the Federated Chamber of Industries has warned that too much government interference can destabilise the framework of negotiation between employers and employees. Of particular concern is the government's wish to have a strong control over the registration of new unions.

The government will also have to curb its willingness to take arbitrary action against unionists who refuse to enter the official bargaining system. Bannings and detentions might result in short-term gains, but in the long term can only further increase the suspicions many unionists have about the new industrial relations system.

During the coming decade the three main participants in the labour arena — management, trade unions and government — are going to be involved in an intense debate about how SA's industrial relations system should evolve. At the heart of this will be questions about the future of the industrial council (IC) system through which wages and working conditions have been regulated in the past between employer associations and registered trade unions.

At present, there are about 100 ICs with agreements which cover about 40 500 employers, 205 600 white workers, 198 600 coloured workers, 73 400 Asian workers and 568 000 black workers. The IC system has in the past been credited with ensuring low levels of industrial unrest. But now

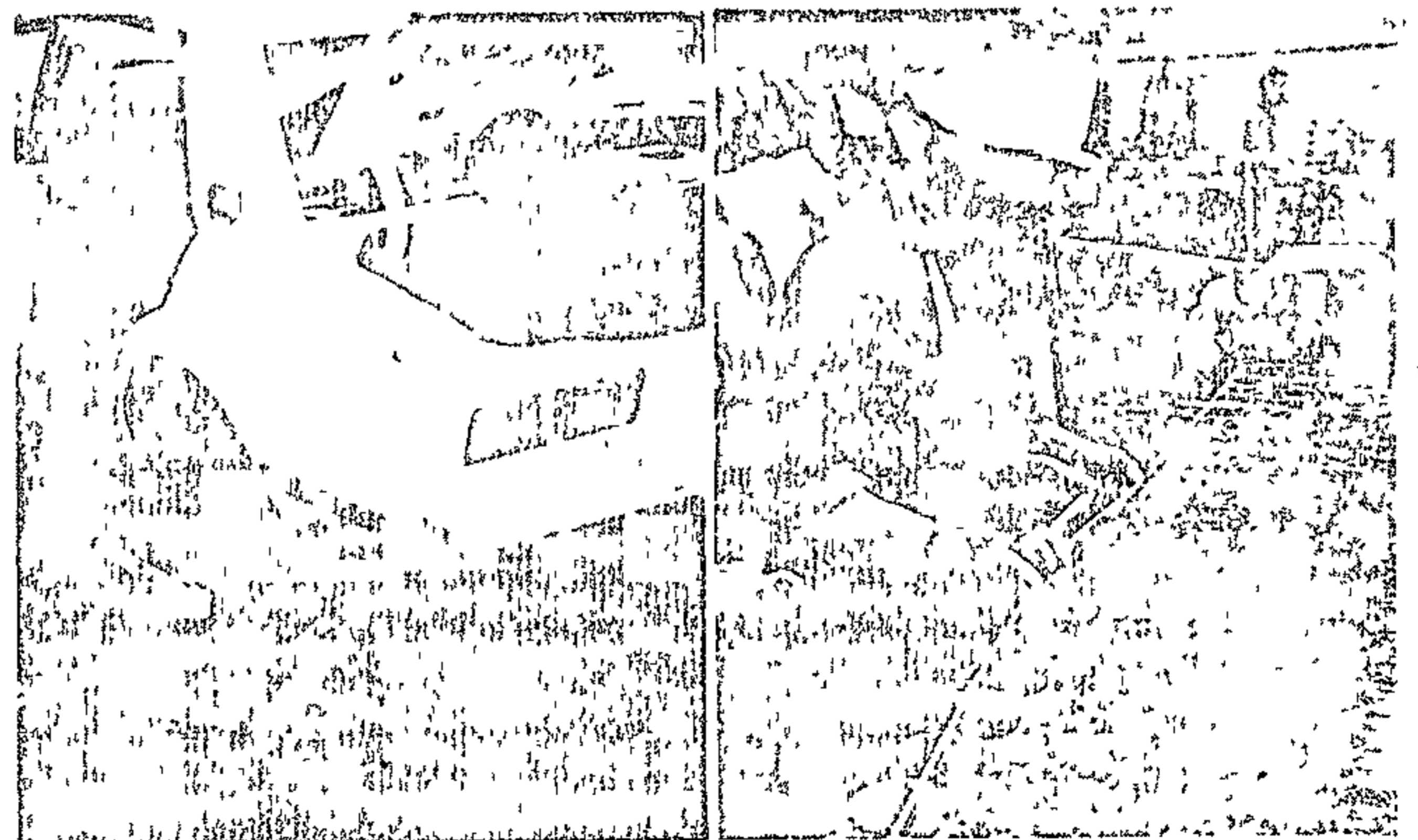
there are calls from both employers and unionists for the system to be reformed to cope with changing circumstances.

The effective operation of these councils in the future will be hampered by the very slow rate at which black unions are being registered and brought into the IC system, and the emphasis placed by many emerging black unions on plant-level negotiation as opposed to industry-level negotiation on ICs. This insistence on plant-level negotiation over wages was the cause of the recent Colgate Palmolive dispute, and other such conflicts are likely to occur.

Most employers and trade unionists who have participated in the system in the past believe it is basically a sound one and point out that it can provide workers with a variety of fringe benefits on a cost-effective basis.

However, it is not surprising that black unionists view the councils with great suspicion and have strong reservations about taking seats on them. These unionists have been denied a voice on councils in the past and have seen how in certain agreements, black wages in fact went down, while those of white artisans rose. The system has had, except in a few cases, the effect of removing the influence of the trade union from the factory floor and it has not enabled workers to have their grievances resolved speedily.

Ferreira points out that the system has evolved to a stage where few employers and very few direct labour representatives take part in council negotiations. Scores of employers and often thousands of workers have little opportunity for communication at this forum and must rely on the media to find out how the council agreement will



Black labour . . . placing great emphasis on shop floor negotiations

affect them, he says. Like many employers (and trade unionists), Ferreira believes that unless the councils are reformed, they will probably face disintegration soon.

The crisis which faces the councils is also rooted in the bypassing of councils in recent years by black unions using recognition agreements. They have used these to establish relationships with particular employers and at present about three dozen such agreements have been signed and another two dozen are said to be in the process of negotiation.

There is thus the danger that two different industrial relations systems can develop. Douwes Dekker says bluntly: "The basic question facing the future structure of industrial relations in SA is whether recognition agreements and IC agreements will become competitors or will complement each other as instruments of governance. Unless the complementary aspect of the IC and recognition agreements are spelt out, and some general consensus reached regarding their mutual reinforcing functions, then the concept of the IC will be found to be increasingly inappropriate and open to criticism by the emerging black unions."

New dispensation

Professor Nic Wiehahn, architect of the new dispensation, recognises the dangers of a new dualism creeping into industrial relations. He tells the *FM* he believes it is a proven system and that there is nothing essentially wrong with it except that in the past it has been closed to more than 70% of SA's workers. However, he believes it runs the risk of being bypassed if the councils are "administratively and procedurally" closed to black workers.

Wiehahn also believes that the councils must consider trying to extend their activities down to shop floor level.

Associate Professor of Economics at the University of Natal, Jill Nattrass, warns of the potential for conflict in the future. She says there is scope for growing differences between unions controlled by various race groups: between craft unions and general workers' unions, between reg-

istered and unregistered unions, and, probably most important, between unions who are members of an IC and those who are not, but who are seeking entrance.

In addition, in one IC there may be employers who deal with registered unions who are council members, employers who have to deal with unregistered unions or other unions which operate outside the system, employers whose workforces remain unorganised, as well as those who face some combination of all these possibilities. She says the system, which relies on a 100% acceptance vote for new membership, cannot accommodate a conflict between a union seeking admission and a member union which is blocking this.

There are, however, many people in the labour arena who believe the IC system is basically a sound one. They say modifications need to be made to it, but emphasise that total abandonment of industry-level bargaining will lead to chaos.

General Motors assistant MD Rod Ironsides, who heads the FCI's labour affairs committee, believes in the IC system, but says it may in some cases have been implemented too rigidly in the past. Shop floor level bargaining can be taken too far, he says. What is needed is a modified IC system.

"Employers have lagged sadly behind developments," says labour consultant Andrew Levy, who adds that there are signs that the councils themselves are beginning to realise something has to be done.

Contact points

Happily there appear to be points of agreement between some unionists and employers on the councils' future role. Says Andre Valherbe, president of the Trade Union Council of SA (Tucsa): "The new unions place great emphasis on shop-floor negotiations and I believe we might have to live with this in the short term. However, in the long term I think everyone will see the advantages of the IC system." Valherbe believes there is room for shop floor negotiations on some issues which affect workers in a particular plant, but says there is no substitute for bargain-

DEFINITION

An industrial council: A mutually formed and registered body created by registered trade unions and registered employer organisations for collective bargaining in a particular industry and area. It concludes industrial agreements under the law and administers the agreements.

ing at IC level over issues affecting a whole industry.

Joe Foister, president of the Federation of SA Trade Unions (Fosatu), says ICs have an important role to play, providing they do not deny workers the right to in-plant wage bargaining. He suggests that ICs should set minimum wage levels and that workers in different companies should then be free to bargain with their individual employers.

Some managements the *FM* spoke to, including industrial relations adviser Richard Sutton, express similar sentiments and believe there could be room for in-house agreements.

A crucial factor in shaping a new labour dispensation will be the ability of the government, employers and unions already serving on the councils to persuade the new unions to join the official system. Given all the abuses and prejudices of the past, this is not going to be easy. Having created a climate for drastic reform in labour, the government has to move quickly to abolish discriminatory laws. The draft Bill published earlier this year also revealed a government desire to have strong control over labour affairs. In the face of strong criticism from both employers and unionists it has now indicated that it is willing to reconsider some important aspects of the legislation.

A great deal more of this kind of flexibility will be needed from government, managements and unionists if a social partnership is going to be achieved between these three groups — a partnership which will ensure the skillful accommodation of the various interests at stake.

HALTON CHEADLE

FM 31st July 1981

Through the labour web

166

~~166~~

Halton Cheadle has a legal background and has widespread experience in the labour field. He is currently assistant director of the Wits Centre for Applied Legal Studies

FM: What role should the State play in labour legislation?

Cheadle Statutory provision for State intervention should be minimal. An enabling framework rather than a controlling one should be provided, one which makes negotiations possible rather than prescribing how negotiations should take place. It's crucial that employers and unions decide independently the kind of relationship they will have with each other. All the State should do is make this possible. It should encourage negotiations in whatever form they take.

What are the benefits of signing recognition agreements rather than participating in the official bargaining process at industrial council (IC) level?

Registration doesn't grant bargaining rights. Industrial councils largely serve the needs of craft and racially based unions, which exclude the vast majority of SA workers. The new unions are essentially industrial unions which organise all workers at plant level.

Many disputes have origins inside the workplace so it is essential that certain rights are accorded within the workplace. There is no way that the IC system can possibly deal with every dispute. It is obvious that some form of dispute procedure within the establishment is necessary. If unions are not included they will not be credible and won't be used.

What should a recognition agreement include?

A recognition agreement is a skeletal constitutional arrangement between an employer and the union. The most crucial element is a rudimentary negotiation procedure whereby management agrees to recognise the union as a

bargaining agent on behalf of its members.

The agreements that flow from this can be procedural and substantive. Aspects of the former might include grievance, dismissal and retrenchment procedures, also rights such as allowing officials access to the workplace stop-order facilities, recognition of union officials and in particular shop stewards. Substantive agreements such as wages and working conditions will change from year to year.

Can the dual system of industry-wide and plant level bargaining co-exist?

Yes. Recognition agreements are private arrangements between employers and unions. They deal with details that ICs do not. If you negotiate wages at plant level they may not be less than those prescribed at IC level. Managements' worry is that they will negotiate at IC level and then be faced with plant level bargaining. Increases negotiated at plant level can take into account increases negotiated at IC level.

How representative is representative and when should management sign a recognition agreement?

Management shouldn't make an artificial fetish of percentages such as 50% and only then decide to give stop-orders or access. The importance of 50% as a percentage is that if you get 50% plus one, it means you need only deal with one union. Representativity is only important when dealing with the exclusive right to negotiate. It should be used only in deciding whether sole collective bargaining rights should be accorded to a union.

What legislative changes should be made to encourage a healthy industrial relations system?

Firstly registration should be a formality — a mere listing of trade unions should be sufficient. Benefits that flow from the statute should be accorded only to 'independent' unions and not to 'sweetheart' unions. The basic structure should be in the form of enabling legislation, and the content of the relationship should be decided by employers and unions themselves. It should not be imposed by the State. The form

that industry-wide bargaining should take should be dependent on the parties themselves and not on a stipulated form such as an IC. Industry-wide bargaining should set down minima and plant bargaining set actual wages. The conciliation board procedure relies too much on ministerial discretion.

Government plans to scrap the statutory basis of works committees. Should the system be retained?

The fundamental objection to works committees is that they are outside the union structures. They are often set up to pre-empt unions. The crucial thing is to have a committee formed by the union which represents the union inside the plant. To date statutory works committees have been used in such a way that they have become thoroughly discredited.

How effective is existing legislation to settle disputes and grievances?

It is very formalistic, inflexible, slow and also subject to ministerial discretion. It only provides for major disputes and does not make provision for disputes at plant level. You cannot invoke a conciliation board and call an industrial council meeting every time a worker is considered to have been unfairly disciplined or dismissed.

Is the industrial court proposed by Wiehahn functioning effectively?

No. The first problem is that the enabling legislation is ambiguous. It confuses different kinds of disputes. There is an incredible confusion as to the parameters of its jurisdiction. One of its functions is to operate as a court of law, but its latest decision will exclude most legal disputes. If a dispute is taken to the Supreme Court — the court will probably say that the dispute should be heard in the industrial court. If it is brought before the industrial court, the court will probably claim it has no jurisdiction. It's a Catch 22 situation. The law is in a parlous state.

Moreover, in the case of the unfair labour practice — it's not a court of first instance. Complex machinery must be invoked before access to the court is granted.

Laws planned for new deal for all workers

Star 3/7/81 166

CAPE TOWN — Far-reaching reforms in labour legislation, aimed at protecting all workers in South Africa, are contained in two draft Bills to be published today

The Minister of Manpower, Mr Fanie Botha, announced that the draft Machinery and Occupational Safety Bill and the Conditions of Employment Bill would be published for general information and comment today and the Government intended introducing the legislation during the 1982 parliamentary session

Mr Botha said that while the Factories, Machinery and Building Work Act of 1941 offered statutory protection for the safety and health of people working in factories and in the building industry, the Draft Machinery and Occupational Safety Bill would extend this protection to all

people working in any form of employment

The Conditions of Employment Bill was aimed at combining the provisions of the Factories and Shops and Offices Acts, which related to conditions of employment, into a single Act

The new legislation would not be confined in its application to workers in factories, shops and offices as at present

One of the most serious shortcomings of the present law was that many workers in regions outside the areas of jurisdiction of industrial council agreements and wage determinations could not insist on basic minimum conditions of employment, Mr Botha said

"The changes which are being contemplated should bring about the necessary security"

Except for a few exclusions the proposed legislation would provide protec-

tion for all workers, in all sectors of the economy, throughout the country in basic conditions such as hours of work, annual leave, sick leave and payment for work on Sundays and public holidays

In addition, all differentiation based on sex would be eliminated

The draft Machinery and Occupational Safety Bill included in its provisions

- greater power for the Minister and his inspectors to prohibit or stop processes which were harmful to the safety and health of employees,

- the participation of local authorities in enforcing health and safety regulations

- a more active role for the courts in enforcing the legislation

- the active cooperation of employers and workers in providing safe and healthy working environments — S pa



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

For full text see GA.

PRYS (AVB ingesluit) 30c PRICE (GST included)
As 'n Nuusblad by die Poskantoor Geregistreer BUITFLANDS 40c ABROAD *Registered at the Post Office as a Newspaper*
 POSVRY POST FREE

Vol 193]

PRETORIA, 31 JULIE 1981
 JULY 1981

~~166~~ 166

[No 7697

ALGEMENE KENNISGEWING

KENNISGEWING 550 VAN 1981

DEPARTEMENT VAN MANNEKRAG

WETSONTWERP OP MASJINERIE EN
 BEROEPSVEILIGHEID

Die volgende Konsepwetsontwerp op Masjinerie en Beroepsveiligheid word hierby vir algemene inligting en kommentaar gepubliseer

Enige kommentaar of vertoe daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word

KONSEPWETSONTWERP

WETSONTWERP OP MASJINERIE EN
 BEROEPSVEILIGHEID

Om deur die Minister van Mannekrag ingedien te word

Om voorsiening te maak vir die veilige gebruik van masjinerie; om voorsiening te maak vir voorsorgmaatreels teen ongelukke aan en siekte van persone in diens; om die fisiese toestande waaronder persone toegelaat of van verwag word om te werk te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan

Dit word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg

Indeling van artikels

	<i>Artikel</i>
Hoofstuk I Woordomsrywings en Toepassingsbestek...	1-2
Hoofstuk II Ongelukke en Siektes	3-11
Hoofstuk III Prosedure	12-17
Hoofstuk IV Algemene Bepalings	18-38

715—A

GENERAL NOTICE

NOTICE 550 OF 1981

DEPARTMENT OF MANPOWER

MACHINERY AND OCCUPATIONAL SAFETY BILL

The following Draft Machinery and Occupational Safety Bill is hereby published for general information and comment

Any comments or representations thereon should be lodged in writing and in duplicate with the Director General Manpower, Private Bag X117, Pretoria, 0001, within 30 days of the date of publication of this notice

DRAFT BILL

MACHINERY AND OCCUPATIONAL SAFETY BILL

To be introduced by the Minister of Manpower

To provide for the safe use of machinery; to provide for precautions against accidents to and disease of persons in connection with employment; to regulate the physical conditions under which persons are required or permitted to work; and to provide for matters incidental thereto

Be it enacted by the State President and the House of Assembly of the Republic of South Africa, as follows

Arrangement of sections

	<i>Section</i>
Chapter I Definitions and Application	1-2
Chapter II Accidents and Diseases	3-11
Chapter III. Procedures	12-17
Chapter IV. General Provisions	18-38

7697—1



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

for full text see GA

PRYS (AVB ingesluit) 30c PRICE (GST included)
 As 'n Nuisblad by die Poskantoor Geregistreer BUITELANDS 40c ABROAD Registered at the Post Office as a Newspaper
 POSVRY POST FREE

Vol 193]

PRETORIA, 31 JULIE 1981
 JULY 1981

[No 7696

ALGEMENE KENNISGEWING

KENNISGEWING 551 VAN 1981

DEPARTEMENT VAN MANNEKRAG

WETSONTWERP OP DIENSVOORWAARDES

Die volgende Konsepwetsontwerp op Diensvoorwaardes word hierby vir algemene inligting en kommentaar gepubliseer. Enige kommentaar of vertoe daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word.

KONSEPWETSONTWERP

Om die werkure en diensvoorwaardes van werknemers te reël en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan

Om deur die Minister van Mannekrag ingedien te word

Woordbepalings

1 In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) "amptenaar" 'n persoon op die vaste diensstaat van die staatsdiens; (xvix)

(ii) "artikel" ook enige solied, vloeistof, damp of gas of kombinasie daarvan, (ii)

(iii) "assuransie-agent" 'n werknemer wat uitsluitlik of hoofsaaklik weg van sy werkgewer se perseel in diens is om versekeringsbesigheid te werf of premies ten opsigte van versekeringspolis in te vorder, (x)

(iv) "bedrywigheid" ook enige bewerking, handwerk of bedryf, (i)

(v) "beloning" 'n betaling in kontant of in natura of sowel in kontant as in natura gedoen of verskuldig aan enige persoon, en wat op enige wyse hoegenaamd uit diens ontstaan, en het "beloon" 'n ooreenstemmende betekenis, (xxiv)

708—A

GENERAL NOTICE

NOTICE 551 OF 1981

DEPARTMENT OF MANPOWER

CONDITIONS OF EMPLOYMENT BILL

The following Draft Conditions of Employment Bill is hereby published for general information and comment. Any comment or representations thereon should be lodged in writing and in duplicate with the Director-General Manpower, Private Bag X117, Pretoria, 0001, within 30 days of the date of publication of this notice.

DRAFT BILL

To regulate the hours of work and conditions of employment of employees and to provide for matters incidental thereto

To be introduced by the Minister of Manpower

Definitions

1 In this Act, unless the context otherwise indicates—

(i) "activity" includes any process, handicraft or occupation, (iv)

(ii) "article" includes any solid, liquid, vapour or gas, or combination thereof, (ii)

(iii) "casual employee" means an employee who is employed by the same employer on not more than three days in any week, (xvii)

(iv) "demonstrator-salesman" means an employee who is wholly or mainly engaged away from his employer's premises in demonstrating any article, whether or not he also sells any such article, (vii)

(v) "emergency work" means any work which, owing to fire, accident, storm, epidemic, act of violence, theft, breakdown of plant or machinery or other unforeseen circumstances, is required to be done without delay or work in connection with the overhauling or repairing of plant or machinery which cannot be performed during ordinary working hours, (xx)

7696—1

Am
1981

'Stop order' protest

166
127
151
Stow

The "stop order" clause in the Labour Relations Amendment Bill is seen as Government interference in the labour field, says The Star's Labour Reporter.

If there is one thing that rankles employers it's Government interference in the work place

So when the draft Bill amendment to the Industrial Conciliation Act came out in March this year employer bodies were quick to protest several proposals.

Two of the country's largest employer umbrella organisations — the Federated Chamber of Industries (FCI) and the Association of Chambers of Commerce of South Africa (Assocom) — submitted recommendations to the Department of Manpower.

Both organisations protested one proposal employers would be forbidden to deduct membership fees to a trade union which was not registered.

And when the Labour Relations Amendment Bill was released in the House of Assembly last week the amendment was still there

Assocom felt that the 'stop order' union fees were a matter purely between employers and workers.

"Such interference by the State in relations between unions and employers is both undesirable and unnecessary," according to Assocom

The FCI saw the stop order (or check-off) facility as a vital "bargaining counter" that the employer had in negotiation with unions

The proposal was in conflict with the principle

of self-governance and would encourage fragmentation of unions, the FCI stated.

For the country's largely black, unregistered unions the amendment will mean a loss of funds.

For employers — particularly in the unsettled labour scene in the Eastern Cape — they will have lost a valuable negotiating tool

The amendment also represents a further Government inroad into the labour field instead of maintaining a neutral stance.

There are several unregistered unions which have recognition agreements with local companies. These include the South African Allied Workers Union (Saawu), the General Workers Union, and the African Food and Canning Workers.

Saawu's general secretary, Mr Sam Kikine, says their union anticipated this restriction on stop orders long ago.

"We will use this Bill to our own advantage as we have always preferred to collect dues from workers," Mr Kikine said

Mr Kikine said some workers feared stop order forms because these enabled companies to know who belonged to which union, which could contribute to worker victimisation in cases where an unregistered union was competing against a long-standing registered union.

not be hit by the section as it was then worded. The 1959 amendment were intended inter alia to bring such transactions within the net of the section and based on the decision in Smith's case (supra) the amendment has achieved this result.

Industries tardy over training may face a levy

Labour Reporter

The Government may impose a levy on certain industries important to the national economy if they "lagged behind" in manpower training

The imposition of such a levy is provided for in the Manpower Training Bill tabled in Parliament last week

The chairman of the National Manpower Commission, Dr Hennie Reynders, said at a Press briefing in Pretoria yesterday that if industries which were considered important to the national economy lagged behind in manpower training, they would be told to "pull up their socks"

The present system of training was a voluntary one in accordance with the free enterprise ethic he said

He also outlined other investigations by the commission. These included

- Apprenticeships and military training.
- The Small Business Association,
- Strikes in South Africa over the past two years

Consideration had also been given to the creation of a code of employment practices

Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament

It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult

Television was also being looked at as a medium for manpower training

and workshops". The distribution of TB in the city bore a marked resemblance to the distribution of the plague as a comparison of a TB map drawn up by Fuller, and the plague map, indicates.

It certainly inveighed against the African population. It is true that he also mentioned that he also urged the building of more housing, but his was a lone voice. They were responsible for many of the jerry-built houses which he was anxious to contribute of the situation. There was certainly no contribution of the situation. There was certainly no contribution of the situation. There was certainly no contribution of the situation.

nd it was often in their interests. Yet it was, particularly responsibility. Too little numbers, their influence, and the role they held, to understand their role. These included Apprenticeships and military training. The Small Business Association, Strikes in South Africa over the past two years. Consideration had also been given to the creation of a code of employment practices. Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament. It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult. Television was also being looked at as a medium for manpower training.

He also outlined other investigations by the commission. These included Apprenticeships and military training. The Small Business Association, Strikes in South Africa over the past two years. Consideration had also been given to the creation of a code of employment practices. Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament. It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult. Television was also being looked at as a medium for manpower training.

He also outlined other investigations by the commission. These included Apprenticeships and military training. The Small Business Association, Strikes in South Africa over the past two years. Consideration had also been given to the creation of a code of employment practices. Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament. It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult. Television was also being looked at as a medium for manpower training.

He also outlined other investigations by the commission. These included Apprenticeships and military training. The Small Business Association, Strikes in South Africa over the past two years. Consideration had also been given to the creation of a code of employment practices. Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament. It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult. Television was also being looked at as a medium for manpower training.

He also outlined other investigations by the commission. These included Apprenticeships and military training. The Small Business Association, Strikes in South Africa over the past two years. Consideration had also been given to the creation of a code of employment practices. Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament. It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult. Television was also being looked at as a medium for manpower training.

He also outlined other investigations by the commission. These included Apprenticeships and military training. The Small Business Association, Strikes in South Africa over the past two years. Consideration had also been given to the creation of a code of employment practices. Dr Reynders said the commission was looking at the provision of funds for the training of work seekers and the unemployed. Provision for this was in the Bill before Parliament. It also hoped to establish a monitoring procedure for strikes and legislation, but staff shortages made this difficult. Television was also being looked at as a medium for manpower training.

In Horstley Street... Tenements are not adorned by day sun. Down of a rich day to anywhere, wherewith the... Here and... and windows... class eating...

Fanie to release ^{1/8/51} four labour ¹⁶⁶ Bills

FOUR bills on labour — including the controversial Labour Relations Amendment Bill which has sparked intense employer and trade union comment — will be released by the Minister of Manpower, Mr Fanie Botha, on Tuesday.

It is understood that several controls, on trade unions contained in a draft of the labour relations Bill released recently, have been dropped

Yesterday, Mr Botha said the Bills would be read for a first time in Parliament on Monday and released publicly on Tuesday

His announcement ends intense speculation that the Labour Relations Bill, many of whose clauses were sharply criticised by organised industry and a wide spectrum of unions, would be delayed or withdrawn

Mr Botha also announced Bills on training and placement, and a Second Wage Act Amendment Bill would be read on Monday

It is not yet clear what Wage Act amendments are proposed Earlier this year, a Bill removing sex discrimination from the Act passed through Parliament

However it is the labour relations Bill which is likely to attract most interest

A draft of the Bill published for comment earlier this year contained reforms that were hailed by employers and some unions

They included the abolition of

BY STEVEN FRIEDMAN

all reference to race in the Industrial Conciliation Act, the extension of official union rights to all workers, including foreign blacks, and the abolition of sex discrimination in the wage minimum set by industrial councils.

But the draft also contained strict controls, which attracted sharp criticism, on unions.

They included a clause allowing the registrar of trade unions to close down registered unions and a stipulation that a minority of members of a registered union could break away from it and form a new registered union without demonstrating its representativeness

The Bill also sharply increased control on union "political" activities, extended key controls to unregistered unions, prevented these unions from gaining "stop order" facilities from employers without Government permission and imposed new clamps on strikes

Mr Botha has already announced that the "hiving off" provision and the clamp on "stop orders" for unregistered unions have been dropped

Controversial labour bill to be read today

Own Correspondent
JOHANNESBURG — Four bills on labour — including the controversial Labour Relations Amendment Bill which has sparked intense employer and trade union comment — will be released by the Minister of Manpower, Mr Fanie Botha, tomorrow

It is understood that several of the controls on trade unions contained in a draft of the Labour Relations Bill released recently have been dropped

Last week, Mr Botha said the bills would be read for a first time in Parliament today and released publicly tomorrow

His announcement ends intense speculation that the Labour Relations Bill, many of whose clauses were sharply criticized by organized industry and a wide spectrum of unions, would be delayed or withdrawn

Besides this bill, Mr Botha announced that bills on training and placement as well as a Second Wage Act Amendment Bill would be read today

Last year

The training and placement bills were released for comment late last year and have not been controversial. It is not yet clear what Wage Act amendments are proposed — earlier this year, a bill removing sex discrimination from the act passed through Parliament

It is the Labour Relations Bill which is likely to attract most interest

A draft of the bill published for comment earlier this year contained reforms which were hailed by employers and some unions

They included the abolition of all reference to race in the Industrial Conciliation Act, the extension of official union rights to all workers, including foreign blacks, and the abolition of sex discrimination in the wage minima set by industrial councils

But the draft also contained strict controls on unions which attracted sharp criticism

These included a clause allowing the registrar of trade unions to close down registered unions and a stipulation that a minority of members of a registered union could break away from it and form a new registered union without demonstrating its representativeness

Control

The bill also allowed for increased control on union "political" activities and extended key controls to unregistered unions, preventing these unions from gaining "stop order" facilities from employers without government permission

Mr Botha has already announced that the "hiving off" provision and the clamp on "stop orders" for unregistered unions have been dropped

It is understood that the powers given to the registrar to close down unions and clamps on strike ballots held by registered unions have been scrapped

But the political clamps and those on unregistered unions are likely to remain

The bill is unlikely to give effect to employer and union calls for a new system of registration which would remove all elements of control from the process

(1) The terminal statement must be in the same program unit as the DO statement. It must not be a GO TO, arithmetic IF, RETURN, STOP, PAUSE, or a logical IF containing any of these forms. However, if the logic of a DO range indicates that a terminal statement can be followed by a terminal statement, such a terminal statement can be followed by a terminal statement.

(2) At ex great (3) Beca DO s (4) No s of th range (5) If a c the c (6) DO s range outer

Rules:

New Bill could control jobs

Star
166 4/16/61

By Peter Sullivan
Political Correspondent

CAPE TOWN — The Government will regulate the way in which people look for work and register both work-seekers and workers if a Bill published today is passed by Parliament

All private employment offices would have to be registered with the Department of Manpower Utilisation if the Bill became law

The Guidance and Placement Bill appears to be aimed at strengthening the ideas of the Biekert Commission which suggested influx control could be implemented by controlling two specifics

By allowing only people with a job and a place to stay (employment and

residence) to remain in urban areas some control on the influx of blacks to urban areas could be maintained the report suggested

The Bill published today says guidance and placement centres can be established by the Director-General of Manpower Utilisation in any area at his discretion

Work-seekers will be given registration cards by the centres and will have to notify the centre if they obtain work

Similarly employers who engage work-seekers will have to notify centres

Principals of any schools in the area can be asked to tell the centre about all pupils who leave school and provide particulars

Advisory employment boards can also be established under the Bill. The boards will 'exercise a general and continuing supervision over work-seekers' and will report to the Minister on the training, welfare and supervision of work-seekers

According to provisions for the regulation and registration of private employment offices people who run these will be compelled to retain and produce any record which they may be required to keep

There is a clause which says no person will receive from a work-seeker any payment or reward at a higher rate than those prescribed

Optimistic look at labour scene

CT 4/8/81 (166)

HOUSE OF ASSEMBLY — South Africa had never in its history been in a more favourable position for further development and growth in the field of labour, the chairman of the National Manpower Commission, Dr Hennie Reynders, said in his latest report tabled yesterday

Remarkable progress had occurred in the programme adopted at the first meeting of the commission in November 1979

"Although there are still various problems, a firm foundation has been laid for further progress

"It now depends to an important extent on the private sector, employers and employees, together or separately, trade unions as much as employer organizations, what and how much is going to happen next and whether it will be in the interests of the community"

Management

Dr Reynders stressed the need for greater involvement of top management in the affairs of black workers in order to ensure better industrial relations

"It is clear that without the active involvement of top management, and at the same time of management at all levels, industrial relations can only have a nega-

tive influence on job satisfaction and productivity, which may have a ripple effect to the detriment of society

"Management will also have to be extremely careful to enter into sustained dialogue with its employees and to keep the lines of communication opening and functioning

'No danger'

"It must also be realized that a strong trade union movement is no danger to the business. On the contrary, with strong management that aims at fairness and justice, it can only have a healthy effect on the business and the general interest.

"Both management and government must welcome the responsible labour leader, put him in a position to manage his organization effectively and support him" Further progress had been made in the labour field with the elimination of unjustifiable forms of discrimination between the population groups

In the past year the government had placed emphasis on allowing the system of free enterprise and also the free-market mechanism to operate as freely as possible in the country — Sapa

ocessed ahead of (M) even though

for some action m or some action je command which

fore any other

<CR>

3 :

The term

@MSG

entered a commands

A transp (c)

on the pa

it and is held c

Note: T

control

The user

Message (b)

Informati (a)

Send a message

4.28. @MSG OR

The 'LIB' directive specifies library files to be searched in the collection for relocatable elements to be included in the absolute element. Such a file must have a table of contents set up by @PREP. Note that the 'IN', and 'LIB' directives are stored in the element F.MAP due to the presence of the I option in the @MAP statement.

The 'IN' directive specifies relocatable elements to be included in the collection to form an absolute element.

```
@MAP,I F.MAP,ABS <CR>
IN F.REL1,REL2 <CR>
LIB G. <CR>
@EOF <CR>
```

This calls the collector (Memory Allocation Processor) to collect a specified set of relocatable elements. An executable program in absolute element format is produced. In the example below it is called F.ABS. follows:

4.27. @MAP

New labour Bill today

18/8/81
4/8/81
1/60

By STEVEN FRIEDMAN

A CONTROVERSIAL provision giving the Government the power to close down registered trade unions has been dropped from the Labour Relations Amendment Bill which is due to be released today, informed sources say

Another clause likely to go, they add, is one giving the Minister of Manpower the right to appoint a supervisor over registered-union strike ballots

The Bill is expected to be released today after suggestions that it would be withdrawn in response to employer and trade union criticism

It was released for comment earlier this year and most organisations which reacted to it hated clauses which extended official union rights to all workers, deleted all references to race and abolished sex discrimination in minimum wage agreements

But unions and bodies such as the Federated Chamber of Industries were sharply critical of clauses strengthening control over unions and what they saw as the Bill's failure to remove

control from the registration process

The "closing down" clause gave the Government the power to close down a registered union if it felt it was not obeying its constitution or was "being unreasonable" in relation to its members

The strike ballot provision, which is also likely to be scrapped, was attacked by unions who claimed it further curtailed the right to strike

The Minister of Manpower, Mr Fanie Botha, has already announced that a clause allowing minorities in registered unions to break away and form new registered unions without proving their representativeness has been scrapped

He also announced that a clause forbidding unregistered unions from obtaining "stop order" facilities without Ministerial permission — and making these facilities automatic for registered unions — has been dropped

It is not yet clear what fate awaits other clauses such as that sharply extending clamps on union "political" activity, those extending new controls to unregistered unions, and that imposing new clamps on "illegal" strikes

Unions still under Government whip

Star 5/8/81 (166)

Labour Reporter

While the Government's Labour Relations Amendment Bill had dropped several controversial proposals included in its draft form, it still centred upon the policy of control over trade unions, union leaders said today.

The Bill, which was released in the House of Assembly yesterday, saw the Government backing away on some of its more controversial proposals while maintaining others.

Trade union leaders welcomed the dropping of proposals which affected union affiliation with political organisations and the clause which enabled the Minister of Manpower, Mr Fanie Botha, to deregister unions.

However, there was criticism about proposals which extended controls on unregistered — largely black — unions without any corresponding benefits.

The clamp on financial aid to striking workers was also maintained in the Bill.

The Southern Transvaal head of the Federation of South African Trade Unions (Fosatu), Mr Taffy Adler, said that from a superficial reading of the Bill it appeared the Government was still largely concerned with control.

He was also critical that the Labour Relations Amendment Bill still ignored recent issues.

These were how to negotiate wages, how to deal with "illegal strikes" how to clear up union registration procedures and what to do with dismissed workers.

And while the Federated Chambers of Industry welcomed a provision for the establishment of "works councils" — multi-racial liaison committees — other unions rejected the council system.

The FCI's president, Mr Chris du Toit, said that it

was important that workers were able to choose what form of representation they required.

The secretary of the Blanke Bouwerkersvakbond, Mr Gerj Beetge (also an executive member of the Herstigte Nasionale Party), said he was "very pleased" that the proposal restricting union affiliation with political parties had been dropped.

"A trade union is a political organisation and I think Mr Fanie Botha realised he should leave well alone with trade unions."

Mr Beetge also agreed that the provision restricting unions from financially aiding political parties was kept.

The Trade Union Council of South Africa, which had expressed concerns over the control measures of the bill was examining changes to the draft bill.

● Page 21: Labour Bill unlikely to satisfy all.

Labour Bill (166) is unlikely ^{stan} to satisfy all _{5/8/51}

By Drew Forrest

A number of widely criticised provisions extending State control over trade unions have been dropped from the Labour Relations Amendment Bill, published yesterday.

But despite these crucial concessions, employer and worker bodies on both the local and international front are unlikely to be wholly satisfied with it.

Published in draft form earlier this year, the Bill contained controversial clauses empowering the Government to de-register and subsequently liquidate registered unions if they acted unconstitutionally, unlawfully or "unreasonably" in the eyes of their members.

This provision — seen by many as the toughest control ever imposed on South African trade unions, and criticised across the entire union spectrum — has now been abandoned.

Also dropped from the Bill is a provision — attacked as "sinister" and "far too wide" — design-

ed to prevent any union from helping or influencing its members in favour of a "political organisation."

The Bill still contains clamps on "Financial or other assistance" by any unions, and criticised actors candidates for political office.

The Government has also abandoned:

- A clause enabling racial and other minorities to hive off from registered unions and obtain registration from the Minister of Manpower without passing through the normal objection procedures.

- A clause requiring the supervision of legal strike-ballots by a ministerial appointee.

Many provisions of the draft Bill which met with unanimous approval have been retained. These include the extension of official union rights to foreign workers, the abolition of sex discrimination in industrial agreements and the right of registered unions to open their ranks to all races.

REFERENCES TO CHAPTER

1. Jones, Glenn: "An argument for c on debt". The Woman C.P.A. Apr
2. Anthony, Robert N.: Accounting f interest, Page 1.
3. F.A.S.B. Discussion Memorandum: relating to Accounting for Intere 16, 1977, Page 1.

Govt backs down on trade unions

ppm 5/16/78
166

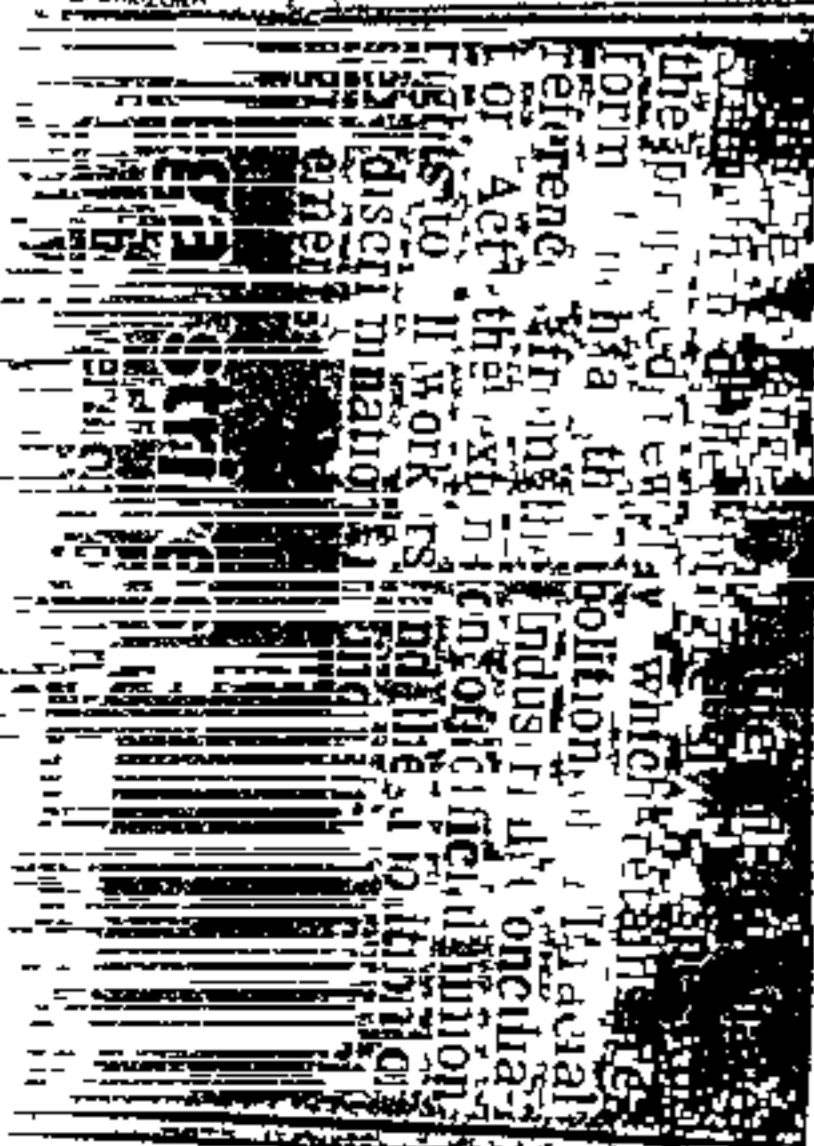
By STEVEN FRIEDMAN

The Government has yielded to demands to tone down political controls which it sought to impose on black trade unions.

The Labor Relations Amendment Bill which was released in the House of Assembly yesterday omits many of the sweeping controls criticised in an earlier draft which was bitterly criticised by employers and workers alike when it was published in March.

The Government has also dropped controversial proposals in the draft enabling it to close down a registered union or cancel its registration if it acted "unreasonably".

It has eliminated, too, a clause allowing it to appoint a person to supervise registered union strike ballots.



spec a sis and even by employ
For example, it retains clamps on un-
registered unions and illegal strikes and
it reintroduces a system of work councils
which was omitted from the original
Bill

In another development, the Labour
power Department's source says
DE VILLIERS yesterday that a govern-
ment memorandum to be published today
will contain a major statement of Govern-
ment labour relations intentions.

The original draft of the La-
bour Relations Amendment Bill
also contained a clause which
forbade unions to associate
with "political organisations"
— a term which was very wide-
ly defined. This has now been
dropped.

Political clamps

While new political clamps
remain these appear to apply
only to union links with politi-
cal parties or groups which run
for legislative office — a move
which is unlikely to affect com-
munity-based black unions.

The reintroduction of the
works council system follows
appeals by employer groups to
the Government but is likely to
be sharply criticised by unions.

Other main features of the
Bill are

- Clamps on unregistered
trade unions, including a provi-
sion that they may not be
granted "stop order" facilities
by employers without Ministe-
rial permission have been re-
tained.

- A clause allowing minority
groups in a union to "hive off"
and form a new registered
union without proving their re-
presentativeness has been
dropped.

- While the proposed controls
on strike ballots have been
dropped, a clause placing new
clamps on "illegal" strikes has
been largely retained.

- A clause forbidding any
union to have its head office in
a black homeland has been
retained.

- A stipulation that parties
who took cases to the industrial
court would have to pay their
own costs even if they won the
case has been dropped.

- The official registration sys-
tem remains intact and the Bill
proposes to make only minor
amendments to it.

- Only minor changes have
been made to a stipulation in
the Industrial Conciliation Act
which states that no new union
can be admitted to an official
Industrial Council unless all
parties on the Council agree

New Training Bill Removes Race Discrimination

Political Staff
THE ASSEMBLY — A sweeping Bill which will control the training of all apprentices was published in Cape Town yesterday.

The Manpower Training Bill, which was read for the first time in Parliament this week, also repeals seven other laws and parts of three other Acts.

One of the most significant aspects of the Bill is that it removes discrimination on the basis of sex, race or colour.

The Bill specifically states that the Minister of Manpower may not discriminate on the basis of sex, race or colour in the conditions of service of apprentices or grant exemptions from the Act on these grounds.

But the State is automatically exempted from a number of provisions in the Bill in particular those that involve per-

over-stressed and it is this conceptual tool which we will utilise to understand the nature of worker consciousness in the 1920s at the turn of the century. Certainly, a super-eration of the evidence points to a highly free of worker consciousness. In response to a scene. The Cape Boy would prove very troublesome - like would occur lasting for an indefinite period, the Port being paralysed, riots would take place would pass through such a crisis, the ill effects id be felt for a long time to come".³¹ Even allowing somewhat melodramatic tendencies this scenario is for anyone interested in the origins of black labour at the Cape. It should not, however, be viewed

and Phimister³² have recently attacked the commonly held assumption - that the political consciousness of black workers should be assessed largely through or absence of associations and organisations which articulate worker interests".³³ Rather, Van Onselen's worker consciousness "should be sought in the political context of the overall functioning of the polity and in day-to-day responses in the work situation. Van Onselen considers that loafing, deliberate desertions are all instances of labour resistance, worker consciousness.

response, Goldberg³⁵ has shown that Van Onselen's notion of worker consciousness is conceptually confused and therefore invalid. He argues that a distinction must be made between individual consciousness on the one hand and collective

526/15/1
S. V. A. 1
S. V. A. 1
S. V. A. 1

important that the operator see the message i.e. if a reply or some action on his part is required. The W-option must not be used with @MSG as it is ignored.

3.14. ASSIGNMENT OF FILES AND ROLL-BACKS

- 1. To assign the permanent file, F, exclusively, type the following:

@ASG,AXZ F. <CR>

if F is available the response is:

READY

Note: F is used as the file name. This includes the qualifier, either explicitly or implicitly from PROJECT-ID or @QUAL statement. (See: Using Files on the Univac).

- 2. If the file has been rolled off onto tape after not being used for a while, the response will be:

FACILITY REJECTED 400003000000

The run may then be continued without using this file which will be queued for roll-back. This may take up to an hour or more depending on the availability of tape drives.

- 3. If the file is assigned without the Z-option and it is not available because it has been rolled off onto tape or it is exclusively assigned

WAIT

The task may then be continued. The task may then be continued in the hands of the private sector, the memorandum says

It is faster to permanent disc file terminal. The proposed combined act confirms the principle of tripartite involvement in training by the State, employers and employees and its most important feature is that it leaves the responsibility for training and re-training mainly in the hands of the private sector, the memorandum says

- 4. Further information on and in the manual

3.14.1. Reverting Files up Status

Every evening the Computer user disc files onto magnetic tape (e.g. by accidentally copying of the file from the file) are used:

Labour bill

published

HOUSE OF ASSEMBLY

The Manpower Training Bill, aimed at combining and adapting the four existing training acts administered by the Department of Manpower, has been published here

According to an explanatory memorandum accompanying the Bill, the introduction of the legislation follows on the government White Papers on the Wiehahn and Riekert commissions of inquiry into labour matters

The proposed combined act confirms the principle of tripartite involvement in training by the State, employers and employees and its most important feature is that it leaves the responsibility for training and re-training mainly in the hands of the private sector, the memorandum says

The legislation will control the training of all apprentices and specifically precludes discrimination on the grounds of sex, race or colour in such training

the response will be:

the response will be:

This includes the

type the

must not be

Bill has surprises in store for unions

By STEVEN FRIEDMAN

THE Government's Labour Relations Bill may undergo further changes when it comes before Parliament for debate.

It was learnt yesterday that one clause for review is that which gives the Minister of Manpower the right to decide whether employers may deduct trade union dues on behalf of unregistered unions.

Total ban

Informed sources said there was a body of opinion in the Manpower Department that the Minister should not be involved in individual decisions.

They believe the clause should either totally ban or allow these deductions without any Ministerial role.

This clause, to hinder financial stability of unions which do not join the official labour system was a major surprise in the Bill.

The Minister of Manpower, Mr Fanie Botha, had hinted that it was to be dropped and official sources afterwards confirmed this. But it appears this decision was changed before the Bill was tabled.

Other points

Other points to emerge from an examination of the Bill yesterday were:

- ⊙ Lawyers say the Bill may still allow unions to be registered on a racial basis despite removal of race references from labour relations law.
- ⊙ The system of works councils which has been introduced is voluntary and employers or workers must decide what matters it will deal with.
- ⊙ A clamp on assistance to workers who engage in 'illegal' strikes now applies only to unions and employer associations not outsiders. Officials say the clause covers only strike pay to strikers and does not prevent unions from negotiating on their behalf.
- ⊙ Industrial councils which decide to exclude a union applying for membership must notify the union in writing and.
- ⊙ Amendments have been made in an attempt to speed up access by aggrieved workers to the new industrial court.

FCI urges new deal on labour

By STEVEN FRIEDMAN

THE Federated Chamber of Industries, which represents industrialists throughout the country, has called for a fundamental change in employer and Government labour relations practices.

The major policy statement, issued by the FCI president, Mr Chris du Toit calls on the authorities to

- Avoid banning and detaining unionists
- Change the process of registration, and
- Move towards a system which will allow direct negotiations between management and unions in the factories

It also warns employers against firing union leaders during strikes using registration to entrench existing unions, and promoting particular unions

Mr Du Toit urges employers to work out union recognition and grievance procedures which will be acceptable both to unions and management

His statement comes a day after the tabling of the Government's new labour relations Bill - which drops key controls on trade unions but retains others

Co-operation

The statement goes further than FCI labour guidelines published earlier this year which urged employers to adopt a "flexible" approach and to recognise representative unions even if they were not registered

It says the FCI calls on employers to "adopt practices promoting mutual co-operation between employers and labour"

The FCI warns employers against protecting existing unions and adds that "registration must not be used as a mechanism to entrench existing unions"

Employers "should avoid practices victimising worker representatives in the event of a breakdown in dispute procedure"

Management should also "avoid creating conditions which give rise to confrontation followed by detention and banning of worker representatives"

A number of strikes which have occurred can be traced back to inadequate employer-worker communication, Mr Du Toit says

As most emergent unions are primarily concerned with recognition, "circumstances are thus created in which strikes are encouraged as a first, rather than the ultimate step"

Bargaining

The FCI urges a change in the registration process "to make it a neutral one to avoid the present situation in which (it) is interwoven with the question of representativeness of the union"

It also urges the Government to move towards a system allowing "both centralised and decentralised" bargaining between management and unions - a move which would provide for direct bargaining on the factory floor as well as on industry-wide bodies

The FCI also appeals to the authorities to "consistently maintain a neutral policy of industrial relations" by avoiding "as far as possible" detaining and banning unionists

Those who are detained should be brought to trial "as soon as possible"

Handwritten notes: 423, 166, d/s/1 EDM

Controls

on unions

Argus 6/8/81
eased

in Bill

Argus Correspondent

JOHANNESBURG.

Some widely criticised provisions extending State control over trade unions have been dropped from the Labour Relations Amendment Bill, published this week.

However, employer and worker organisations are unlikely to be wholly satisfied.

When published in draft form the Bill contained clauses empowering the Government to de-register and subsequently liquidate registered unions if they acted unconstitutionally, unlawfully or 'unreasonably' in the eyes of their members.

This has been abandoned

Also dropped is a provision designed to prevent any union from helping or influencing its members in favour of a 'political organisation'

CLAMPS

The Bill still contains clamps on 'financial or other assistance' by any union to political parties or candidates for political office

In spite of the opposition of black unions to the statutory committee system, it has been reintroduced in the form of 'works councils' — multi-racial liaison committees.

The Bill continues to impose a form of compulsory registration on unregistered unions, extending most of the duties of registration without corresponding benefits

In contrast to the draft Bill, 'stop orders' — the deduction of union dues by employers — will not be compulsory for registered union members. But it will be an offence for employers to grant stop-order facilities to an unregistered union without the Minister's approval.

The draft's tough clamps on financial assistance to those on illegal strike remain.

The Southern Transvaal head of the Federation of South African Trade Unions, Mr Taffy Adler, said that from a superficial reading it appeared the Government was still largely concerned with control.

of government and centre
ing place to establish
to support such a scheme.
rt of institution at the
an college of St John's
ounding up sons of Maori
his experience in New
governor at the Cape at the
an enthusiastic supporter
too strong.
ok up his offer. The
ts" if the children were
e would provide "Christian
ymen than any white person.
y would have a far greater
that a body of native agents
uld eventually take the lead.
etermined that, as the
and his extensive plans to
d that the Anglican Church
ony as the first Anglican
oted by Robert Gray in 1848,
ant and European civi-
but were said to be greatly
ith a French missionary.
45 in the metropolis and
o Cape Town. Three sons of
ical Society were the first
e Cape
ng another dimension to the
a deeper understanding of Xhosa
can chiefs at Zonnebloem
tween the two. The literary

the proposed college a
Cape Town was regarded
Cape and Bishop Gray
in Auckland. He envis
and South Pacific chie
Zealand where he had b
end of 1854. Sir Geor
in Sir George Grey, wh
The Bishop did not de
ties of family and tr
placed in his charge,
Instruction for the
But although he let
influence in evangel
drawn from the ranks
Integral to his schem
Church of those who
convert the heathen
was entering the mis
bishop of Cape Town.
not long after his
Plans to follow suit
ation".
impressed with "the
They left no record.
learnt reading, writ
the Sotho chief, Mos
to bring children o
The missionaries of
The Beginnings of B
history of Cape Tow
literature in the
College can therefi
achievements of the
shadowing of the c

Crucial labour elements may be revised

THE Government has reacted to union and employer criticisms of its official labour relations system by saying it will investigate and consider changing three of the system's most important elements

The three issues up for review are union registration, negotiations on the factory floor through works councils or other bodies, and the industrial court, according to an official memorandum released in the House of Assembly yesterday

Significant changes would mean an overhaul of the system and satisfying many of the objections which have been raised by unions, employer bodies and labour specialists

The memorandum, released to explain the Labour Relations Amendment Bill, which was released earlier this week, said all three issues had been referred to the National Manpower Commission

On registration and works councils it said changes in the law would be considered after the NMC's report was received

However, official sources said that there was unlikely to be any major change on regis-

By STEVEN FRIEDMAN

tration until the 1983 parliamentary session

Unions and some employer bodies have called for a change in the registration system which they believe is used to control unions

Refused

There has been concern among employers that some unions have refused to register, saying that they would be submitting themselves to control, and that this was preventing the emergence of a single bargaining system

The memorandum noted that the Government received "a lot of representations" on this issue when the labour relations Bill was published for comment earlier this year

The works council system has been reintroduced in this week's Bill, following calls by employer bodies, although most unions are opposed to it

The memorandum said it had responded to employer calls on the issue by deciding to "give a statutory structure at this stage" to the 2 750 factory-floor liaison committees in existence

The Industrial Court has been sharply criticised by labour lawyers and unionists who say it is too cumbersome and that workers do not have easy access to it

The memorandum said it had ordered the NMC to examine the court's functions in response to representations on the Bill, legal articles and points raised by some of the court's own judgements

The court itself would assist in the investigation, it added

South African Labour Alliance

BY RIAN DE VILLIERS

LEADERS and representatives of almost the entire independent trade union movement will meet in Cape Town this weekend in a unique attempt to forge a united front against looming labour legislation.

The 'summit' is expected to be attended by delegates from 29 unions representing over 150 000 workers — mainly blacks — countrywide, and its outcome may have a major effect on the future course of industrial relations.

This was disclosed yesterday after six months of intensive behind-the-scenes activity and secret exploratory meetings in four centres.

In a statement on behalf of the unions involved, a spokesman said the purpose of the talks was to discuss the controversial Labour Relations Amendment Bill tabled in Parliament this week.

It is generally recognised that the Bill is unacceptable to the progressive trade union movement and the meeting will attempt to forge a united response to the Bill and a united programme of action to counter the 'other track' on the trade union movement.

The meeting will be attended by a significant number of unions from all the major industrial centres and would represent a 'wide spectrum' of organised workers throughout the country.

Unregistered

11/11/76

the best treatment under the various of
prescriptions, and made suggestions as
the various proposals forwarded, tried
in this essay I have examined the need
further composite matters.
yet found acceptance, has also been made
decisions being taken.

organisa...
represented were not named
But they are believed to
encompass virtually the entire
independent union movement —
some registered unions and
many that refuse to register in
terms of the Government's new
labour dispensation

They are understood to
include the Federation of SA
Trade Unions (Fosatu) and at-
tillates the Transvaal-based
Council of Unions of SA (Cusa)
and affiliates, the SA Allied
Workers' Union (Saawu) the
Cape-based General Workers'
Union Food and Canning Work-
ers' Union and African Food
and Canning Workers' Union,
and many others

Considerable tensions have
marked relations between the
independent union groupings,
and the weekend meeting that
chmaxes protracted and deli-
cate negotiations may be
volatile

However some unionists in-
terviewed yesterday were opti-
mistic that a degree of agree-
ment could be reached

A similar "summit" of inde-
pendent unions was held in No-
vember 1979 in an attempt to
formulate a common stand on
registration in terms of the
Government's new labour
dispensation

However, that meeting was
on a smaller scale and some
important independent unions
did not attend

Nonracial

The unions present agreed
registration would be rejected
unless it conformed to certain
criteria

These included conditions
that
O Unions should be fully
nonracial

O No further controls should be
imposed on unions and that
O Existing unions should not be
'fragmented' in the registra-
tion process

Important differences then
emerged Fosatu elected to
apply for registration on the
basis of these criteria while
other unions elected to remain
unregistered until labour laws
conformed to the principles

This sparked a sharp inter-
union debate on registration
which increased friction
between the various groupings

However, the debate has
been radically changed by the
Government's latest proposed
amendments to labour law

166 FM 7th August 1981

EMPLOYEES' PROTECTION

Widening the scope

Measures aimed at providing greater protection for the safety and health of all people employed in SA are contained in two draft Bills which have been published for public comment. They are expected to be placed before Parliament during the 1982 Parliamentary session.

The draft Machinery and Occupational Safety Bill significantly widens the scope of the old Factories, Machinery and Building Work Act of 1941, which aimed to protect the health and safety of people employed only in factories or the building industry. The draft Bill extends this protection to all people working in any form of employment. It does, for example, provide a basic framework for the protection of the health and safety of domestic

workers.

The draft Bill also gives greater powers to the Minister of Manpower and his inspectors to prohibit or stop processes which are harmful to the health of employees. The courts are given the power to enforce legal requirements regarding the safety and health of employees by issuing court orders on offending employers to make them rectify "a wrong state of affairs."

Training for safety

A spokesman for the National Occupational Safety Association of SA (Nosa) praises the strong emphasis in the draft Bill on the need for training to ensure safety. He says the Bill has better defined managements' responsibilities for maintaining safety standards. It also provides for the active participation of employers in co-operation and consultation with their

employees to provide a safe and healthy working environment.

Provision is also made for the participation of local authorities in enforcing health and safety regulations relating to people in employment.

The draft Conditions of Employment Bill is aimed at consolidating conditions of employment clauses in existing legislation. However, the new legislation is not confined in its application to workers in factories, shops and offices, as is the case at present.

One of the most serious shortcomings of present legislation has been that many workers in regions outside the areas of jurisdiction of industrial council agreements and wage determinations could not insist on basic minimum conditions of employment. The draft Bill is aimed at giving these people the necessary security.

LABOUR LEGISLATION (116)

Revised blueprint

(11) 7/11/82

The Labour Relations Amendment Bill published this week appears to go a long way toward meeting employer and trade union objections to the draft form of the Bill released for comment earlier this year.

Whether the government's decision to compromise on some key issues will be enough to encourage a significant number of black unions into the official bargaining system is a moot point. Although Pretoria has displayed a willingness to abandon some sweeping controls over unions contained in the draft Bill, the Minister of Manpower still retains widespread discretionary powers.

Strict controls in the draft Bill were the target of the most vehement criticism, from organisations ranging from the Federated Chamber of Industries (FCI) to unregistered black unions such as the SA Allied Workers Union (Sawu).

The Bill retains the important reforms of dropping all references to race from the Industrial Conciliation Act, extending union rights to all workers regardless of race and scrapping statutory sex discrimination.

Dropped from the Bill are provisions which enable the authorities to close down a union or cancel its registration while the clause which forbids unions to associate with political organisations has been scrapped. Unions may not associate with 'political parties' — a much more easily definable term. One result of this is likely to be that many black unions will be able to continue to have links with community-based organisations, an important source of strength for them in past labour disputes.

Strict controls over strike ballots have been done away with in the Bill while industrial councils are to be forced to take up a position on unfair labour practices. In addition, the councils will also face obligations concerning the admission of new parties. In an attempt to prevent the councils from drawing out the admission process over a very long period, an applicant has the right to appeal to higher authority if a council does not reply to its application within 70 days.

The Bill provides for easier access to the industrial court and eliminates a clause allowing minority groups in a union to 'hive off' and form a new registered union without proving their representativeness.

The Bill does however place curbs on unregistered unions and prohibits them from being granted stop order facilities by employers without ministerial permission.

A controversial measure in the Bill is the reintroduction of the works council system. Calls for the retention of the system have come from some employer groups, notably the Afrikaanse Handelsinstituut, but the decision to give the councils a legal basis is likely to be severely criticised by many trade unions who believe the whole system is outdated.

Sources in the Department of Manpower insist that works councils still have an important role to play — especially in industries where there is no union presence and a proper communication channel is needed between employers and employees. They say the works councils should not be seen as a substitute for full-fledged trade union rights. Unionists however will obviously fear that management will attempt to use the councils to ward off union activities on their premises.

The Bill does not make any real reforms to the registration process — one of the most hotly debated issues in labour relations in SA. The whole registration issue is being investigated by the National Manpower Commission and legislation dealing with it will be introduced in the 1982 or 1983 Parliamentary sessions.

Controversial labour Bill clause stays

7/4/61
skw
166

By Drew Forrest

A controversial clause seeking to bring labour relations training by unregistered unions under State control has been retained in the Manpower Training Bill published in Cape Town on Wednesday.

The Bill says only a registered union, employer body, industrial council or educational institution, may run a centre for labour relations training if registered under the Act.

Training at such a centre must be approved by the Registrar of Manpower Training.

Contravention of this provision is punishable by a fine of R200, three months' jail, or both.

The new stricture — which was sharply attacked by many black unions when the draft Bill was released for comment last year — comes after the recommendations of the Wiehahn Commission's first report.

This had argued for

State control over labour relations training by unregistered unions in order to maintain standards and because "some of the training material . . . was of uncertain origin and questionable ideological motivation."

The Bill also provides for training advisers with wide powers of search and seizure to police the provisions of the Act.

The provisions of the Bill are in keeping with Government policy on unregistered unions.

The Labour Relations Amendment Bill, also published this week, imposes a form of compulsory registration by extending all the controls of registration to them.

It also weakens their position by withdrawing their right to stop order facilities which will be extended only with the Minister of Manpower's approval — and by effectively making it illegal for them to pay strike relief to their members.

Unions meet on new labour legislation

Labour Reporter

Unregistered trade union leaders and leaders of "independent" registered unions meet in Cape Town today to decide on what action to take in the wake of new Government labour legislation

Invitations went out to various unions before the release in the Assembly this week of the Labour Relations Amendment Bill which imposes new legislation on unregistered unions

Unregistered and "independent" registered unions — those which are critical of existing labour policies — will formulate their response to the new Bill

The unions represent a wide range of labour and political views and there may be heated debate about the amendments

Unions attending include

• The Federation of South African Trade Unions (Fosatu), led by the general secretary, Mr Joe Foster

• The Council of South African Trade Unions (Cusa), led by the general secretary, Mr Philoshaw Camay

• The South African Allied Workers' Union (Saawu), led by the president, Mr Thozamile Gqweta who was released from detention this week

The general secretaries of Fosatu and Cusa will also represent their affiliated unions

The new Bill contains provisions which compel unregistered unions to provide the Department of Manpower with details of membership and constitutions

But the unregistered unions will not enjoy any of the benefits of being registered — such as access to the official bargaining system

Unions have been critical of the Bill for its inroads into the labour field which they feel should be a matter for employers and workers, with the Government adopting a neutral position

Unregistered unions such as the African Food and Canning Workers' Union, the General Workers' Union (Cape Town) and the General and Allied Workers' Union (Gawu) are attending

Important labour Bill for discussion

Political Staff

CAPE TOWN — Parliament will today get down to its real business of making and changing the country's laws with a debate on labour legislation.

The Labour Relations Amendment Bill will alter labour relations in South Africa considerably if it is passed.

Opposition labour spokesman Dr Alex Boraine said today his party would support the Bill, although some clauses might be controversial.

"It is an extremely important Bill and the debate should prove to be stimulating and significant.

"On the whole it is a good Bill, virtually eliminating discrimination on the basis of sex or race from the field of labour relations," he said.

Specific clauses to which the Opposition will object include one which prevents non-registered

trade unions getting employers to make automatic deductions for subscriptions.

Generally the Bill is likely to be favourably received by Parliament because of the way it was prepared.

Instead of presenting the legislation to Parliament as a fait accompli, the Minister of Manpower Utilisation, Mr Fanie Botha, published the draft for comment and has now altered the Bill considerably after several strong objections were raised.

During the debate on the legislation the Opposition intends to argue that it is almost dangerous to make such headway on the labour front without adjusting political rights at the same time.

Removing discrimination from the labour field alone could make the labour arena the scene of conflict instead of the political one.

Wt' 111

11 fight law

ON

Strike pay,

SAX NY 10/8/81

y unions

166

166
10 NY 10/8/81

Mercury Correspondent

CAPE TOWN—Leaders and representatives of virtually the entire independent trade union movement resolved at the weekend to defray restrictions on supporting striking workers' financial activities. Such restrictions became effective when the new labour laws are passed.

Delegates from 13 unions and co-ordinating bodies, representing more than 150,000 predominantly black workers throughout the country, attended the historic meeting at the St Francis Cultural Centre in Langa on Saturday.

The meeting, the first of its kind in more than 20 years, was held in an attempt to forge a united front against Government labour legislation tabled in Parliament last week.

A decision was taken to support one another in defying any 'abuse' of official powers of investigation the legislation seeks to extend to unregistered unions.

On the question of trade union control and autonomy, the meeting rejected the present system of registration insofar as it was designed to control and interfere in the internal affairs of the trade union movement.

'We accept that trade unions are public bodies and do not object to providing information with respect to our constitutions, finances and representivity,' the resolution reads.

'However, we refuse to subject ourselves to control by anybody other than our own members.'

The delegates also rejected the present industrial council system as an acceptable means of collective bargaining.

They resolved to recommend that unions that were not members of the industrial council should not enter any industrial council and requested the participating unions to refer this back to their respective bodies for endorsement.

Noting the severe difficulties created for workers by homeland authorities, the meeting further resolved to send a delegation to Chief Minister Lennox Sebe to discuss his anti-union stance and the security of workers in the Ciskei.

To give effect to resolutions taken at the meeting, it was decided to establish ad hoc solidarity committees in each region, the spokesman said yesterday.

Observers believe the meeting, unprecedented in scale, may lead to greater unity in the fast-growing independent union movement, which has been marked by severe divisions up to now.

The unions and co-ordinating bodies represented at the meeting were the Federation of South African Trade Unions, the Transvaal-based Council of Unions, the South African Allied Workers' Union, the Cape-based General Workers' Union, Food and Canning Workers' Union and African Food and Canning Workers' Union, the General Workers' Union of South Africa, the Commercial Catering and Allied Workers' Union of South Africa, General and Allied Workers' Union, the Industrial Aid Centre, Black Municipal Workers' Union, Motor and Assembly Components Workers' Union of South Africa and the Cape Town Municipal Workers' Association.

Unions Vow to Defy Govt

By RIAAN DE VILLIERS

INDEPENDENT trade unions, representing the vast majority of organised black workers, are to defy restrictions — contained in Government labour legislation now before Parliament — on financial aid to workers who strike illegally.

And they will support one another in defying any "abuse" of official powers of investigation the legislation seeks to extend to unregistered unions.

These were among several major decisions taken at the historic summit of leaders and representatives of virtually all independent trade unions — registered and unregistered — in Cape Town at the weekend.

In another far-reaching move, the meeting unanimously rejected the present industrial council system — cornerstone of the official collective bargaining system

Resist

Unions also voted to "resist and reject" the present official union registration system insofar as it was "designed to control, and interfere in, internal union

It is recommended that unions which were not requested others to refer the decision to their members for endorsement. Similarly, no decision was attempted on whether registered independent unions should de-register or not.

However, if these and other resolutions are implemented, they are likely to have a major influence on labour relations.

They may also lead to a clash with the authorities if legislative provisions the unions have voted to defy are passed by Parliament.

Divisions

The meeting was attended by well over 100 delegates of unions and co-ordinating bodies, including the Federation of South African Trade Unions (Fosatu), the Council of Unions of SA (Cusa), the SA Allied Workers' Union (Saawu), the General Workers' Union, the Food and Canning Workers' Union and the African Food and Canning Workers' Union.

Some 29 unions were represented, either directly or indirectly.

Observers believe the meeting — unprecedented in scale — may lead to greater unity in the fast-growing independent union movement, which has been marked by severe divisions up to now.

The meeting was held mainly to formulate a united response to the Government's controversial Labour Relations Amendment Bill, which was tabled in Parliament last week.

However, resolutions were passed on several other issues.

A delegation is to be sent to Dr Lennox Sebe, Chief Minister of the Ciskei, to discuss his "anti-union stance" and the security of workers living in the Ciskei after "so-called Ciskeian independence".

Bannings

The meeting noted the "severe difficulties" created for workers by the homeland authorities and particularly the present situation in the Ciskei, where union members and officials were subjected to "severe harassment and constant detention".

Unions voted to continue to resist bannings and detentions "in any way possible" and warned the continuation of these steps would "worsen the already deteriorating industrial relations situation".

Solidarity committees are to be set up in each region to discuss and initiate "solidarity action" arising out of the meeting.

And a similar top-level meeting is to be held in November.

Motivating their decision to defy the proposed ban on financial and to illegal strikers, the unions said it was an internationally recognised right of workers to withhold their labour.

Strikes were frequent at present because of low wages, inadequate bargaining procedures and "completely unworkable" official dispute procedures.

"Workers therefore have no alternative to strike action outside the law," they said.

Strike pay

It was the duty and function of unions to stand by their members and this included the provision of strike pay.

They added "The prohibition on financial support for strikers will not be obeyed".

In their lengthy resolution on labour legislation, the unions said they accepted that trade unions were public organisations and they therefore did not object to providing information about their constitutions and finances and the extent of their worker representation.

"However, we refuse to subject ourselves to control by anybody other than our own members," the unions said.

circumstances for this is not just that it is a tradition of this year when there are two short sessions. It is possible as well as for the Government as well as for the Opposition of the country. We are now in a position which is into the past exactly and I think that non members opposite also have a custom of the past for that too.

MR J VAN RENSBURG We are de upon

DEBATE OF THE HOUSE There is a second point pertaining to the motion of this country. The fact that the Government must be seen in the administration of the country during the session we are here in with a large number of our members who have to attend to their duties. Furthermore these are the people who have to give immediate attention to the proceedings which follow afterwards when we have to return to the country which has to be re-organised. If we take all these into account we must find ways of preparing that legislative programme which shall be in force for a short time at our disposal. In the past there has been and is still a possibility of making the session possible. Consequently I want to say that we are proposing now is not an amendment. It is a programme in which we shall sit for three nights during a period which we consider shorter than the normal period of session. I have no hesitation in moving this motion.

Members, I want to ask hon members whether they also have not for their part undertaken to this country to do the public as well. Are we to do this or what then do they want to do here? The argument they advanced is that it is difficult to prepare as our hon Chief Whip has told us, the consideration of the financial measures, taking up far more than frequently there is more than

sufficient time in between to attend to legislative measures of an urgent nature. Consequently as the programme progresses there is going to be more than adequate time for those hon members opposite to give the necessary attention to the legislation, even if they are few in number. They will be able to keep up as the programme is not very long. The only party for which I have some sympathy is the NRP which comprises only a few people. I just want to tell the hon member for Umhlanga that I am sorry that they are only a few but then I also want to ask him whether he does not think that they have now reached the stage where they will have to decide about their own future? [Interjections.] In addition I must tell those hon members that we cannot aggravate matters for the administration of this country merely because they are few in number. For these reasons I cannot comply with their request and I still require this House to decide on this motion which I have moved.

Question put

Upon which the House divided

- AYES—119** Alart T G Aronson, T Badenhorst P J Balcer G C Blatter J P I Botha C J v R Botha P W Botha R F Botha S P Coetzee H J Coetzer H S Conradie F D Cronje P Cunningham I H Cuyler W J De Beer S J De Jager A M v A De Klerk F W Deelpoort W H De Pontes P Du Plessis G C Du Plessis P T C Durr K D S Fock L H Fouche A F Geldenhuys A Geldenhuys B L Golden S G A Greeff J W Grobler J P Hartzenberg F Hayward S A S Hefer W J Heine W J Heunis J C Horwood O P F Hugo P B B Kleyrhans J W Koornhof P G J Kotze G J Kotzé S F Kritzinger W T Landman W J Langley T Le Grange L Lemmer W A Le Roux D E T Le Roux F J Le Roux Z P Ligthelm C J Ligthelm N W Lloyd J J Louw E v d M Louw M H Malan M A de M Malan W C Malherbe G J Mare P L Merring J W H Mentz J H W

- Meyer R P Meyer W D Morrison G de V Munnik L A P A N J D J L Nohrnagel A E Poggenpoel D J Pretorius P H Ralite J Rencken C R E Schoeman H Schoeman W J Scholtz E M Schutte D P A Simkin C H W Smit H H Snyman W J Steyn D W Strachan D M Swanepoel K D Tempel H J Terlanche G P D Feuricht A P Ungerer J H B Van Breda A Van der Linde G J Van der Merwe C J Van der Merwe G J Van der Merwe J H Van der Walt A T Van der Walt H J D Van der Walt L Van Niekerk A I Van Rensburg H M J (Rosettenville) Van Staden F A H Van Staden J W Van Vuuren L M J Van Wijk J A Van Zyl J J B Van ZIJ G Veldman M H Venter A A Vliegen G v N Vissage J H Volker V A Weeber A W Jige meed P J Wertzell I J G Wessels L Wiley J W E Wilkens B H Wright A P

Tellers J T Alberts J H Hoon N J Pretorius W L van der Merwe R F van Heerden and A J Vloot

- NOES—31** Andrew K M Bamford B R Barnard M S Bartlett G S Borlino A L Cronje P C Fijm C W Gastrow P H P Goodall B B Hurdnagham R W Hulley R R Malcomness D J N Marais J F Miller R B Moorcroft E K Mthurgu P A Olivier N J J Page B W B Rogers P R C Savage A Schwarz H H Slabbert F van Z Suzman H Swart R A F Tarr M A Thompson A G Van der Merwe S S Van Rensburg H E J Watterson D W

Tellers G B D McIntosh and A B Widman

Question agreed to

FIRST READING OF BILLS

The following Bills were read a First Time—

Electoral Act for Indians Second Amendment Bill
South African Indian Council Amendment Bill
Mineral Technology Bill

LABOUR RELATIONS AMENDMENT BILL
(Second Reading)

THE MINISTER OF MANPOWER Mr Speaker I move—

That the Bill be now read a Second Time

Hon members will recall that the Industrial Relations Act 1956 was amended rather extensively during both the 1979 and 1980 sessions of Parliament owing to certain recommendations of the Commission of Enquiry into Labour Legislation which were accepted by the Government.

The amendment Bill now before this hon House is a continuation of the steps which were taken to rationalize, modernize and adapt our labour legislation to the demands and circumstances of the times as well as to give further recognition to the resolutions contained in the Government's White Paper on Matters Pertaining to Manpower.

As regards clause 1 the most important amendments that are being proposed are the following—

Firstly it is being envisaged to substitute a simple definition for the present definition of employee in terms of which all workers in South Africa excluding those in agriculture domestic service and a number of other undertakings industries, trades or occupations at present excluded from the scope of the Act will henceforth be able to join a trade union of their choice if the said trade union's constitution makes provision for their admission and provided the trade union concerned accepts them. The result of this will be that employees who were previously unable to join registered trade unions owing to their origin or to residential and other considerations and who were in that way excluded from the conciliation and bargaining machinery of the Act will now be

See Hansard for debate

10/8/81

Black unions, Government heading for major clash

By Drew Forrest

A major clash is looming between the Government and trade unions representing most organised black workers in South Africa

At a weekend summit meeting in the township of Langa, Cape Town, independent black unions representing at least 150 000 workers, resolved to support each other in defying anti-strike measures contained in pending labour legislation.

The recently published Labour Relations Amendment Bill states that unions may not give financial help to any person with the object of inducing or enabling him to commit or continue an illegal strike.

But in a joint statement yesterday the unions stressed that "the right to withhold labour is internationally recognised" and that strikes occurred because of "low wages, inadequate bargaining procedures and completely unworkable official dispute procedures."

"Workers therefore have no alternative but strike action outside the law," the statement says. "It is the duty of a union to stand by its members — including giving strike-pay in defiance of any law."

COUNCILS

"The prohibition of strike support will therefore not be obeyed."

The resolution was taken by representatives of the entire independent black labour movement, including the SA Allied Workers' Union, all affiliates of the Federation of SA Trade Unions, the General Workers' Union, the African Food and Canning Workers' Union, the Food and Canning Workers' Union, the Black Municipal Workers' Union and the Council of Unions of SA.

- The unions also
- Rejected the present system of registration "insofar as it is designed to control and interfere in the internal affairs of unions"
- Agreed to support each other "in any abuse of powers of investigation given to the authorities in terms of the Industrial Conciliation Act"
- Rejected the present industrial council system as an acceptable means of collective bargaining, and recommended that unions not party to the councils should stay out of them.
- Noted the "severe harassment and constant detention" of unionists in Ciskei, and resolved to send a delegation to Chief Minister Sebe to discuss the homeland's "anti-union stance"
- Resolved to continue resisting bannings and detentions "in any way possible"

Professor criticises labour legislation

Ev Post 10/8/87

166

By SANDRA SMITH

LABOUR legislation, as it stood, did nothing to encourage black trade unions operating outside the industrial council system "to come inside" the system, Professor Roux van der Merwe, head of the Department of Industrial Relations at the University of Port Elizabeth, said today

He was commenting on decisions taken by leaders and representatives of virtually the entire independent trade union movement at a meeting in Cape Town at the weekend

The delegates — from 13 unions and co-ordinating bodies and representing more than 150 000 predominantly black workers — resolved to defy a key new insertion into the Labour Relations Amendment Bill stating that any employers' organisation, trade union or federation which granted financial assistance to any person with the aim of inducing or enabling a person to strike illegally would be guilty of an offence

Prof Van der Merwe said: "We should be doing everything to encourage negotiation. Coercive measures such as labelling strikes illegal and police action against strikers, do not encourage negotiation

"The present legislation is fluid and unclear. What we should be doing is getting the system straight. Only then can you enforce it. By seeking to enforce a system which is vague, all we are doing is polarising the parties concerned"

"The State's role is to draw

up the rules and act as a referee, and not to become a party of one side or the other of a dispute

"Once the State and the police are seen to be siding with employers in disputes with unions, the credibility of the industrial relations system runs danger of being destroyed"

The meeting of unionists resolved to recommend that unions which were not yet members of the industrial council should not enter them, rejecting the present industrial council system as an acceptable means of collective bargaining

The meeting voted to "resist and reject" the present union registration system in so far as it was designed to control and "interfere in internal union affairs"

Labour experts believe if these and other resolutions were implemented they were likely to have a major influence on labour relations and could lead to greater unity in the fast-growing independent union movement

Parliament will be considering the controversial Labour Relations Amendment Bill — the first legislation to be debated during this current session — this afternoon

Dr Alex Boraine, Opposition spokesman on labour, said today the Opposition generally welcomed the Bill for its scrapping of racial and sex discrimination clauses

There were certain clauses the Opposition could not agree to, and these would be debated today

Airing for closed shop report soon

Labour Reporter

The National Manpower Commission's report on the controversial "closed shop" system is likely to be tabled before the end of this session of Parliament

Chairman of the NMC, Dr Hennie Reynders, at a Press briefing in Pretoria last night said that the investigation of the closed shop system by the commission took several months before it was passed on to the Minister of Manpower, Mr Fanie Botha, this year

Under the system, black workers are forced to join a registered trade union where the union has a recognition and closed shop agreement with a company

Where the system exists, only members of the union can be employed, giving the union the sole negotiating right over the company's work force.

Newly emergent unions would find it difficult to become registered because under the closed shop rule they would have to represent a majority of workers in a given industry

Dr Reynders said he expected the commission's report to be tabled during the present Parliamentary session.

The impersonal efficiency with which plague removals and cleaning were carried out, combined with the undercurrent of race prejudice, created tensions within the African and 'coloured' communities especially which were expressed in overt hostility to the authorities and in quarrels in the communities themselves.

ant of the intentions of the
ne matter had been under dis-
mission which examined the
) only questioned two Africans
uggest that the African commun-
ily some had already expressed
s, pointing out that, as Cape
with others, and that a distant
or employer and employee alike.
ans when the first cases of
were suddenly invaded by
ar and suspicion. The
to take them contributed
s attempted to register their
to the dismay of the commer-
hom were greatly hampered in
the impression that they were
t they would practically be
readmen nor the African
, and it was only after
k Labour, had addressed a
mountain, that they agreed

Resistance

X

prominent in Britain herself (who passed an Aliens Immigration Act at the same time), and of the other self-governing colonies. Nevertheless, the plague did play its part in confirming existing prejudice, in diminishing liberal resistance to such legislation.

The Africans could not have government to locate them
cussion for some years pas
desirability of a locator
who were favourable to the
ity had given the matter s
their objections in the c
citizens, they were entitl
location would be impracti
The vendetta which was lau
plague were discovered, an
sanitary officers and pol
shipping offices were best
of either the shipping com
further to their unease.
addresses on 16th February
cial firms and the militar
Apparantly t
to be compounded under the
slaves, unable to leave th
ministers were able to dis
A.R.Mckenzie, one of the l
meeting of the discontente
to return to work.

PFP welcomes changes in labour law

11/8/81

166

HOUSE OF ASSEMBLY — Everything possible should be done to ensure the minimum conflict and the maximum labour peace in South Africa, Dr Alex Boraine (PFP, Pinelands) said yesterday.

Dr Boraine welcomed the changes embodied in the Labour Relations Amendment Bill, but urging the government to avoid strong-arm tactics to suppress labour unrest.

"We won't resolve labour conflict by gagging leaders of labour movements,"

Dr Boraine, said if the gov-

ernment did not keep pace with the change taking place in labour relations by swift and far reaching action in the constitutional and political field, the conflict would be heightened and the problems exacerbated.

"There are those who believe that because of the changes which have been introduced, there is greater instability in the labour field than ever before.

"It is my view that were it not for some of these changes our situation would be more precarious. It is nevertheless a process which has reached no finality."

'Courageous'

"We are in a state of flux and it is not only desirable, but necessary for the process to continue."

Describing Mr Fanie Botha, the Minister of Manpower, as "courageous", Dr Boraine said he wanted to welcome the removal of many of the offensive clauses appearing in the Bill when it was published for comment early this year.

The positive features of the bill included:

- The elimination of all reference to race throughout the Industrial Conciliation Act

- The outlawing of sex discrimination

- The extension of trade union rights to blacks residing in the homelands and coming to work in the Republic as contract workers

- The repealing of dualistic legislation, namely the Black Labour Relations Regulation Act, the Black Labour Amendment Act and other similar Acts

'Cardinal'

While the registration of trade unions on a parallel race basis was now being removed, there was also a stronger emphasis on the concept of full trade union autonomy.

"Let it be said immediately that freedom of association has been, and remains, a cardinal principle in the trade union movement."

"Where it becomes dangerous is in the South African situation where race can often be such a bedeviling and explosive ingredient."

Dr Boraine said one of the most serious and harmful aspects of labour relations in South Africa at present was the hardening of the polarisation between black workers on one hand and white workers on the other.

Warning

"I think we must be extremely careful that in rightly allowing trade unions autonomy, we do not in fact encourage unionization with race as an interest factor."

"What must be avoided at all costs is a joining in battle, between black nationalism on one hand and white nationalism on the other with the workplace as the battlefield and the employee as an unfortunate helpless onlooker."

Works councils should be available for all workers and not only for blacks.

The continued exclusion of blacks from meaningful political activity would inevitably politicise black unions.

Dr Boraine said the bill was important because it covered such a wide field and he appealed to the government not to gag labour leaders.

Responsibility

But he emphasized that the new machinery placed heavy responsibility on employers and said they should try to orientate workers to do their utmost to resolve problems among themselves.

"And I encourage all workers to use every available piece of machinery to bring about peaceful resolutions."

Autonomy was a cardinal principle in trade unions and it was desirable that employers dealt with as few unions as possible.

"What we have today is two unions bidding against each other, one black and the other white. We should try to reduce the number of Unions as much as possible."

"If we had a bill of rights protecting workers against discrimination, the autonomy of unions could be protected without running this risk," Dr Boraine said — Sapa

Nel urges a stronger stand on strikers



Mr Louis Nel

HOUSE OF ASSEMBLY. — A verligte Nationalist MP, Mr Louis Nel, yesterday urged the government to take tougher action against illegal strikers than proposed in the Labour Relations Amendment Bill.

Mr Nel suggested that the clause which prohibits any employers organization, trade union or federation from granting financial assistance to illegal strikers did not go far enough.

He called on the government to prohibit any action which aided illegal strikers, not just financial assistance.

Steps

"The government must take steps to ensure that no aid is given to people who strike illegally," Mr Nel said.

At present, there was no prohibition on strikes in South Africa provided the proper procedure was followed, this procedure had been enshrined in the law, he said.

But this procedure was not enough for some people in South Africa.

Today's business

HOUSE OF ASSEMBLY. — Today's business. Resumption of the second reading of the Labour Relations Amendment Bill. The second reading of the Manpower Training Bill. The second reading of the Guidance and Placement Bill. The second reading of the Second Wage Amendment Bill. The second reading of the National Road Safety Amendment Bill. — Sapa

Govt to press on with union curbs

HOUSE OF ASSEMBLY. — The Minister of Manpower, Mr S P Botha, yesterday moved the second reading of the Labour Relations Amendment Bill, indicating the government intended to press ahead with the clause banning financial aid to workers who strike illegally.

Mr Botha did not refer to the decision taken at the weekend by some 29 unregistered unions to defy such a ban, but said the measure was necessary because of the increase in the number of unlawful strikes.

The bill placed a prohibition on the use of funds by any labour organization, registered or unregistered, "with the aim to finance actions which are contrary to the provisions of Section 65 of the Act regarding the procedures which have to be followed before lock outs or strikes may commence," Mr Botha said.

'Included'

It was also being made compulsory for employers to inform the Department of Manpower of any labour dispute which concerned a loss of manhours, "as it has become imperative for record keeping and statistical purposes, that my department is informed of labour disputes and strikes."

The bill scraps the prohibition of the registration of integrated labour unions is scrapped and also provides for the removal of sex discrimination in wage arbitration and prohibits unions from using their funds to support members in illegal strikes.

"The amending legislation before us is a continuation of the steps already taken (in 1979 and 1980) to rationalize and modernize our labour legislation and to bring it into line with the demands of our time and circumstances," Mr Botha said.

The bill amended the description of the term "employee" and simplified it so that all workers in South Africa presently included in the Labour Relations Act, might in future join a registered trade union of their choice, provided only that the union's constitution allowed their entry and that the particular union accepted them.

"The effect of this is that workers who were previously excluded by way of their origin, residence or other considerations, from joining a registered union and who by way of this exclusion were also excluded from the negotiation and arbitration machinery of the act, will now be included," Mr Botha said.

The section also provided that the meaning of a trade union and employers' organization be extended to include bodies whose aims included regulating matters of mutual interest between employers and workers.

In keeping with the principle of "union autonomy" being built into legislation, was the scrapping of measures in terms of which the objection of a multiracial trade union



Mr S P Botha

The unstratified estimate of \bar{X} is $\frac{1}{N} \sum_{i=1}^K n_i \bar{x}_i$ and is only equal to \bar{x} if n_i are equal.

Guarding against 'tentacles'

HOUSE OF ASSEMBLY —
One of the aims of the Labour Relations Amendment Bill was to prevent foreign trade unions with "tentacles" in South Africa from inciting unrest in the country, Mr Koos Lloyd (NP, Roo-deplaal) said yesterday

Speaking in the second reading debate on the bill, he said another aim was to bring about stability in the

unions 11/8/81 (166)
Trade unions were here to stay and he did not believe the government should interfere in their affairs, provided they acted responsibly

Established trade unions should assist the younger unions with know-how, without interfering in their affairs — Sapa

See Howard

I give the assurance that as regards all the workers in South Africa it is our intention to ensure that their primary interests will also be the primary interests of this side of the House. We respect any intimation that we are making legislation in South Africa to suit the White people only. What we are trying to do is to create a dispensation for all the people who are active in all spheres of activity in the Republic of South Africa.

Finally a point was also made in connection with the question of the head office of a trade union. What we are proposing here now is that the head offices of trade unions are to be situated in South Africa. By that we mean those parts of South Africa in which our law applies. The question was put by the hon member for Prieslands. Why may these head offices not be situated in the National States as well? There are a few very important reasons for this. In the first place it has been determined in the independent states by means of legislation and in an agreement between them and us that they are to be autonomous in adopting labour legislation of their own in their own countries. That legislation does not always correspond to ours. In the second place our industrial and factory inspectors do not have access to those countries to follow up matters. In the third place legislation which has been adopted in South Africa differs from the legislation existing in these countries. That is why I believe that as far as important matters of this nature are concerned the centre of activities of a trade union must be situated in the country in which they operate. I want to add that I think that if any trade union desires to leave South Africa and to move to a homeland or to Maseru or Mozambique or wherever with its head office it has ulterior motives in doing so. I want to reiterate what I have said on a previous occasion. I know very well that some of the trade unions have already discussed the possibility of moving out of South Africa to a country outside South Africa so that they may devise things in that country which we in South Africa would not easily allow.

With these remarks then Mr Speaker I believe I have replied to all the arguments raised by hon members.

Question agreed to *See Howard*
Bill read a Second Time

MANPOWER TRAINING BILL
(Second Reading)

*The MINISTER OF MANPOWER AND
SPEAKER I move—

That the Bill be now read a Second Time

The purpose of this Bill is in the first place in accordance with the Government's declared policy of rationalization and in accordance with the Government's recent White Papers on manpower affairs as well as commentary that was received in response to the published draft bill to consolidate the four training laws that are administered by my department. These four laws are the Apprenticeship Act 1944, the Training of Artisans Act 1951, the Black Employers In Service Training Act 1976 and the In-service Training Act 1979. The provisions of the proposed new legislation are also being adapted in order to make provision for the effective training of the country's total workers corps.

The draft Bill was published on 19 December 1980 in accordance with the Government's policy of maximum consultation with employers and employees. The constructive criticism that was received from several bodies proves that the State and the private sector are willing to co-operate, and I want to express my gratitude for this to the employers and employees of South Africa.

At the moment the Republic is experiencing a serious shortage of skilled workers in a variety of fields, whilst at the same time there are large numbers of unskilled workers who are unemployed. In addition to this, it is estimated that 200 000 new workseekers enter the labour market annually—some of them are properly equipped but most of them are inadequately equipped for the demands of a modern technological century and a diversified, rapidly developing economy.

The most important characteristic of the consolidated Act is that it entrenches the tripartite involvement of employers,

employees and the State in the training process. In accordance with the principles of enterprise, the responsibility for training is placed chiefly upon the shoulders of the private sector and the maximum part of freedom is granted to the private sector to arrange their training actions in a way that they will best serve their requirements and circumstances.

The role of the State in the sphere of training is threefold in nature viz firstly the establishment of a legal and administrative framework which will bring about order and coordination and the maintenance of standards. Secondly the support and encouragement of the training efforts of the employer by amongst other things, the provision of financial assistance in some form or other and finally the supplementation of training efforts of the private sector by establishing Government institutions for the training of specific categories of workers.

There is no doubt that the legislation that is being introduced at the moment will make a substantial contribution towards the development of the total manpower resources of the country and in this way towards the economic development and increase in the standards of living of all the inhabitants of the Republic of South Africa and of the other States that are or were part of the apartheid South Africa.

I have already laid an explanatory memorandum on the subject of the Bill on the table and I should now please like to give further details regarding the most important provisions of the proposed Act.

Clause 1 contains the definitions and I shall like to refer briefly to some of the definitions which amongst other things give the indication of the scope of implementation of the proposed Act and what sort of things will be affected by it.

The word 'industry' is defined in such a way that it includes every possible undertaking or activity and even a division or part of an industry or group of industries including a private household. A broader meaning is deliberately being given to the expression concerned, so that the machinery of the Act and the training facilities and incentives for which the Act will provide, will be able to be utilized over as broad a spectrum as possible.

With a view to the promotion of good

relations on the shop floor the expression 'training' has been defined in such a way that it includes training in labour relations as well. There is a need for proper training in labour relations and by including this in the definition concerned it will be possible to implement the machinery of the Act and the incentives that are being envisaged with regard to training in the sphere of training in labour relations too. As a result of this a fairly comprehensive definition of 'labour relations' is being embodied in the Bill which amongst other things includes matters such as negotiations in respect of remuneration and other conditions of employment of employees, the prevention and settlement of labour disputes, the application interpretation and effect of legislation administered by my department and the management of the affairs of trade unions, employers organizations, federations and industrial councils.

The term 'workseeker' is also defined because special provision is being made in the Bill for the training of workseekers that is to say unemployed people who are seeking work. Hon members will agree with me that unemployed people who are properly trained or specific tasks will be able to be placed in positions more easily than those who are untrained.

Clause 2 determines which persons and bodies are excluded from the scope of application of the proposed Act. These provisions have more or less been based on the corresponding provisions of the existing training laws with the important difference that the agricultural sector and private households are not excluded from the scope of application of the new Act. In these two sectors particularly in the agricultural sector, there are also special requirements for the training of work forces and the Government is of the opinion that the Act should therefore be applicable to these sectors as well.

The two existing in-service training laws contain provisions in terms of which mining undertakings are excluded from the scope of the application of those laws. The result of this is that such undertakings cannot lay claim to tax concessions in terms of section 15sept of the Income Tax Bill with regard to their training expenditure. The reason for this exclusion is chiefly due to the fact that

See Howard for debate

106

jointly. Natural resources and labour resources must be combined and developed and utilized together to the benefit of South Africa. Permit me to try to put it even better in that the foundations of our future existence in the broader national context will and must be realized within the next five to ten years. Of still greater importance to me is the fact that the time for laying foundations may pass but one cannot simply continue to say and hope that everything will come right. If the foundations are not laid in time the time for doing so will run out and there will be no opportunity later to rectify what was neglected due to carelessness or ignorance. That we must never forget the laying of foundations, and the development that must follow will demand sacrifices from everyone in South Africa. It will also demand wisdom and faith in our cause and faith in the future of South Africa.

I wish to state very forcefully that the future of South Africa, as it seems to me, is going to be decided in the labour sphere on the basis of good labour relations. Indeed that is the issue underlying the legislation under discussion. I am tempted to say that the battle will be won or lost in this field. I am therefore gratified that the racial and sex connotation for example have been deleted from this piece of legislation. A great deal has been said about the racial connotation. Therefore there is one reminder I want to make about the sex connotation. By means of this legislation the possibility has now been created in the department in question of equal opportunities for both sexes. This is probably something that will eventually filter through to other spheres of our society.

I now wish to touch on several points in the sphere of labour which require our urgent attention. All workers of all population groups, whether male or female making a living in the sphere of labour. Nowhere else is our interdependence so clearly demonstrated and nowhere is it as closely knit as in the sphere of labour. The broadest area of contact between employer and employee is in this sphere as well. If good labour relations are upset in this sphere, this entails serious consequences for all the people in South Africa, because as everyone knows it is in this sphere that unrest can most easily be incited and generated. In other words in the labour sphere co-existence, co-operation

and good neighbourliness simply must be strikingly demonstrated. It is here that the welfare and the standard of living of the entire working community is determined. We must now consider four realities that we cannot evade, and that compel us to place it where we are to properly understand the entire situation in the sphere of labour, and anticipate what we are to do in future, we must understand that our population situation is unique in the world. In the second place in spite of the high standard of living maintained in South Africa our shortage of high-level manpower is disturbing. In the third place our economic gears are beginning to stick due to a shortage of trained people. We must perceive these things and we must recognize them so that we can do something about it. In the fourth place our State Administration is beginning to get into difficulties due to a shortage of staff. There are simply not enough people to do the work everywhere. These are the realities of South Africa today.

Therefore there is only one answer to this serious dilemma and that is that training, retraining and in-service training of the manpower potential in South Africa and—repeat—we must recognize the contribution of race or sex as provided by the Act. In this regard all of us from both sides of the House and also the public at large must assist and lend their full support to the hon. the Minister and the Government and also understand this situation.

and good neighbourliness simply must be strikingly demonstrated. It is here that the welfare and the standard of living of the entire working community is determined. We must now consider four realities that we cannot evade, and that compel us to place it where we are to properly understand the entire situation in the sphere of labour, and anticipate what we are to do in future, we must understand that our population situation is unique in the world. In the second place in spite of the high standard of living maintained in South Africa our shortage of high-level manpower is disturbing. In the third place our economic gears are beginning to stick due to a shortage of trained people. We must perceive these things and we must recognize them so that we can do something about it. In the fourth place our State Administration is beginning to get into difficulties due to a shortage of staff. There are simply not enough people to do the work everywhere. These are the realities of South Africa today.

Therefore there is only one answer to this serious dilemma and that is that training, retraining and in-service training of the manpower potential in South Africa and—repeat—we must recognize the contribution of race or sex as provided by the Act. In this regard all of us from both sides of the House and also the public at large must assist and lend their full support to the hon. the Minister and the Government and also understand this situation.

The Labour Relations Amendment Bill as well as other Bills that are to follow later in the week and are related to this Bill create the necessary opportunity for this because both the employer and the employee will have to learn to know and understand the laws in this regard. It is pointless making laws if the people involved do not know them and are not aware of the bounds within which they can move.

Then too, we must bear in mind that laws alone are not sufficient. Legislation alone cannot regulate these labour relations. Therefore it is unfair to expect of the Government and the hon. the Minister to carry the full responsibility. Hon. members heard in this House this afternoon that the onus is now on the employer and the employee to contribute their share and not

to leave it to the Government to regulate and manipulate everything. This presupposes that the conflict which could arise between the employer and employee in the future must be avoided at all costs. That is the rationale for this new labour dispensation.

Since my time has almost expired I just wish to put a question to the hon. the Minister very briefly, and then conclude with a statement. My question is as follows: Has the abolition of the works committees and the works councils not resulted in the trade unions being deprived of a useful aid or supportive action which would have improved rather than hampered their functioning? My statement is that South Africa cannot survive politically without economic growth, development and welfare and with the vital changes that have taken place in the labour sphere South Africa would ultimately have been doomed. In other words the labour legislation ensures the future of the worker in South Africa, and I wish to emphasize that strongly. It follows from this that the other leg of our security, too, namely constitutional development will have to be given concrete effect to without delay. Before hon. members of the Opposition think that I wish to imitate what they did in the censure debate namely that this Government is moving too slowly. I wish to say very strongly and forcefully that the Government does not operate on an *ad hoc* basis or in a staccato way but is consistently engaged in this absolutely vital development at the constitutional sphere.

In accordance with Standing Order No. 22, the House adjourned at 18h30.

TUESDAY, 11 AUGUST 1981

Prayers—14h15

MEMBERSHIP OF SELECT COMMITTEE ON PUBLIC ACCOUNTS

(Motion)

The LEADER OF THE HOUSE Mr Speaker, I move without notice—

That the Select Committee on Public Accounts shall consist of its members.

Agreed to.

APPROPRIATION BILL

Bills read a First Time

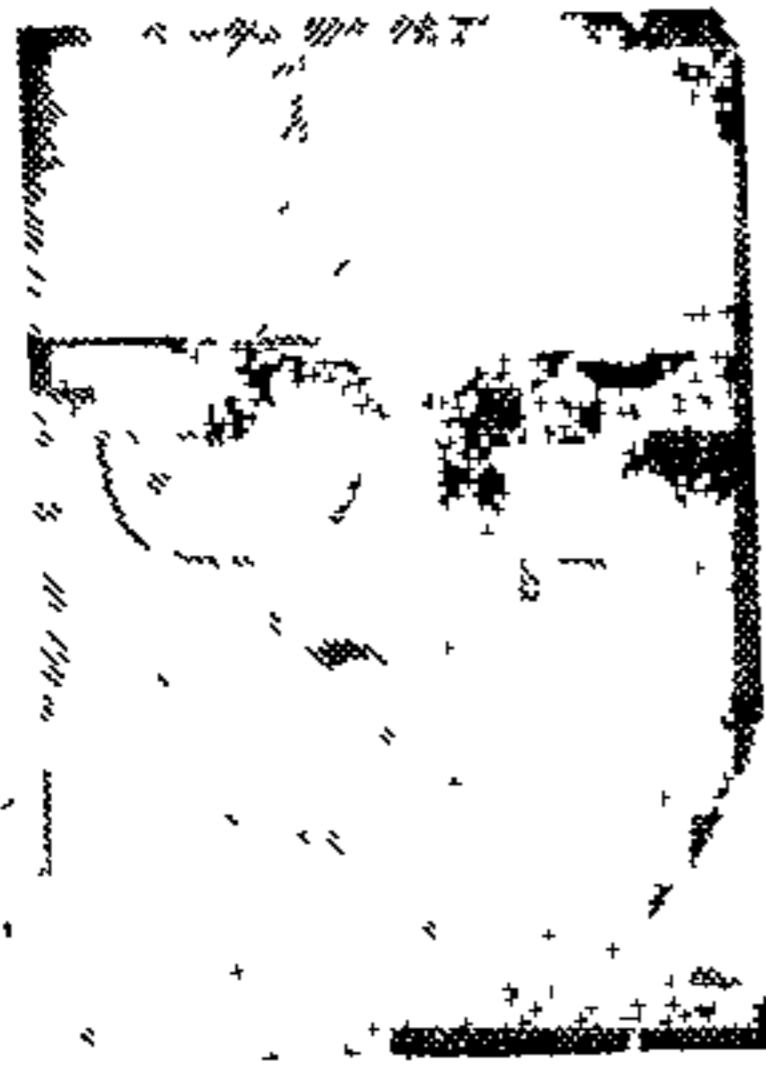
LABOUR RELATIONS (AMENDMENT) BILL

(Second Reading resumed)

Mr Speaker just before the adjournment of the House last night I was making the statement that without economic progress and welfare for all in South Africa the future does not look too promising. I also said that without the vital changes that have taken place in the field of labour over the past few years South Africa would have been heading for ruin.

Now we have new labour legislation before us which ensures and secures the position of not only the White worker but every worker in South Africa. From this follows the point that I wished to make last night and bring to the attention of hon. members. It is that the other leg of our national security, viz constitutional development will have to be given effect to without delay or else the progress made in the field of labour the progress in recent times in the labour sphere could get ahead of progress in the constitutional sphere, and this could result in the possibility of abuses in the political field. It is essential that we should perceive the relationship between these two developments.

Now I know that it is very clearly indicated in clause 9 that no political activities will be permitted in the trade union movement in the future. However if we consider the history of the trade union movement in the Western World and more specifically in England and the USA there are very clear lessons to be learned from those developments. They are that the trade unions in those countries, where they were in advance of constitutional development eventually established themselves in those countries as political parties and eventually also as political governments. I need do no more than refer to the developments that have occurred



Mr S P Botha. blacks now on same level.

Political Staff
THE ASSEMBLY — Proposed labour legislation placed black workers on the same level as all other workers, the Minister of Manpower, Mr Fanie Botha, told the Assembly yesterday.

Moving the second reading of the Labour Relations Amendment Bill he said that previously blacks had been excluded from the definition of "employee" contained in the Industrial Conciliation Act of 1956.

"Blacks were not considered 'employees' in

Blacks now 'on sa'

terms of the Act and were excluded from that Act's machinery," the Minister said.

The description of "employee" was amended in 1979 to include certain groups of blacks and it was now being further amended to make the Act applicable to all workers. The result is that black workers are now on the same level as all other workers and the need for

a special measure for them falls away," Mr Botha said.

The Bill before the Assembly repealed the regulation of the Black Labour Relations Act of 1953 because that act had regulated employment conditions of the Black Labour the committee system when black workers were excluded from the definition of "employee".

The effect of the Bill

Mixed unions 'not the answer'

THE ASSEMBLY — It would be wrong to think that by integrating trade unions, friction would be eliminated, Mr Louis Nel (NP, Pretoria Central) said yesterday.

Speaking in the second reading debate on the Labour Relations Amendment Bill, he said if one accepted the principle of autonomous trade unions one also had to accept that there could be white as well as black trade unions.

There was no provision in the legislation which prohibited any trade union from carrying out the work for which it was formed — namely to establish good relations between the worker and employer and to further the interests of workers in general.

The right to strike was built into the legislation. But it appeared there were certain people who were not satisfied with this.

"But the message that must go out from this House is that the Government will not tolerate illegal strikes" — Sapa.

Today's business

Today's business in the Assembly is:

- Resumption of second reading, Labour Relations Amendment Bill.
 - Second reading, Manpower Training Bill.
 - Second reading, Guidance and Placement Bill.
 - Second reading, Second Wage Amendment Bill.
 - Second reading, National Road Safety Amendment Bill.
- Sapa

New Labour Bill is welcomed by all parties

Political Staff
THE ASSEMBLY — A Bill aimed at virtually eliminating discrimination based on sex or race in the field of labour relations was welcomed by all parties when it was debated in the Assembly yesterday.

The Bill — the Labour Relations Amendment Bill — was presented for its second reading by the Minister of Manpower, Mr Fanie Botha, at the start of what proved to be a constructive debate.

Introducing the Bill, Mr Botha said it meant that the establishment of integrated labour unions would in future not require his permission. It also provided for the removal of sex discrimination in wage arbitration and prohibited unions from using their funds to support members in illegal strikes.

Another section of the Bill "confirms and recognises the right of self-determination of workers to organise themselves freely in groups of their own choice".

Mr Botha said this measure followed strong representations from numerous trade unions requesting autonomy to decide their own membership.

It also provided for the scrapping of the prohibition on registration of

multi-national trade unions. In future it would no longer depend on the Minister to grant exemption for multi-national registration.

Other provisions of the Bill were:

- Punishment for contempt of the Industrial Court.

- Scrapping of sex discrimination in the negotiation of any agreement or in making a determination or arbitration award.

- To make it compulsory for employers to inform the Department of Manpower of any labour dispute involving a loss of man hours.

- To give statutory recognition to the 2750 liaison committees which would in future be known as workers' councils.

Reacting to the Bill, Dr Alex Boraine (PFP Pine-lands), the main Opposition speaker, said it was important to see it as part of a process "which has been in the main very encouraging, and has brought about substantial change in labour relations in South Africa".

But Dr Boraine warned that labour relations in South Africa were "highly volatile" one of the most harmful aspects being the polarisation between black and white workers.

It was impossible to discuss labour relations in

isolation from socio-economic and political factors.

Although the PFP welcomed the Bill, there were some "disturbing aspects".

One which merited clarification was the provision debarring direct political involvement by an employers union or a trade union.

"Surely organisations and unions have a legitimate interest in certain broad political issues, and of course the continued exclusion of blacks from meaningful political activity will inevitably politicise black unions," he said.

He questioned the prohibition on granting financial assistance to illegal strikers which he said was "unnecessary and cruel".

It could not be denied that there was a great deal of dissatisfaction with the Industrial Court as it operated at present.

Dr Boraine discussed the liaison committees now to be known as works councils.

He said his party had consistently argued that works councils would only succeed if they complemented unions rather than competed with them.

They would require certain facilities and powers to become meaningful and should be available for all workers, not only blacks.

Unions 'not good' at this stage

THE ASSEMBLY — The devolution of power in the trade union movement to shopfloor level negotiations would not be a good thing at this stage, said Mr Ron Miller (NRP Durban North) yesterday.

He was speaking during the second reading debate on the Labour Relations Amendment Bill which, among other things, gives recognition to unregistered trade unions.

Mr Miller said although the measure was perhaps not intended to solve all problems in the field of labour relations, it was important because "it is a synthesis of a nation in transition".

"The labour field today was a microcosm of South African society and it reflected the tensions in the country," he said. — Sapa.

Opposition bucks over long hours

Political Correspondent

THE ASSEMBLY — The Government was accused yesterday of forcing MPs to sit for unreasonably long hours in the interests of the National Party — and not of the country.

Mr Alf Widman (PFP Hillbrow) was opposing a motion which will effectively mean that MPs will have to sit on Monday, Wednesday and Thursday nights in addition to Parliament's normal hours.

The motion was proposed by Mr Fanie Botha, the Leader of the House.

Mr Widman said he believed there was an NP congress in October — and there was a strong feeling the motion had been proposed in the interests of the party, rather than the interests of Parliament.

Parliament is expected to rise sometime in October — and evening sit-

tings will ensure it finishes earlier.

"The needs and interests of the National Party appear to take precedence over the needs and interest of this House, and for that reason the business of the House is being telescoped," Mr Widman said.

He suggested that it would be better to postpone the NP congress than pressurise MPs.

Mr Alex van Breda, the NP chief whip, said objection to longer hours had become traditional with the Opposition. It was a pity that this time Mr Widman had come with the "unpleasantness" of suggesting it was done for the congress which was just "cheap politics".

Mr Brian Page also objected to the longer hours on behalf of the New Republic Party, and spoke of "legislation by exhaustion".

Bill aims to halt unrest

THE ASSEMBLY — One of the aims of the Labour Relations Amendment Bill was to prevent foreign trade unions with "tentacles" in South Africa from inciting unrest in the country, Mr Koos Lloyd (NP, Roodeplaat) said yesterday.

Speaking in the second reading debate on the Bill, he said another aim was to bring about stability in the unions.

Trade unions were here to stay and he did not believe the Government should interfere in their affairs, provided they acted responsibly.

Established trade unions should assist the young unions with know-how without interfering in their affairs. — Sapa.

Home costs pass inflation

THE ASSEMBLY — Escalation in building costs is exceeding the increase in the rate of inflation, Mr D W. Watterson (NRP, Umbilo) said in his maiden speech in the House yesterday.

Taking part in the second reading debate on the Labour Relations Amendment Bill, he said that in the next 20 years about 10 000 000 homes would have to be built and the necessary infrastructure provided to keep pace with the exploding

population. "The building industry simply cannot cope and the position of supply and demand will eventually increase prices to such an extent that very few will be able to cope."

"If this happens there will be widespread dissatisfaction and it is clear that something must be done to meet the situation."

An urgent recruitment campaign was needed for the building industry and

the necessary funds had to be provided for the training of skilled and semi-skilled labour.

Positive steps also had to be taken to solve the unemployment problem, he said. — Sapa.

(66) when page 11/8/87

...ne level as other workers'

was that all workers in South Africa at present included in the Labour Relations Act might in future join a registered trade union of their choice.

The only condition for joining was that the union's constitution allowed their entry and that the particular union accepted them.

During yesterday's debate Mr J W van Staden

(NP, nominated) said the Bill took the colour connotation out of the Industrial Conciliation Act and brought it in line with the Wage Act which had never distinguished on the grounds of colour.

The Minister had succeeded in taking white workers along with him on the road to change.

Mr Nic Olivier (PFP, nominated) said it was inevitable under the

present social and political set-up that blacks would use their power to press for social and political concessions.

He said problems would not be solved by neutralising black leaders through detention or banning because this would make it more difficult for blacks to regain confidence in the country's labour relations machinery.

Don't detain labour leaders, pleads Olivier

THE ASSEMBLY — It would be foolish to build labour relations machinery on the premise that blacks would not use their labour might to press for social and political concessions, Mr Nic Olivier (PFP, nominated) said yesterday.

He appealed to the Government not to neutralise black leaders through detention or banning because this would worsen the problem of trying to re-establish faith in labour relations machinery among blacks.

Mr Olivier was speaking during the second reading debate on the Labour Relations Amendment Bill.

He said he agreed with Mr Wynand Malan (NP, Randburg), who said unregistered trade unions in the Eastern Cape had sought to obtain, through strike action, benefits which had nothing to do with the shop floor situation.

Mr Malan said strikers had attempted to obtain concessions and improvements for their communities education, housing and transport.

The unregistered labour unions had attempted to achieve political goals outside the work situation and this problem had to be looked at.

It would be foolish to think there was not a comprehensive labour strategy behind such action.

Organised industry, he said, had a definite strategy to handle this situation and had to aim at distinguishing between

strategy and tactics. Mr Olivier said "the ideal was that all workers were drawn into the same labour relations machinery, but the problem was that we have taken so long to get here."

A second prerequisite for success was that the machinery be used by workers to regulate their labour situation and not used for the achievement of political goals.

A danger in the recognition of unregistered trade unions was that the employer could be "ground to powder" in his negotiations with the State and registered trade unions and with unregistered unions.

The danger lay in unions becoming involved in the political machinery as had happened in the United Kingdom.

Most blacks in South Africa saw their labour might not only as a negotiating tool for better work circumstances but also for the improvement of the position of their communities.

"This creates the undeniable reality that they will not employ their might to improve the position of the worker only."

"For as long as we live in a socio-political structure which does not satisfy the majority of blacks it will be inescapable that they use their only tool as workers to obtain improvements in non-labour areas."

Government not to neutralise leaders by detaining them — Sapa

Dr Alex Boraine . . . some disturbing aspects

QUOTES

"It is wrong to think that by integrating trade unions, friction will be eliminated." — Mr Louis Nel (NP, Pretoria Central)

"It is impossible to discuss labour relations in isolation from socio-economic and political factors" — Dr Alex Boraine (PFP, Pimlands).

"The labour field in South Africa today is a microcosm of our society — in it can be seen the reflection of the tensions in the country today." — Mr Ron Miller (NRP, Durban North)

"Black labour organisations have lost their trust in any measures created for their use, thus it should be spelt out to them that the legislation is for their benefit." — Mr Nic Olivier (PFP nominated).

Other contributors to the Star by P Sullivan of 47 Sauer Street, Johannesburg, A H G Wentzel, F S Esterhuizen and L Parker of 122 St George's Street, Cape Town, B Cameron of 85 Fild Street, Durban, and L H Marshall of 216 Vermeulen Street, Pretoria. Cartoons by A Berry, D Gaskill and D Fedler of 47 Sauer Street, Johannesburg, J Jackson of 122 St George's Street, Cape Town, and J Leyden and G Muller of 95 Field Street, Durban. Headlines and posters by Johan de Villiers and political cartoons by J W Tyson of 47 Sauer Street, Johannesburg. Sapa's parliamentary list: A Braid, C le Roux, F Claassen, J W Jordan, S Moller and D Powell, all of the Press Gallery, House of Assembly.

Stick, ^{W.B.} but ^{FORREST} no carrot for unions

After the fanfares which greeted the Wehahn Commission's first report had subsided, a sober reassessment of its true significance began.

The conviction grew in trade union circles that the State, realising it could not wish away the burgeoning black labour movement, was preparing to neutralise it by bringing it under official control.

Hence the refusal of some unions to register under the new labour dispensation, and the resistance of others to incorporation in that key element of the official bargaining system—the industrial councils.

The dramatic rise last year of tough new unions which rejected registration altogether sharpened fears of a State crackdown on unregistered worker bodies. These were borne out by the draft labour Bill published for comment earlier this year.

But the Government seemed to have got its sums wrong—the draft Bill also contained measures weakening and restricting established registered unions, which enjoy official favour.

These include

- Empowering the Minister of Manpower Utilisation to deregister and then wind up unions which acted “unreasonably” in the eyes of members.

- Enabling racial and other minorities to split off from registered unions and obtain registration without following the normal procedures. This was seen to encourage union fragmentation.

- Requiring legal strike ballots to be supervised by a ministerial appointee.

The draft bill also made “stop orders”—the deductions of dues by employers on behalf of unions—compulsory for registered union members. Some established union leaders were known to object to this, because it threatened to give newly registered black union rivals greater viability.

The baffling illogic of the provisions was spelt out by South Africa's largest union federation, Tuccsa, mainly com-

The Labour Relations Amendment Bill, published last week, has been hailed for its concessions to trade union opinion. But the “concessions” are perfectly consistent with the main thrust of Government labour policy—which is to rein in the independent black labour movement. **DREW FORREST** reports.

Training, who will vet the contents of training courses offered by the black unions in the re-introduction of the Labour Relations Amendment Bill of the statutory committee system—in the form of “works councils”—multi-racial liaison committees.

The system—first launched by the State with the openly expressed purpose of “bleeding black unions to death”—has been bitterly opposed by the black labour movement. With the backing of law, it insists, employers are more likely to promote such committees at plant-level as a substitute for unions.

Significantly, “works committees,” which at least allowed workers to compel employers to negotiate with them, have not been retained. Department sources say this is because the committees “were exploited by radical workers.”

Some black unions looked to the new Industrial Court as an additional weapon in their struggle, and here the Bill will disappoint them. It does nothing to define the jurisdiction of the Court, and little to make it more accessible.

Unfair labour practices will still have to

be referred to an industrial council or conciliation board before reaching the Court—a lengthy process. And although the Bill places a 30-day time-limit on the deliberations of the council or conciliation board, this may be extended at the discretion of the Minister.

The Court still has no criminal jurisdiction, and no jurisdiction in regard to disputes arising out of contracts of employment.

Department sources say the Court will be left to “sort out its own problems.” But lawyers point out that when left to its own devices—as in the Raleigh Cycle judgment this year—the Court has substantially narrowed its own powers.

The controversial objections procedure, which enables established unions to keep out newcomers, or restrict their scope of registration, is retained. And the racial registration of unions—a major labour flash-point this year—will still be possible.

The Bill has many positive features—among them the abolition of sex discrimination in industrial agreements, and the extension of full official union rights to local and foreign contract workers.

But it is small wonder that a summit meeting in Cape Town at the weekend, the entire independent black union movement “resisted and rejected” the present system of registration, and voted to defy the new anti-strike provisions in the Bill.

Minister of Manpower Utilisation, Mr Fanie Botha. This time his department got its sums right.

posed of registered unions. "To introduce further controls over the registered unions," it said, "will hardly encourage unregistered unions to register. In fact, the opposite will result."

Some claimed to see in these controls an attempt to rein in the white Mine Workers Union. Other, more cynical observers, considered them a "smoke-screen" behind which the more crucial clamps on unregistered black unions could be introduced.

For with the publication of the Labour Relations Amendment Bill in Cape Town last week, the Government has made no mistake. The Bill climbs down on all the proposed restrictions on registered unions, while retaining, and in some cases tightening the strictures on their unregistered counterparts.

Under the Bill, unregistered unions will be subject to effective compulsory registration, without any corresponding benefits. And unregistered union federations will now also come under the whip.

With their small staffs and scant material resources, they will be bound by a wide range of administrative controls, which may severely hamper their auto-

gives adopted
 ng South
 aim that
 s of the
 as the
 t Russia
 ons
 strategy
 the
 gical
 ng over-
 used to
 even some
 s, Berman
 hist, Walt
 ers were
 Addition-
 rs, C.D. Fox
 D.L.,
 tians and
 ant owners),
 ers,
 ned a
 middle-
 use of the
 aps as a
 the
 ter a
 hing else. 72
 as an
 n and
 garded
 and a

LABOUR relations in South Africa were 'highly volatile,' one of the most harmful aspects being the hardening of polarisation between black and white workers, Dr Alex Boraine (PFP Pinelands) said in the Assembly debate yesterday

Dr Boraine warned the Government that everything possible should be done to ensure the minimum amount of conflict and maximum amount of labour peace

EXPLOSIVE

Freedom of association was, and remained, a cardinal principle in the trade union movement

But in the South African situation where race was often an 'explosive ingredient' it could become dangerous

In the Labour Relations Amendment Bill before the House the Government had removed all reference to race in industrial relations legislation, but it had 'brought in by the backdoor emphasis on trade union autonomy'

'I think we must be extremely careful that in rightly allowing trade unions autonomy, we do not in fact encourage unionisation with race as an interest factor,' he said.

Night sittings favour NP, says Widman

Parliamentary Staff
 THE Government was yesterday accused of forcing MPs to sit for unreasonably long hours in the interests of the National Party and not of the country

Mr Alf Widman (PFP, Hillbrow) was opposing a motion which will effectively result in MPs having to sit on Monday, Wednesday and Thursday nights in addition to Parliament's normal hours.

The motion was proposed by Mr Fanie Botha, the Leader of the House

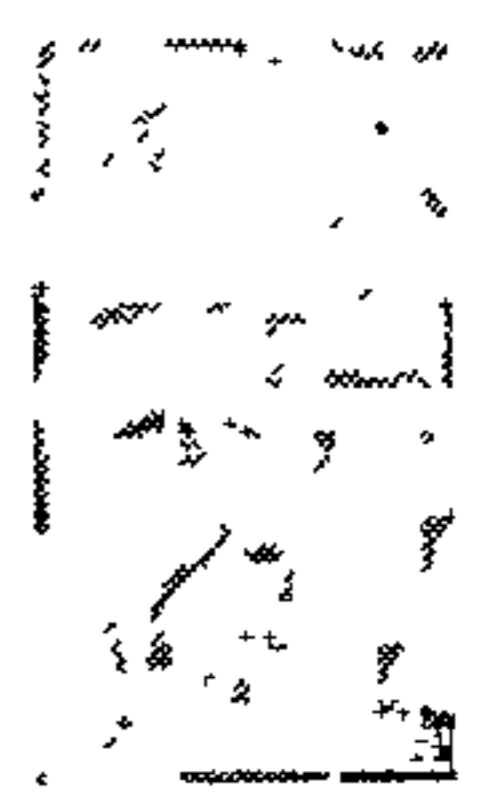
CONGRESS

Mr Widman said he believed there was a National Party congress in October, and there was a strong feeling that the motion was proposed in the interests of the party rather than the interests of Parliament

Parliament is expected to rise sometime in October and evening sittings will ensure it finishes earlier.

Labour relations volatile, warns Boraine

August 11/8/81
 166



Dr Alex Boraine

Parliament should 'at all costs' avoid joining in battle between black nationalism and white nationalism, with the workplace as the battlefield and the employer as an unfortunate, helpless onlooker

Dr Boraine said a crucial matter — that of the functions of the Industrial Court — had been referred to the National Manpower Commission for investigation

It could not be denied that there was a great deal of dissatisfaction with the Industrial Court as it operated, at present He hoped the commission would treat this as 'a

the matter of urgency,' and that further amending legislation could be brought to Parliament in the next session.

Dr Boraine also discussed the liaison committees, now to be known as works councils

He said his party had consistently argued that works councils would only succeed if they complemented unions rather than competed with them. Further, they would require certain facilities and powers to become meaningful, and should be available for all workers, not only blacks.

and
 and Pick Bundist and
 far from similar and
 ally, the ideological
 and Joseph Pick, an
 J. and W. Dryburgh, a
 workers, an upholster
 I. Noeik and Percy Th
 S. Burrski, the Lopes
 an at
 forage depot; 74
 class individuals: a
 The leadership of the
 increase in its price
 result of a falling-o
 Bolshevik fell from 2
 white. During late 1
 But this assault on t
 orchestrated attack t
 the entire Jewish pop
 the letters attacking
 highly qualified pro
 M. Walt, a leading m

Afri
 it u
 revc
 prin
 as t
 Alt

and
 Bol

and
 org
 pol
 heal
 spe
 ex-



'Blacks on same level'

Angus 11/8/81

166

Parliamentary Staff

PROPOSED labour legislation placed black workers on the same level as all other workers, the Minister of Manpower, Mr Fanie Botha, told the Assembly yesterday

Moving the second reading of the Labour Relations Amendment Bill, he said that previously blacks had been excluded from the definition of 'employee' as contained in the Industrial Conciliation Act of 1956

'Blacks were not considered "employees" in terms of the Act and were excluded from that Act's machinery,' the Minister said.

The description of 'employee' was amended in 1979 to include certain groups of blacks, and it was now being further amended to make the Act applicable to all workers

'The result is that black workers are now on the same level as all other workers and the need for a special measure for them now falls away,' Mr Botha said

The Bill before the Assembly repealed the Regulation of Black Labour Relations Act of 1953 because that Act had regulated employment conditions for blacks by way of the committee system when black workers were

excluded from the definition of 'employee'

The effect of the Bill was that all workers in South Africa presently included in the Labour Relations Act might in future join a registered trade union of their choice

The only condition for joining was that the union's constitution allowed their admission and that the particular union accepted them

During yesterday's debate Mr J W van Staden (NP nominated) said the Bill took the colour connotation out of the Industrial Conciliation Act and brought it into line with

the Wage Act, which had never distinguished on the grounds of colour

The Minister had succeeded in taking white workers along with him on the road to change

Mr Nic Olivier (PFP nominated) said it was inevitable under the present social and political set-up that blacks would use their power to press for social and political concessions

He said problems would not be solved by neutralising black leaders through detention or banning because this would make it more difficult for blacks to regain confidence in the country's labour relations machinery

new forms of struggles, Cape Town Bundists were absorbed into the existing revolutionary groups in town. Many of the members of the leadership of ISL-CT (Davidoff, Fox, Walt) were Bundists in Cape Town and other towns of the Union, while the vast majority of the leadership consisted of Jews of Russian origin (A.Z. Berman, Joseph Pick, Solomon Buirski, Barnett Steff, Joe Fish, amongst others).⁴⁹ It is an undoubted fact that the Bolshevik revolution in Russia had created a hopeful mood amongst the Socialist movements functioning in South Africa.⁵⁰ It was obvious that the League would not allow these sympathetic feelings towards Socialism to disappear. White systematically opposed to close cooperation with any political party or grouping on a regular basis, its members were participating actively in such diverse groups as 'The Jewish Amateurs' (a Yiddish cultural acting company giving regular performances at the Railways Institute),⁵¹ and the Parliamentary Debating Society which was a body including a large number of Jews (A.Z. Berman and Joe Pick were very active within it).⁵² The organisation also wisely used to full advantage the coming to South Africa of two Russian 'emissaries', Lapitsky and Sosnovic. These mysterious visitors, who were seen by some people as officials of the Bolshevik govern-

'Bill behind clash of 2 Cabinet Ministers'

Augus 11/8/81 (166)

t conservative
not a revo-
tion of all
s, the
the shop
stant craft
es. firstly,
sideration
fid attitude
using him at
Conference in
, the official
ifsted once
sequently lead
he 'Big
se their

Parliamentary Staff
THE Government's new labour legislation was the issue behind the recent clash between two members of the Cabinet, the Assembly was told yesterday.
This suggestion from Mr Horace van Rensburg (PFP Bryanston) drew little reaction from speakers on the Government side during yesterday's second-reading debate on the Labour Relations Amendment Bill.
Government speakers seemed to have a low-key approach to the ideological tensions in the National Party when Mr van Rensburg referred to the recent clash between the Transvaal NP leader, Dr Andries Treurnicht, and the Minister of Manpower, Mr Fanie Botha.
Speaking in the debate on the Bill, Mr van Rens-

burg said the Minister of Manpower had asked by way of an interjection that politics should not be dragged into the debate.
'But he should know better. It is precisely this legislation which caused the recent conflict in the ranks of the National Party between the Minister and one of his colleagues,' Mr van Rensburg said.
He added that Dr Treurnicht, in a speech at Marble Hall, had said in effect it was in the labour field that the identity of whites was threatened most.
Mr Botha had then reacted to Dr Treurnicht's remarks.
It was the legislation now before the Assembly which Dr Treurnicht had in mind, Mr Van Rensburg suggested.

Dr Treurnicht, the Minister of State Administration and Statistics, interjected with apparent indignation, but his remarks were inaudible.
Continuing, Mr Van Rensburg rejected a Government claim that the proposed legislation had nothing to do with politics.
He said a large section of the South African population had been denied the right to share in democratic processes.
It was important, therefore, that the Government be told that the legislation could not be seen or handled as a purely technical labour matter.
The proposed legislation introduced a new era and was the first indication that the Government wanted to bring about change.

The League strongly advocated the abolition of the consequent neglect of the unions of industrial (i.e. product- support for craft unions (bakers, milliners, musicians, etc.), and of inconsistency, resulting mainly from its advocacy of continuous scapegoat for every labour and strike defeat. It was accused 100
The Federation was usually the 99
of the League participated openly in its functions (A.Z. Berman, a very regular target of attack, although many prominent members fashioned 'trade unions and the Cape Federation of Trade Unions was in South Africa. 98
League led by Andrew Dunbar who was a major exponent of syndicalism were very similar to those of the Johannesburg-based Communist nction with labour's ongoing struggles, unique in their nature, The political and tactical objectives of the organisation in con- amongst the working-class element of Cape Town.
paper proved to be a useful means of communication and propaganda issue of the newspaper, due mainly to lack of funds. The news- 97
several months before the organisation could publish the second buted financially towards the cost of lawyers, etc. It was 96
leaders were released, 95
At the end of the three-day trial the 95
sister organisations having contri-

'Education key to prosperity'

Political Staff

THE ASSEMBLY — The Progressive Federal Party MP for Gardens, Mr Ken Andrew delivered his maiden speech in The Assembly yesterday with a plea for adequate expenditure on education and training.

Speaking during the second-reading debate on the Manpower Training Bill, he said expenditure on education and training would result in greater prosperity for all through faster economic growth.

Mr Andrew, who defeated the Minister of Industries, Commerce and Tourism, Dr Dawie de Villiers, in the General Election, clearly made a favourable impression on members of all parties.

He spoke with quiet confidence and supported his plea with strong, well-formulated arguments.

In his view, he said, it was almost impossible to spend too much on education and training.

It has been estimated that in straight economic terms expenditure on education paid for itself seven times over.

Opposition welcomes new-look training plan

Political Staff

THE ASSEMBLY — The Manpower Training Bill — debated in the Assembly yesterday — was a "milestone" in South Africa's manpower development, said the Minister of Manpower, Mr Fanie Botha.

Mr Botha was introducing the second reading of the Bill which is one of three Bills, introduced by the Minister in this session, destined to have far-reaching effects in the labour field.

Essentially the Manpower Training Bill provides for:

- Consolidation of the various training Acts.

- A new tripartite body — the National Training Board — composed of the State, employers and unions

- Training committees which are required to be representative of all employer and employee groups in respect of all aspects of training.



Dr Alex Boraine . . . dramatic change.



Mr Fanie Botha . . . far-reaching effects.

- A Manpower Development Fund.

Like the Labour Relations Amendment Bill, which passed its second reading yesterday, the Manpower Training Bill was welcomed by the Opposition Chief Opposition speaker, Dr Alex Boraine (PFP, Pinelands) said he hoped the new emphasis on training and the co-ordination and re-

gulation of training of manpower by the department in general and this Bill in particular, would serve as a spur and strong encouragement to make the best possible use of all of South Africa's available manpower.

Introducing the Bill Mr Botha said South Africa was experiencing a serious shortage of trained workers in a variety of

areas while it also had many unskilled people who did not work.

"Besides this, it has been calculated that about 200 000 new workers are entering the labour market annually, some properly equipped but the majority not sufficiently prepared for the demands of a modern technological century," he said.

He had no doubt the legislation he had introduced would make a meaningful contribution to the development of the country's total manpower situation and its economic development.

Dr Boraine said that, for generations, South Africa had not given opportunities for training to the vast majority of its workforce. Not too long ago blacks were regarded as replaceable units of labour.

Now all this had changed dramatically, he said.

The Government had accepted the qualified admission of blacks to white universities and technikons but it appeared that its policy remained to make separate provision, where possible, for the training of the different population groups.

This was short-sighted in the extreme, and counter-productive.

"I urge the Minister to reconsider this decision and to make every facility for training open to all," Dr Boraine said.

Dr Boraine also advocated that control of all technical training, including technical colleges and technikons, should be removed from the Department of National Education to the Department of Manpower.

"package" which would satisfy workers economically as well as politically.

He said that if whites and blacks could be round a negotiating table, as provided for in the Bill, there was no reason why the same development should not be introduced in other socio-economic fields.

If people were to "hide in their own racial unions," they would find it almost irresistible to enter the political field.

terfere.

Trade unions would not be prohibited from occupying themselves with matters for which they were formed. But if they moved outside that sphere, it would be clear that they had other motives.

Mr Harry Schwarz (PFP, Yeoville) said Marxism was not just a political concept, it was an economic concept. The Government therefore had to offer South Africa a

Labour Relations Amendment Bill, Mr Botha said. "We cannot allow a disorderly system to develop that will bring this country to its knees."

Reacting to Opposition pleas that the Government should refrain from police action against, and the arrest of labour leaders, Mr Botha said his department did not arrest people.

But when the activities of people were clearly a matter for the police, his department would not in-

Union abuse 'must be prevented'

Political Staff

THE ASSEMBLY — Abuse of the trade union system by people with ulterior political motives had to be prevented at all costs, the Minister of Manpower, Mr Fanie Botha, told The Assembly yesterday.

He said this after warnings from all parties about the dangers of industrial unrest and undesirable elements gaining control of trade unions.

Replying to the second-reading debate on the

do not have serious criticism to offer in respect of certain aspects of this measure."

She said that in the Industrial Conciliation Amendment Act of 1979 the Government introduced a clause which allowed the State to use its machinery to prevent the formation of multiracial unions and to enforce sub-division where they existed.

The State now "wants us to accept" the use of its machinery to advance the cause of separate trade unions by permit-

ting unions to "protect the rights of particular groups of workers."

The Government said this did not have a racial connotation, but "I have no doubt whatsoever that in practice the racial connotation will rear its ugly head and the conflict that will ensue will do considerable damage to industrial peace," said Mrs Suzman.

She said many of the practices of the Department of Manpower had had the effect of building up hostility among black workers

PFP criticises labour moves

Political Staff

THE ASSEMBLY — It appeared the Government was advancing in the labour field in a series of "short, sharp rushes," mainly by repealing legislation which should never have been put on the statute books in the first place, Mrs Helen Suzman (PFP, Houghton) said yesterday.

Speaking during the second reading debate on the Labour Relations Amendment Bill, Mrs Suzman said her party was supporting the Bill but "that does not mean we

QUOTES

"If there is to be industrial peace in South Africa, fundamental changes are necessary — like providing the great mass of South Africa's workers with a channel other than militant strike action through which to express their aspirations" — Mrs Helen Suzman, (PFP, Houghton).

★ ★ ★
"Technikons should be open to all races. With the declining birthrate amongst whites these huge institutions will otherwise eventually become white elephants." — Mr Ron Miller (NRP, Durban North)

★ ★ ★
"Our labour crisis is compounded by the fact that the skilled labour shortage co-exists with an oversupply of unskilled labour and with unemployment estimated at between one and two million" — Dr Alex Boraine (PFP, Pinelands)

★ ★ ★
"If trade unions on a group basis were to be prohibited by law, you would have to make a law to enforce integration" — The Minister of Manpower, Mr Fanie Botha.

★ ★ ★
"One of the principles of the National Party is not to capitulate in the face of illegal acts — otherwise you create a precedent that leads to disorder and chaos" — Mr Chris Rencken (NP, Benoni)

Today's business

Today's business in the Assembly is:

Main Budget (Minister of Finance, Mr Owen Horwood) — Sapa.

THE ASSEMBLY — The Manpower Training Bill was aimed at countering unemployment, Mr C J Lighthelm (NP, Alberton) said yesterday.

Speaking during the second reading debate on the Manpower Training Bill he said the legislation covered a wide field of labour, including farm workers, and it made no distinction between sex or race.

"We estimate that three percent more qualified workers will enter the labour field

Manpower Bill boosts work force

when this Bill is in force.

"The purpose of the legislation is the training and retraining of unskilled as well as skilled workers."

"Skilled workers must be retained to enable them to adapt to new developments

"It also provides for

the training of unemployed workers."

To ensure economic growth, workers had to be supplied at the right time and in the right places.

This would ensure that economic growth did not suffer because of a shortage of labour.

"It is our task to utilise and conserve our manpower resources." He said training of workers would help to alleviate poverty. — Sapa.

17 terrorist acts recorded

THE ASSEMBLY — A total of 17 acts or incidents of terrorism took place in South Africa between July

1979 and June 1980, the Commissioner of Police, General Mike Geldenhuys, said in his

annual report tabled yesterday

A number of trained terrorists, who returned to the country, were arrested and firearms, ammunition, explosives and home-made devices were seized.

Several cases were still being heard and a number of terrorists had been sentenced

“The onslaught against the authority in South Africa was underscored by armed terrorist attacks on Orlando, Soekmekaar and Booyens police stations as symbols of State authority.

“The Silverton bank siege and the attacks at the Sasol plants should also be seen as a show of strength by the subversives. Through determined follow-up action, the South African Police were able to track down some of the culprits. Others evidently found shelter in neighbouring states,” General Geldenhuys said.

8 356 murders in SA in a year

THE ASSEMBLY — Police received reports of 8 356 murders between June 1979 and July last year, the Commissioner of Police, General Mike Geldenhuys, said in his latest report tabled in the Assembly yesterday

Most murders — 7 054 — were committed by blacks on blacks with weapons other than firearms.

GUNS USED

Crime statistics in General Geldenhuys's report show that guns were used in 1 030 murders involving all race groups

Other weapons accounted for the death of 7 233 people.

Ninety-three cases of infanticide and 16 149 rape and attempted rape cases were also reported to the police — Sapa.

Higher salaries lured police

ASSEMBLY — Offers of considerably higher pay from the private sector were among the reasons for the large number of resignations from the police force in 1979 and 1980, the Commissioner of Police, General Mike Geldenhuys, says in his latest report to Parliament.

The report, tabled today, says that because of the economic revival and the favourable employment opportunities created in the private sector, the South African Police did not have as successful a recruitment year as was hoped for between July 1979 and June 1980.

“In addition a large

number of members left the force, one of the reasons for this being the considerably higher pay offers in the private sector.

“The through training and discipline of policemen make them a sought-after target for recruiters and preferable to untrained and inexperienced manpower,” General Geldenhuys reported.

General Geldenhuys said every possible opportunity of publicising the force was used and all divisional recruiting officers had undergone an advanced recruiting course and were capable of exploiting all possible local sources of labour to the full. — Sapa.

Flood caused loss, hardship — report

THE ASSEMBLY — A report which reviews the activities of the Water Research Commission up to December 31 1980 — less than a month before the disastrous Laingsburg floods — contains a warning that flood damage in South Africa should not be underestimated

The annual report of the commission, tabled yesterday, does not refer

to the southern Karoo floods in January, but in a chapter on flood occurrence and flood damage, mentions the 1974 floods which resulted in damage amounting to R42,2-million.

“Although flood plains of rivers were initially exploited mainly for agricultural purposes, development for residential, commercial and industrial

usage has been taking place on an increasing scale.

“As a result of this, flooding of flood plains has caused great losses and hardship to individuals and communities alike

“The extent of flood damage in South Africa is relatively small compared with damage resulting from water shortages. The extent of flood damage should not be underestimated and, as an illustration of this, the total flood damage for the

stretches of the Vaal, Orange, Riet, Seekoei and Hartbees rivers as a result of the 1974 floods amounted to R42,2-million

There were a number of methods which could be used to limit flood damage, such as the prevention or curtailment of flood plain development and making the inhabitants or local authorities concerned responsible for the risk of flood damage, the report says — Sapa

CAH

Literacy rate 'main obstacle'

THE ASSEMBLY — The greatest obstacle in the way of the positive vision contained in the Manpower Training Bill was the low literacy rate, Mr Ron Miller (NRP, Durban North) said yesterday.

His party would support the second reading of the Bill but there were structural problems created over the years that only became apparent with the introduction of this Bill.

"It's like a driver who wipes the windscreen for the first time to observe the obstacles ahead," he said. The Bill had great visions for the future. But it would only start the process of tripartite co-operation, not solve the problems.

The major constraint was the low literacy rate among the majority of black workers — most of them with an average schooling of standard four.

And there were also not enough whites to supply the numbers required.

The problem, he said, could take 15 years to cure if left to the Department of Education and Training — and that would be too late.

Mr P J Clase (NP, Virginia) said the real problem "is that we have too many people at university." — Sapa

Unless otherwise stated, all political reports in The Star by P Sullivan of 47 Sauer Street Johannesburg, A H G Wentzel, F S Esterhuizen and L Parker of 122 St George's Street Cape Town, B Cameron of 85 Field Street Durban and L H Marshall of 216 Vermeulen Street Pretoria. Cartoons by A Berry, D Gaskill and D Fedler of 47 Sauer Street, Johannesburg. J Jackson of 122 St George's Street Cape Town, and J Leyden and G Muller of 85 Field Street, Durban. Headlines and posters by Johan de Villiers and political comment by H W Tyson of 47 Sauer Street Johannesburg. Sapa's parliamentary reports by A Braid, C le Roux, P Claassen, J W Lordan, S Moller and D Powell, all of the Press Gallery, House of Assembly.

See Howard for debate

budget for the ordinary man in the street. This is not a budget that will bring relief to those who need it most and we shall in due course show in detail how this Government has lost touch with the people of South Africa. This is no longer a Government of the people; this is a Government that now enjoys power for the sake of exercising power and has forgotten the ordinary people of South Africa.

Mr H E J VAN RENSBURG Fat cats!

Mr H H SCHWARZ We shall outline this for the House Sir in due course but at this stage I wish to move—

That the debate be now adjourned

Agreed to

UNIT TRUSTS CONTROL BILL

(Second Reading)

*The DEPUTY MINISTER OF FINANCE Mr Speaker I move—

That the Bill be now read a Second Time

The aim of the Bill before the House is purely to consolidate existing legislation in respect of the control of unit trusts and incidental matters. It forms part of the rationalization programme which is now being carried out in respect of all legislation, and naturally there are no matters of principle involved. The required certificate has been submitted by the Government Law Adviser.

On this occasion I should like to congratulate the officials who worked for many hours in order to consolidate this legislation and thank them very much for doing so.

I request the support of the House for this Bill.

Mr A B WIDMAN Mr Speaker, as this is a consolidation measure, I have nothing further to add.

Question agreed to

Bill read a Second Time

Bill not committed

Bill read a Third Time

PARTICIPATION BONDS BILL

(Second Reading)

The DEPUTY MINISTER OF FINANCE Mr Speaker I move—

That the Bill be now read a Second Time

In conformity with Government policy to rationalize existing legislation the purpose of the Bill before the House is to consolidate the existing enactments relating to participation bond schemes.

The Bill is merely a re-enactment of existing Act, as amended. The only provisions are clause 17(1) which repeats the Acts and provisions set forth in the Schedule to the Bill and clause 17(2) which provides for the continued validity of acts performed in terms of the legislation which is being repealed. The necessary certificate has been submitted by the State Law Adviser.

Mr A B WIDMAN Mr Speaker on this side of the House accept this consolidating measure

Question agreed to

Bill read a Second Time

Bill not committed

Bill read a Third Time

MANPOWER TRAINING BILL

(Second Reading resumed)

Mr P H P GASTROW Mr Speaker we are now back to the debate on the Manpower Training Bill which was discussed yesterday afternoon. The last speaker in that debate was the hon member for Johannesburg West and I hope he will forgive me for touching on the points he made during

as this is my maiden speech in this House, I which is before this House, is debated at a time when there is as we know a serious and critical shortage of labour in our country. The promotion of proper training schemes envisaged in this Bill, is therefore a step towards alleviating this problem generally towards increasing the rate of employment. In order to ensure the rate of growth of employment never not sufficient to only provide training of labour. These people have to be placed and one has to do more generally to rely on the growth of the economy to absorb the growing number of job seekers.

could like very briefly to look at the various techniques which are being employed in South Africa in order to establish whether those techniques maximize job creation. The rate of growth of employment in the manufacturing sector employ techniques to assist in creating jobs. I believe that manufacturing industry should take a look at itself in order to establish whether it is perhaps not moving ahead too slowly in substituting machinery for labour. It is normal for developing economies to have a more capital intensive and to invest in order to substitute labour.

It appears that there has been a change in South Africa for the rate at which this is taking place to accelerate, particularly during the last two decades. The amount of fixed capital per economically active person in the manufacturing sector increased by 2,6% between 1950 and 1970—

from R1 608 in 1950 to R4 419 in 1970. At 1970 prices this represents an increase from R1 608 in 1950 to R4 419 in 1970. The temptation to become even more capital intensive and more capital orientated present climate of labour cost inflation and fear of labour unrest is therefore a danger. This tendency is dangerous for a developing economy with a large supply of labour such as ours because of its effect on employment.

Speaker, there are many reasons for the growing tendency to substitute machinery for labour. However, an important factor is the fact that companies in the manufacturing sector are to a large extent dependent upon foreign technology which is in the main capital intensive. The methods applied overseas are connected with capital, while we in South Africa have an abundance of labour. In a country wide survey conducted by the University of Natal, 74% of the companies consulted indicated that at least 90% of the technology applied by them was of overseas origin. Therefore only a very small portion of our technology has been developed locally to fit in with the particular circumstances prevailing in South Africa.

We must take into account the serious negative result which this could have on the rate of growth of employment in the long run. More attention should be given to production methods which suit our circumstances. A policy which encourages investment research and development at all levels can be of assistance in this regard. The necessity and the social urgency of doing this should therefore be made very clear. It has been suggested that consideration should be given to the introduction of a pay sheet subsidy based on the number of employees and financed from the proceeds on the tax on profits, so as to encourage companies to develop and to identify efficient but relatively labour intensive methods of production.

A prerequisite for all these ideas, however, is the availability of skilled manpower. Therefore, the Bill before this House tries to come to grips with a basic shortcoming in our economy and in the long run it will have positive results. That is why this side of the House supports the Second Reading of the Bill.

*Mr L M J VAN VUUREN Mr Speaker, for one who is in the same boat as the hon member for Durban Central today, it is a great pleasure for me to congratulate him on his first contribution in this House. I was struck by the fact that he is fully bilingual and that he took a great deal of trouble preparing his speech. You will agree, Sir, that the hon member made a praiseworthy contribution in this debate this afternoon. We take pleasure in wishing him all of the best for his career in Parliament. A man who has a job of work to complete and knows how to do the job but does not

training if that training is not based on a very sound educational structure. This is of the utmost importance, and that is why we are trying to include it.

I should also like to refer to the hon member for Turfiontem, an hon member who is now coming back to this House for the second time. I wish to congratulate him on his speech in which he also referred to this matter. He quoted figures. It is very true that if one wants leadership there must be a relationship between top level manpower viz leadership and the lower levels. The hon member also quoted figures relating to the situation in other countries. It is very interesting to consider them. If we want to achieve real industrial development it must be our aim to increase that leadership cadre at the highest level and train as many people as possible to fit into that group. Therefore I want to point out that the debate conducted here about this matter was a very fruitful one. I want to give hon members the assurance that there is very good co-operation. I do not believe therefore that we should argue about whether the two departments in question should amalgamate or whether one should take over one of the other's functions. All functions are extremely well handled by the department involved. All that is necessary is the co-operation of everyone in this country.

Just remember co-operation does not only mean that this House should discuss it co-operation means that the people out there must also grant their co-operation. Sometimes our own people leave us in the lurch. And what do our own people do? Our own people do not help our children to press on to the end and develop skills. They are taken out of their places of training too soon because there is too much money in circulation in the country. They get too much money at an early stage. We cannot keep them and take them to certain points. I also want to agree with the sentiments expressed to the effect that we should look at our universities too. There is also a kind of snobbery developing in South Africa in that people have to go to university. That is why our universities are full of people taking certain courses which the country does not need. At the same time there are so many fields which the country vitally needs and which are not offered. Therefore everyone

has a contribution to make. The public large also has a contribution to make. I think that we must say to them from the benches, the parents and also the public that they themselves should for once take a look at their own positions and make a contribution, and I wish to do so here now. I say this in reply to the questions by the hon member.

The hon member for Durban North also asked a few interesting questions. Firstly, he asked whether consideration would be given for literacy training. As far as the concessions are concerned, in the spirit of what I have just said the hon member will understand that this is of course a matter which the Minister in question will have to deal with. The hon the Minister of Finance I do not wish to speak on his behalf, but the sentiments of that other education and training leg concerning this type of contribution are precisely those of this side of the House. In any event the hon member can rest assured that the training function is indeed being carried out effectively and that the hon Minister will go out of his way to do anything that is necessary.

The second question asked by the hon member was whether the National Training Board would not be control-oriented. We cannot do that. That board is an advisory board. It is going to have its hands full advising laying down guidelines and getting the private sector and the public sector together in order to do the things that need to be done on the road ahead. Therefore it must not begin to exercise control functions. That is what the department is there for, and I can do that effectively. We should rather berate the Minister of the Department if he does not do that. However we must not allow that board to attempt to perform a control function. That is not its task. The way in which the advisory body will be able to perform a control function is when it gives approval to the establishment of schemes and approves their courses—that kind of control. That it can indeed do. However it must not try to exercise a further control function. Nor do I think that was the intention, and no one who has been concerned with the matter nor with the drafting of the legislation nor the drafting of the commission had any such idea in mind.

This is a subject which this House will come back to. We can discuss the matter again this year, next year or the year after. I therefore do not think that the hon member has been said because suggestions are constantly being made. However the hon member will remain the standpoint of this side of the House unless we have to change our standpoint for good reasons. I cannot say whether we see us being wrong and having to change our standpoint.

The hon member also asked that leaves be booked on employers who do not train. It is not that there are far too many employers who do not train them. It is cheaper to buy them than train them. We must get that out of our system. However I must add—and I say so in all fairness—that over the past year a substantial change of heart and change of attitude has been visible in this sphere. The influence of the Manpower Development project employers are now becoming coming forward with plans for training and they are also banking off those areas of which we have praised and appreciated. The only the highest praise and appreciation that we can give employers are now being forward to do their share. However there is still much to be desired. There are still too many people who are shirking and not training those who are not yet doing their share. It has been asked what provision will be made for the selection of unemployed persons. Division of the department will carry out that selection. We intend training unemployed people with the necessary skill because if we do not do so we will get nowhere. As hon members have said the hon the Minister of Finance announced today that he was going to vote a substantial additional amount. We shall therefore be able to undertake a few things, however unemployed people will have to be trained and it is understandable that they will have to be selected. Their aptitudes, needs and background will have to be considered and the department will see to that. The hon member also asked when the report of the Weichahn Commission could be released. I hope that this will be done before the end of the session. It is being processed at the moment. I think that

those are the most important questions asked by the hon member.

I believe that I have now replied to the most important questions asked by the hon member who made speeches. The hon member for Siltfontein asked an important question. He made representations in connection with the mines. What he asked for today has also been asked for on previous occasions by the mines and I am pleased that he touched on the matter again. In my Second Reading speech I indicated that our attitude towards the existing situation has changed. To begin with the mines were totally excluded for a good reason. The reason was that they were able to obtain concessions in a different way which ordinary companies could not obtain. However we can proclaim by way of regulation that the mines can also obtain concessions and the Minister if he is a sensible Minister will only do so after consultation with the Minister of Finance and the Minister of Mineral and Energy Affairs. I can give the hon member the undertaking that I shall discuss the matter in the immediate future with the Minister of Finance and the Minister of Mineral and Energy Affairs and will consider how we can begin to move in this direction. I thank him for the question asked.

Question agreed to

Bill read a Second Time

Committee Stage taken without debate

Third Reading

The MINISTER OF MANPOWER Mr Speaker I move subject to Standing Order No. 56—

That the Bill be now read a Third Time

Dr A L BORLAINE Mr Speaker I do not want to let this opportunity pass without making just a few brief comments at this Third Reading stage of the debate because I believe that this is a most important piece of legislation. This Bill, which is now entering upon its final phase in this House, seeks to co-ordinate—and obviously there are enormous benefits flowing from this—and

168
12/8/81
See House
Johannes

of job reconstruction. If we take a man who has had only six years formal education and wish to enable him to fulfil his aspirations in terms of the quality of his life which is a consequence of the remuneration he receives for the job that he does then we have to use these people or otherwise we shall once again be creating massive unemployment. Unless we do this, and we restructure the jobs, we would in fact be preventing the man who does not have higher education from actually remaining in employment.

I wish to make an appeal to the hon. the Minister to seriously reconsider his attitude towards literacy training for adults because I believe that the potential in this Bill will not be achieved unless we cater for the literacy training of those adults who are in industry at the moment and, in particular, the Black adults. These are the men who are unlikely to go back to school.

Mr W V RAW: Ask the Minister of Education and Training what he is doing about it.

Mr R B MILLER: When his Vote comes up for consideration, I shall ask the hon. the Minister of Education and Training what he is doing about this. However, he can only do something about the next generation. There is nothing he can do about the three million to four million Black workers who are presently employed in industry.

I should like to say to the hon. the Minister of Manpower that I believe it is imperative that we solve this problem and maximize the potential that is inherent in this Bill.

THE MINISTER OF MANPOWER Mr Speaker, since we are now approaching the end of an interesting and good debate, a debate which is actually a milestone I want to say here—you yourself have seen the extent of the legislation and how much work has been put into it—that my appreciation also applies to the officials who were responsible for drawing up this as well as the previous Bill. I wish to express my sincere thanks to them for all the work they have done in preparing this legislation. The credit should really go to them.

Since we have now come to the end of this

debate we now want to examine the effect of the legislation and state what our objectives are. In the first place I want to say that we have now come to the point where we have created an instrument, viz. the National Training Board. When this Bill has been passed I shall go out of my way to have this training board established as soon as possible. We shall establish it just as quickly as is technically possible. I also want to say in advance that in the constitution of the board we shall look for expertise and that we shall lean very heavily on the expertise which is also available in the private sector. I shall ensure that the important sectors which in our opinion could make an input, will be involved in it. I shall also ensure that the necessary machinery is created for the board so that it may commence with its activities as soon as possible.

Having said that I want to come back to the argument of the hon. member for Dublin North. I can understand why he feels strongly about literacy training. I used to argue myself a strong structure on a foundation of poorly trained people. That is why it is essential to provide training. But it is not the task of this department to take over the activities of another department while that department is performing those activities competently and is aware of their importance.

Mr R B MILLER: That Minister does not provide them.

THE MINISTER I said a moment ago that there was a comprehensive investigation in which education matters were examined on a very wide basis and of which we shall shortly have the benefit. What must we do? What are we to do as the hon. member says? What he and I do the work of the board we are creating? After all that is what we are creating the board for and in that way we are achieving the ideal which has been envisaged for this country for so many years. One of the first things the board will have to consider is the scope of its actions and what the weak spots are. If any one has to examine these matters it is that board. If it has to negotiate on the backlog, it will have to do so as quickly as possible. To tell the truth and I want to say this here now—

National Training Board would not be complete if it did not also include academics who would make a contribution from that side. Frequently we shall include in the board people who have to examine that aspect. We are going to include the correct people to undertake that task to which the hon. member referred when we set up the instrument we are creating here. When we set it up again next year we shall probably be in a very good position to be able to say whether we may expect early results. I shall ask the hon. member that we should press our confidence in the board which is being established in advance. It will of course take cognizance of what has been said about it in this debate and see what the views of this House are. Let us leave the matter at that now. I do not think we can get better instrument with which to entrust the things which the hon. member has said have helped to create here.

Question agreed to.

2.1 read a Third Time

LABOUR RELATIONS AMENDMENT BILL
(Committee Stage)

Mr A L BORAINÉ: Mr Chairman, I should like to refer to paragraph (p) of clause 1 which contains the definition of 'trade union'. In part it reads—

'Trade union' means any number of employees in any particular undertaking or industry, trade or occupation associated together for the purpose, whether by itself or with other purposes

To ask the hon. the Minister whether he will apply the definition as it stands, it could apply to organizations and associations other than trade unions. A teachers' association, for example, consists of a number of employees in a teaching undertaking and so on. Other examples are public servants and the Nursing Association. I do not know if the amendment I wish to move but it

does seem to me that this definition is very wide. I should be perfectly happy if the hon. the Minister would undertake to have a look at this with a view to amending it, if necessary, at some other time. This definition does seem extraordinarily wide to us and could consequently be interpreted along the lines I have suggested.

THE MINISTER OF MANPOWER Mr Chairman, I can see that one could interpret it in that way. I just want to tell the hon. member that we who examined this matter had no problems with it. But if it does cause problems in future we shall of course rectify it.

Clause agreed to.

Clause 5

Mrs H SUZMAN: Mr Chairman, during the Second Reading debate I tried to draw the hon. the Minister's attention to the fact that although there is now no mention of race in this Bill and while there is no longer any prohibition against the formation of multi-racial unions without Ministerial permission, it nevertheless seemed to me that despite the explanation given in the White Paper of the connotation of the words used in this clause, it was possible that this was a sort of back door through which exclusivist racial interests could be served by virtue of the fact that a union could exercise from a big body of workers that section of workers who in fact belonged to one particular race or perhaps practised one particular occupation in an industry which happened to be made up exclusively of White workers. I wonder if the hon. the Minister is not at all worried that this may be a way of encouraging multi-unionism and that it may be as I have said, a back entrance whereby one will once again have unracial unions, which I believe would lead to a great deal of racial conflict in South Africa.

THE MINISTER OF MANPOWER Mr Chairman, after the hon. member had made the remark the previous time I looked up this Act again. What is more we discussed the matter. I want to put it to the hon. member that I do not see the matter as she does. There are a variety of interest groups

10/80
12/8/81

See

Howard

Few
Jobate

ments are Before the hon the Minister approves check-off facilities he can immediately ascertain whether all the requirements have been complied with I am therefore afraid that we shall not be able to support the hon member's amendments

Mrs H SUZMAN Mr Chairman the hon member for Roodedeplat seems to make registration the yardsuck but he ought to know that in practice this is not the yardsuck at all and that it in no way indicates whether a union is representative of the workers or not I can give an example of an industry in which there is a registered union and an unregistered union and where the employer has accepted the unregistered union as being representative of the workers concerned I think Colgate in Port Elizabeth is a case in point Although the employers did not accept the fact there is no doubt whatever that in the case of the Johannesburg municipal workers, the unregistered union had far more workers attached to it than did the registered union which had only a tiny number of members The fact of registration is therefore not really the yardsuck It is really no indication of whether a union is representative or not The hon member for Pinelands is quite right when he says that many of the unions fight shy of registration They are worried about the sort of control that will be exercised over them They happen to have an unpleasant historical association with the Department of Manpower I believe it should be left to the employer, because he is probably in the best position to decide which group of workers is indeed representative If he has any doubts, is there any reason why he should not have a secret ballot among the workers to determine which of these groups—registered or unregistered unions or it might also be a struggle between two unregistered unions—represent the majority of the people? That is the democratic way of doing things It is done in this way in America and I do not think it causes any real problems there There are people who say it causes divisions among the workers, divisions which are then carried to the homes of the workers, but if there is a scrap over which union is going to be considered as representative, that fight is on anyway Holding a ballot, for instance, will not make it any worse Therefore I

12/8/81
1190
Mrs H Suzman
Mr Speaker

cannot see why the hon the Minister cannot accept the amendment moved by the hon member for Pinelands and leave it to the employer to decide, instead of imposing a heavy penalty on the employer who decides to give check-off facilities to an unregistered union It is wrong, it is not good labour practice

*Mr P C CRONIE Mr Chairman argument of the hon member for Roodedeplat was mainly about the need to protect unregistered trade unions from entering away members of registered trade unions by saving, for example, that their fee is R5 instead of R5

*Mr J J LLOYD Give an example

*Mr P C CRONIE This is an example One can make it even easier to win over such people because one can tell a member of a registered trade union I charge you R3 but you need not even pay it even a month Pay when you have money again

*Mr J J LLOYD Do not say it is loud they may do that tomorrow

*Mr P C CRONIE This is not business concerned with people being enticed away is only intended to prevent trouble for the employer However one does get the employer into trouble when a large percentage but unregistered—not illegal—trade union comes to him and says I will pay 60% of my members are prepared to pay by means of check-offs, and so accept that

*Mr J J LLOYD And if it is the way round?

*The MINISTER OF MANPOWER Chairman, I am afraid I cannot accept amendments I am not the one who accommodates the hon member for Pinelands, he has to accommodate me What are we concerned with here? What are the facilities? They are the most important facilities which a trade union has because it means that its total income is paid over automatically, because it is deducted by employer every month and paid over to the union in a lump sum So it is a

privilege Everyone wants it in what situation do we find members will recall the floor of this House We must make sure that we do not have systems—on the one hand a large number of trade unions that wish to cooperate over the years and on the other hand a group which does not want to cooperate Of the large number of Black unions many have registered Seven trade unions have registered up to now but represent hundreds of thousands of workers There are also a large number of unions which have applied for registration and those applications are presently being processed What is happening in South Africa here? A process is going on in terms of which a large number of unions which formerly stood outside the law are now coming in and If we gave the privilege to those who are still standing outside we would in effect be confusing the employers to the extent that they would have no idea what they should do If we want chaos we should confuse the employers with this kind of system In the second place we will be completely discouraging those who are coming forward, with the result that the unions that are coming forward will be adding grist to the mill of those unions that want trade union benefits, but to give very little in return

I want to point out that to sit on the side of the table and to be the Minister who is trying to maintain order, is not with his department becomes a matter of impossibility if this House does not try to remove the divisions which exist in the trade union world, so that we may all be under the same umbrella If I accepted amendments, I would be drawing a line through all the hours days and months of my life and really patient discussions I cannot undo my work in such a way as to say I do not accept the amendments

amendments negated (Official Opposition dissenting)

agreed to (Official Opposition dissenting)

Clause 62

Mrs H SUZMAN Mr Chairman I wonder if the hon the Minister, could give us any idea of how long he thinks the phasing in of the removal of discrimination on the grounds of sex in industrial council agreements is going to take I understand that the usual duration of an industrial council agreement is about two years, and that of a wage determination about three years Does the hon the Minister envisage that over a period of say the next three years the phasing-in period will have been completed? Could he just give me some idea?

*The MINISTER OF MANPOWER Mr Chairman there are practical problems which initially we did not foresee I do not wish to conduct an argument about this but I do want to say that we are going to do it as rapidly as possible I foresee that we shall overcome the problems within the next few months

Mrs H SUZMAN How long?

The MINISTER Within the next few months I would say. However we do have problems about it problems which I say we never fore-saw initially. Nevertheless I can give the hon member the assurance that we are trying to expedite matters. It should not take us long to have these provisions implemented

Clause agreed to

House Resumed
Bill reported with amendments
Lab. Vol. Ann. Bill

Third Reading

The MINISTER OF MANPOWER Mr Speaker I move, subject to Standing Order No 56—

That the Bill be now read a Third Time

Dr A L BORAINE Mr Speaker I will be very brief We have spent a great deal of time on this legislation but I think it was all very worthwhile It is another milestone I am grateful that a few of the amendments

166
12/8/81

See Howard
for
debate

that we have moved have been accepted I am obviously disappointed that some of the key amendments that we moved during the Committee Stage were not accepted. I believe this legislation will have to come back to the House and I look forward to debating it again. Meanwhile I believe that the improvements and reforms that are introduced by this legislation are going to be a significant step forward. We wish the hon. the Minister and his department well in the execution of this legislation. We believe that the elimination of discrimination on the grounds of race colour and sex is a tremendous step forward and it will be enormous encouragement to the work force throughout South Africa, in fact not only to the work force but also to the employers and to all those involved in labour. We are trying to promote the principle of free enterprise in this country although we are a long way away from it yet. We still have to move on the principle of State facilitation rather than State interference but nevertheless I believe that we have made significant progress and we have pleasure in supporting the Third Reading.

*The MINISTER OF MANPOWER Mr Speaker since we have come to the end of the debate I wish to express my sincere thanks for the pleasant way in which the debate has been conducted. I think that in this we have really reached a milestone. I think there is one aspect which we on this side of the House must emphasize specifically to the employers of our country. During the past year or two as far as labour legislation is concerned, we have not only been changing legislation there has also been a process of participation and co-operation between the State and the department responsible for the implementation of the legislation and the employers of the country. However, I have noticed something. Because of the years of labour peace we have experienced and the fact that things have gone so well—exceptionally well compared with other countries of the world—our employers in South Africa are very ill-informed about what goes on in the labour sphere. They do not know and they are totally uninformed. Employers seem to take it for granted that they will always have labour peace. I have also noticed that

employers give no attention to employees at the highest level. Further, I have noticed that the employers of South Africa do not normally have labour relations on the agendas of their board meetings. Our country—and here we differ from other parts of the world—the necessary attention is not being given to the employees in the modern world. This is not done by many of our large companies.

But recently we have seen a special interest developing. In fact it has developed to such an extent that everyone—and especially the big companies in South Africa—are now appointing knowledgeable people to handle the situation for them. For example, they are appointing personnel management people. They are also coming forward with spending a considerable amount on training which is another good sign. We also need attention to this particular need and our universities today which are offering graduate courses and combining disciplines which are leading to degrees in this field. We are getting a new sort of scientist, a person who is going to be the expert in the field of human relations. When we consider that there are almost 32,000 large factories today and that 5.5 million people are employed in the labour field, we understand what an important sector is becoming for South Africa, not only from a political point of view, but also from the point of view of the administration and economy of this country.

For this reason I wish to make an appeal to the employers of this country. The sooner they give all the necessary attention to the labour situation at the highest level, the better. In their own interests, that it is properly handled and that there is proper management of their people, the better. If it is necessary in the future to request assistance from myself the department the Manpower Commission or any other body we shall all be only too willing to help. This legislation has been worded in this way. I wish to appeal to the employers of South Africa to take cognizance of the fact that they will be able to play a decisive role in this sphere in the future.

ADVANCE AND PLACEMENT BILL

(Second Reading)

The MINISTER OF MANPOWER Mr

I move—

That the Bill be now read a Second

time. I am introducing here the Bill in the case of the other two. I am pleased to see that hon. members of the Government have repeated themselves to the maintenance of a free enterprise system. I raise the general level of prosperity, all inhabitants of this country. To this purpose, active attempts must be made by the Government to ensure the functioning of the labour market. It is of particular importance in this connection that workers and work-seekers be informed about supply and demand conditions on the labour market and that they should be helped to make sensible decisions in connection with occupations. Only in this way can we ensure that the manpower resources and becomes available especially in the kinds of manpower is used as far as possible in the interests of the country and its people.

The Bill provides in clauses 2 and 3 for the creation of a new body, the Manpower Commission, which will be responsible for the provision of guidance and placement services to prospective workers and work-seekers who wish to improve their vocational skills and information and where work-seekers will be able to report for placement in suitable occupations.

Of course the services provided at the centres will also be available to employers who wish to make use of them for the recruitment and vetting of available candidates with a view to employing them.

The guidance and placement centres will all be controlled by the Department of Manpower and will also be as far as possible be staffed by suitable officials from the department. Even more than in the past these centres will be located where work-seekers and employers can reach them with the minimum of inconvenience. In this connection I may just mention for general information that attention is continually being given to the creation of decentralized employment agencies. At the moment for example there are already 38 full-time and 16 part-time employment agencies controlled and run by the department. At smaller towns where the creation of such employment agencies is not practicable these services are rendered by magistrate's offices.

However, where it is necessary and may prove useful, the department also plans to make use of the expertise and experience of administration board officials for the provision of vocational guidance and information to Black people at points conveniently situated for them near their own residential areas. For example, in this respect, the boards will be acting as agents for the department just as magistrate's offices will be used for a similar purpose.

A professional guidance service such as already exists in the case of Whites, Coloureds and Asians is to be developed for Blacks as well and initially we intend to create 26 professional posts for this purpose. The occupants of these posts will have to have university qualifications in psychology, and will also receive in-service training for the provision of vocational guidance. They will form the nucleus of the group of officials which will in future have to provide guidance services to Blacks all over the country. It is hoped that we shall be able to recruit a sufficient number of Black candidates for these posts, where they may render services

'A milestone' Manpower Bill

News 12/8/81 (166) #7

had amongst
red people, the
le to establish
was most
group which
iting from the
ear, expediency
hen, from
aid by the
was confirmed
for this pur-
ers brings in
nd pays on an
rative nature
profiteering
rowding of the
special respons-
ed and readily
it forest station.
most effectively
rat Office
deaths, 6 had
contracted the
itself in the
iving in 27
and in a con-
cans. Others
tive Affairs De-

Parliamentary Staff
THE Manpower Training Bill — debated in the Assembly yesterday — was a 'milestone' in South Africa's manpower development, according to the Minister of Manpower, Mr Fanie Botha

Mr Botha introduced the second reading of the Bill, which has been described as one of a 'trilogy' of bills introduced by the Minister during this session, destined to have far-reaching effects in labour.

Essentially the Manpower Training Bill provides for

- Combining the various training Acts into one Act
- A new tripartite body, the National Training Board, composed of the State, employers and unions.
- Training committees which are required to be representative of all employer and employee groups in respect of all aspects of training.
- A Manpower Development Fund.

WELCOMED

As with the Labour Relations Amendment Bill, which passed unobstructed through its second reading yesterday, the Manpower Training Bill was welcomed by both opposition parties

The chief Opposition speaker, Dr Alex Boraine (PFP Pinelands), said he hoped the new emphasis on training and the co-ordination and regulation of training of manpower by the department in general, and this Bill in particular, would serve as a 'spur and strong encouragement' to make the best possible use of all of South Africa's available manpower.

Introducing the Bill, Mr Botha said the Republic was presently experiencing a serious shortage of trained workers in a variety of areas, while it also had large numbers of unskilled workers who did not work

'Besides this, it has been calculated that about 200 000 new workers are annually entering the labour market, some properly equipped but the majority not sufficiently equipped for the demands



Dr Alex Boraine

of a modern technological century,' he said.

He had no doubt the legislation he had introduced would make a 'meaningful contribution' to the development of the country's total manpower situation and its economic development

Opening the debate, Dr Boraine said that for generations South Africa had neglected to afford opportunities for training to the vast majority of its work force. Not too long ago blacks were regarded as 'replaceable units of labour'

All this had changed dramatically. Both the public and private sectors

had speeded up their training programme.

The Government had accepted the 'qualified' admission of blacks to white universities and technikons, but it appeared its policy unfortunately remained that separate provision should, where possible, be made for the training of the different population groups.

This was 'shortsighted in the extreme and counter-productive'

'I urge the Minister to reconsider this decision and to make every facility for training open to all,' said Dr Boraine

Dr Boraine also advocated that control of all technical training, including technical colleges and technikons, should be removed from the Department of National Education to report under the Department of Manpower.

OBSTACLES

'I am aware that this may sound revolutionary, but I believe it makes a great deal of sense and would assist South Africa to meet the critical demands of the next 20 years,' he said

Mr Ron Miller (NRP Durban North) said his party supported the Bill, but warned the Government to 'start planning now' for certain 'structural' obstacles that would be encountered as a result of the Bill

Chief among these was the low literacy rate among the majority of workers, who had an average of six years' formal schooling

This had come about because schooling for blacks was inadequate

The facts brought to light by the epidemic confirmed the worst fears about the contamination of the African presence. An investigation of the street revealed Simpson considered that African culture was totally inimical to city life. "The natives coming direct from their kraals in the native territories to work in Cape Town, being unused to town life, are unable to adapt themselves to their new conditions and crowd together when permitted to an extraordinary degree". 81

disease
locat
expt
was po
plague
It won
and pa
simple
Africa
by th
pose
about
avera
of th
land
Africa
ibll
segre
Not
acco
offt
beer
dis
Afr
sma
fus
con
par
grr

Clamp on August 12/8/81 Marxism in (166) unions at all costs'



Mr Fanie Botha

Parliamentary Staff

ABUSE of the trade union system by people with ulterior political motives had to be prevented at all costs, the Minister of Manpower, Mr Fanie Botha, told the Assembly yesterday.

He spoke after warnings from all parties about the dangers of industrial unrest and of undesirable elements gaining control of trade unions.

Replying to the second-reading debate on the Labour Relations Amendment Bill, Mr Botha said: 'We cannot allow a disorderly system to develop that will bring this country to its knees.'

Arrests

It was well known that Marxism sought to use the labour movement to achieve its aims in the political sphere. Such action had to be prevented at all costs.

Reacting to opposition pleas that the Government should refrain from police action against and arrests of labour leaders, Mr Botha said his department did not arrest people.

But when activities were clearly a matter for the police, his department would not interfere and had never done so.

The Minister said it was unfair to create the impression that the Government was trying to get at trade unions.

Trade unions would not be prohibited from occupying themselves with matters for which unions were formed. But if they moved outside that sphere it was clear that they had other motives.

The legislation provided for trade unions to become registered so that they could be part of the system.

Mr Botha agreed with Mr Nic Olivier (PFP nominated) that every worker should be drawn

into the system and that force should not be used.

The Minister also rejected any suggestion that the Government was creating labour legislation designed for white workers alone.

Every worker had to be involved at every level of labour.

Earlier, Mrs Helen Suzman (PFP Houghton) said the idea behind one of the most contentious provisions of the Bill was to stop illegal strikes. This was the provision (Clause 48) which was most opposed by the black trade union movement.

In the last 10 years more than 250 000 workers had gone on strike and there had been about 189 recorded strikes, of which only one was legal.

This was a disturbing picture of the country's labour relations and seemed to indicate that the present system was not working.

If labour relations were to assume a healthier complexion, the Department of Labour should desist

from two 'very nasty practices' These were

- Inviting intervention by the police in strike action

- Attempting to victimise workers by advising employers to fire or re-engage them at the time of strikes.

Mr Harry Schwarz (PFP Yeoville) congratulated the Minister and said the proposed legislation was in the interest of workers, irrespective of their colour.

If the legislation worked it would encourage economic progress. If it failed it could have serious repercussions for industry as a whole.

Mr Schwarz said that if whites and blacks could sit around a negotiating table, as provided for in the Bill, there was no reason why the same development should not be introduced in other socio economic fields.

Economics

If people were to 'hide in their own racial unions' they would find it almost irresistible to enter the political field.

All unions should, therefore, be multiracial or non-racial with common economic objectives.

Mr Schwarz said Marxism was not just a political concept — it was an economic concept.

When Cabinet members spoke about fighting Marxism they tended to stress Marxist imperialism and aggression. What was far more important was to fight Marxism in the economic field.

The Government therefore had to offer a 'package' that would satisfy workers economically as well as politically.

An important question was whether there would be enough political outlets for the people — outlets that would act as 'lightning conductors' to ensure that the labour scene was not politicised.

were clearly seen as the pattern which the reform of Cape Town's housing should take. This appears, too, to have been in the minds of the councillors although the fogginess of the debates suggests that they had no really constructive plans for housing reform. The measures they proposed were purely palliative. To some extent, of course, they were acting under pressure. The medical officer of health had declared a number of houses unfit for habitation, but no action could reasonably be taken until alternative accommodation had been found for their occupants. "We are confident that the ratepayers will readily vote any reasonable sum required for such a purpose", said a Cape Times sub-leader.⁷⁷ Its confidence was misplaced.

nd the local
of cleanlit-
were

Counter to unemployment

THE Manpower Training Bill was aimed at counter- ing unemployment Mr C T Laubelm (NP Alberton) said in the Assembly ye- terday

He said the legislation covered a wide field of labour, including farm workers and it made no distinction between sex or race

We estimate that three percent more qualified workers will enter the labour field when this Bill is in force he said

The purpose of the legislation is the training and retraining of un- skilled as well as skilled workers Skilled workers must be retrained to enable them to adapt to new developments

It also provides for the training of unemployed workers

He said training of workers would help to alleviate poverty and would protect against un- employment Workers in South Africa had a great challenge facing them and this would increase in the future — Sapa

ness"
autho
Cape

It was unfortunate that this outbreak occurred in an African community for it confirmed white Capetonians in their belief that Africans, because of their insanitary living conditions, were particularly susceptible to the plague. That persistent correspondent, Thomas Harris, wrote to the Cape Times, complain- ing that there were six or seven hundred Indian and Chinese shops in the city and suburbs kept by people oblivious of sanitation and cleanliness, and that thousands of 'kafirs' were living in overcrowded rooms and filthy conditions. At a special meeting of the Sanitary and Health Committee of the Cape Town City Council, Mr Owen Lewis urged that the 'kafir' population was a source of great danger. If the plague did break out, he said, it would probably be in the quarters in which they lived. The Chief Sanitary Inspector, Mr Corben, objected, arguing that there were fewer cases of infectious disease amongst Africans in Cape Town than whites in proportion to their numbers. But, said Owen Lewis, the death rate was higher. 17

In November 1900 evidence came that the plague had penetrated the interior of the colony, for an outbreak occurred in King William's Town. This episode was never satisfactorily investigated, perhaps because of the role played by the military as carriers. There was no report issued and the voluminous records of the Colonial Office contain only limited information. The official announce- ment stated that an infectious disease had broken out amongst Africans living at Izinyeka, eight miles outside King William's Town, originating in the family of a man called Reuben Mlabateki, who had recently returned from Modder River. Fight people had been affected and there had been three deaths. 16 The outbreak was rapidly contained, and it did not spread beyond a limited area. It was never established how the disease had reached King William's Town, but it had apparently been brought into the interior, presumably to Modder River, by the military operations.

for although local British officials had just reported the existence of plague in Rosario, the city had not been declared officially an infected port. Such dilatoriness on the part of certain nations made it difficult to check its spread.

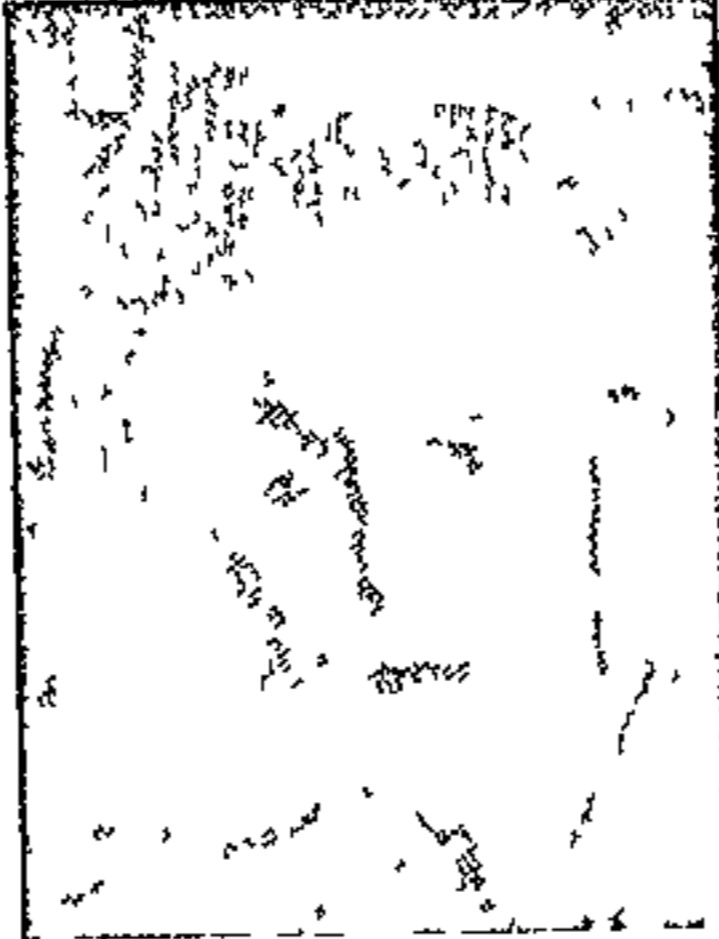


'Labour laws shouldn't have been there at all'

Argus 12/8/81 (166)

Parliamentary Staff

THE Government appeared to be advancing in labour in a series of 'short, sharp rushes', mainly by repealing legislation which should never have been put on the statute books in the first place, Mrs Helen Suzman (PFP Houghton) said in the Assembly yesterday.



Mrs Helen Suzman

Speaking during the second reading debate on the Labour Relations Amendment Bill, Mrs Suzman said her party supported the Bill.

But 'that does not mean that we do not have serious criticism to offer in respect of certain aspects of this measure'.

INTERFERENCE

She said that in the Industrial Conciliation Amendment Act of 1979 the Government introduced a clause which allowed the State to use its machinery to prevent the formation of multiracial unions and to enforce subdivision where they existed.

That was a 'very definite interference with freedom of association'.

The State now 'wants us to accept' the use of its machinery to advance the

cause of separate trade unions by permitting unions to 'protect the rights of particular groups of workers'.

The Government said this did not have a racial connotation, but 'I have no doubt whatsoever that in practice the racial connotation will rear its ugly head and the conflict that will ensue will do considerable damage to industrial peace,' Mrs Suzman said.

Many of the Department of Manpower practices had the effect of building up hostility among black workers, and making them deeply suspicious of any attempt to exercise control

over their unions. This had also made them fight shy of registering their unions.

She warned that if there was to be lasting industrial peace in South Africa it was necessary to provide the mass of workers with a channel other than militant strike action to express their aspirations.

She said she had been criticised by a member of the National Party when she made an election speech suggesting that South Africa should learn a lesson from what had happened in Poland during the past year.

CONCESSIONS

The Solidarity Labour movement had 'run' concession after concession from a 'bearded communist central committee' which had found its overwhelming physical power was no answer to the 'crippling industrial power of a militant trade union alliance'.

'Is it not obvious that unless radical changes are made in South Africa that the huge black working class, denied almost all human rights will seek to redress its grievances by using its increasingly formidable industrial power?' she said.

Do us a favour, please...

Argus 12/8/81 (166)

THE PFP's chief labour spokesman, Mr Alex Boraine, would be doing the country and labour relations a favour if he urged unregistered trade unions to register, Mr Chris Rencken (NP Benoni) said yesterday.

Speaking on the Labour Relations Amendment Bill, he said Dr Boraine should persuade these unions to register rather than exhort the Government to condone them.

Illegal strikes were not tolerated anywhere in the world and there was no reason why the position should be any different in South Africa.

'There is no justification for illegal strikes because conciliatory machinery has been built into the legislation,' he said.

All ethnic references in the Bill had been removed, which was a substantial and important change.

The Government could obviously not continue to appoint commissions to look into labour matters and for this reason the appointment of a permanent Manpower Commission had been a very important step - Sapa.

'Kafirs' would not walk six abreast howling 'I'm the monarch of the sea...' This description was...

19
were
sats
of
e
-m
in
skoned
-time
to
class
or at
ause
her
ms
123
-d
to
tion

for
were
Thus
crit
mont
oper
selv
the
that
Mag
ment
one
The
des
lea
he
car
art
abo
The

and I think we shall cooperate with them effectively for the simple reason that it is the type of instrument with which we have to work. In urban areas there are 385 such bureaux and in rural areas no fewer than 300. Therefore there are approximately 700 of them. Consequently the provision of new staff on such a scale would be an enormous task. In any event we have already discussed this matter with them and have entered into negotiations and for the purposes of this legislation the Administration Boards will be under the direct control and supervision of the department. They are our agents. Consequently we shall see how they do the work and we shall expect them to do the work as well as we can. It should be done. We shall keep an eye on them and we trust that everything will work well. It does not matter how long it takes. It does not matter as long as there is reason to believe that we shall cooperate with each other to good effect and that the necessary services will be rendered and we shall make use of their services.

As was done repeatedly in this debate the hon. member again gave the debate a racial connotation by referring time and again to racial centres which were to be established in certain places. We have no intention whatsoever of establishing centres which are going to be racial centres and the sooner we put a stop to this in this House the better. This is by no means the intention of the legislation for we know how anything of this kind is misused. That connotation is attached to everything which is done—by people outside this House as well—and it only does harm. We have no intention of establishing centres which are attended solely for Blacks as such. If we establish a centre in a place where there are only Black people it will, of course, principally serve Black people there but in another place, where there are only Whites, it will most probably serve only Whites. But there could of course also be places where there is a combination of all four of our population groups and in that case such a centre would serve Whites, Coloureds, Blacks and Asians. However, we must refrain from attaching a racial connotation to everything which is done here. If we stop doing that we shall have come a long way and we can do our people a great service. But if we do not do

166
13/8/81
See
Hansard
for
debate

824 so we shall get bogged down in arguments which can only do harm. I want to conclude on this note for I believe I have replied to all the questions put to me. Consequently I trust that this House will now support the Second Reading of this Bill.

Question agreed to

Bill read a Second Time

SECOND WAGE AMENDMENT BILL
(Second Reading)

The MINISTER OF MANPOWER Mr Speaker I move—

That the Bill be now read a Second Time

In consequence of the Manpower Training Bill and the proposed amendments contained in the Labour Relations Amendment Bill both of which have already been passed by the House, it has become necessary to make certain consequential changes to the Wage Act 1957.

Apart from this it has also become necessary to amend the Wage Act in a few other respects.

The proposed amendments are not of a substantive nature and consequently I did not deem it necessary to lay an explanatory memorandum on the Table in this regard. Nevertheless I should like briefly to elude certain aspects.

The Act provides that a wage determination does not apply to a person when it comes to matters that are regulated for him by an agreement, notice or award in terms of the Industrial Conciliation Act. The latter Act, however, also provides for determinations to be made by the industrial court with regard to differences regarding irregular labour practices *inter alia* in terms of the amendment wage determinations will not apply when it comes to matters regulated by such determinations either.

In terms of the Wage Act a wage determination is applicable to an apprentice with regard to any matter that is not regulated for such an apprentice by any provision of the new Manpower Training Act or by a con-

act of apprenticeship. At the moment the Wage Act provides that a determination is applicable to an apprentice in any aspect and the Act is now being amended in order to bring it into line with the relative provision of the Manpower Training Act.

In terms of the Act allowances may be paid to assessors that assist the Wage Board with an investigation and to witnesses who appear before the board. At the moment these allowances are prescribed by regulation in terms of the Act which results in the regulations having to be amended from time to time when increases in the allowances become necessary. In order to eliminate this unnecessary administrative work it is now simply being provided that the allowances will be determined by the Minister of Manpower with the concurrence of the Minister of Finance, from time to time.

In future, when the Wage Board is charged to amend a wage determination such commission will be able to be withdrawn or amended by the Minister. At the moment, the Minister is not empowered to do so. The amendment brings it into line with powers which the hon. the Minister has in this regard in a case where the Wage Board is charged to make recommendations regarding the establishment of conditions of service in a specific industry.

In conclusion I want to point out that the various lines that a court of law can impose for contravening the law are being adapted.

I trust that the proposed amendments will enjoy the approval of the House.

Dr A L BORAINÉ Mr Speaker we have now come to the fourth and final Bill dealing with labour and I am sure the hon. the Minister is even more pleased about it than I am. I am sure the hon. the Minister will also be pleased to know that we will be supporting this last Bill as we have done the others. I am not going to detain the House with a long speech or by repeating everything the hon. the Minister himself has just said. The Bill is a very straightforward and a very necessary one. We have already amended the Wage Act last year and we are now amending it further. Certain definitions had to be amended flowing from the legislation which we have already passed in the House. There are also provisions concerning

the limitation of the determination—which I think is straightforward—and empowering the hon. the Minister to make certain provisions and adjustments. These seem to be reasonable. It is interesting to note the increase in the fines in indication of the rate of inflation amongst other things. Sir we have no quarrel with this Bill and we will support it in all its stages.

Mr G C BALLOT Mr Speaker I am very pleased to hear that the official Opposition is supporting this Bill. The proposed amendments that are before the House at the moment, are not far-reaching or substantive in nature. Although the merits of the Wage Act of 1957 are not being looked at now I hope and trust that that Act will be looked at in depth at a later stage. The Wage Act is a particularly important Act because when one talks about the Wage Act it affects the finances of the man in the street. I believe that another look will have to be taken at the Act later, over and above these amendments, which are of a purely administrative nature.

We are also grateful that the hon. the Minister thought fit to make the Wage Act more streamlined at this stage and to bring it into line with two important Bills that were before the House earlier this week, viz the Manpower Training Bill and the Labour Relations Amendment Bill. I am also of the opinion that these amendments as I have just said are of a more administrative nature and are aimed at making the legislation more streamlined and this will surely mean something in practice. It is when we are concerned with a wage determination in terms of the Wage Act which applies to an apprentice with regard to any matter that is not regulated for such an apprentice by any provision of the new legislation regarding manpower training or by a contract of apprenticeship.

As we know it in practice at the moment, the Wage Act provides that a determination does not apply to apprentices in any respect. The Act is being amended in order to bring it into line with the relevant provisions which have been referred to earlier on with regard to the legislation on manpower training. I say it is important in practice due to the fact that there must be labour rest and labour peace in South Africa, but when we come to

Please put one for me in the stacks

(168)

After an eventful week, South African labour relations are at the crossroads. In Parliament, the Government is going ahead with legislation that will introduce important reforms but impose new controls on trade unions.

A stone's throw away, in Langa township, the entire independent union movement has come together in a historic meeting to pledge defiance to some of the controls and reject key elements of the Government's bargaining system.

The two developments highlight trends on the factory floor where Government attempts to control the emergence of unions as a powerful source of black muscle have increasingly come under pressure.

Since the Wiehahn Commission reported in 1979, the Government has wanted to see black unions working through its official system and staying out of community issues.

It hopes they will register, and thus submit themselves to control, that bargaining will only take place through official industrial councils, not directly on the factory floor, and that strikes will only occur if the tightly controlled official disputes machinery is followed — which means hardly ever.

Can

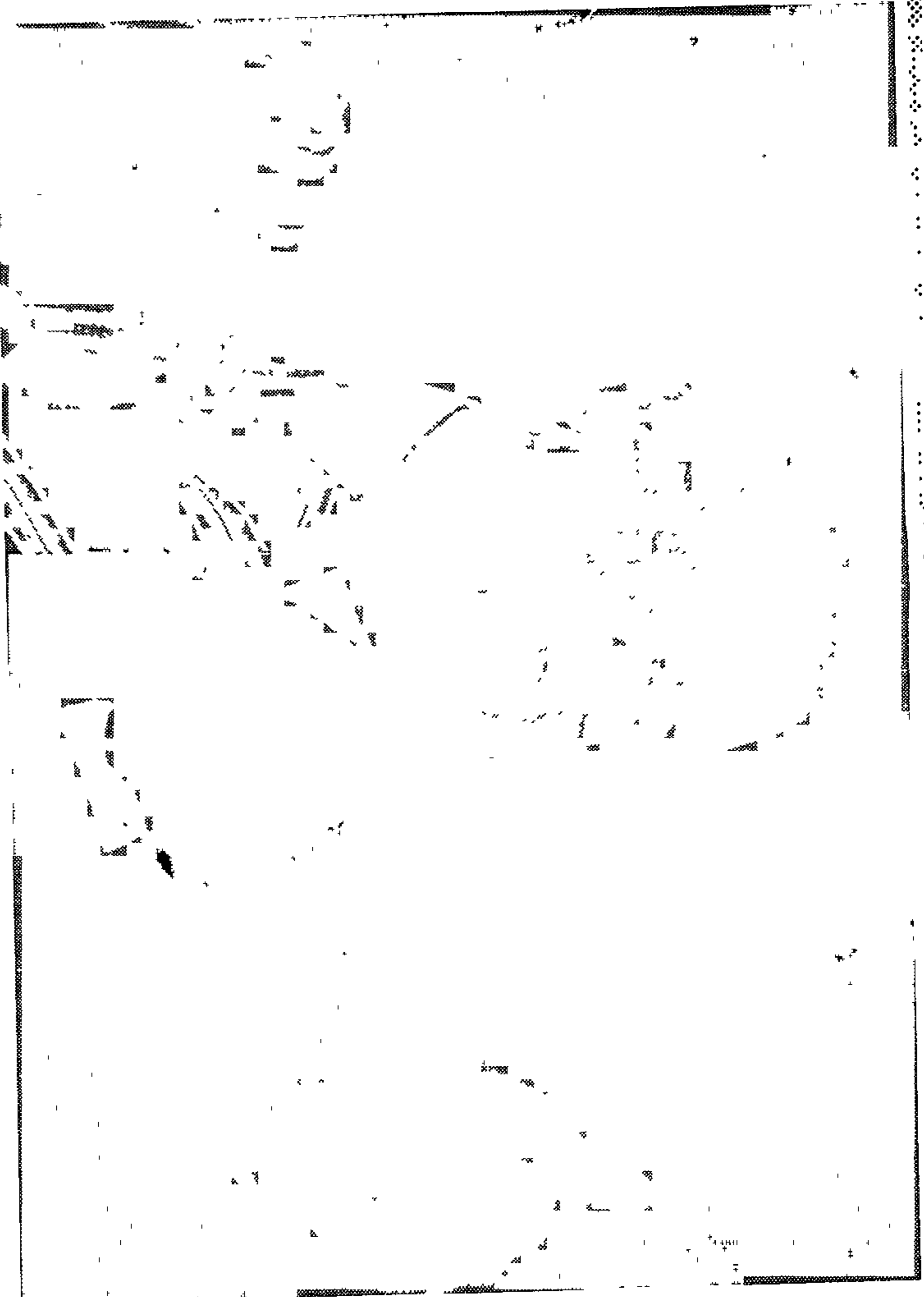
Famie

really

keep

the

unions under his thumb?



The Government has introduced important reforms in labour relations but will impose new restraints on unions. Will Pretoria be able to control events?

Labour Reporter
STEVEN FRIEDMAN
reports

It also sought to grant official union rights to all workers, and to abolish sex discrimination in official agreements setting minimum wages.

The draft also proposed new clamps on unregistered unions. They would not be allowed to receive "stop orders" — automatic deduction of union dues, which some regard as a source of union financial stability — from employers without official permission.

A new, sweeping, clamp on union political activities would apply to all unions (only registered unions had been subjected to political control).

And a separate Bill seeks to prevent unregistered unions from running a centre to train workers in labour relations without officially registering it. But unregistered unions made it clear that they believed they could continue operating effectively even after the Bill became law.

The draft also imposed sweeping new clamps on registered unions.

They could be closed down by the Government if it believed they were acting "unreasonably", a minority of their members could have off and win official bargaining rights without proving they were representative, and legal

strike ballots could be supervised by a Government appointee.

The new political and strike controls applied to them as well.

The draft met with widespread condemnation. Registered union bodies like Tusca complained they were subjected to stringent new controls which would put them at a disadvantage in relation to unregistered unions.

At the same time, an emerging consensus consisting of black unions and the Federated Chamber of Industries went further. They not only rejected the new controls, but called for a major overhaul of the official system.

If registration was to be made attractive, they argued, it should cease to control unions, but should simply establish that they were "going concerns".

Bargaining rights should be determined by union representatives, and it should be up to unions and employers to decide how negotiation should occur.

The Government's response to this criticism emerged last week. The Bill placed before Parliament deleted the new political controls, the powers to close down a registered union, the control over strike ballots, and the clause whereby minorities could "have off".

These are important concessions. In particular, the dropping of the new political controls will give unions more latitude to tackle community issues.

Political controls remain. But these will, ironically, make it more difficult for black unions like Inkatha than with those which reject "Government-created institutions".

But the clamps on unregistered unions remain, as do those on strikes.

And Mr Botha made it clear in Parliament this week that the clamps are designed to force unions to register. "There is only one thing for an unregistered union to do — register", he said.

The Bill also reintroduces a system of works councils — factory floor committees which have been rejected by un-

used black workers.

Employers called for this move, arguing that councils were needed where no unions existed. But unions and workers reject them — when they were originally introduced the Government hailed them as a means of weakening black unions.

What the final Bill does is to accommodate the view of registered unions — such as Tusca — who have few quibbles with the official system.

on those who register.

But, while the reforms aimed at making the official system more attractive remain, the Bill does not introduce fundamental reforms which could provide positive incentives for unions to join the system.

The Government has, however, announced an investigation by its National Manpower Commission into registration.

The NMC is also to look at the role of works councils "and other negotiating bodies" and the factory floor which raised hopes that a direct role at this level would be probed — and the industrial court.

This raised the possibility that the Government was going to a fundamental rethink on its official system and that fundamental change was on the way.

But NMC chairman Dr. Henrie Reynders said this week that his commission's report on registration would not be available in time for legislation in 1982.

And he added that the commission was not "at this stage" looking at factory-floor negotiating rights for unions.

Rather, it was looking at whether to beef up the powers of the councils — an idea which, if adopted, would anger many unions and rank-and-file workers.

Fundamental reforms, thus seem far off and the system of control not only remains intact but is strengthened — on paper.

It was this that the unions were reacting to at their meeting this week.

That the meeting occurred at all was remarkable. Not only are independent, largely black, unions divided on policy issues — some are registered, others refuse to apply — but they are in many cases fighting each other for worker support in the factories, and behind-the-scenes attempts to get the Langa meeting off the ground had looked set to collapse.

The decisions taken at the meeting have the endorsement of the leaders of more than 150 000 union members who, management men acknowledge, probably enjoy the support of several times that number of workers.

And, while some unionists were sceptical afterwards about the meeting's chances of building union unity, they stressed that they backed the resolutions — the first statement on key labour issues by the whole black union movement.

The unions said they did not object to providing information on constitutions, finances and so on, as the Bill demands of unregistered unions.

But they rejected the present registration system "insofar as it is designed to control and interfere in the internal affairs of unions".

And, in vital moves, they rejected the present industrial council system and decided to defy the clamp on financial support for "illegal" strikers.

The right to strike was recognised internationally, the unions said, and strikes happened frequently here because of "low wages, inadequate bargaining procedures and completely unworkable official dispute procedures".

Workers had no alternative to striking outside the law and it was the duty of unions to stand by their members — which included the payment of strike pay.

And, while unions who have joined the official system did not undertake to deregister or quit industrial councils, the resolutions amounted to a clear rejection of Government labour moves.

All this has brought to a head the dilemma in Government labour policy.

Government attempts to allow black unionism, but to usher blacks into a controlled, white-created, system have not been a success.

The more the system has

sought to control, the less it has landed up controlling.

The more official strike procedures, or registration, or the official bargaining structure, have been seen as controlled and cumbersome, the more they have been bypassed by workers and pragmatic employers.

Indeed, labour specialist Mr Loet Douwes-Dekker recently implied that the failure of legislation to create a climate for change was to be welcomed. The less employers and unions relied on the State in their dealings, the better.

Now the Government is once again seeking to stem the tide on the factory floor through legislation, by seeking to mix reform with control.

It is partly trying to enact the Wiehahn Commission's recipe for control — the commission proposed works councils and clamps on unregistered unions.

But two years have passed since the Wiehahn report. The union movement is growing. Unregistered unions say they can survive the clamps and continue to operate effectively. The unions say they will defy the strike curbs.

The chances of the new Bill achieving the control it seeks, in the face of an increasingly confident and assertive union movement are slim.

Indeed, even if the Bill were to force unions to register — which is unlikely — it would not succeed in controlling events.

There are registered unions which are bargaining outside the official system, whose members strike "illegally", and who co-operate with black community groups. The fond hope that registration would automatically produce a compliant union movement has been dashed.

The authorities seem to be saying that they want unions but do not want them. They do not want to close down the union movement, but they want to prevent it operating fully and freely.

But that option is being steadily eroded, and is emerging as the worst of both worlds. The Government seems to have two options.

It can either decide it wants total control, and employ police to crush the union movement, thus signalling an end to the promise of labour reform and closing down a vital peaceful channel for black organisation.

Or it can accept that an increasingly skilled and powerful black workforce must be represented by free trade unions who have the right to settle their destiny with employers free of state control — and to strike.

In a major statement last week, the FCI called on the authorities to avoid banning and detaining union leaders, to remain neutral in disputes, leaving them to employers and workers, and to move towards a system which would allow direct factory-level bargaining.

It also called on employers not to fire worker leaders during strikes.

This appears to signal a willingness to accept unionism in its fullest sense — not merely as a necessary evil.

If the Government does not follow suit by reforming without control, it runs the risk that its legislation will be regarded, as a management man put it last week, as merely "a footnote to history".

to convey to him our heartfelt congratulations on this legislation as part of the series of measures which is before the House at this stage. We hope that this specific legislation too will do much to bring about improvements in the labour field in South Africa.

Mr J H B UNGERER: Mr Speaker, in view of the lateness of the hour I should like to suggest that the debate be adjourned.

In accordance with Standing Order No 22 the House adjourned at 22h30.

THURSDAY, 13 AUGUST 1981

Prayers—14h15

POLICE ACTION SUBSEQUENT TO BOYB EMBLISON IN EAST LONDON

(Statement)

*The MINISTER OF POLICE: Mr Speaker, I thank you for this opportunity you have afforded me to make the following statement.

After a bomb explosion in East London on 6 August this year and during the subsequent police investigation in the course of which two members of the Security Branch of the Transkeian police were shot dead and robbed of their official vehicle on Friday, 7 August by armed ANC terrorists, on all roads in the vicinity of Elliot, Barkly East and Macclear. The terrorists who had in the interim got rid of the stolen vehicle arrived at approximately 16h05 on the same day at a blockade near Elliot in a vehicle consisting of five people, immediately became involved in an exchange of fire with the police.

Two terrorists were shot dead, while the remaining three got away. Two policemen, Sergeant Olivier and Constable Van Straaten, were seriously wounded and taken to the hospital in Bloemfontein, and are now out of danger.

One of the fugitives was arrested a while later while the remaining escaped Russian weapons and a hand grenade were found in the vehicle which had been seized. The South African Police assisted by members of the police force of the Transkei and a helicopter unit of the South African Air Force, immediately launched a follow-up operation in a large area parts of which are covered in dense vegetation and very inhospitable, was conducted day and night.

In the early hours of this morning the fugitives were tracked down on a farm. They immediately opened fire on the police, who returned their fire and shot both of them dead. A terrorist bullet struck Sergeant Grabe of the Alwal North police station at the head and he was taken by helicopter to hospital in Bloemfontein where he is in a serious condition. This group of five terrorists is also connected with recent acts of sabotage in Durban.

A thorough investigation both inside and outside the Transkei has also led to the arrest of a number of people in connection with offences in terms of security legislation.

GUIDANCE AND PLACEMENT BILL

(Second Reading resumed)

Mr J H B UNGERER: Mr Speaker, just before I begin my arguments concerning the legislation permit me to convey my thanks in the first instance to the Opposition for the very responsible approach they have displayed with regard to important and sensitive legislation. Even the hon member for Bryanston acted responsibly with regard to this particular legislation [Interjections].

*An HON MEMBER: Is that possible?

Mr J H B UNGERER: I can well remember how, when I first came to this House and in subsequent years—in spite of the place I am now occupying here I was there seven years ago—how debates on manpower were conducted very unconstructively in this House and what passionate speeches were made, all to no real good effect. Yet that I think of it I want to point out that if emotion and passion are involved in a matter without the matter bearing fruit it tends to

immorality [Interjections]. However, I believe that we have all learned a lesson from that and that all of us realize that when we rely on more successful arguments as regards sensitive and important matters, such as these, we are far more fruitful.

At this point I first wish to refer to the argument or remark by the hon member for Bryanston—I am sorry he is not present at the moment—who wanted to know from the hon the Minister why the Government had not accepted the recommendations of the official Opposition long ago and placed them on the Statute Book. In the first place, I want to point out to the hon member that the legislation has been drafted on the basis of the recommendations of a number of expert commissions which carried out very thorough investigations in various parts of the country in South Africa and based their recommendations on the findings of those commissions. However, by that I do not mean that none of the recommendations in the past by the hon members of the Opposition are not also relevant in this new legislation. In a responsible or balanced manner and if one has a responsible position that is in touch with the electorate it is probably normal that they can act as a check to a large extent. However, I do not wish to say very clearly that I am speaking in a responsible manner. Therefore I do not speak about the party that at present comprises the official Opposition and do only after the responsible hon member or Bryanston was no longer a member of it.

I now wish to turn briefly to the Bill before the House and take pleasure in giving my support. The legislation under discussion only means that the employment of workers in South Africa for all workers of all races will now be grouped under one piece of legislation, something which will naturally make the whole process of employment far more meaningful than before. I think that those in South Africa—and there are many of those in South Africa—will find it far easier, more convenient and meaningful to negotiate with one body, that in future there will certainly also be better coordination and far less confusion on the

employment front in South Africa. The legislation is also part of the hon the Prime Minister's declared policy of rationalization within the department; too there is greater rationalization as regards the structuring of legislation. I believe that this is important. I want to stress that someone else said here yesterday viz that this legislation was not drawn up and drafted without due consideration but that it was drafted on the basis of the reports of many expert commissions which as I have already said, carried out a very thorough investigation into labour practices and legislation in South Africa and made their recommendations accordingly. However, to me this is indicative of a department and a Minister—let me put this clearly—that in a pioneering period make use of expert knowledge to determine correct action with regard to a very decisive era which we are now entering, and this is important. In clauses 2 and 3 reference is made to the guidance and placement centres which are to be established. The hon member for Bryanston agreed with this and said that it was a good idea, but nevertheless observed to the word 'category' which appears in the Bill because in his opinion it had a racial connotation. I should like to hear how he attaches a racial connotation to the word 'category' which has for generations been a well worn term in the labour world—not only in South Africa, but in other countries as well—for referring to different classes of worker. Apparently he derives his racial connotation from the explanatory memorandum which speaks of population groups.

Accordingly, I just want to say to the official Opposition of which he is a spokesman that it is surely only normal and practical that one would have separate services for certain categories of worker, which in some cases may comprise a certain race group, as is being professed here in the explanatory memorandum that says that we are going to try to employ 20 Black graduates with psychology as one of their subjects to do the guidance work. I can assure the hon member that if a Black man with a rural background who is still fairly unsophisticated, were to be met at such an institution by a fellow Tswana with the words "Re Thiu tusa ho tula mosebetsi ehlomani moena" he would definitely have

166
13/8/81
See
Hansard
for
debate

Ev Post 13/8/81
166 (29) (30)

Exclusion of domestics from Compensation Act under fire

By SANDRA SMITH

DOMESTIC workers' organisations have strongly criticised a statement by the Minister of Manpower, Mr S P Botha, that it would be impracticable to extend the scope of the Workmen's Compensation Act to include domestic workers

Mr Botha said in Parliament that the Wiehahn Commission had considered the Workmen's Compensation Act "but did not deem it necessary to make any recommendations to include domestic servants within the scope of this Act"

He said domestic servants were not workmen in terms of the Act and "are therefore not insured against accidents arising out of their employment which result in a personal injury"

The director of the Domestic Workers and Employers Project (Dwep), Mrs L Tutu, said "This is not correct, as domestic workers can be injured just as well as anyone else. There are so many ways that they can be injured in a household working as they do with, for example, electrical appliances

"They are workers in every sense, and their exclusion from the Act is discriminatory

"Employers have the vote and they can lobby their people on this issue — the domestics themselves have not got the power"

The organiser of the Port Elizabeth-based Domestic

Workers' Association of South Africa (Dwasa), Mrs M Baliwe, said one of the aims of the association was to make domestic workers eligible for Workmen's Compensation

"Apparently they have forgotten the domestic workers," she said

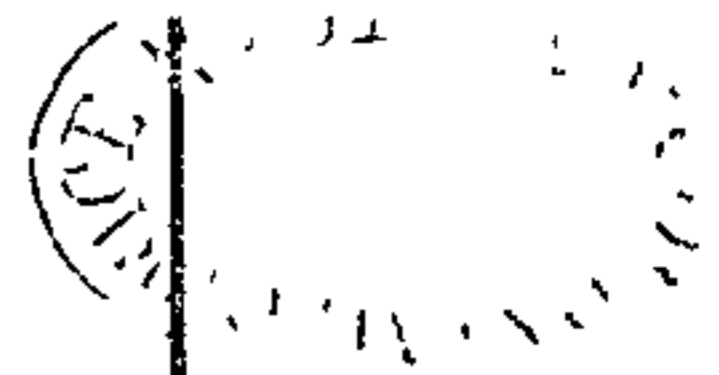
"It is absolutely essential for these workers to have the same security as other workers if they are injured"

The chairwoman of the Cape Town-based Domestic Workers Association, Miss Maggie Oewies, said "Domestic work is a professional job, and it is vitally important that they have this protection in their work"

The managing director of a company which is launching the first group pension scheme for domestic workers in the country, Mrs Donna Wurzel, said "In view of the Minister's statement it is all the more timely that we have established a domestic pension fund on a national scale

"These are essential workers in the whole structure of South African society — we're talking about more than a million people — and there is a tremendous need for them to be protected"

Research had shown that domestics were "very anxious" to have future security in their old age as, with the breaking down of traditional patterns, they could no longer depend on their families to provide for them



THE LANTERN, AUG. 12, 1882.

'Know your labour' plea to employer

Augus 13/8/81

(166)

Parliamentary Staff

THE Minister of Manpower, Mr Fania Potha, called on employers last night to give top level attention to labour matters and to acquaint themselves with developments in this field.

Replying to the third-reading debate on the Labour Relations Amendment Bill in the Assembly, he said many employers were totally uninformed when it came to labour matters.

Some employers simply did not know what was going on.

SCIENTIFIC

In recent times, however, there had been a trend towards a more scientific approach to labour.

Some companies were appointing experts such as personnel managers to handle labour matters, and courses were being offered by universities.

This development showed what an important role labour was playing in the political and other fields.

Mr Potha said his appeal to employers was that the sooner they gave top-level attention to labour the better they

would be able to handle such matters.

The time had come for employers to give such attention so that they could play a decisive role in labour affairs.

Earlier the chief Opposition spokesman on labour, Dr Alex Botane (P.P.P., Pineland), said improvements brought about by the new legislation were a great step forward.

The Bill was read a third time with the support of all parties. In the committee stage the Progressive Federal Party had objected to certain provisions. Some amendments proposed by the opposition were accepted.

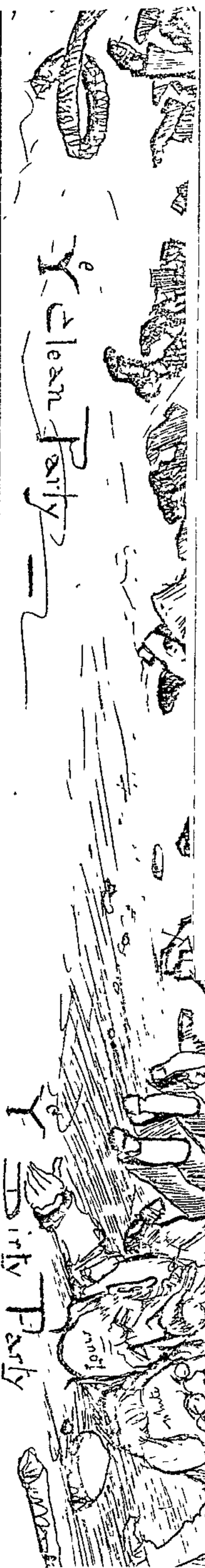
Mr Botane also introduced the second reading of another new labour measure, the Guidance and Placement Bill, in the Assembly last night.

He said the Bill was aimed at providing a framework for occupational guidance, it provided for the establishment of centres for guidance and placement in 1984.

The Hon. Mr. J. J. van der Burg (P.P.P.) welcomed the Bill on behalf of the official Opposition.

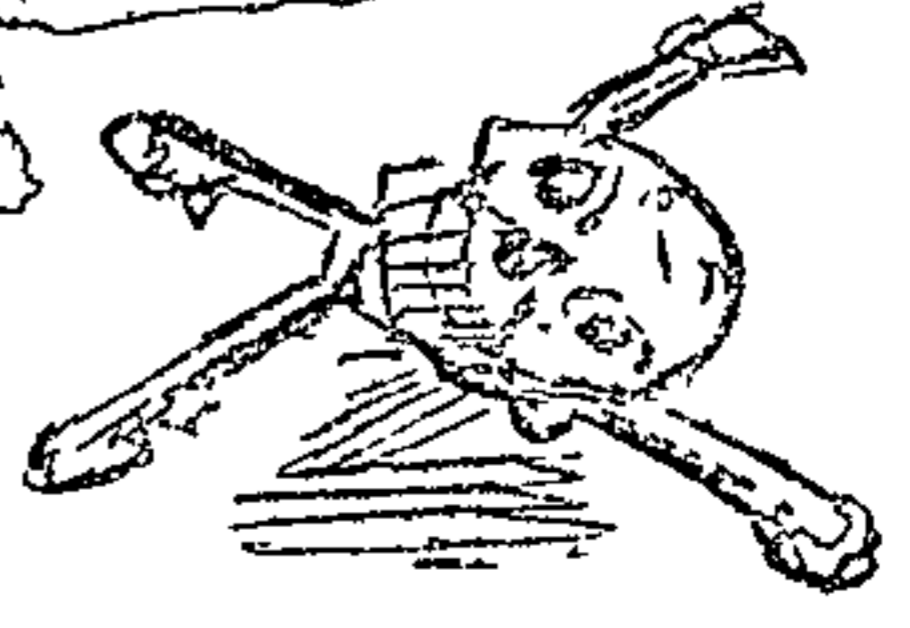
The debate was adjourned.

Williams & Co



Trig of War.

Dirty Party



3.19. ENDING A RUN AND POWERING OFF

- 1. At the end of a demand run the following command must be typed:

@FIN <CR>

this will sign off the run and print the accounting information as follows:

```

RUNID: RRRRR ACCT: ANNNN-RMM PROJECT: P P P P P
TIME: TOTAL: HH:MM:SS.SSS CBSUPS: SSSSSSSS
CPU: HH:MM:SS.SSS I/O: HH:MM:SS.SSS
CC/ER: HH:MM:SS.SSS WAIT: HH:MM:SS.SSS
SUAS USED: RRRR.CC SUAS REMAINING: RRRR.CC
IMAGES READ: NNNN PAGES: NNN START:
HH:MM:SS MM DD,YYYY FIN: HH:MM:SS MM DD,YYYY
*TERMINAL INACTIVE*

```

- 2. Once the 'TERMINAL INACTIVE' message has been received another run may be started or the terminal disconnected from the computer.

- 3. If only the last line of accounting information is desired (giving the start and finish time of the run required for the log sheet) type the following command just before @FIN.

@SKIP 5

- 4. After the TERMINAL INACTIVE line has been printed, disconnect the line to the computer by typing typing:

@TERM

- 5. Power off the terminal by pressing the on/off key. In the case of the U100's do not power off the terminal, clear the screen and turn off the screen using the toggle switch under the keyboard on the right hand side of the terminal.
- 6. If the system has waited for 5 minutes for input from a terminal (while it is connected to the system) the following message is printed:

TIMEOUT WARNING

The operator receives a timeout indication. If after another 5 minutes no input is received from the terminal the line is downed by the system

HOUSE OF ASSEMBLY
 The Second Wage Amend-
 ment Bill was taken through
 all its stages with Opposition
 support yesterday
 Introducing the second
 reading debate the Minister
 of Manpower, Mr S P Botha,
 said it had become neces-
 sary to amend the Wage Act
 in view of other bills on
 manpower passed by Parlia-
 ment — Sapa

New wage
 ct. 14/8/81
 bill passed 166

Handwritten: Occupational health
1418/81 C/157
*21 Mr A G THOMPSON asked the
Minister of Health, Welfare and Pensions

A major competitor in a firmly established in a business because of the

Whether it is his intention to introduce legislation in respect of occupational health, if not, why not, if so, when?

were now her loss of s offered.

As a result, Mendelsohn Development Corporation Development Corporation business. An additional

The MINISTER OF HEALTH, WELFARE AND PENSIONS.

Industrial the Xhosa cating his increase in

his staff turn-over which began shortly after the authorities started moving Coloured families out of District Six. The employees complained of higher travelling expenses and remarked about better jobs available closer to the new Coloured townships. Monday absenteeism had also dramatically increased.

Yes, if possible during the following session

The Industrial Development Corporation representative suggested that Mr Mendelsohn consider moving his factory to Darling (56 km from Cape Town) where he would be offered a factory in an Industrial Development Corporation complex being built there (see Exhibit 4).

The Xhosa Development Corporation, on the other hand, suggested that Mr Mendelsohn move to Dimbaza, near King William's Town, where they were very eager to create jobs (see Exhibit 5).

Abraham Mendelsohn was unsure about whether he should concentrate on tender business or whether he should expand his fashion business because of the promise of increasing exports. Basically, he was unhappy about the fashion-wear business as it was too fickle and uncertain for his liking yet it held great potential.

He also could not decide whether it was necessary to move his factory. If he decided to move where was he to go? This particular decision was further complicated by the fact that he had held a discussion with Mr Van Graan of the Lesotho Development Corporation at a recent Cape Chamber of Industries dinner. Van Graan had indicated that the LDC, in conjunction with the Lesotho Government, could offer incentives to establish industry in Lesotho that were at least as attractive as those offered by the Xhosa Development Corporation and the Industrial Development Corporation. Naturally, the tender preference for South African Government business could fall away but, then, Lesotho offered some attractive features for exporters: Firstly, there was the Associate Membership of the European Common Market. A second important consideration was the fact that a 'Made in Lesotho' label could be used for exporting. In Van Graan's opinion, this could be very useful for the export of consumer goods to the USA and other politically sensitive countries.

Abraham Mendelsohn was confused. He was uncertain whether to stay in uniform manufacture or whether he should concentrate on

Privileges for registered unions

4.13. @ED

The system text editor whi

ther on in detail.

4.14. @ENABLE

Switch off the disable flag assigned when there was file subsequently the termi

FACILITY

The format of the control c

@ENABLE

Note: If the disable flag something wrong with your with a file that has been @E

4.15. @END

End sentinel image for @DATA other purpose the message be

@END IGNOI

4.16. @@END

The @@END control stateme special mode may be specifie mode is specified then terminated.

The format follows:

@@END typ

where type may be any one of

- BLANK = all curr
- CQUE
- ESC
- FUL
- HOLD/TYPE1/TYPE2
- INQ
- PTI

Political Staff
HOUSE OF ASSEMBLY
 The Minister of Manpower, Mr Fanie Botha, has made it clear that government will give privileges to those trade unions which have registered.
 He promised that the clause barring financial aid to illegal strikers would not be imposed harshly, but took a firm stand against allowing two union systems to operate in South Africa.
 Mr Botha, who rejected a Progressive Federal Party amendment to allow companies to deduct membership fees for unregistered unions, said during the committee stage debate of the Labour Relations Bill that if these benefits were not given to registered unions then other unions would not enter the system because there would be little advantages.
 If he had accepted the amendment, "we would make those who have come totally desperate and as a result the rest will not come"

Mr Botha added "If we now go and give this privilege (of deducting dues) to those who stand out of the system, we will so confuse employers that they won't know where they stand. If we want chaos, we we must confuse employers with this sort of system"
 If there was one thing that had to be opposed in South Africa it was dualism
 "We must make sure we don't have two systems — on the one hand a large number of trade unions which want to co-operate and work with in the order we have created over the years, and on the other hand a group who do not want to co-operate"

His department aimed to have everyone within the system so that there could be order.

The system of deducting dues was a great advantage to unions and this advantage should be accorded to registered unions who were prepared to work within the system, Mr Botha said

He said the government would press ahead with the controversial clause barring financial aid to illegal strikers, but added "I want to give the assurance that we will not apply this provision in a heartless (hardvotig) manner"

The official Opposition supported the third reading of the bill without reservation

ary if files were In assigning such a

ge: 200

be that there is ibles are experienced in mind.

is used for any

ODE

ial modes. Only one ent. If no special ial modes will be

ial modes:

Registered unions will be privileged

THE ASSEMBLY — The Minister of Manpower, Mr Fanie Botha, has made it clear the Government will give privileges to those trade unions which have registered

He has also taken a firm stand against allowing two systems of unionisation to operate in South Africa

Speaking during the committee stage debate of the Labour Relations Bill Mr Botha who rejected a Progressive Federal Party amendment to allow companies to deduct membership fees for unregistered unions said if these benefits were not given to registered unions then other unions would not enter the system because there would be little advantages

If he had accepted the amendment, "we would make those who have come totally desparate and as a result the rest will not come

Privelege

Mr Botha added "If we now go and give this privilege (of deducting dues) to those who stand out of the system, we will so confuse employers that they won't know where they stand. If we want chaos, we we must confuse employers with this sort of system"

If there was one thing that had to be opposed in South Africa it was dualism

"We must make sure we don't have two systems — on the one hand a large number of trade unions which want to co-operate and work within the order we have created over the years, and on the other hand a group who do not want to co-operate"

Applications

"From the large number of black unions, there is a large number who have registered. There are at present 17 trade unions who have registered and they represent hundreds of thousands of people

"There is also a great number of trade unions who have applied for registration and those applications are being processed at present

"What is therefore happening in South Africa? There is a process operating in which a large number of trade unions are standing outside and just looking at it and are not coming forward," Mr Botha said

His department aimed to have everyone within the system so that there could be order

'Govt labour law a success'

THE ASSEMBLY — The Guidance and Placement Bill was a testimonial to the success with which the Government undertook labour legislation. Dr M H Veldman (NP Rustenburg) said yesterday

Speaking during the second reading debate on the Bill he said the Government noted the continual change taking place in the field of labour

The Bill was a demonstration of solidarity against the powers which set out to bedevil labour relations in South Africa

"As long as this Government and Parliament keeps itself busy creating a milieu for the total community — all races — these people and powers will not succeed

Policy

The Bill shows a radical improvement in labour conditions

It is part of a centralised policy as well as being part of the rationalisation idea to bring together what belongs together

The Government strove to remove the imbalance between too many unschooled labourers and too few qualified ones

This should also be extended on a regional basis so there would not be an unbalanced spread of labour resources

Mr R W Hattingham (NRP Mooi River) making his maiden speech pleaded for a similar programme for rural areas

There is an equal need in agriculture because this sector has been lagging behind

Mechanisation

Many labourers move away from the farms despite the fact that adequate facilities could be provided for them

Agricultural production had increased in spite of there being now fewer farmers

But this was mainly due to mechanisation and it was in this field that trained and skilled workers were needed

Agriculture had to face competition from the mining and other industries and it deserved equal consideration — Sapa.

The lines are drawn

Attempts by independent trade unions, who represent the vast majority of SA's organised black workers to resolve their differences at grassroots level in the months ahead will have a crucial bearing on the future of industrial relations in SA.

At a weekend conference in Cape Town, leaders of 29 unions representing more than 150 000 workers opposed several provisions of the Labour Relations Bill published last week.

Among the organisations represented were the Federation of SA Trade Unions (Fosatu), the Council of Unions of SA (Cusa), the General Workers Union (GWU), the Food and Canning Workers Union, the SA Allied Workers' Union (Saawu), the Motor Assemblers and Components Workers' Union (Macwusa) and the Black Municipal Workers' Union.

While some employers and long-established unions have welcomed the government's decision to abandon some of the controls over unions which were contained in a previous draft Bill, the Cape Town conference rejected key clauses now before Parliament. In a remarkable display of unity, the independent trade union movement, which has been plagued by severe divisions in the past, agreed to resolutions which could have a far-reaching impact on industrial relations in the future. These include:

□ A rejection of the present system of registration insofar as it is designed to control and interfere in the internal affairs of unions. There was no objection to providing details of unions' constitutions, finances and representativeness, but the unions agreed to support each other in defiance of any "abuse" of investigative powers by the authorities.

□ An agreement by the unions to support each other in defying restrictions on providing financial aid to striking workers.

□ A rejection of the present industrial council system and a recommendation that unions which are not members of councils should not join them and a request to others to refer this issue back to their memberships for endorsement.

Push for unity 6

Crucial to efforts to forge a stronger unity in the independent union movement was the decision to establish ad hoc solidarity committees in various regions to initiate 'solidarity action' arising out of the meeting which is to reconvene by November.

It appears that the unity which was achieved in Cape Town is a fragile one. There are strong divisions between unions

over issues such as registration. In addition there are ideological and personality differences as well as rivalries to represent workers in certain industries.

One union leader who was at the conference told the FM the conference will serve little purpose unless friction at plant level can be eliminated.

Solidarity committees

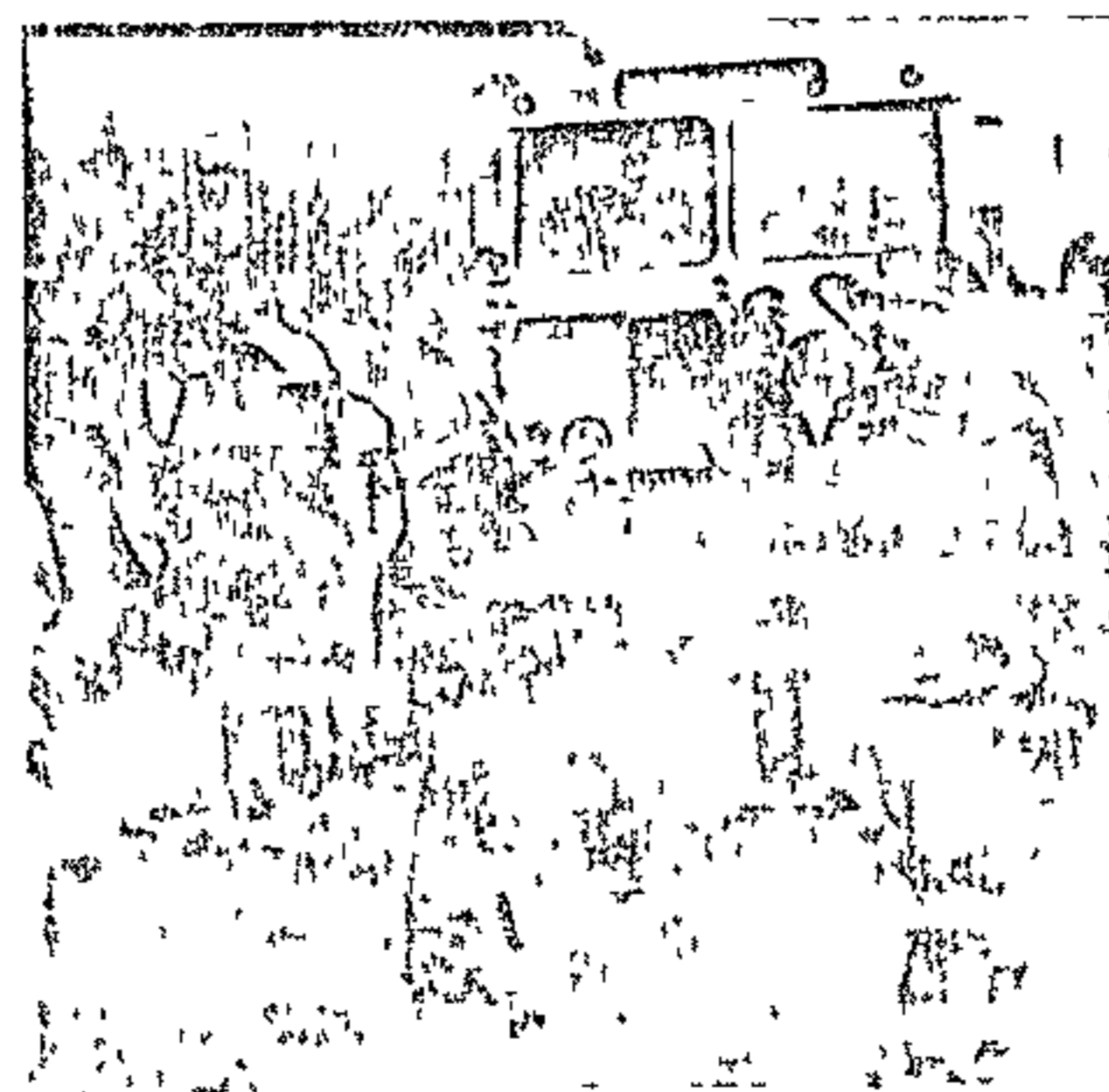
Other leaders interviewed agreed and emphasised that the solidarity committees will play a key role in efforts to create better relations between workers belonging to different unions. 'There are substantial differences and the solidarity committees are crucial,' says one.

Employers are naturally worried and fear that a large united union force could place employer organisations at a disadvantage. Some employers are also critical of certain controls and discretionary powers granted to the Minister of Manpower in the Labour Relations Bill. There is a feeling that government must try to deal with the thorny registration issue as soon as possible. Some government officials are saying that legislation dealing with this will be dealt with only in the 1983 parliamentary session.

Efforts to create unity between the independent unions obviously raises fears of a spate of sympathy strikes, but some of the union leaders who took part in the conference insist that there are no firm plans for this. The kind of support which unions could give each other would be organisational and financial, as well as aid in consumer boycotts.

Government officials are concerned about the conference but have reacted with restraint. Deputy Manpower Director

General Dr Piet van der Merwe says pointedly that it appears the unions are willing to comply with some aspects of the new legislation.




Policeman watches strikers
new rules and strategies

HENNIE REYNDERS

152 166 FM 14/8/81

Manpower priorities



Dr Hennie Reynders is chairman of the National Manpower Commission. The FM questioned him on the commission's work and the recently published High Level Manpower Report.

FM: What are the main tasks and priorities of the Manpower Commission (MC)?

Reynders. To advise the Minister of Manpower on all aspects of labour. We have a very broad brief but are concentrating on seven major areas — in particular job creation, industrial relations, education and training. Also, conditions of employment and social security, productivity, employment services and international labour aspects.

The function of the commission is entirely advisory. It is a statutory permanent body and its work is ongoing, concentrating on policy matters rather than detail. We publish reports on special topics like the recent High-Level Manpower Report (HLMR) and also annual reports which are tabled in Parliament.

At present the HLMR is simply a report and the White Paper a statement of intent. How soon can action be expected?

The White Paper on the HLMR has now been published, summing up government's reactions. The MC intends following this up with the various public and private sector bodies concerned with the specific recommendations accepted by government next year. However, the MC is itself beset by manpower shortages, so things are not moving as fast as they should.

As a form of job reservation, how likely is it that closed shop agreements will be abolished?

One should be careful in describing these agreements as a form of job reservation. They are nothing more than a security arrangement instituted by unions to protect their members and are the subject of negotiation and agreement between employees and employers. The Wiehahn Commission con-

tained both a minority and majority recommendation on the closed shop. The majority recommended the maintenance of the status quo, while the minority felt it to be a form of job reservation and recommended its removal. Government referred this to the MC for further guidance. The MC report on the closed shop will be tabled in Parliament soon and a White Paper will follow.

Is the manpower policy in the western Cape justifiable any longer on grounds of principle? How can it be reconciled with free market philosophy?

Our first annual report for 1979 indicated that representations regarding the policy should be considered and this was reaffirmed in the last report. This is being investigated by an inter-departmental committee. The MC did not stipulate policy direction, but indicated that there were areas to which serious attention should be directed. Some effects of the policy on geographical mobility of labour obviously impinge on the proper functioning of a free labour market, but in government's wisdom they have believed intervention necessary.

The HLMR stated that SA would not be able to realise its development potential if high-level manpower was recruited exclusively from whites. What kind of resistance are you expecting?

The commission is not concerned with the implementation of policy decisions, this is the responsibility of individual departments. I think it is now generally recognised that blacks, coloureds and Asians will have to be absorbed into the economy in higher positions. Resistance from whites will depend on how the private sector handles the matter.

The HLMR recommended that universities and technikons should be better utilised by "making better provision for the training of non-whites at white institutions." But the White Paper reaffirmed government's commitment to train different races at separate institutions.

We recommended that government re-examine the problem of shared facilities. Presently, blacks can enrol at white institutions under certain condi-

tions. Government is now willing to re-evaluate these conditions.

The White Paper indicated that government will be revising the university subsidy system for application in 1983. Does this mean greater subsidisation for the sciences than the arts?

Universities are not delivering sufficient graduates to meet the country's requirements. If the subsidy system is changed, it may induce universities to change their admissions policy. Government has indicated an awareness of the problem.

The HLMR stated that women should be encouraged to re-enter the job market and recommended a re-evaluation of the tax structure to facilitate this. If the tax system is not revised, is it likely that women can be wooed back into the job market?

Up to a certain income level it actually pays women to work on the basis of combined taxation. After that it becomes progressively unfavourable. The standing commission on taxation recommended joint taxation but the MC has suggested that government re-examine this. However, there are not as many appropriately qualified women available in the skilled group as is commonly believed.

Since tax concessions for the training of all population groups have been introduced, how responsive has the private sector been?

The response of the private sector has been good for the training of semi-skilled workers but not for artisans. Since the first Wiehahn report, which recommended that blacks be trained as artisans, the response of the private sector has not come up to expectations — not more than 100 black apprentices had been registered to end 1980.

What is the relationship between Manpower 2000 and the MC?

The commission itself was not directly concerned with Manpower 2000. The MC flowed from the recommendations of Wiehahn and Riekert while Manpower 2000 was launched by the Minister to create an awareness of SA's labour problems. It is slowly coming to an end, but the private sector is establishing a Manpower Foundation to continue its work.

UNIONS UNITE FM 11/8/31

Independent trade unions representing the majority of organised black workers decide to defy restrictions contained in the Labour Relations Amendment Bill now before Parliament on financial aid to workers who strike illegally. At a meeting of almost all independent trade unions registered and unregistered unionists also agree to support one another in defying any 'abuse' of official powers of investigation the new legislation seeks to extend to unregistered unions. They unanimously reject the present industrial council system.

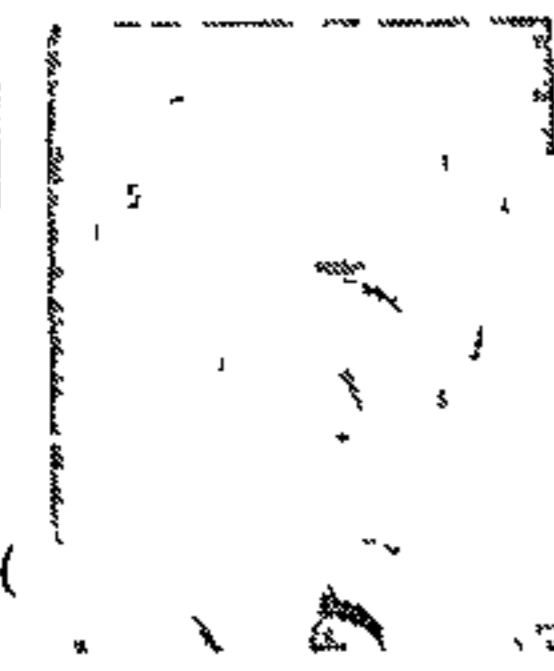


PROFESSOR NIC WIEHAHN

FM 21/9/81

165

Breaking down barriers



The FM spoke to Professor Nic Wiehahn, chairman of the commission which laid the foundations of SA's new labour dispensation

does not depend entirely on registration or non-registration. One must not make so much heavy weather about the importance of registration or non-registration for labour peace. It certainly is important for collective bargaining and institutionalised industrial relations. What is your reaction to criticism that government's new labour legislation provides for too many controls or discretionary ministerial powers?

Do you think it is possible to attract militant black unions into the official bargaining system?

The problem I have with trade unions on the left and the right is the polarisation on the basis of ethnicity and race. One has to break down that strong urge for polarisation. It would appear to me that industrial councils will also have to look at their structures and attitudes to ensure they are more accessible to trade unions.

FM: Is government moving fast enough to implement the recommendations made by your commission?

Wiehahn: In the circumstances, I think the government is doing what it can. One has to take into account the problems the Minister and his officials have with political resistance from the rightwing as well as with the manpower shortage. They have done quite a lot. These are drastic changes and it is only two years since we made our recommendations.

A delicate balance must be maintained between freedom and control. It is often necessary to have controls in order to secure and guarantee freedom. We have had controls in the system in the past and there were no complaints. In fact, the system was regarded by the vast majority as a good one, despite the controls. Controls are appropriate if they serve the objective of ensuring industrial peace. If they cannot be justified in the light of this objective, of course we then have State intervention going too far. If State interference cannot be shown to be good then it is an evil.

There should be constant adaptation of the system and its components to meet the demands of the time particularly in this transitional stage. Once, in the short term, we have reached the stage where these birth pains are over, it will probably be necessary for the State to take a new lead. The short-term period is a high temperature period and before the temperature cools down beyond a point of possible structural change final moulds in a process of reformation must be cast.

According to some government officials, legislation dealing with the whole trade union registration issue will go before Parliament only in 1983. Should there not be a greater sense of urgency?

What is your reaction to the recent conference of so-called independent unions at which the Industrial Relations Bill was severely condemned?

Do you think the increased amount allocated for training in the manpower vote is enough for the country's training needs?

One must point out that registration is one of the matters dealt with in part five of the commission's report, which is still secret. I don't think officials can do anything until the government has reached a decision. In addition the National Manpower Commission is dealing with this issue and until it makes recommendations the government cannot do much about it.

I feel that making the system as attractive as possible and highlighting the positive aspects of the system is vital. We are entering the stage in which negotiation is the most important strategy to prevent conflict. It would appear to me that basic things such as communication, consultation and co-operation are preferable to compulsion, threats or force by other means. This is the positive approach to the problem and it usually has more success than any other method.

Subjectively seen, there can never be a sufficient supply of money for the training of our people. But in the light of declining economic growth relative to last year and the higher pressure on our State's financial resources, I am satisfied at what has been granted.

Registration is only part of a bigger concept — recognition. Registration gives legal status to a trade union or employer organisation, but I think the question of labour peace and unrest

How should this money be spent?

The priority should be training in those areas where the need is the greatest in the short and the medium term — in technical skills which are needed for industrial development. Obviously this training should be extended to all race groups.

CALL name (a. a.)
or
CALL name

To invoke a subroutine subprogram.

Function.

8.6.1. CALL Statement

A subroutine subprogram is an external subprogram defined by FORTRAN statements, starting with the SUBROUTINE statement, and is invoked by a CALL statement.

8.6 SUBROUTINE SUBPROGRAMS

House The hon member for Sandton sent the hon the Prime Minister a note, which the hon the Prime Minister has handed to me

An HON MEMBER* It is a private note

The MINISTER No it is not a private note There is nothing private about it There is not even an address on it to the hon the Prime Minister [Interjections] This note was handed to the hon the Prime Minister and the hon the Prime Minister, I think quite correctly because this is a matter of great public interest has passed it on to me It is signed by Dave Dalling and it says—

Mr Rencken's attack on Mrs Suzman is most unfair Mrs Suzman and Ken Andrew did a great deal to persuade the protesters to disperse and thus avoid violence

HON MEMBERS That is right

The MINISTER This is supposed to be a church service [Interjections] Protesters! The hon member for Houghton told me that she had nothing to do with it

Mrs H SUZMAN I said not in the grounds of Parliament

The MINISTER I asked the hon member for Houghton if she was involved in that movement of people from the cathedral

Mrs H SUZMAN And I said 'No'

The MINISTER in the direction of Parliament [Interjections] But the hon member for Sandton says here that the hon member for Houghton and the hon member for Cape Town Gardens were there

Mrs H SUZMAN Of course we were! But not marching

The MINISTER talking to the protesters [Interjections] Talking to the protesters, Mr Speaker!

HON MEMBERS Ask the Minister of Police what they were doing there [Interjections]

The MINISTER Mr Speaker, if I could make myself heard for a moment I should like to proceed You see Sir we have had during this debate over this week an outraged reaction

Mr D J DALLING Mr Speaker, on a point of order I am sorry to interrupt the hon the Minister but he should have read the entire note

The MINISTER Very well, I shall do so I shall do so with pleasure It goes on to say—

Neither of the two MPs marched" on Parliament

Why is marched put in inverted commas? [Interjections] So they were with protesters but they did not march? What did they do then? [Interjections] How did they move? Did they float or did they fly? [Interjections]

Mr SPEAKER Order!

The MINISTER The hon member for Sandton goes on to say in his note—

Both Louis le Grange and Gen (Gen) denhys can confirm this

Mr Speaker we shall confirm many things during the course of the next few hours and days [Interjections]

Mr SPEAKER Order!

*Mr A J VLOK Mr Speaker on a point of order Is the hon member for Cape Town Gardens entitled to say that the hon the Minister is a scandalmonger?"

Mrs H SUZMAN Yes, he is an old woman!

Mr SPEAKER Order! The hon member for Cape Town Gardens must withdraw that

Mr K M ANDREW I withdraw it, Sir

The MINISTER Mr Speaker, the point that I want to draw to the attention of this House is that for virtually the entire past

There has been a feeling of great outrage on the part of the official Opposition and many other hon members on this side of the House as a result of the venomous and I think unjustified attacks made on this side of the House and on my hon colleague the hon Minister of Co-operation and Development and his Deputy Ministers in regard to the situation at Nwanga Those hon members have shown great outrage

I want to suggest that what has happened in the afternoon is the culmination of the campaign in which the official Opposition has been engaged in regard to Nwanga ever since it started [Interjections] The hon member for Houghton must not be so disrespectful she must be quite calm

Mr H SUZMAN I am calm

The MINISTER because she will have to answer many questions from row 1 The hon the Leader of the Opposition with respect must answer the simple question of whether or not he disassociates himself with what has happened outside this Parliament in St Georges Street this afternoon [Interjections]

Sir I thank you for the opportunity to repeat those few words I think I shall leave the matter of replying to the other issues raised in the debate until Monday and I therefore move—

That the debate be now adjourned

Agreed to

GUIDANCE AND PLACEMENT BILL
(Committee Stage)

Clause 2

*The MINISTER OF MANPOWER Mr Chairman, I move the amendment printed in my name on the Order Paper as follows—

On page 4, in line 16, to omit in respect of any specified category of work-seeker" and to substitute workseekers"

I just want to point out that during the Second Reading debate an objection was raised to a guidance and placement centre

being established in respect of any specified category of work-seeker As I then undertook to do I therefore move that the clause be amended as suggested in the amendment

*Mr H E J VAN RENSBURG Mr Chairman I thank the hon the Minister for the amendment but there is a further problem If one removes the word 'category' entirely, it means that if it should perhaps be deemed necessary to create a placement centre for a category of workers—not a racial category or an ethnic category—but a category of workers for example welders miners or whatever—the legislation does not make provision for this I nonetheless assume that this may still be done in terms of the provisions of clause 2

However, I propose that the amendment printed in my name on the Order Paper and which I now move as follows, be accepted—

On page 4 in line 17 after area ' to insert

Provided that no differentiation on the basis of sex, race or colour shall be made

In my opinion, if the amendment is agreed on both requirements will be met It will mean that the Minister can still create placement centres or centres for certain categories of workers, but that he cannot create a centre of this nature for a specific race or ethnic group He can still continue where necessary or desirable to create placement or guidance centres for a specific category of worker This will however not be possible for a racial or ethnic category

*The MINISTER OF MANPOWER Mr Chairman, I considered the matter very carefully As a matter of fact before the hon member for Bryanston moved an amendment, I explained to this House what I meant After due consideration I have decided that this will be the most convenient I cannot agree to his amendment In any case, we stated categorically in the debate as well that from an administrative viewpoint it should be made as easy as possible for the department For this reason I wish to move that my amendment be agreed to

Seminar
Ev Rpt 24/8/81
on-labour
laws held
in PTE

Post Reporter

A SEMINAR on South Africa's labour laws attended by officials of the National Union of Motor and Rubber Workers of South Africa (Numarwosa) was held in Port Elizabeth at the weekend.

The secretary of Numarwosa, Mr Freddy Sauls, said today the assistant director of the Centre for Applied Legal Studies in Johannesburg Mr Halton Cheadle conducted the seminar which was attended by about 35 shop stewards and members of factory committees.

Among the topics discussed were law affecting strikes, common law agreements, industrial councils and the Industrial Conciliation Act.

Mr Sauls said Numarwosa had organised a series of such seminars. The subject of the next seminar in September would be political economics.

Probe on public sector unions

26/8 Political Staff (2070) (199)
 HOUSE OF ASSEMBLY —
 A committee of inquiry has been appointed to investigate whether civil servants should have trade union rights of bargaining.

This follows a recommendation by the Wiehahn Commission that the principle of extending collective bargaining rights to public sector employees be accepted by the government.

The Wiehahn Commission also urged that civil servants be given a right to strike in cases of disputes instead of being compelled to accept arbitration.

public servants, at national provincial or local levels for the Industrial Conciliation Act should be deleted.

In a White Paper tabled yesterday the government said. Owing to the far-reaching implications of the recommendations, the Commission for Administration has appointed a committee of inquiry to make a thorough in-depth study of the matter.

The government pointed out, however, that since 1910 the public sector staffing issues had been regulated by separate legislation.

bbbbb2

Position 1 8

(1) An input card contains

Examples

On input, the external field may contain only a sign followed by digits, with blank characters anywhere in the string. No other characters are permissible. If the sign is plus, it may be omitted, if the sign is minus, it is required. On output, the external field consists of blank characters (if necessary) and a minus sign or an optional plus sign followed by the magnitude of the internal integer type value.

The basic field descriptor *h* indicates that the external field occupies *w* positions as an optionally signed integer and is represented internally as an integer type item.

6.3.3.2.1. Integer Type Conversion

On all numeric conversions, a blank character in the specified field is treated as a 0. A blank field is treated as the integer zero. Depending upon the processor and the field width specified, positive values may be preceded by a + or no character position, a negative value requires a character position in the field width for the minus sign. Leading blank or zero characters are not significant.

- the *xPrd* code for handling double precision type data
- the *xPrG* code
- the *xPrE* code
- the *xPr* code
- the *r* code for handling integer type data

There are five conversion codes for handling numeric data

6.3.3.2. Numeric Data

The field descriptor for blank characters is *nX*. On input, *n* characters of the input record are skipped, on output *n* blank characters are inserted in the output record, except for the carriage control character.

6 3 3 1 Blank Field Descriptor

Govt rejects Wiehahn proposals on women

D 26/8/81 166 374

HOUSE OF ASSEMBLY. — The government has rejected several far-reaching recommendations affecting the position of working women in South Africa, including a proposal that employers be banned from terminating women's services because of pregnancy.

The Wiehahn Commission of Inquiry into labour legislation recommends in part five of its report, tabled yesterday, that the relevant sections of the shops and offices, and factories acts be amended to provide for

- The raising of the period of pre-confinement leave from four to six weeks

- The raising of remuneration during approved leave due to pregnancy to 60 per cent of the employee's normal earnings

It also recommended that provision be made in the acts for prohibiting the termination of employment on account of pregnancy, and that employers be required to reinstate female employees at the end of the approved absence from work

In a White Paper tabled with the report, the government says that while a possible increase in the benefits payable in terms of the Unemployment Insurance Act would be examined by the

Unemployment Insurance Board, it could not agree to the other two recommendations

"The prescribed four-week pre-confinement leave has, to the government's knowledge, not created any undue hardship and, in the absence of any sound reason why the period of leave should be increased to six weeks, the commission's recommendation in this regard cannot be supported," the White Paper says

Neither could the government support that the termination of employment of pregnant female workers be prohibited or that employers be required to reinstate them

'Spirit'

"Such a provision would result in serious complications for employers, especially for the small employer who has to employ substitute labour when an employee takes maternity leave and who cannot afford to increase his labour complement by reinstating the employee concerned

"The government would nevertheless urge employers to give cases of this nature their most sympathetic consideration and, where possible, to act in the spirit of the recommendation"

The White Paper also rejects a proposal that "all ap-

plicable legislative measures be such as to require an employer to assign light duties to pregnant women where questions of health and safety are relevant"

Although the government was sympathetic towards this notion legislation on the lines recommended by the commission and its administration was not considered feasible

According to the report the commission received evidence and recommendations to the effect that

- Many women had their employment terminated on grounds of marriage, pregnancy or confinement and that this should be prohibited by law

- Where work was found unsuitable for a pregnant worker employers must make all reasonable efforts to vary conditions or find alternative employment within the establishment

- Most Western countries had increased the period of termination of work before confinement and that in South Africa it should be a minimum of six weeks

- Maternity benefits were too low

- Domestic and agricultural workers, who received no maternity benefits, should be included in the provisions of the act

Defence spending

IN A Sapa report yesterday the Minister of Finance, Mr Owen Horwood, was incorrectly reported as saying only four percent of total expenditure in the Budget was devoted to defence. What the minister said was that only four percent of the Gross Domestic Product was devoted to defence — Sapa

2-26
3-7
3-10
8-8
8-5
3-1
3-1
3-4
2-20
5-1
2-1
1-4

Page	Reference	Term
1-4	14	Execution, halt, temporary
2-5	2 2 2	Executable Statements
7-4	7 4	EQUIVALENCE Statement
8-25	8 6 3	definition in subroutine subprogram
1-13	1 6	in sample program
8-16	8 5 2 2	in function subprogram definition
2-8	2 4 2	End Line,
6-32	6 8 3	ENDFILE Statement
		E
	see arguments	Dummy Arguments
2-11	Table 2-4	memory requirements
6-14	6 3 3 2 4	field descriptor for I, O data
2-16	2 6 3	constant
2-11, 2-13	2 5 1, 2 5 1 3	Double Precision Type,
2-16	2 6 3	Double Precision Exponent
5-13	5 4	DO Statement
6-2	6 2 2	specification
6-2	6 2 2	list
		DO-implied,

Page	Reference	Term
5 4		Control Variable, in DO statement
5 1	5 1	Control Statements
5 21	5 5	as terminal statement, CONTINUE Statement,
	see DO	
	statement	

Farm workers, domestics still out in the cold

Political Staff
HOUSE OF ASSEMBLY — The government has stalled on a recommendation by the Wiehahn Commission that farm and domestic workers be brought within South Africa's labour legislation.

The government said in a White Paper tabled yesterday that there were a number of difficulties within the recommendation that farm and domestic workers be brought within the ambit of the Industrial Conciliation Act.

But the government "would be failing in its duty if it did not give attention to this state of affairs".

"It would, however, prefer to consult with all the parties before taking a decision in regard to this issue".

The commission recommended that the exclusion of farm and domestic workers from the provisions of the Industrial Conciliation Act be deleted. At present, these workers are not covered by the provisions of the act and cannot form unions.

The government said it appreciated the reason for the recommendation.

It is generally recognized that the intimate and long-established personal relationship between farmers and workers in most branches of agriculture, the

wide geographic dispersion of the work force in agriculture, the lack of effective means of communication, the long distances involved, the problems which would be encountered in both utilizing and administration legislation of such a nature, etc, would make it extremely difficult to organize agricultural workers in many branches of agriculture and in many regions.

"However, in certain branches of agriculture, for example in forestry and sugar plantations, and where the activities are industrialized, the situation is somewhat different and lends itself more easily to the organization of farm workers.

"This is being provided, in practice, by the organization of farm workers in certain sectors of agriculture, by unregistered trade unions and by developments such as the representations from farm workers to be admitted to the membership of registered trade unions."

The government said the same considerations applied to domestic workers in private households, particularly where there was a large concentration, but it said it would prefer to consider their position together with farm workers.

example using	
DMOD Basic External Function,	
DIMENSION Statement	
implied type	
Hollerith value	
explicit type	
DIMENSION statement array	
array	
Declaration,	
Decimal Exponent	
Decimal Computer	
of symbolic names	
of function name	
memory requirements for	
in relational expressions	
in arithmetic expressions	
implied declaration of	
explicit declaration of	
declaration of Hollerith	
Conversion of	
Data Types,	
in sample program	
DATA Statement,	
calculation of	
function subprogram for	
Cube Root,	
CPU	
see central	
processing unit	
Statement	
Conversion Codes in FORMAT	
in DO-implied list	
in DO statement	
Control Variable,	
Control Statements	
as terminal statement	
CONTINUE Statement,	
Term	

2-26	2 7 4 2
3-7	3 3
3-10	3 4
8-8	8 2 2
8-5	8 2 1
3-1	3 2
3-1	3 1
3-4	3 2 3
2-20	2 7 2 1
statement	
see STOP	
5-1	5 1
2-1	2 2 1
1-4	1 4
statement	
see PAUSE	
2-5	2 2 2
7-4	7 4
8-25	8 6 3
1-13	1 6
8-16	8 5 2 2
2-8	2 4 2
6-32	6 8 3
ENDFILE Statement	
End Line	
Dummy Arguments	
see arguments	
memory requirements	
Table 2-4	
2-11	2 1 1
6-14	6 3 3 2 4
2-16	2 6 3
2-11, 2-13	2 5 1, 2.5.1 3
2-16	2 6 3
Double Precision Exponent	
DO Statement	
5-13	5 4
specification	
6-2	6 2 2
list	
6-2	6 2 2
DO-implied,	
Term	
Reference	
Page	

definition

intro



Term	Reference	Page	Term	Reference	Page
CONTINUE Statement, as terminal statement	5 5	5 21	DO-implied, list	6.2.2	6-2
Control Statements	5 1	5-1	DO Statement	5 4	5-13
Control Variable, in DO statement	5 4	5-13	Double Precision Exponent	2 6 3	2-16
Control Variable, in DO-implied list	6 2 2	6-3	Double Precision Type, constant	2 6 3	2-16
Conversion Codes in FORMAT Statement	6 3 3	6-7	field descriptor for I/O data	6 3 3 2 4	6-14
CPU	see central processing unit		Dummy Arguments	see arguments	
Cube Root, function subprogram for calculation of	8 5 2 2	8-21	ENDFILE Statement	6 8 3	6-32
DATA Statement, in sample program	9 2	9-1	End Line, in function subprogram definition	8 5.2 2	8-16
Data Types, Conversion of	2 5 1	2-11	in sample program	1 6	1-13
declaration of Hollerith	2.7 2 3	2-22	in subroutine subprogram	8.6 3	8-25
explicit declaration of	2 7 2 1	2-20	EQUivalence Statement	7 4	7-4
implied declaration of	2 7 2 2	2-20	Executable Statements	2 2 2	2-5
in arithmetic expressions	3.2 3	3-4	Execution, halt, temporary		
in relational expressions	3 3 2	3-8	see PAUSE statement	1 4	1-4
memory requirements for	Table 2-		see STOP statement	5 1	5-1
of function name	8 5 2 1	2.7 2	of symbolic names	1 2 1	1-2
of	2.7 2		Decimal Computer	2 6 2	2-6
of	1 2 1		Decimal Exponent	2 7 2 1	2-20
of	2 7 2 3	2 7 2 1	Declaration, array	2 7 4 1	2-20
of	2 7 2 1	7 3	DIMENSION statement array	2 7 2 1, 7 3	3-4
of	2 7 2 2	2 7 2 3	explicit type	2 7 2 3	3-1
of	2 7 2 2	2 7 2 2	Hollerith value	3 1	3-1
of	7 3	7 3	implied type	8 2 1	8-5
DIMENSION Statement	7 3		DIMENSION Statement	8 2 2	8-8
DIMOD Basic External Function, example using	4 2		DIMOD Basic External Function, example using	2 7 4.2	2-26
			HOUSE OF ASSEMBLY	3 3	3-7
			Political Stat	3 4	3-10
			script	8 2 2	8-8
			national	8 2 1	8-5
			ical	3 2	3-1
			ited logical	3 1	3-1
			ited arithmetic	3 2 3	3-4
			thematic		
			thematic		
			ssions,		
			de rules for		
			vention,		
			day		
			The commission urged the government to resume making annual reports to the ILO on the application of those conventions South Africa had ratified and to improve its liaison with the international labour world.		
			In the White Paper, the government said it had "no objection in principle to the resumption of reports to the ILO in respect of those conventions which South Africa has ratified"		
			cess		
			quence		
			quence modified by control		
			statements		
			mination		
			cit Declaration of		
			table type		
			2 7 2.1		

Bid to legalize picketing foiled

Political Staff
HOUSE OF ASSEMBLY

The government has foiled a bid to legalize the use of pickets by striking workers

The Wiehahn Commission has recommended that the Industrial Conciliation Act be amended to allow for picketing.

It said the law should be changed to provide for the legitimate use of peaceful picketing as an instrument of industrial action and that its definition encompass the notion that picketing is an attempt peacefully to induce fellow-workers or members of the public to support the workers who are engaged in a lawful strike.

In the White Paper tabled with the report yesterday the government said it had "given serious thought to the commission's recommendations concerning amending the legislation to provide for peaceful picketing but does not at this stage see its way clear to do so."

statement
see logical IF
statement
see arithmetic IF

5-9	5 3
2-11, 2-13	2 5 1, 2 5 1 6
2-20	2 7 2
6-18	6 3 3 4
6-7	6 3 3
9-1	9 2
2-11	2 5
6-4	6 3
8-26	8 6 3
2-18	2 6 6
1-2	1 2 1
5-2	5 2 1
5-2	5 2 2
5-6	5 2 3
5-1	5 2
8-23	8 5 2 3
2-6	Table 2-2
8-16	8 5 2 1
2-2, 8-15	2 2 1, 8 5 2
8-16	8 5 2 1
3-11	3 4 2
3-2	3 2 2
8-1	8 1
1-11	1 6
6-4	6 3
6-26	6 6

in input/output statement
in DATA statement
data
example of
constants in DATA statement,
example of
constant in CALL statement,
constants
Hollerith,
Hexadecimal Computer
H
unconditional
computed
assigned
GO TO Statements,
G
references to
order of statements in
definition of
Function Subprogram(s)
FUNCTION Statement
expression
as primary in logical
expression
as primary in arithmetic
Function Reference,
in sample program
FORMAT Statement,
relation between
Format Control and I/O list,

Table 6-1	6-5
1 6	1-10
1 5 1 3 2, 2 5 1 2	1-9, 2-12
3 2 4, 4 2	3-6, 4-3
see intrinsic functions	
1 5 1 3 1, 2 5 1 1	1-8, 2-12
6 1	6-1
6 3 3	6-7
6 3 2	6-6
6 3 3 5	6-21
6 3 3 1	6-8
6 3 3	6-7
2 6 5	2-17
3 4 2	3-11
3 2 2	3-2
8 7	8-30
8 1 2	8-3
statement see EXTERNAL	
2 2 1	2-2
8 5 2	8-15
8 5 1	8-13
8 5	8-13
statement see DO	

Form, Typical FORTRAN
programming
Form Control Characters
Flowchart, sample
Numbers
Floating-Point Representation of
example of
FLOAT Intrinsic Function,
see intrinsic
Functions
Fixed-Point Representation of
Numbers
File
Field Width in Field Descriptors
Field Separator(s)
repetition of
blank
Statement,
field descriptor(s) in FORMAT
FALSE.
in logical expression
in arithmetic expression
Factor,
F
EXTERNAL Statement
machine coding of
subprograms, out-of-line
name as an argument
External Procedure(s),
subprograms
basic
External Function(s),
Extended range
Term
Reference
Page

Term Reference Page

CONTINUE Statement, as terminal statement, 5 5
see DO statement

Control Statements 5 1
Control Variable, in DO statement, 5 4
in DO-implied list, 6 2 2

Conversion Codes in FORMAT Statement, 6 3 3
see central processing unit

Cube Root, function subprogram for calculation of, 8 5 2 2
8 21

DATA Statement, in sample program, 9 2
9 1

declaration of Holterith, 2 7 3
explicit declaration of, 2 7 1
implied declaration of, 2 7 2

in arithmetic expressions, in relational expressions, in memory requirements for of function names, of symbolic names

Decimal Computer, Decimal Exponent, Decimal Fraction

Declaration, Declaration, Declaration

Explicit Type, Implied Type, Dimension Statement

DMOD Basic External Function, example using

Political Staff

Union recognition voluntary Govt

Political Staff

HOUSE OF ASSEMBLY — The government yesterday rejected a bid by the Michahn Commission to force employers to recognize registered unions which had proved in secret ballots that they were representative.

In a White Paper released with the fifth report of the commission which was tabled yesterday, the government said it objected in voluntary recognition.

The government has always held the view that the recognition of any worker organization by individual employers or groups of employers or by a few employer organizations should be completely voluntary.

The government is firmly committed to a policy of voluntarism and will continue to support the minimum state intervention. The White Paper said.

The commission on the other hand had urged, though recognizing that it was not its duty to force employers to recognize a union which has been proved in secret ballots to constitute grounds for the submission of an unfair labour practice to the Industrial Court.

The commission also urged that the government should not be obliged to force employers to recognize a union which has been proved in secret ballots to constitute grounds for the submission of an unfair labour practice to the Industrial Court.

The government on the other hand had urged that the government should not be obliged to force employers to recognize a union which has been proved in secret ballots to constitute grounds for the submission of an unfair labour practice to the Industrial Court.

The government on the other hand had urged that the government should not be obliged to force employers to recognize a union which has been proved in secret ballots to constitute grounds for the submission of an unfair labour practice to the Industrial Court.

7-26	2 7 2	statement
3-7	3 3	see STOP
3-10	3 4	statement
8-8	8 2 2	
8-8	8 2 1	
3-1	3 2	
3-1	3 1	
3-4	3 3	
2-20	2 7 2 1	
5-1	5 1	see PAUSE
7-1	2 7 1	statement
1-4	1 4	statement
2-5	2 2 2	Executable Statements
7-4	7 4	EQUIVALENCE Statement
8-25	8 6 3	definition
1-13	1 6	in sample program
8-16	8 5 2 2	in function subprogram definition
2-8	2 4 2	End Line,
6-32	6 8 3	ENDFILE Statement
		Dummy Arguments
		see arguments
2-11	Table 2-4	memory requirements
6-14	6 3 3 2 4	field descriptor for I O data
2-16	2 6 3	constant
2-11 2-	2 5 1 2 5 1 3	Double Precision Type,
2-16	2 6 3	Double Precision Exponent
5-13	5 4	DO Statement
6-2	6 2 2	specification
6-2	6 2 2	list
		DO implied,

2-2	2 7 1	
2-2	2 7 3	
4-2	4 2	
7-11	2 5 1	
1-12	1 6	
9-1	9 2	
8-21	8 5 2 2	
6-7	6 3 3	
6-3	6 2 2	
5-13	5 4	
5-1	5 1	
5-21	5 5	

Pressure to force union registration

CT 26/8/81
(166)

Political Staff

HOUSE OF ASSEMBLY — The government yesterday warned that it was facing increasing pressure to make the registration of all trade unions compulsory.

Even the Wiehahn Commission, which has spearheaded reforms of government labour policy, was divided on the issue and only the casting vote of the chairman, Professor Nic Wiehahn, stopped it recommending compulsory registration.

If the government went ahead with compulsory registration of trade unions it would force the growing number of unregistered unions out of existence and remove unions representing most organized black workers.

'Voluntary basis'

But in a White Paper tabled here yesterday, the government stopped short of adopting compulsory registration.

It accepted the recommendation that "the existing voluntary basis for the registration of the employers' and employees organizations be retained".

But it added "It must be pointed out, however, that strongly worded representations were received from various employer and trade union quarters, including black trade unions, requesting that the existing voluntary basis of registration be replaced by a system of compulsory registration."

In the Wiehahn Commission report itself, seven of the commissioners signed a minority recommendation that "all employer and employee

organizations be required to register with the Industrial Registrar and that his decision with regard to applications for registration be subject to appeal by an aggrieved party to the Industrial Court."

But by the casting vote of Professor Wiehahn, the commission proposed that the system of voluntary registration continue.

Decisions

In the White Paper, which accompanied the fifth and last report of the commission — another section dealing with mine labour falls under the Department of Mineral Affairs and still has to be tabled — a number of decisions were taken by the government.

These included that:

- The military training of apprentices, like those of university students, may be deferred.

- The recognition of trade unions by employers will remain voluntary.

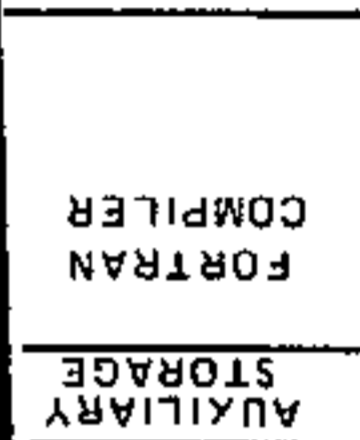
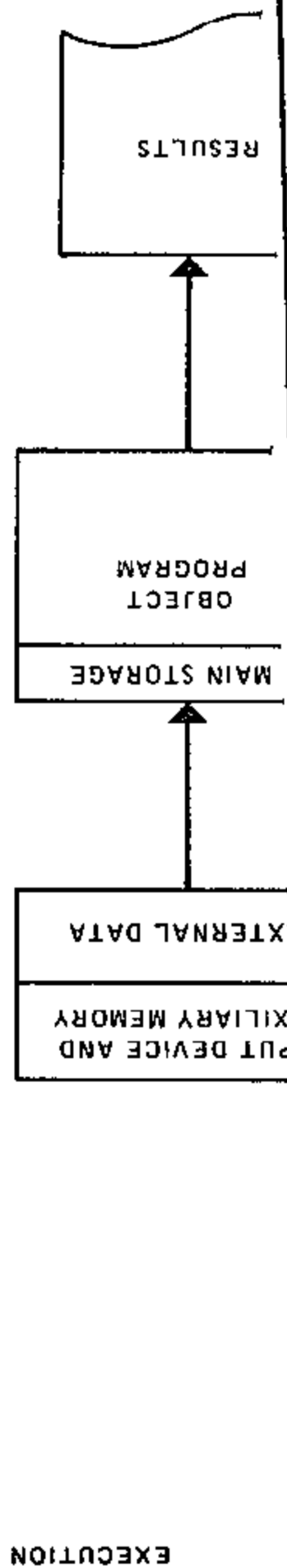
- Closed shop agreements will again be permitted.

- An inquiry look at a recommendation by the commission that civil servants be allowed to have collective bargaining and to strike.

- Women can be fired because of pregnancy though the government has urged employers not to do so.

In the White Paper, the government accepted six basic elements of fair employment practice: The right to work, to associate, to bargain collectively, to withhold labour, to protection and to development.

- More reports, pages 4 and 5



Steps 1 through 4 can be performed in a fairly rapid sequence referred to as 'the compile and execute process' shown in Figure 1-4. The object program is placed in main storage as it is created by the compiler (rather than being transmitted in the form of punched cards as described in step 3) and immediately executed.

Term	Reference	Page	Term	Reference	Page
Extended range	see DO		Format Control and I/O list,	6.6	6-26
External Function(s),	8.5	8-13	FORMAT Statement,	6.3	6-4
basic	8.5.1	8-13	in sample program	1.6	1-11
subprograms	8.5.2	8-15	Function Reference,	8.1	8-1
External Procedure(s),	2.2.1	2-2	as primary in arithmetic	3.2.2	3-2
name as an argument	see EXTERNAL		expression	3.2.2	3-2
subprograms, out-of-line	statement		as primary in logical	3.4.2	3-11
machine coding of	8.1.2	8-3	FUNCTION Statement	8.5.2.1	8-16
EXTERNAL Statement	8.7	8-30	Function Subprogram(s)	2.2.1, 8.5.2	2-2, 8-15
definition of	8.5.2.1	8-16	order of statements in	Table 2-2	2-6
Factor,			references to	8.5.2.3	8-23
in arithmetic expression	3.2.2	3-2			
in logical expression	3.4.2	3-11			
.FALSE	2.6.5	2-17	GO TO Statements,	5.2	5-1
field descriptor(s) in FORMAT	6.3.3	6-7	assigned	5.2.3	5-6
Statement,	6.3.3	6-7	computed	5.2.2	5-2
blank	6.3.3.1	6-8	unconditional	5.2.1	5-2
repetition of	6.3.3.5	6-21	Hexadecimal Computer	1.2.1	1-2
Field Separator(s)	6.3.2	6-6	Hollerith,	2.6.6	2-18
Field Width in Field Descriptors	6.3.3	6-7	constants	8.6.3	8-26
File	6.1	6-1	constant in CALL statement,	example of	
Fixed-Point Representation of	1.5.1.3.1, 2.5.1.1	1-8, 2-12	constants in DATA statement,	example of	
Numbers			data	9.2	9-1
FLOAT Intrinsic Function,	see intrinsic		in DATA statement	6.3.3	6-7
example of	3.2.4, 4.2		in input/output statement	6.3.3	6-7
Floating-Point Representation of	1.5.1.3.2,		law instituted in the	6.3.3.4	6-18
Numbers	1.5.1.3.2,		on the grounds of rel-	6.3.3.4	6-18
Flowchart, sample	1.6		atment	6.3.3.4	6-18
Form Control Characters	Table 6-1		But it did not accept a rec-	2.7.2	2-20
Form, Typical FORTRAN	2.4		ommendation that exem-	2.7.2	2-20
programming			pl-ment	2.5.1, 2.5.1.6	2-11, 2-13
			period of 90 days in which to	2.5.1, 2.5.1.6	2-11, 2-13
			concerned could have a	2.5.1, 2.5.1.6	2-11, 2-13
			not members of the union	2.5.1, 2.5.1.6	2-11, 2-13
			provided workers who were	2.5.1, 2.5.1.6	2-11, 2-13
			agreements could be negotiated	2.5.1, 2.5.1.6	2-11, 2-13
			that closed shop agree-	2.5.1, 2.5.1.6	2-11, 2-13
			ments could be negotiated	2.5.1, 2.5.1.6	2-11, 2-13
			day, the government accept-	2.5.1, 2.5.1.6	2-11, 2-13
			ed	2.5.1, 2.5.1.6	2-11, 2-13
			In a White Paper yester-	2.5.1, 2.5.1.6	2-11, 2-13
			day, the government accept-	2.5.1, 2.5.1.6	2-11, 2-13
			ed	2.5.1, 2.5.1.6	2-11, 2-13
			practices — confining em-	2.5.1, 2.5.1.6	2-11, 2-13
			ployment in factories to par-	2.5.1, 2.5.1.6	2-11, 2-13
			ticular unions — will be per-	2.5.1, 2.5.1.6	2-11, 2-13
			mitted	2.5.1, 2.5.1.6	2-11, 2-13
			The government has finally	2.5.1, 2.5.1.6	2-11, 2-13
			accepted that closed shop	2.5.1, 2.5.1.6	2-11, 2-13
			practices — confining em-	2.5.1, 2.5.1.6	2-11, 2-13
			ployment in factories to par-	2.5.1, 2.5.1.6	2-11, 2-13
			ticular unions — will be per-	2.5.1, 2.5.1.6	2-11, 2-13
			mitted	2.5.1, 2.5.1.6	2-11, 2-13
			The government has finally	2.5.1, 2.5.1.6	2-11, 2-13
			accepted that closed shop	2.5.1, 2.5.1.6	2-11, 2-13
			practices — confining em-	2.5.1, 2.5.1.6	2-11, 2-13
			ployment in factories to par-	2.5.1, 2.5.1.6	2-11, 2-13
			ticular unions — will be per-	2.5.1, 2.5.1.6	2-11, 2-13
			mitted	2.5.1, 2.5.1.6	2-11, 2-13
			The government has finally	2.5.1, 2.5.1.6	2-11, 2-13
			accepted that closed shop	2.5.1, 2.5.1.6	2-11, 2-13
			practices — confining em-	2.5.1, 2.5.1.6	2-11, 2-13
			ployment in factories to par-	2.5.1, 2.5.1.6	2-11, 2-13
			ticular unions — will be per-	2.5.1, 2.5.1.6	2-11, 2-13
			mitted	2.5.1, 2.5.1.6	2-11, 2-13

'Closed shop' accepted 166

Political Staff

HOUSE OF ASSEMBLY — The government has finally accepted that closed shop practices — confining employment in factories to particular unions — will be permitted

In a White Paper yesterday, the government accepted that closed shop agreements could be negotiated provided workers who were not members of the union concerned could have a period of 90 days in which to

But it did not accept a recommendation that exemption on the grounds of religion be instituted in the law

in input/output statement in DATA statement data example of constants in DATA statement, example of constant in CALL statement, constants Hollerith, Hexadecimal Computer

H

unconditional computed assigned GO TO Statements,

G

references to order of statements in definition of Function Subprogram(s) FUNCTION Statement expression as primary in logical expression as primary in arithmetic Function Reference, in sample program FORMAT Statement, relation between Format Control and I/O list,

Reference	Page
6.6	6-26
6.3	6-4
1.6	1-11
8.1	8-1
3.2.2	3-2
3.4.2	3-11
8.5.2.1	8-16
2.2.1, 8.5.2	2-2, 8-15
8.5.2.1	8-16
Table 2-2	2-6
8.5.2.3	8-23
5.2	5-1
5.2.3	5-6
5.2.2	5-2
5.2.1	5-2
1.2.1	1-2
2.6.6	2-18
8.6.3	8-26
6.3	6-4
2.5	2-11
9.2	9-1
6.3.3	6-7
6.3.3.4	6-18
2.7.2	2-20
2.5.1, 2.5.1.6	2-11, 2-13
5.3	5-9

statement see logical IF statement see arithmetic IF

example of

example of

unconditional

computed

assigned

GO TO Statements,

references to

order of statements in

definition of

Function Subprogram(s)

FUNCTION Statement

expression

as primary in logical

expression

as primary in arithmetic

Function Reference,

in sample program

FORMAT Statement,

relation between

Format Control and I/O list,

Govt approach to pregnancy dismissals dismays unions

Star 26/8/87

By Tony Davis,
Labour Reporter

Trade union leaders today slammed the Government's rejection of a number of key proposals in the latest Wiehahn Commission Report especially those dealing with working women.

The commission's fifth report was released in the House of Assembly yesterday with an accompanying Government White Paper which dealt with the recommendations.

Union leaders were disturbed by the Government's rejection of a number of recommendations regarding the rights of pregnant working women.

The Wiehahn report recommended:

- Prohibition of dismissals of women workers solely because they were pregnant

- Increased pre-confinement leave from four to six weeks

- Women to be re-engaged by employers after the birth of their children

All these proposals were rejected. Also rejected was a recommendation for legislation assigning pregnant women to light duties while still at work.

The White Paper did, however, approve a possible increase in pregnancy leave pay.

The president of the Garment Workers' Union, Dr Anna Scheepers said they were very disappointed by the Government's attitude.

"We need all the quali-

fied women workers we can get, and pregnant women should not be dismissed while they are still able to work," she said.

A combined meeting of the clothing unions would discuss these issues.

The general secretary of the Commercial, Catering and Allied Workers Union, Mrs Emma Mashinini said she felt the Government had not really concerned itself about women workers.

Discrimination against working women who are pregnant is one of the most unfair labour practices," she said.

The head of the Southern Transvaal region of the Federation of South African Trade Unions (Fosatu), Mr Taffy Adler, said unions would have to continue to negotiate maternity rights for working women at plant level.

"We can't look to the Government to see to the needs of women workers."

STRIKE

Other important Wiehahn recommendations were rejected by the Government.

These included:

- The right of workers during a legal strike to conduct a picket

- Extension of union rights to domestic and farm workers

- Decriminalisation of existing legal controls on unions and employer bodies

- It should be deemed unfair labour practice if an employer refused to

recognise a registered union which won a secret ballot.

The White Paper said union recognition was a voluntary matter. The proposal would allow a union to take up the rejection with the Industrial Court.

Union leaders were highly critical of the rejection of the "fundamental right" to picket during a dispute.

Mrs Mashinini said the picket was part of the collective bargaining system.

They were also in agreement that domestic and farm workers would continue to organise themselves as they represented a large part of the country's work force.

CLOSED SHOP

"The Government should at least legislate for minimum wages and coverage under workmen's compensation," Mr Adler said.

"The lack of union rights merely perpetuates their servitude."

The White Paper also announced that a committee was investigating the issues of union and strike privileges for civil servants.

The Government was also looking at the National Manpower Commission's recommendation that closed shop agreements be allowed.

Such agreements force workers to join unions which have these agreements with a company.

Threat to unions worries Boraine

Political Staff

CAPE TOWN — The Government's implicit threat to remove voluntary registration from trade unions was a matter of real concern," the Opposition spokesman on Labour said today.

Dr Alex Boraine (PEP, Pinelands) said it was significant that the commission itself had recommended registration should be voluntary, but that this needed the chairman's casting vote.

"Should the Government legislate to make registration compulsory this could cause considerable dissent and further unrest in the labour field," he said.

Of the report and White Paper tabled in Parliament yesterday Dr Boraine said a disturbing aspect was the Government's recurring procrastination on crucial recommendations.

Too many committees and commissions were looking at reports of other committees and commissions, he said.

He said that while the Government had indicated a long-overdue recognition of the role of women as workers, it was disappointing that it had turned down several Ley recommendations.

"In particular they have turned down the recommendation prohibiting the firing of pregnant workers and that employees be required to reinstate workers after approved maternity absence."

The debate on the Prime Minister's Budget Vote ends today. The Manpower Vote debate starts tomorrow.

Transaction operation or scheme - In Smith's case (1964 (1) SA 324 (AD), 26 SATC 1) the court referred to the addition of the word scheme as one of the amendments brought about by the 1959 amendment and appeared to view this as having some significance. King's case (supra) found that the transactions then before the court could

Wiehahn report: several proposals rejected

By STEVEN FRIEDMAN

THE GOVERNMENT has rejected several recommendations in a new Wiehahn Commission report which aimed at liberalising the country's official bargaining system and extending worker bargaining rights — and has delayed a decision on other reforms

It has also rejected recommendations aimed at improving the legal position of working women, but has announced a system of deferment from military training for apprentices

The recommendations are contained in Part Five of the commission's report — dealing with labour relations — which was tabled in Parliament yesterday. The report was published together with a White Paper setting out the Government's attitude to the recommendations

In a key recommendation, the commission decided by the chairman's casting vote that unions should not be forced to register. The Government accepted that union registration should be voluntary, but said it had received "strong representations" asking it to make it compulsory

Voluntary

Among some of the recommendations are that

- It should be an "unfair labour practice" for an employer to refuse to recognise a registered union which won a secret ballot in his factory and unions should be allowed to take such employers to the Industrial Court. Unions would not be allowed to strike on recognition issues until the court had considered the case. The Government rejected this, saying union recognition should be "completely voluntary" and it was committed to "minimum State intervention"
- Many existing legal controls on trade unions and employer organisations should be decriminalised. This was also rejected

- Domestic and farm workers be granted official union rights by extending the Industrial Conciliation Act to cover them. The Government did not accept this, but agreed to "consult all parties" on it, hinting that it would consider some change to the existing law
- Workers engaged in a legal strike be allowed to picket their employer to enforce the strike. The Government rejected this

Closed shop

- Civil servants be allowed union rights and the right to strike — at present they may not strike under any circumstances. The Government did not reject this, but said it was appointing a committee to examine the issue.

In the White Paper, the Government also announced that it was accepting a recommendation from the National Manpower Commission that closed shop agreements be allowed

These agreements, which have been bitterly opposed by some black unions, compel workers in particular companies or industries to belong to a particular registered union. After the first Wiehahn report, the Government said it would not allow new closed shops

The only amendment to the present closed shop position is that workers will now have 90 days to join the union concerned

Women

On working women the commission suggested that

- Employers be banned from firing pregnant women and that they be required by law to reinstate women when they returned from having children
- Maternity benefits offered to women by the Unemployment Insurance Fund be increased to 60% of the worker's earnings and that maternity leave provided for in law be increased from four to six weeks
- The law should require employers to assign light duties to pregnant women "where questions of health and safety are relevant"

In its response, the Government said the issue of maternity benefits would be examined by the Unemployment Insurance Board, but it rejected the other recommendations.

Boraine

Agus 26/8/81

concern

over Govt

'threat'

Political Staff

THE Government's implicit threat to remove voluntary registration from trade unions was 'a matter of real concern,' the Opposition labour spokesman said today

Dr Alex Boraine (PFP Pinelands) said it was significant that the commission itself had recommended registration should be voluntary, but that this had needed the chairman's casting vote.

'Should the Government legislate to make registration compulsory, this could cause considerable dissent and further unrest in the labour field,' he said.

PROCRASTINATING

On the report and White paper tabled in Parliament yesterday, Dr Boraine said a disturbing aspect was the Government's recurring procrastination on crucial recommendations

Too many committees and commissions were looking at reports of other committees and commissions, he said.

As far as recommendations affecting women were concerned, he said while the Government had indicated a long-overdue recognition of the role of women as workers, it was disappointing that it had turned down several key recommendations

The debate on the Prime Minister's budget vote ends today, and the Manpower vote starts tomorrow.

See Pages 8, 9 and 12.

from the end of the Xhosa-Cape African's Eyes: The Diary of the South African Library 34
copy of Mhala see S.E.R.

26th August 1862,

1860, GCA.

Mission Field 11: pp.94-5,

length of the blade.
le piece of wood and being
ly at the Cape. The bat

Quarterly Bulletin of the South African Library 35 (2): p.54, December 1980.
to the Cape in 1863: C. Saunders, 'Eliza's Cape Town, 1863',
girl from St Matthew's Mission, Ketskamma Hoek, during her visit
Compare the account of a train ride written by Eliza M., an African

- 37. For an example of war of 1877-78, see of Nathaniel Umhali, (1): pp.24-38, Sel Mqhayi, U So-gqumal
- 36. Hodgson, op.cit., 1
- 35. G. Moroka to Grey, 22nd November 1862,
- 34. E. Sandilila (Sandi
- 33. ibid., pp.66-7.
- 32. 'The World', The N
- 31. ibid., p.78.
- 30. 'Africa', The Net
- 29. N. Cohon, 'Kafir C
- 28. W. Monde, 'Descrip 1st May 1866.
- 27. Cricket was then in its infancy. Governor Modehouse's enthusiasm for the game giving it was unwieldy, betn of nearly uniform Over arm bowling w
- 26. Compare the account of a train ride written by Eliza M., an African girl from St Matthew's Mission, Ketskamma Hoek, during her visit to the Cape in 1863: C. Saunders, 'Eliza's Cape Town, 1863', Quarterly Bulletin of the South African Library 35 (2): p.54, December 1980.
- 25. 'Kafir College at the Cape', The Net 2: pp.78-79, 1st May 1867.

Wiehahn Commission report:

Blueprint for labour reform

Argus 26/8/8, (166)

Parliamentary Staff

MAJOR new proposals were added to South Africa's blueprint for labour reform with the tabling in Parliament yesterday of the latest Wiehahn Commission report.

Further extensive and detailed reforms have been proposed and an accompanying White Paper sets out the Government's views

Recommendations range from international labour relations to maternity benefits

The report makes 75 recommendations. Of these, about 35 were accepted, 18 rejected outright and the rest are under consideration by various bodies

Fair employment practices, farm workers and domestics, picketing, strikes, women's rights, monopolies and minimum

wages are some of the topics covered

Closed shops, registration, dealings with the private sector and the Industrial Court are dealt with in a score of recommendations

A key proposal accepted by the Government is that the principle of fair employment practices be accepted

It should be based on non-discrimination, basic labour rights and freedom of association

The White Paper points out this is already embodied in legislation but calls on unions and employers to take the initiative

A controversial earlier recommendation of the commission, that the practice of 'closed shop' should be suspended and future agreements prohibited, has been reversed by the Government

The move met with substantial opposition, parti-

cularly from mineworkers' unions leading to a National Manpower Commission investigation

The Government's decision is based on a recommendation by the Manpower Commission

However, employers will no longer be forced to employ union members only. New employees are to be given 90 days of grace to become members

'On the politically sensitive issue of extending labour rights to farm workers and domestic servants, the Government has decided to consult all parties concerned'

Other points include

The Commission for Administration has appointed a committee to inquire into a recommendation that public servants be given collective bargaining rights, including the right to strike

The Government has rejected steeper wage

curves linked to improved skills and responsibility. The step was recommended as an alternative to national minimum wages, which was considered inflationary

Government departments will investigate removing security laws from labour legislation

Scrapping of racial discrimination in taxes and subsidies has been referred to other departments

Voluntary registration of unions has been accepted and procedures will be streamlined, but a suggestion that unreasonable refusal to recognise a union constitutes unfair practice has been rejected

The Government has agreed to scrap sex discrimination but has refused in the main to legislate special protection or privilege for women. Pregnant women will not be automatically re-employed, nor will pre-confinement

leave be increased

The Government has rejected the idea of a directorate of day-care services and a national children's council for all race groups

The Government has rejected a recommendation that peaceful picketing be made lawful.

Although not against the principle that certain offences under the Industrial Conciliation Act be de-criminalised, the Government has invited suggestions on other sanctions

The Government has accepted that there are shortcomings in the present Industrial Court set-up and will look into it.

In a historic overview and future review, the Government accepts the Wiehahn Commission's proposals on moves to get South Africa back into the international labour field.

Women bear the brunt of discrimination

MANY instances of discrimination against women in employment were recorded in evidence to the Wiehahn Commission

'While some of this discrimination has its origin in legislation and consequential regulations and practices, a substantial part is the result of tradition, prejudice or a genuine attempt to provide protection against exploitation,' the report says.

It was possible to determine an underlying set of attitudes and value sys-

tems in many sections of society which were opposed to women in the labour market and which had given rise to two sets of circumstances

'First, the establishment of employment practices which have the effect of protecting male privileges, mainly in the managerial, professional and technical occupations, and second, the evolution of an educational system and an approach to the rearing of female children which are inadequate as a preparation for entry into many

vocations'

Typical examples of discriminatory employment practices in both the private sector and public service included

Many pension schemes differentiated between women and men, often to the disadvantage of women. Women were required to work more years than men before qualifying to enter schemes, rates of contributions and determination of pensionable age differed and there were cases where a woman's pension died with her denying her husband

and children the benefits to which she contributed

Medical aid schemes which laid down conditions of membership that sometimes discriminated against women employees and very often against their families

For example, the children of women employees are often not covered by the medical scheme. In many cases a married woman is required to join her husband's medical scheme whether or not it is better than her own

Housing loans and re-

duced interest rates available to male employees were very frequently denied to women employees even when they were sole supporters of families

Unemployment insurance was available to widows but not widowers of contributors unless they were invalids

All women teachers complained about salary discrimination. Male teachers were paid more in all categories and promotional opportunities for women were few — Sapa.

A new deal for farmhands, domestics?

Parliamentary Staff

THE Government has taken the politically sensitive step of investigating the possibility of extending trade union rights to farm workers and domestic servants

This is to be done on the recommendation of

the Wiehahn Commission

The commission notes that few countries have established industrial relations systems for farm workers.

In a White Paper on the commission's recommendations the Government says it appreciates the reasons

given by the commission why farm workers, domestic servants and certain other categories of employment should be included within the scope of the Industrial Conciliation Act

The Government has taken a similar attitude to

another recommendation by the commission that farm workers and domestic servants be brought within the scope of the Wage Act

On the position of farm workers it points out, however, that the intimate and long established personal

relationship between farmers and workers is generally recognised.

Further, the long distances involved and problems concerning the use and administration of the legislation would make it difficult to organise agricultural workers

Political Correspondent

THE Government has accepted recommendations by the Wiehahn Commission to get South Africa back into the international labour field.

In its latest report which was tabled in the Assembly yesterday, the commission traces South Africa's withdrawal from the International Labour Organisation in 1964

It points out South Africa's departure was preceded by escalating hostility to its membership, notably from Second and Third World members

While not feeling itself called upon to analyse whether it was prudent for South Africa to have broken with the ILO, the report states that it had been detrimental in several ways

ADVANTAGES

Advantages of ILO membership are Participation in deliberations and in the decision-making process, fruitful contact with other members sharing in, and contributing to the latest academic and

Govt 'yes' to contact with ILO

Agus 26/8/81
166
MSW

scientific developments in labour, having a yardstick against which domestic practice can be measured

There is also highly professional research and the advantage of a forum for a member to state a case

The National Manpower Commission has established a commission to seek international labour contacts and to conduct research in this field

The commission says it believes all efforts to maintain and strengthen South Africa's links in international labour and to ensure a flow of factual information from this

country should be encouraged

It warns against foreign codes of conduct, mainly because of their gratuitous intervention and their selective application to South Africa and to foreign corporations operating here

Alternatively the report says South Africa's withdrawal from the ILO has deprived it of opportunities to give a more accurate and balanced picture of its labour and industrial practises

While the commission believes it would be to South Africa's advantage to regain membership of

the ILO it believes it would be more realistic to establish informal contact

The report recommends South Africa should seek to align its labour and industrial law and participate to the fullest extent with international practice

In a White Paper tabled with the report, the Government accepts this principle but points out existing labour legislation already to a large extent complies with international practice

The National Manpower Commission's international labour affairs commission also tried to keep abreast with international developments and labour attachés have been appointed in Brussels and Washington.

The Government has also accepted a recommendation that the manpower commission must undertake and encourage comparative research on South Africa's labour and industrial relations laws and practice against international labour standards

See Page 8

The letters of the Zonnebloem students to Sir George Grey were all written for a specific purpose, either to ask a favour or to please him, and are therefore somewhat limited in scope. The essays, on the other hand, were written as class exercises and are a freer expression of the boys' feelings and observations. Most of these early examples of descriptive writings were published in The Net as part of Miss Mackenzie's efforts to raise funds for the college. The missionary publications

College, Church and Cricket

Another group of three students was sent to St Augustine's five years later. This time they were chosen by Bishop Gray for their academic ability and it was only of secondary importance that one, Nathaniel Cyril Kondile Mhala, was a Xhosa chief's son. The scheme was subsequently discontinued, however, because the English climate was found to be too severe for the Africans and the risk of endangering their lives too great. George and Jeremiah died in England and others were invalided home. Only one went into the Church and he was the son of one of Sandile's councillors, not a chief.

Suzman regrets govt decision on women

Own Correspondent

JOHANNESBURG. — Mrs Helen Suzman, PFP MP for Houghton and veteran campaigner for women's rights, this week expressed regret that the government had rejected numerous recommendations by the Wiehahn Commission which would have improved conditions for working women

This included recommendations that the Industrial Conciliation Act be extended to cover domestic and farm workers, the "least protected and perhaps most exploited people in the labour market", she said

Mrs Suzman also expressed regret that the government had not seen its way clear to accept recommendations improving maternity benefits for working women

In its White Paper tabled with the fifth Wiehahn Commission report, the government rejected several far-reaching recommendations affecting working women — including one that employers be banned from terminating women's services because of pregnancy

The commission recommended that the Shops and Offices and Factories Acts be amended to

● Raise pre-confinement leave from four to six weeks;

● Raise pay during approved pregnancy leave to 60 percent of normal earnings,

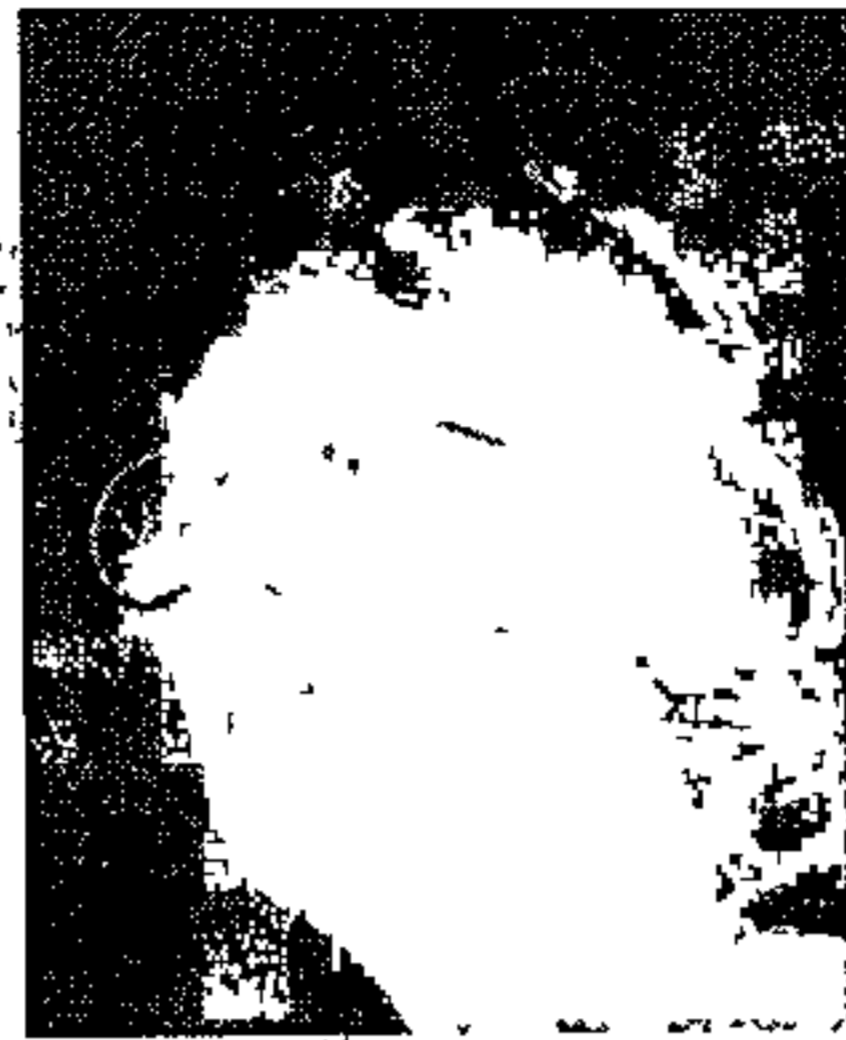
● That dismissal of women due to pregnancy be prohibited and that employers be required to reinstate women employees at the end of their approved absence from work

In its White Paper, the government said that while a possible increase in the benefits payable in terms of the Unemployment Insurance Act would be examined by the Unemployment Insurance Board, it could not agree to the other two recommendations

"The prescribed four weeks' pre-confinement leave has, to the government's knowledge, not created any undue hardship and, in the absence of any sound reason why the period of leave should be increased to six weeks, the commission's recommendation in this regard cannot be supported"

Neither could the government support the recommendation that dismissing of pregnant female workers be prohibited or that employers be required to reinstate them

This would result in "serious complications for employers, especially for the small employer who has to employ substitute labour when an employee takes maternity leave and who cannot afford to increase his labour complement by reinstating the



Mrs Helen Suzman

employee concerned

"The government would nevertheless urge employers to give cases of this nature their most sympathetic consideration and where possible to act in the spirit of the recommendation," it said

The White Paper also rejected a proposal that "all applicable legislative measures be such as to require an employer to assign light duties to pregnant women where questions of health and safety are relevant"

In its report, the commission said many instances of discrimination against women in employment were recorded in evidence to it

According to evidence, domestic workers in the urban areas were in many cases the sole supporters of children in the rural areas and loss of earnings during pregnancy was an extreme deprivation.

Mrs Suzman said last night there were difficulties attached to extending legal protection to domestics and farm workers

"However, some sort of minimum wage with regional differences and provisions for vacation leave, maternity benefits and overtime pay could have been laid down

"I know this will be difficult to monitor but nevertheless the very fact that something is on the statute book is educative, and most people are law-abiding"

Dealing with the other recommendations, she said "I don't know how the government knows that four weeks' maternity leave is no undue hardship"

She added she believed that six weeks' leave was the norm in Western countries

Mrs Joyce Harris, president of the Black Sash, sharply criticized the government's decision against extending legal protection to farm and domestic workers

The government was turning down recommendations of its own commissions with "remarkable frequency"

"One wonders whether they were appointed to seek solutions or merely to buy time"

time of
of
of

of
UN
inf
rev
pub
Th

Hulley: Scrap labour preference

Political Correspondent
HOUSE OF ASSEMBLY —
An opposition MP called yesterday for the urgent scrapping of the policy declaring the Western Cape a coloured labour preference area

Mr Roger Hulley (PFP Constantia) said the policy led to evictions of black people, such as in Nyanga, and kept out people essential for the economic prosperity of the region

It was "an economic disaster", rejected by the coloured people themselves, by the Cape Chamber of Industries, by Stellenbosch University's Bureau for Economic Research and by Professor Erika Theron who had headed a commission which investigated the position of the coloured people

"This policy is immoral in human terms and in economic terms it is throttling the orderly development of the Western Cape"

It was a policy based on Nationalist race ideology. When the government acted against Nyanga squatters in

terms of that policy, it should not claim to be acting on behalf of the whole of South Africa, Mr Hulley said

"When we stop black people coming to the Western Cape, we stop the growth of the Western Cape," he said to Nationalist cries of "nonsense"

The Western Cape had, for 100 years, been the country's second most prominent area, but started a relative decline in the early 1960s. The coloured labour preference area policy was announced in 1962

"I leave it to the economists to draw a connection if there is one"

Mr Hulley said an inflow of black people was essential as they were "vital partners" in the region's industrial and economic growth

A growing population created demands for skills and services. Where people went, business followed and jobs were created when business flourished

"You need people in order to grow," Mr Hulley said

element F2.F2:

by catalogued file

copies of files or

the suspended e.g. to continue

b) copy the

a) copy wh F2:

elements.

This FURPUR

4.8. @COPY

printing. This task as if

This is used

4.7. @@CONI

1. Examine the scheduling/backlog status of the system
2. Examine the current status of a particular job.
3. Remove a job from the backlog queue.
4. Terminate the execution of a job.
5. Examine the print queues for a job.

This command allows the terminal user to emulate the operators console in a limited way. In particular it is possible to:

4.6. @@CONS

- P - set public mode
- Q - set private mode
- V - set read-only mode, clear write-only mode
- W - set write-only mode, clear read-only mode
- Z - clear read-only or write-only mode.

Options for b) are:

options for a) are A,C,O,R and S, any combination may be used (see @COPY).

@CHG,<options> F<keys>.ELT1,F<keys>.ELT2

Format:

b) change a catalogued file's modes and/or keys

a) change the name of a program file element

Wiehahn report: Govt holds back

CT 27/2/81 (166)

Own Correspondent

JOHANNESBURG — The government has rejected several recommendations in a new Wiehahn Commission report which aimed at liberalizing the country's official bargaining system and extending worker bargaining rights. It delayed decision on certain other reforms.

It has also rejected recommendations aimed at improving the legal position of working women, but has announced a system of deferment from military training for apprentices.

The recommendations are contained in Part 5 of the Commission's report — dealing with labour relations — which was tabled in Parliament this week. The report was published with a White Paper setting out the government's attitude to the recommendations.

In a key recommendation, the commission decided by the chairman's casting vote that unions should not be forced to register. The government accepted that union registration should be voluntary, but said it had received "strong representations" to make it compulsory.

Some of the reforms recommended by the commission — which submitted the report to the government before disbanding last year — go much further than most labour experts expected.

They are an attempt to curb worker militancy by making the official system more attractive to unions and encouraging them to register.

However, the government has turned down many proposals.

Among recommendations
● It should be an "unfair labour practice" for an employer to refuse to recognize a registered union which

won a secret ballot in his factory and unions should be allowed to take such employers to the industrial court. Unions would not be allowed to strike on recognition issues till the court had considered the case. The government rejected this.

● Many existing legal controls on trade unions and employer organizations should be decriminalized. This was also rejected.

● Domestic and farm workers be granted official union rights by extending the Industrial Conciliation Act to cover them. The government did not accept this, but agreed to "consult all parties" on it, hinting that it would consider some change to the existing law.

● Workers engaged in a legal strike be allowed to picket their employer to enforce the strike. The government rejected this.

● That civil servants be allowed union rights and the right to strike — at present they may not strike under any circumstances. The government did not reject this, but said it was appointing a committee to examine the issue.

In the White Paper, the government also announced that it was accepting a recommendation from the National Manpower Commission that closed-shop agreements be allowed.

These agreements, which have been bitterly opposed by some black unions, compel workers in particular companies or industries to belong to a particular registered union. After the first Wiehahn report, the government said it would not allow new closed shops.

The only amendment to the present closed-shop position is that workers will now have 90 days to join the union concerned.

The government accepted a recommendation that apprentices be able to receive deferment from military training till they completed their apprenticeship.

It said that exemption boards had been given permission to grant these exemptions "as far as possible".

This would apply to all those who had become apprentices before they turned 21 and would work in much the same way as present deferments for certain students.

Favoured

This had been a demand of white unions who said their members were at a disadvantage in competing with coloured and black apprentices who did not undergo military training and were therefore favoured by employers. They had cited this when blocking applications by employers to train black apprentices.

The government also announced it was to appoint labour attaches in Europe and North America.

The recommendation that it should be an "unfair labour practice" to refuse to recognize a representative registered union was rejected by the government because it said union recognition should be "completely voluntary" and it was committed to "minimum state intervention".

But it also rejected the commission's suggestion of new restrictions on strikes over recognition issues — an attempt to clamp down on the spate of strikes on these issues — because it said existing strike laws were "fair and equitable".

On farm and domestic workers, the government said "there were a number of difficulties" attached to the idea of extending registered union rights to them, but that it would be "failing in its duty" if it ignored this issue.

It said it preferred to consult "all the parties" before making a decision.

subroutine subpro
statement function
intrinsic function
function subprogr
function subprogr
basic function actu
Arguments,
AND
example of
AIMAG intrinsic funct
form control charac
Advance to Next Form
in subroutine subpr
in function subprog
in DIMENSION stat
Adjustable Array,
arithmetic express
order of evaluation
operator
Addition,
Actual Arguments
example of
ABS Basic External Fu
Term

2-25	4 1	array
2-29	4 3	ament
8-17	2 2	
8-20	2 2	
7-3		
8-17	2 2	
2-24	4 1	
8-32		
2-23	4	
5-9	1	
1-12		
4-1		
8-5	1	
3-1	1	
	2	numeric
		Statement
		arithmetic
8-5		
3-1		
2-11, 3-4	3 2 3	ement
		gment
		ithmetic
Page	ince	

INDEX

NM 27/8/81

Black unions condemn move

166

Mercury Reporter

THE GOVERNMENT'S rejection of a proposal, released in the fifth report of the Wiehahn Commission to make it compulsory for employers to recognise registered trade unions which had proved in secret ballots that they were representative, has been strongly condemned by black trade unions

The Natal Chamber of Industries, however, took a non-committal attitude towards the Government's rejection of the proposals, but did regard the Wiehahn Commission's recommendation as being 'more academic than practical'

Comment

The secretary of one of Natal's registered unions, Mr Selby Nsibande of the National Union of Sugar Manufacturers and Refining Employees, said yesterday the Government's rejection of the Wiehahn Commission's recommendation meant that the 'right of black workers is being oppressed and

rejected'

Commenting on the Government's White Paper released in Parliament on Tuesday which said 'the Government has constantly refused to intervene in matters of this nature'. Mr Nsibande said 'In theory they say they don't want to be involved in matters between unions and employers — but in practice they are more involved than necessary'

Mr Nsibande claimed the Government was using a circular argument, and by rejecting the recommendations made in the Wiehahn Commission were, in fact, involving themselves in black labour affairs

The Wiehahn Commission had, so far, been a step in the right direction, but, according to Mr Nsibande all the good the commission had done was now being undone by the Government

Influence

Mr B E Khumalo, publicity secretary of the Natal-based Black Allied Workers' Union, which has

recently applied for registration, said yesterday the Government's rejection of the commission's recommendations was 'totally unacceptable'

'The Wiehahn Commission influenced the union's decision to apply for registration. We will still seek registration but are not happy with the Government's reaction to recommendations made by the Wiehahn Commission'

Mr Khumalo said the Government claimed it did not want to involve itself in management-union affairs, but this was not the case

'The Government only involves itself when it wants to,' he said

Mr Roland Freakes, executive director of the Natal Chamber of Industries said yesterday the recommendation by the Wiehahn Commission was 'in today's circumstances, more academic than practical because any union, given representativeness, would be able to assert its influence with management without recourse to legislation'

166

Star 27/88

Another 'slap' for hopeful workers

A acute disappointment, bewilderment and anger. These are the reactions of the leading South African women to the Government's rejection of recommendations to improve the position of working women here.

The report of the Wiehahn Commission of Inquiry into Labour Legislation which dealt

with working women, had been eagerly awaited. Not the least of the reasons for this was that a sub-committee was appointed by Wiehahn, specifically to examine the lot of working women.

Forty top women sat on this Study Group on Women in Employment and they listened to the submissions of thousands of women and did exhaustive research into the labour legislation of this country as it affected women, and prevented them from working.

They recommended among other things that:

- The period of pre-confinement leave be raised from four to six weeks.
- Remuneration during approved

leave due to pregnancy be raised to 60 percent of the employee's normal earnings.

That the law be changed to prohibit employers terminating the jobs of pregnant women.

That employers be required to re-employ female employees at the end of their pregnancy leave.

In its White Paper the Government said it would look at increasing the benefits payable in terms of the Unemployment Insurance Act. But it would not agree to the other recommendations.

Mrs Roberta Johnston who headed the Study Group on Women in Employment along with Mrs Babette Kabak, said, "Top women worked on that com-

mittee, including the presidents of the National Council of Women and the Business and Professional Women's Club.

"We made serious suggestions on matters of great importance. They were all turned down, and no reasons were given," she said wearily.

Velia Kirkpatrick who heads the Womanpower 2,000 committee would brief it to get women back into the labour force in view of the serious skills shortage said, "I don't understand the Government.

"They give us a brief. We explain the problems of getting women to work" and make recommendations. Then they reject them."

Mrs Kirkpatrick said the Womanpower Committee's job had been made impossible "it's a setback and a shock. It has made us look like fools."

Top trade unionist and a member of the Study Group, Lucy Myubelo, received the news with intense dis-

appointment.

"We did so much work, and see how they have dashed our expectations," she said.

She was incensed that the Government had turned down recommendations that domestic and agricultural workers who received no maternity benefits, should be included in the provisions of the Act.

"Far fewer white women would work if it wasn't for domestics and where would this country be without its agricultural workers?" she asked.

Professor Sandra van der Merwe, head of marketing at the University of the Witwatersrand's School of Business Administration said, "The Government can't, in spite of what it says, be looking at womanpower in a serious way. What is its plan?"

Mr Tony Factor, whose business employs many hundreds of women, feels it is pointless to appoint a commission to make recommendations and then to ignore it when it sets them before you.

"Pregnancy is a social function. Women must perform it and

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

and protect the rights of pregnant women."

Mrs Joan Laubscher, national president of the National Council of Women, who also served on the study group which made recommendations to the Wiehahn Commission, says she is "incredibly disappointed."

"This seems to be the year for slapping women down," she said. "First there was the poor showing in the Budget, and now this. The Government seems to give with one hand and take away with the other. Their motives are a closed book to me."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

TRUIDA PREKEL — "women should not be forced to choose between careers and children"

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

Professor Sandra van der Merwe, head of marketing at the University of the Witwatersrand's School of Business Administration said, "The Government can't, in spite of what it says, be looking at womanpower in a serious way. What is its plan?"

Mr Tony Factor, whose business employs many hundreds of women, feels it is pointless to appoint a commission to make recommendations and then to ignore it when it sets them before you.

"Pregnancy is a social function. Women must perform it and

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

they are entitled to want their jobs and their salaries while they are confined. They need their jobs, and commerce needs them — it seems simple and clear to me," he said.

Mrs Babs Kabak of the Women's Legal Status Committee felt that the action was extremely distressing.

"The Government has been prepared to intervene on other matters related to childbirth, like abortion laws and population control and they should be ready to acknowledge the fundamental importance of pregnancy

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

had caused it."

In the months which followed, Mr Ebersohn visited many of the people who had worked in clinics, factories, and organisations set up by Biko's black community programmes. He spoke with them of their hopes, frustrations and detentions.

Even today he recalls the "remnants of the great hopes they had had — and the bitterness which had taken its place. 'Store Up The Anger' grew out of that."

Study group findings

TYPICAL EXAMPLES OF DISCRIMINATORY EMPLOYMENT PRACTICES:

● Pension schemes differentiated between women according to the disadvantage of confinement is noted. You are in solitary that to take them them up all in ing. There are

● Pension schemes differentiated between women according to the disadvantage of confinement is noted. You are in solitary that to take them them up all in ing. There are

● Pension schemes differentiated between women according to the disadvantage of confinement is noted. You are in solitary that to take them them up all in ing. There are

● Pension schemes differentiated between women according to the disadvantage of confinement is noted. You are in solitary that to take them them up all in ing. There are

WEST

Free union registration choice welcomed

By SANDRA SMITH

THE Midland Chamber of Industries has welcomed the Government's decision not to compel trade unions to register

The decision was contained in a White Paper tabled in Parliament this week along with the release of the fifth report of the Wicks Commission which has spearheaded reforms in the country's labour laws

The executive director of

the Midland Chamber of Industries. Mr Brian Matthew, said the chamber believed it was impossible to expect black employees to organise themselves overnight on the same lines as other unions

It will take some time for black employees, excluded from the system for so long, to organise themselves and establish a power base

And something which is not acceptable to the vast major-

ity, namely registration can't be made compulsory" he said

A state of flux might exist during this interim period of development. People should not over-react to it he said

Referring to the Government's rejection of the Wicks Commission's recommendation that employers be compelled to recognise registered unions which secret ballots had shown were representative Mr Matthew said the negotiation was between the

employer and the union

"It is really between the employer and the union - registered or unregistered - as to how they conduct their affairs" he said

It is very difficult to prescribe, and some flexibility is needed. It should be left to the management of a company

However, in practice, if you fail to recognise a union which is clearly representative, you are obviously asking for trouble

Threat to unregistered unions is suspected

Star 28/8/69
by Drew Forrest

Labour lawyers are concerned at a proposal contained in the recently published fifth Wehahn Commission Report, which may lead to further restrictions on unregistered trade unions.

The commission proposes that where an unregistered union enjoys an advantage over a registered organisation, such as access and other

preferential treatment" this advantage should be grounds for an unfair labour practice suit in the Industrial Court.

In the White Paper the report, the proposal was accepted by the Government, indicating that the present definition of unfair labour practice would cover such cases.

Lawyers say the proposal and the Government's

response could encourage the Industrial Court to rule against unregistered unions which have won preferential rights from employers through their organised strength.

"On the basis of overwhelming support at a company, an unregistered union might win sole bargaining rights," said a legal expert. "A weak rival, registered in the same

area and industry could claim this to be an unfair labour practice.

"This has the potential for encouraging unions which satisfy the bureaucratic requirements of registration, rather than those which are truly representative."

Lawyers stress that there are no legal sanctions for unfair labour practices but employers would be unwilling to

defy a determination by the Industrial Court

"If the competitive advantage enjoyed by an unregistered organisation were recognised as an unfair labour practice, where such an advantage is unfairly used," the report states, "a strong incentive would be introduced for such organisations to opt for registration."

not be hit by the section as it was then words were intended inter alia to bring such the net of the section and based on the decision (supra) the amendment has achieved this result

Call for govt rethink on working women

Political Staff

HOUSE OF ASSEMBLY — Mrs Helen Suzman, opposition spokesman on women's affairs, yesterday called on the government to reconsider its rejection of key recommendations in the Wiehahn Commission to improve conditions for working women

Speaking during the debate on the manpower vote, she praised the commission's recommendations and criticized the government for "rejecting some and stalling on others"

Mrs Suzman called on the minister, Mr Fanie Botha, to

agree to the proposals that

- Domestic and farm workers be included in the provisions of the Industrial Conciliation Act

- Employers be banned from firing pregnant women and that they be required by law to reinstate women when they returned from having children

- Maternity leave provided for in law be extended from four to six weeks

In its reaction to this recommendation, the government's White Paper said the government had found that no undue hardship had been caused by a four-week period of leave.

Page	Reference	Term
2-25	2 7 4 1	Array
2-29	2 7 4 3	Arithmetic IF Statement
8-17	8 5 2 2	in sample program
8-20	8 5 2 2	Arithmetic Assignment Statement,
7-3	7 3	statement function
8-17	8 5 2 2	operators
2-24	2 7 4 1	I/O data
8-32	8 8	IF statement
2-23	2 7 4	IF statement, limited
5-9	5 3 1	expression
1-12	1 6	data types
4-1	4 2	assignment statement
8-5	8 2 1	Arithmetic,
3-1	3 2	expression, limited
2-11, 3-4	2 5 1, 3 2 3	expression
		statement
		assignment
		see arithmetic
		IF statement
		see arithmetic
		see numeric
		data
		operators
		statement function
		Arithmetic Assignment Statement,
		in sample program
		Arithmetic IF Statement
		Array

ation of

Page	Reference	Term
6-5	6 3	form control character for
8-25	8 6 3	Advance to Next Form,
8-17	8 5 2 2	in subroutine subprogram
7-3	7 3	in function subprogram
2-25	2 7 4 1	in DIMENSION statement
3-1, 3-5	3 2 1, 3 2 4	Adjustable Array,
3-5	3 2 1	arithmetic expression
		order of evaluation in
		operator
		Addition,
		Actual Arguments
		see arguments
8-13	8 5 1	example of
		functions, basic
		see external
		ABS Basic External Function,

Page	Reference	Term
8 6 8		subroutine subprogram dummy
8 6 8		subroutine subprogram actual
8 6 8		statement function dummy
8 6 8		statement function actual
8 6 8		intrinsic function actual
8 6 8		function subprogram dummy
8 6 8		function subprogram actual
8 6 8		basic function actual
8 6 8		Arguments,
3 6 3		AND
3 6 3		example of
3 6 3		AIMAG intrinsic function,
3 6 3		form control character for
3 6 3		Advance to Next Form,
3 6 3		in subroutine subprogram
3 6 3		in function subprogram
3 6 3		in DIMENSION statement
3 6 3		Adjustable Array,
3 6 3		arithmetic expression
3 6 3		order of evaluation in
3 6 3		operator
3 6 3		Addition,
3 6 3		Actual Arguments
3 6 3		see arguments
3 6 3		example of
3 6 3		functions, basic
3 6 3		see external
3 6 3		ABS Basic External Function,

INDEX

Mitcal Staff
HOUSE OF ASSEMBLY
 Opposition spokesmen on labour yesterday urged the government to resist any pressure to make the registration of trade unions compulsory.
 The FP spokesman, Dr Alex Braine (Pinelands), said he had been relieved that the government had accepted a recommendation from Dr Wiehan Commission to keep voluntary registration.

"I hope very much the government will not move to a position where it forces all unions to register," Dr Braine said during the budget debate on the Department of Manpower vote.
 The New Republic Party spokesman, Mr Ron Miller (Durban North), said "We believe the present

system of voluntary registration is a good one.
 "We believe it will be counter-productive to force unregistered unions to register."
 "We think it is sound to allow voluntary registration provided they comply with the statutory provisions in relation to membership lists

and accounts."
 Dr Boraine said he was, however, disappointed at the possibility of union registration being made compulsory.
 "The registration of organizations by the state is a controlling rather than a facilitating function," he said.
 Compulsory registration of unions would destroy no-

Arithmetic Assignment Statement
 in sample program
 Arithmetic IF Statement
 Array,
 COMMON statement declaration of
 declaration of adjustable
 DIMENSION statement
 declaration of
 elements

of the unions' collective bargaining rights".
 He said that if it was a requirement for registration that a union be representative, "it should result in automatic membership of industrial councils where they exist and employers should be compelled to recognize unions where there is clear

Don't force registration, govt urged

evidence they are representative".
 The ideal situation was for registration to remain voluntary.
 "The government must resist the temptation to use the 'big stick' because it believe this would undo much of the good which has been done in labour reform and would heighten the suspicion and distrust already present and retard progress towards greater industrial peace," Dr Boraine said.

Term	Page	Reference
ABS Basic External Function,	8 5 1	example of
Actual Arguments	see arguments	
Addition,	3 2 1	operator
order of evaluation in arithmetic expression	3 2 1, 3 2 4	
Adjustable Array,	2 7 4 1	
in DIMENSION statement	7 3	
in function subprogram	8 5 2 2	
in subroutine subprogram	8 6 3	
Advance to Next Form,	6 3	form control character for
AIMAG Intrinsic function,	see intrinsic functions	
example of	3 3 3	
AND	3 4 1	
Arguments,	8 1, 8 1 3, 8 1 4	
basic function actual	8 5 1	
function subprogram actual	8 5 2 2, 8 5 2 3	
function subprogram dummy	8 5 2 1, 8 5 2 2	
intrinsic function actual	8 3	
statement function actual	8 2 1, 8 2 2	
statement function dummy	8 2 1, 8 2 2	
subroutine subprogram actual	8 6 1	
subroutine subprogram dummy	8 6 2, 8 6 3	

Arithmetic Assignment Statement
 in sample program
 Arithmetic IF Statement
 Array,
 COMMON statement declaration of
 declaration of adjustable
 DIMENSION statement
 declaration of
 elements
 example of adjustable
 function subprogram
 arguments involving
 location of elements in
 using name of

of the unions' collective bargaining rights".
 He said that if it was a requirement for registration that a union be representative, "it should result in automatic membership of industrial councils where they exist and employers should be compelled to recognize unions where there is clear

Botha: Worker response good

CT 28/8/81 (166)

HOUSE OF ASSEMBLY — The number of black workers who had shown their willingness to co-operate in the new labour dispensation in the Republic was phenomenal, the Minister of Manpower, Mr Fanie Botha, said yesterday

Speaking during the debate on his vote in committee, Mr Botha said there were positive indications that the new dispensation would succeed

When the new dispensation was first mooted, there were those who claimed reforms were cosmetic, outdated and aimed at continued suppression of black workers

There were those who claimed that changes in other fields would have to follow if changes in the manpower field were to succeed, and those who feared reforms could be used as a lever to force other unwanted reforms

In spite of all this, it was becoming evident that the new policy was beginning to succeed

Mr Botha said the government was determined not to be stopped in its efforts to find and implement a dispensation which would satisfy every worker in the Republic

ment was determined not to be stopped in its efforts to find and implement a dispensation which would satisfy every worker in the Republic

Autonomy

For such a dispensation to succeed it would have to be brought about in an atmosphere of industrial peace and this had been one of the major factors influencing reform

The autonomy of trade unions and their right to determine membership had to be retained, while workers had to be given the opportunity of forming common interest groups

Other essentials were that unions, whether registered or unregistered, would have to have constitutions available for scrutiny, that their membership lists be similarly open, that their funds should be audited, and that their head offices should be within the borders of the Republic

In this way it would be possible to bring about the necessary reforms Mr Botha said

- (31) There is no function sub entity in com (8.5.2, 8.8).
- (30) Function sub entity in com (8.5.2, 8.8).
- (29) Basic FORTRAN provides only the following basic external functions. EXP, ALOG, SIN, COS, TANH, SQRT, and ATAN (8.5.1).
- (28) Basic FORTRAN provides only the following intrinsic functions ABS, IABS, FLOAT, IFIX, SIGN, and ISIGN (8.3).
- (27) There are no logical statement functions (8.2).
- (26) In formatted READ and WRITE statements, f must be the statement label of the FORMAT statement, no array name is permitted (6.4, 6.5).
- (25) In numeric fields, blanks are permitted only to the left of the first nonblank character and between the sign of the field and the next nonblank character (6.3.3.2).
- (24) There is no provision in FORMAT statement for scale factor (6.3.3), data exponent on input for F field descriptor (6.3.3.2.2), or second level of parentheses (6.3.3.5, 6.6).
- (23) There are no D, G, or L field descriptors (6.3.3).
- (22) There is no form control character for formatted output records (6.3).
- (21) There is a maximum of four, instead of five octal digits in a PAUSE statement (5.6.1).
- (20) There is no provision for extended range in a DO loop (5.4).
- (19) There is no logical IF statement (5.3).

Strikes: Be tougher, says Nel

Political Staff
 HOUSE OF ASSEMBLY — A Nationalist MP, Mr Louis Nel (Pretoria Central), yesterday called on the government to tighten up the laws against illegal strikes

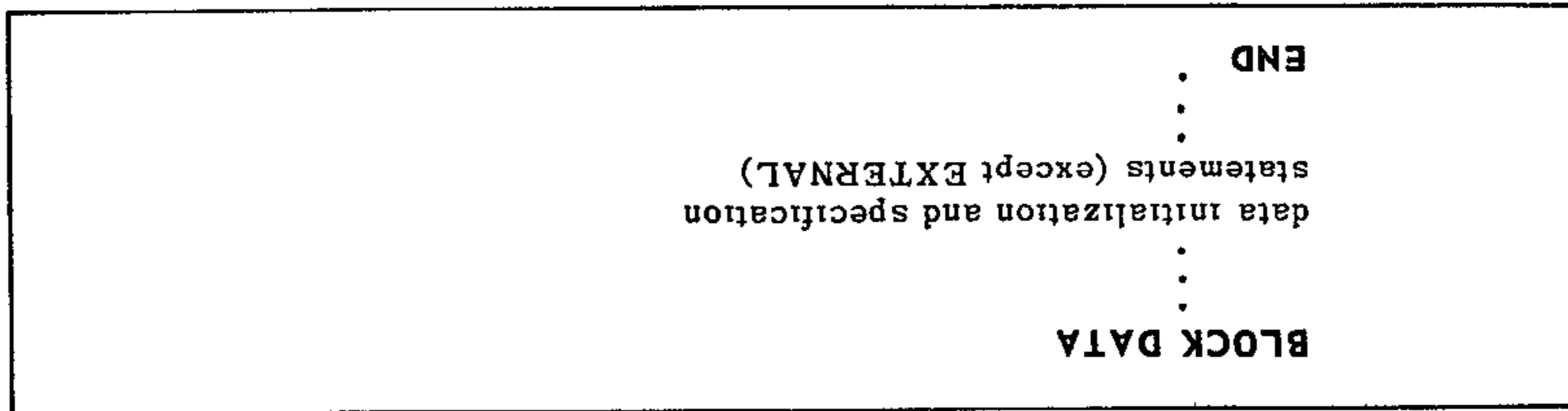
For example, although the Labour Relations Bill prevented financial aid from trade unions for illegal strikes, it did not mean that aid could not come from other bodies, including international organizations.

The existing law only prevented financial aid to strikers whereas other aid, such as housing and food, could still be given. And it only prevented financial aid to strikers — it could still be given to their families.

Mr Nel called on the Department of Manpower to draw up a strategy to deal with illegal strikes

- (6) There ma
- (5) The block a dn wraj on the Department of Manpower to draw up a strategy to deal with illegal strikes
- (4) The last line of the subprogram must be an end line.
- (3) All specification statements must precede the DATA statement(s).
- (2) The body of the block data subprogram consists of one or more DATA statements, one or more COMMON statements, and all other required specification statements except the EXTERNAL statements. These specification statements are type-statements, DIMENSION, and EQUIVALENCE statements.
- (1) The first statement of a block data subprogram must be the BLOCK DATA statement.

Rules:



To initialize values of labeled common blocks, at compilation time.

Function:

9.3. BLOCK DATA SUBPROGRAM

A to 0.0
 B to 0 0
 MATRIX(1) to all blank characters
 MATRIX(2) to 0
 MATRIX(3) to 0

The values will be initialized as follows

D I M E N S I O N (3)	
D A T A A , B / 2 * 0 . 0 / , M (1) / 2 * 0 . 1 H /	

Example:

Unions: Minister denies calling in police for aid

Political Staff

HOUSE OF ASSEMBLY. — The Minister of Manpower, Mr S P Botha, yesterday denied that his department had called in the police to act against unregistered trade unions.

"We do not ask the police to operate in the field of labour. We do not do it," Mr Botha said.

But he emphasized that the police had a duty to maintain law and order and added that not everyone in trade unions were "little angels".

"The police are free to maintain law and order," he

said. However, he had never asked the Minister of Police to take action against strikers and the police did not interfere in the operations of his department.

Mr Botha said this after both Dr Alex Boraine (PFP, Pinelands) and Mr Horace van Rensburg (PFP, Bryanston) urged Mr Botha to ask

the Minister of Police, Mr Louis le Grange, to stop acting against the South African Allied Workers' Union in the East London area.

Dr Boraine said there appeared to be victimization against SAAWU, such as through the detention of two its leaders under the Terrorism Act although they worked in a factory which recognized the union.

"This sort of action affects the Department of Manpower directly," Dr Boraine said.

Nothing would be solved by detaining unionists and he urged Mr Botha to speak to the Minister of Police about these activities.

Mr Van Rensburg said the distribution of a document which had been drawn up by the security police in East London against SAAWU should be condemned.

He urged Mr Botha to protest to the Minister of Police against the distribution of the document.

"If he does not do so and stands by weakly he will be allowing other people to interfere and to subvert the policies of his department."

Bedevilling

Mr Botha should speak to Mr Le Grange to prevent this sort of interference.

When Mr Van Rensburg asked Mr Botha whether he had seen the document, the minister said, "The police do not stick their noses into my department's affairs."

Mr Van Rensburg said this sort of action was bedevilling labour relations and creating suspicion.

"Suspicion is being created because of the unwarranted interference of the police," Mr Van Rensburg said.

(8) A 1

(7) An

(6) No

(5) An

(4) Th

(3) A

(2) Ea

(1) Du

Rules:

where

DATA

time.

To int

Func

DATA

9.2. DATA

block

This ;

9.1. GENE

an array element reference must be an integer

appear in a DATA statement.

les and/or array elements separated by commas. ints and optionally signed constants separated may be preceded by *, where / is an integer tion of a constant / times.

tried variables and/or array elements at compilation

A statement (data initialization statement) and the ation subprogram).

9. INITIALIZATION

Domestics
WM 28/8/81
welcome

Wiehahn
~~proposals~~
proposals

Mercury Reporter (16c)

THE NATAL organiser for the Domestic Workers and Employers Project (DWEP) Mrs Audrey Cobden, said yesterday she 'welcomed the Wiehahn Commission proposals' which were tabled in its fifth report in Parliament on Tuesday extending labour rights to farm workers and domestic servants.

The Government has decided to consult all parties concerned before accepting the proposal.

Mrs Cobden said DWEP had been recommending the extension of these rights since 1977, and had suggested that domestic and farm workers should fall under the ambit of the Wages, Industrial Conciliation, Unemployment Insurance and Workmen's Compensation Act.

'I hope it will not take as long for legislation to be executed as it has taken for DWEP's recommendations to be noted,' she said.

Strike loophole in Pension Bill

A provision in the Preservation of Pension Interests Draft Bill contains an open invitation to workers to strike, pension experts believe.

The provision states that the Minister of Finance may exempt any person or body of people from compulsory preservation of pensions in exceptional circumstances.

This clause was introduced after workers in the Eastern Cape struck in protest against the proposals of the draft Bill which could freeze their pension contributions.

Mr Paul Chipsham, director of a Johannesburg management services company, said this clause could encourage workers to strike so as to qualify for the exemption.

He said the clause was introduced as a sop to Eastern Cape strikers. Workers elsewhere in the country might follow suit to pressurise the authorities to exempt them from preserving their pensions.

Mr Chipsham said that, if black workers achieved exemption through stri-

king, white blue collar workers might do the same.

The clause was bad and should be removed, he said.

Mr N van Staden, registrar of financial institutions, suggested that proposals such as these be submitted to him for consideration with a view to improving the draft Bill before it was put before Parliament next year.

Mr van Staden said that the Draft Bill meant that some employers might have to moderate their pension promises to employees because, after an employee had been with an employer for 12 months, all pension benefits would have to be kept in trust and could be transferred to the pension fund of a new employer.

COMPETITION

But Mr van Staden said that, with competition between employers, pension fund benefits might not be reduced.

Perhaps the most important principle upon which the proposed scheme rests is that benefits held out in the rules of any pension fund constitute part of the em-

Expert fears

Exemptions will

spark unrest

166
28/8/87

player's total package of remuneration — that is, deferred pay.

"This deferred pay is seen as the already-earned property of the member or employee concerned.

"This property is held in safekeeping and must accumulate interest until it is applied to furnish a pension upon retirement, death or disablement," Mr van Staden said.

In practice this means that when an employee resigns from a job, he has to find a home for this deferred benefit.

If the pension fund of his ex-employer agrees, the money may be left with that fund to accumulate interest.

If the new employer has a pension fund, and that fund agrees, the member may transfer his accumu-

lated pension money to the new pension fund.

Alternatively the employee may decide to transfer his pension money to a retirement annuity fund of his choice.

He may also transfer it to one of the special trust savings accounts that will become available at banks, building societies and the Post Office for this purpose.

These special savings accounts will operate under similar conditions to retirement annuities and may not be drawn in cash.

They must remain to accumulate interest until transferred to a pension fund or a retirement annuity fund.

This money will qualify for tax concessions in

much the same way as a retirement annuity fund.

This means that employees who leave an employer who has a pension scheme and goes to work for one who lacks such a scheme can still have his pension money transferred to a new fund.

How will this affect an employee who joins a new firm at the end of his career when he is earning his peak salary?

Will this place an undue burden on the new pension fund to pay him a high pension when he retires?

Mr van Staden believes it will be up to the new employer to "cut his coat according to his cloth" when he employs a highly-paid person who is nearing retirement.

It is possible that some of such an employee's salary may not be recognised for pension benefits.

The draft Bill does not tamper with the general rule that up to a third of the total pension may be paid out as a lump sum on retirement.

But it adds the proviso that the remaining pension should not be less than twice the current

maximum social old age pension in the case of a woman or an unmarried male pensioner.

In the case of a married man who goes on pension, his monthly pension payments may not be less than four times the social old-age pension.

This proviso will not apply during the first five years of the Act.

COMPULSORY

The draft Bill aims at freeing the State from the burden of paying social pensions to people who never bothered to work towards a decent pension of their own.

The next step may be to make pension schemes compulsory for all employers.

The interdepartmental committee of inquiry, which recommended the draft Bill, is looking at ways of ensuring that pension benefits are spread to a wider population.

The Government's philosophy has been to rely on the private sector rather than introduce a national pension scheme. At the same time the Government hopes to achieve the effectiveness normally associated with a national pension scheme.

Sawyer 28/8/81

Socialism 'easier'

(166)

BLACK TRADE unions are not willing to register because they do not want to be seen to be part of the white establishment associated with capitalism, exploitation and abuse, Professor Nic Wiehahn says.

Professor Wiehahn, head of the Wiehahn Commission, was writing in the latest issue of the Corporation for Economic Development's "Growth" magazine

In an article based on a recent Unisa School of Business Leadership seminar, Professor Wiehahn says "What else can these unions become, if not vehicles for African socialism?"

With blacks caught up in the process of advancement and assimilation within a relatively strange economic system, Professor Wiehahn believes their aspirations are well-nigh impossible to meet

"The bigger the concessions, the more intense the aspirations and demands I accept that it is incomparable — for some it is too much, too soon, and for others not enough, too late"

REJECT

Professor Wiehahn points out that because of the "survival of the fittest" character of the free enterprise system there is the danger that blacks could slide into the easier system of socialism

In fact, this is one of the points made in Part One of the Wiehahn Commission's report — "There is the danger that blacks will no longer merely reject the whites, em there is the danger that blacks could slide into the easier system of socialism

In fact, this is one of the points made in Part One of the Wiehahn Commission's report — "There is the danger that blacks will no longer merely reject the whites, but also their philosophies, institutions and systems"

On the other hand, he is adamant that no form of protection for black businessmen should be entertained

"We would be doing just what we have been doing for the whites, protecting them by law," says Professor Wiehahn, "and the protection of a group does not lie in legislation"

CRISIS

Protection lies only through the free enterprise system which has the elements of bargaining, competition and exertion to the maximum

Professor Wiehahn argues "If one wants to keep socialism away from blacks by legislation, then I would only point to job reservation which since 1959 became an empty shell Rather educate the blacks and let them participate

"I don't see how one can have a free enterprise system for one group — the whites — and at the same time keep blacks out of the system but protect them from socialism by law

Apart from alleviating the shortage of skilled manpower "which is now reaching crisis proportions," Professor Wiehahn says black advancement is important in preventing polarisation between different groups along racial lines — the "haves" and the "havenots"

DOMESTICS' CONDITIONS

Bill of rights

FM 28/8/81

166

There has always been a common law duty to provide safe working conditions for domestic workers. Now the Machinery and Occupational Safety (MOS) Bill tabled in Parliament earlier this month, could make protection statutory.

The framework for health and safety provided by the old Factories, Building and Machinery Act only covered working conditions in factories. The MOS Bill extends many of the safety provisions to include domestics. An employer will be required to report any serious accident in the home to either an inspector of manpower, a member of the SAP, or to a local authority.

According to Halton Cheadle, assistant director of the Wits Centre for Applied Legal Studies: "A serious accident includes a fatal accident, one likely to cause fatality or an accident involving the whole or partial loss of a limb. An accident where an employee is not able to work for longer than 14 days is also in this category."

Consideration is also given to the conditions of pregnant domestic workers, who may no longer be employed four weeks prior to the expected date of confinement or eight weeks afterwards.

The Bill specifies that an employer's duty is to ensure so far as is reasonably practical the health, safety and welfare at work of all employees. Says Cheadle: "In a private household this probably refers to conditions where electricity or gas are being used. If an employer is aware that

an appliance is dangerous and does not repair it before the employee uses it, this could constitute a breach of duty."

A victimisation provision protects workers (including domestics) against dismissal for revealing dangerous working conditions to an inspector, a local authority or a member of the SAP. Dismissal of a worker for these reasons is now illegal. In addition, authorities have been granted rights of entry for the purposes of inspection.

The rejection of some of the commission's recommendations will inevitably provoke a great deal of criticism. However, in some respects government's response does represent a forward step. Says Professor Blackie Swart of the University of Stellenbosch Graduate School of Business: "Looking at what the Department of Manpower is doing compared to other government departments there seems to be some progress."

LABOUR FM 28/8/81
Wiehahn Part 5

166
Government has accepted important recommendations in the latest report of the Wiehahn Commission, but has rejected or delayed a decision on others which aim to make major reforms to SA's collective bargaining system. It says it believes in a minimum of State interference in labour affairs but its rejection of some important proposals shows that it still wants to exert strong controls.

The recommendations are made in Part Five of the commission's report, which deals with labour relations. The report was tabled in Parliament this week along with a White Paper containing government's response to it.

Government has accepted the commission's recommendation that union registration should be voluntary and that the registration process should be streamlined. It accepted this recommendation even though it has received strong representations for compulsory registration.

Government has rejected a proposal that it should be an unfair labour practice for an employer to refuse to recognise a registered union which has won a secret ballot in his factory. Government's view is that union recognition is completely voluntary and that it is committed to minimum

State intervention in labour affairs

Some labour observers believe the acceptance of this recommendation would have provided an important incentive for unregistered unions to join the official collective bargaining system. However, others say that in practice, any company which has gone as far as to allow a secret ballot is not likely to ignore the result.

Government has not accepted a recommendation that many legal controls on trade unions and employer organisations should be decriminalised but has indicated a willingness to consider this matter further. It has refused to approve a proposal that workers engaged in a legal strike be allowed to picket their employer. However, government departments are to investigate removing security laws from labour legislation.

Civil servants

In reaction to a recommendation that civil servants be allowed to strike (at present they may not) and have collective bargaining rights, government has agreed to appoint a committee to examine this issue.

It has also altered its stance on closed shop agreements — these compel workers to belong to a particular trade union in certain industries or companies. Previously government had said it would not allow new closed shops, but in the White Paper government says it has accepted the National Manpower Commission (NMC) recommendation that closed shop agreements be allowed. One amendment to the present position is that a worker will not have to be a member of the union involved in a closed shop agreement at the time that he is employed but that he should be given 90 days in which to join the union.

It has rejected moves to force employers to automatically re-employ pregnant women after confinement and has refused to increase the prescribed four weeks pre-confinement leave to six weeks. Government does, however, urge employers to treat pregnant women sympathetically.

A noteworthy step is government's indication that it is willing to investigate the possibility of extending trade union rights to farm workers and domestic servants. In the White Paper it says it appreciates the reasons given by the commission why farm workers, domestic servants and certain other categories of workers should be included in the scope of the Industrial Conciliation Act.

Government has accepted that more day-care centres for employees' children should be provided and subsidies for this increased but has rejected a proposed directorate of day-care services and a national children's council for all races.

A proposal that the Department of Manpower liaise closer with the private sector has been accepted, but a proposal to create a statutory body to control personnel management has been rejected.

Pay heed to labour, employers warned

Political Staff

HOUSE OF ASSEMBLY — The Minister of Manpower, Mr Fanie Botha, has bluntly warned employers to be more aware of labour issues and said they know nothing about difficulty.

Mr Botha also said his department and the Manpower Commission would be watching the situation regarding illegal strikes to see if any new changes were necessary

to the Labour Relations Bill. Speaking at the end of the debate on his vote, Mr Botha said employers would play a key role in the establishment of labour peace.

"The big problem in South Africa is the fact that the employers know nothing about 'difficulty'.

"They do not know what a strike looks like and they do not know how to handle them.

"This is just because in the

past we enjoyed labour peace over such a long period.

"Therefore, it is so important the employers prepare themselves for a situation that can be created where there can be more labour peace," Mr Botha said.

Employers should make financial contributions to train people so that they could handle labour relations.

"As I said, a large part of the problem exists because the needs of employees are not

satisfied. People must take notice of them," Mr Botha said.

In Britain, the top management spent 60 percent of their time in labour relations. In Germany, it was about 35 percent, while in the rest of Europe it varied between 30 and 50 percent.

But in South Africa top management spent only one percent of their time on labour relations.

"We cannot afford such a

situation in the future. "Therefore the contributions of employers in the future must be considerably larger."

Mr Botha also said he was pleased with developments since the Manpower 2000 campaign had been launched. The private sector had been involved and a great consciousness had developed among employers as a result.

He thought more changes would occur in the future.

- Rules:
- (1) Some arithmetic assignment statements should be avoided or avoid possible inaccuracies. For example, the statement should be replaced, if possible, by the statements $A = 1$ or $A = 2.0 * 10.0 * 4.0$. The two values may be preferred to $X = 2.0 * 10.0 * 4.0$. The two values may be preferred to $X = 2.0 * 10.0 * 4.0$. The two values may be preferred to $X = 2.0 * 10.0 * 4.0$.
 - (2) Some arithmetic operations can be avoided by using the constant, thus saving execution time. For example, the constant, thus saving execution time. For example, the constant, thus saving execution time. For example, the constant, thus saving execution time.
 - (3) References to intrinsic functions are available (see Section 3) type data and converting the real and imaginary parts as
- Examples:
- (1) This sequence shows how to compute and store the fraction K_2/K_3 .

D.O.U.B.L.E.	P.R.E.C.I.S.I.O.N.	K.2.2,	K.3.3
K.2.2 = K.2	K.3.3 = K.3		
Q.U.O. = K.2 / K.3			
R.E.M. = K.2.2 / K.3.3 - Q.U.O.			

(2) This operation can be source coded more conveniently via function DMOD (see Table 8-3) as follows

D.O.U.B.L.E.	P.R.E.C.I.S.I.O.N.	K.2.2,	K.3.3
K.2.2 = K.2	K.3.3 = K.3		
R.E.M. = D.M.O.D. (K.2.2, K.3.3)			

(3) The next example introduces the intrinsic function FLO to eliminate an arithmetic assignment statement used for

X.L.E.N.G.T.H. = L.E.N.G.T.H.			
V.O.L.U.M.E. = X.L.E.N.G.T.H. * W.I.D.T.H. * H.E.I.G.H.T.			
C.I.N.E.X.T. L.I.N.E. U.S.E.S. F.L.O.A.T. F.U.N.C.T.I.O.N.			
V.O.L.U.M.E. = F.L.O.A.T (L.E.N.G.T.H.) * W.I.D.T.H. * H.E.I.G.H.T.			

Call to change new labour bills

Staff Report

THE Cape based General Workers Union has called on the Department of Manpower to make key changes to two recently published labour bills dealing with service conditions and industrial health.

The recommended changes to the Conditions of Employment and the Machinery and Occupational Safety Bills were contained in a GWT submission to the department released in Cape Town yesterday.

Both bills were published in the Government Gazette of July 30.

The GWT submission said the Conditions of Employment Bill should have as its object the guarantee of minimal acceptable conditions of employment of all workers.

The exclusion of certain categories of workers from the provisions of the bill was unacceptable.

Other key changes recommended by the GWT are that

① Overtime shifts should be voluntary and not compulsory if the employer bidding but if the compulsory element is retained employers must give workers 24 hour notice of impending extra shifts not to exceed 10 hours a week.

② Where workers claim money from a company the being underpaid for a period of time that more should all go to the worker without portion being deducted for the State Revenue Fund.

③ Factory floor working conditions should be the subject of negotiation between employers and workers alone and the State should have no role in these negotiations.

The GWT thus rejected legislated exemptions to the provisions of the act and said all exemptions should be subject to appeal to the Industrial Court.

④ Provision should be made for workers to be told about any special exemptions from conditions contained in the bill.

The union said the bill exists in order to guarantee some basic rights to the workers in a work situation always potentially open to exploitation by employers. The real protection of the worker lies not in the mere existence of the law but in his knowledge of the law.

The GWT welcomed the general provision of the Machinery and Occupational Safety Bill and said it correctly recognizes that the causes of dangerous working conditions lie with the employers and not with the workers.

'Disturbing'

However criticism was levelled because employer responsibility for safety was not stated explicitly enough in the bill and it was particularly disturbing that safety contraventions by employees had not been made an offence.

The submission called for formal procedures to be laid down so workers could request a Departmental inquiry if they believed there was any danger to their health or safety.

There should also be no exemptions to the list of dangerous substances handled by workers is once a process of substance is found to be dangerous, it must of necessity always be so.

Thus any exemption would amount to a cynical disregard for the health and safety of the workers and cannot be condoned.

Factory floor safety representatives should be elected and put appointed and there should be a statutory provision that these representatives be consulted on health and safety from the union end.

TIME was when the release of a Wiehahn report would have caused a flurry among employers, unionists and the Press. No longer.

A bulky commission report on labour relations — its fifth out of six — has been published with a Government White Paper responding to it. A week later the entire event seems to be forgotten.

This may be because the first Wiehahn report in 1979 set out the blueprint for the new labour dispensation and later reports have been attempts to flesh out the blueprint. They have thus had less impact.

But the later reports have been a long time coming — they were expected in early 1980. And the Government has taken a long time publishing them — Report 5 was handed to it late last year.

As a result, several Wiehahn 5 proposals have either been enacted into law or are the subject of already-announced official investigations.

More importantly, events in the factories have proceeded apace and some believe the reports have been largely overtaken by events.

Significant report

Black unions and some employers are increasingly looking for an accommodation outside the official system and the attention of both sides has been focused more on events on the ground than on commission reports.

But the report is significant, for it was written after many of the trends which followed the introduction of the new dispensation had become apparent.

It notes the refusal of some unions to join the controlled official system (its first report aimed to draw them in) and the strikes which began in 1979.

The report and White Paper are thus a key pointer to official thinking on developments since the first report.

The report was also a surprise because it recommended reforms which some described as "surprisingly enlightened" — such as official pressure on employers who refused to recognise representative registered unions, the right to picket for legal strikers, improvements in the position of working women.

The report sets out to tackle the failure of reforms to curb worker militancy and the rejection by some unions of the controlled official system.

It rejects arguments that the system is a means of "excessive control" or that official bargaining machinery is too "complex and unwieldy".

It says these criticisms were rarely heard before the new dispensation and suggests one reason may be that (black) newcomers to the system "are in many cases relative strangers to the industrial society and its institutions".

But it concedes a need for reform and backs an approach already endorsed by the Government — the system must be made more attractive to persuade unions to join and there must be "disincentives" for those who refuse.

Casting vote

The most obvious "disincentive" is simply to force unions to register and half the commissioners voted for a law making registration compulsory.

But, by the casting vote of Professor Nic Wiehahn, the commission rejected this. It also rejected the proposal in its own first report that employers be barred from signing agreements with unregistered unions.

Instead, it proposed measures to deter unions from remaining unregistered. It suggested that unregistered unions be subject to new controls — for example that their records be subject to Government inspection.

This has already been included in the Government's new labour Bill.

But two major controls on unregistered unions enacted by the Government were rejected by the commission.

The Bill extended political controls to unregistered unions and forbade employer deduction of union dues on their behalf without official permission.

But the commission said that "Where ideologically motivated organisations seek to achieve political results through industrial action no amount of compulsion in industrial law will prevent such abuses".

Strong incentive

It also rejected barring deduction of union dues for unregistered unions, arguing that "the need to encourage emergent worker organisations to participate voluntarily in the system makes it undesirable".

The commission also proposed a new measure — accepted by the Government — which it sees as a "strong

Latest Wiehahn plan to woo the unions

THE Wiehahn Commission's fifth report — on labour relations — has been published with a Government White Paper responding to it. Although the report has evoked little reaction, it provides an interesting pointer to official attitudes to recent labour trends. Labour Reporter STEVEN FRIEDMAN sums up the situation.

MANPOWER MINISTER BOTHA had the report for almost a year

incentive" for unregistered unions to register.

It expressed concern that unregistered unions enjoyed an advantage over those who registered because of their relative freedom from Government control.

It suggested that registered unions who felt that unregistered rivals enjoyed an advantage over them could complain to the industrial court.

Thus, where an unregistered union had won a clear majority and the employer had therefore decided to extend bargaining rights and other facilities to it, an unrepresentative registered union could ask the court to intervene.

This substitutes Government approval of a union for representativeness in deciding whether employers should deal with it, and would be a blow to attempts to reach an accommodation between employers and representative unions.

Wide powers

The report also proposes making the official system more attractive.

While supporting registration, it concedes that it gives the Government's registrar wide powers and that there are often long delays before unions are registered. It suggests the procedures be streamlined.

The Government has made no decision on these proposals, which would ease the registration system, but keep most of its basic features intact.

It recently appointed an enquiry into registration by the National Manpower Commission and will wait for its report, expected early next year.

Recommendations on bargaining rights for factory-level works councils and revamping the new industrial court will also have to wait for NMC enquiries.

The commission went on to make a proposal which may have offered a really concrete incentive to unions to join the official system.

Lawyers have argued that, while entering the official system imposes control on unions, it does not automatically grant them the right to bargain directly with employers, who can refuse to deal with a registered union.

They say such a right would make the system far more attractive to unions. The report proposed officially-supervised

secret ballots to establish union support and that employers who refused to recognise a registered union which won a ballot would be subject to a complaint to the industrial court.

Unions would not be allowed to strike on recognition issues unless the court had made a decision in their favour which the employer then ignored.

The chief purpose was to avoid strikes over recognition, which are common.

While unions might have objected to official supervision of the ballot, the proposal would certainly have offered some incentive to register.

The Government rejected the proposal, however, on the grounds that it was committed to "minimal state intervention".

The report also proposed that official bargaining rights be opened to all races. Parts of this suggestion have been included in the Bill, such as extending union rights to foreigners and allowing non-racial registered unions

Farm workers

But the commission also suggested that farm workers, domestics and civil service workers be granted official bargaining rights, although public servants would enjoy no right to strike.

This would be particularly important to farm workers, some of whom are joining unions. And unions complain that official machinery is not available to workers in some food factories which are classed as "farming operations".

But the Government delayed a decision — pending "consultation with all parties" on farm workers and domestics and an enquiry on public servants.

It also delayed on a suggestion that some controls in the system be decentralised while it looks for ways of enforcing them without prosecutions.

While the commission was concerned about the failure of unions to join the official system, it was less concerned about the current law governing strikes.

Although many of its proposals are aimed at curbing strikes, it does not seem alarmed that all 207 strikes last year were illegal and that this is seen by many as a sign of the unworkability of the country's strike laws.

The commission simply says it will not discuss the law governing strikes

and lock-outs as "there is at this stage no evident need for changes".

Legal channels

It merely suggests that strike ballots by registered unions be officially supervised — a proposal which was dropped from the Bill after protests.

But its recommendation that legal strikers be allowed to picket would have provided some incentive for workers to use legal strike channels. At present, there are few benefits for workers who use these channels.

They can still be fired and their sole advantage is that they cannot be arrested. Even this does not prevent security police holding strikers for questioning, as they did when black workers struck legally in 1976.

The right to a peaceful picket is regarded by European and American unions as a vital bargaining right, but is barred here by security laws.

Introducing it would have beefed up the legal strike right — but the Government rejected this recommendation.

An intriguing aspect of the report is that six of the 14 commissioners did not seem to share their colleagues' confidence in the official machinery.

They say the upsurge in worker militancy "supports the contention that the existing conciliation and mediation machinery is no longer adequate".

Official board

While they concede that "sitting out" strikes until the stronger side wins a favourable settlement is common to democratic labour systems, they question whether it is "defensible" here, "taking into account the issues which face South Africa in the decade ahead".

They call for the establishment of an official board with a Government-appointed president and employer and union assessors, which would intervene in disputes and dictate a binding settlement. Workers would not be able to strike until a specified time after the board's decision.

The proposed board would also handle applications for union registration.

The six argue that a board with employer and union members would be more credible to workers, whether during disputes or on registration issues.

The proposal recognises the need for far-reaching reform, but would mean more official intervention in bargaining, more curbing of the strike right, and another blow to attempts by employers and unions to work out their own destiny.

In general, the report is an attempt to shore up the official system which is being subjected to ever-greater strain.

It is unsympathetic to arguments that controls built into the system should be removed, and does not question the basis of the registration system.

It is an attempt to extend the system by wooing unions into it and it is doubtful whether its recommendations, with the possible exceptions of those on ballots, would have been enough to woo unions who are staying out.

Government's response

But several of the proposals are significant attempts at reform which would have contributed to refurbishing the new dispensation's credibility.

The Government's response, however, appears to have undercut attempts to make the new system palatable to those who are operating outside it.

Where the report suggested new controls, it quickly agreed. Where the commission warned against new controls, it ignored it. With few exceptions, where the report suggests reforms, from the secret ballot to improvements for working women, it has either rejected it or stalled.

Careful study

Its first reason for this is that it is against state intervention in labour relations. This evokes a hollow laugh from unionists who say the Government has no qualms about controlling bargaining or using security police against unions.

It also says decisions on some issues require further careful study.

The Government has had the report for almost a year. Labour specialists point out that it has used it to draw up the Bill — even before its release.

They find it strange that the Government has had enough time to make decisions on some issues but not on some of the more important reforms.

Indeed, one labour lawyer suggests that its response indicates that the authorities want to woo unions into the system but are not prepared to entrench the genuine bargaining rights which would bring that about.

He adds "The longer they delay on reform, the more a new system, worked out by employers and unions without the state, is given a chance to 'merge'".

PENSION PROTECTION

The government publishes draft legislation to enforce the preservation of accumulated pension money by workers who switch jobs

FM 4/9/71

SECURITY ADMINISTRATION

(166)

(166)

New controls, but old job law may go

RDM 5/9/81

166

By STEVEN FRIEDMAN

THE Government is "urgently considering" the scrapping of a 13-year-old law restricting the number of blacks employers can hire in the cities, but replacing it with new controls, according to a report tabled in Parliament yesterday.

The new controls could include phasing out all subsidies for city employers, particularly in the Witwatersrand area — including their right to tax concessions for training workers — and the PFP says this will cost the country millions of rand

The new move would be aimed at "encouraging" employers to move factories from the cities to areas bordering the black homelands, and the report also says the Government is considering new incentives for employers to decentralise

Quotas

The law the Government plans to scrap is Section 3 of the Environment Planning Act, which has led to the laying down of labour quotas (usually five blacks for every two whites employed) which city employers may not exceed

Although it has not been implemented of late, the measure has been sharply attacked by industrialists and some unions, and the Riekert commission recommended it be scrapped

Last year, the Government introduced a Bill to scrap Section 3, but this was later withdrawn. At the time, the Government said it would not scrap the section until new "control measures" had been introduced.

Subsidies

Recently, the Prime Minister indicated in Parliament that the new controls would involve phasing out subsidies which employers receive to discourage them from running factories in the cities and to encourage them to move to areas bordering black homelands

The Minister of Internal Affairs, Mr Chris Heunis, later indicated that this could involve removing tax concessions on the training of labour, transport and other subsidies employers receive

Yesterday's report of the Board for the Decentralisation of Industry, released in Parliament, says the Government is "urgently considering" the scrapping of Section 3 and its substitution with "alternative measures affecting the utilisation of labour"

It said that "uncertainty" among employers over the new control measures and improved incentives to move to border areas were causing industrialists to adopt a "wait and see attitude" towards decentralisation

The board said industrialists were not considering decentralisation seriously, possibly because it was more attractive "economically and socially" to remain in the cities

The Planning Act was not being applied strictly and improved incentives for employers had not been announced, the board added, and this could also explain why there was not "a greater degree of interest" in moving to homeland areas

Seen against the background of the Government's rigidity in so many other areas, the reform in labour relations is both refreshing and encouraging. A number of references to the Labour Relations Amendment Bill which was passed in all its stages in this session of Parliament, will make the point. The positive features included:

- Elimination of all reference to race throughout the cornerstone of our labour law.

- Outlawing of sex discrimination.

- Extension of trade union rights to blacks residing in the homelands and working in the Republic as contract workers;

- Repealing of dualistic legislation, including the Black Labour Regulations Act, and the Black Labour Amendment Act.

It is important to see the reforms which have come over the last few years as a part of a process which began with the appointment of the Wiehahn Commission (it is worth remembering that it was the Opposition which called for the appointment of such a commission and actually set out many of its terms of reference long before the Commission came into being).

It is impossible to deal with labour relations in isolation from socio-economic and political factors. We should not be surprised that many black workers and trade unions are suspicious and distrustful of the changes which have been made.

Firstly, they were after all excluded quite deliberately from the bargaining process by the State and it is understandable that they regard the new dispensation not as a change of heart by the government but, as a change of strategy, namely to control the unions. The onus is upon the State in particular and on employers to demonstrate that the indefensible actions of yesterday are over and that the labour reforms are genuine and extend benefits rather than controls.

Secondly, we are experiencing double-digit inflation in South Africa and workers at the wrong end of the economic scale are under enormous pressure because of the escalating costs of basic foodstuffs. It is not surprising, therefore, that workers wish to improve their immediate situation and are impatient with long drawn-out negotiations and wish to bargain at their place of work. Further, black workers in the main see the division between the workplace and the community as artificial. The community problems which they face as a daily experience, namely housing, amenities, transport, crime, etc, influence their attitude in the marketplace.

Thirdly, hundreds and thousands of black

Six basics for labour code



MY VIEW
by
Dr Alex Boraine
(MP)

workers who have been denied political rights of any consequence will inevitably attempt to use their new-found power in the labour arena.

Our response should not be one of repression, but rather to extend political rights to all so that the marketplace is as far as possible free from political wrangling. It is clear that the labour field is highly volatile and that it will continue to be so for a very long time. We have repeatedly warned the Government that if they do not take swift and far-reaching action in the constitutional and political fields, the encouraging labour reforms will actually backfire and the conflict we are trying to avoid will be heightened and the problems which cry out to be resolved exacerbated.

It is imperative, therefore, that the State must consistently see its role as a facilitator rather than as a controller.

The government is impatient with unions who do not wish to register and it is to be hoped that they will not insist on compulsory registration. In many free enterprise-based economies, no such registration takes place, eg West Germany, Holland, France, Sweden and the United Kingdom. Compulsory registration would clash with the notions of self-government and voluntarism which have long been part of our labour relations philosophy. Registration should remain voluntary and control should be matched with benefits thereby encouraging unions to register on a voluntary basis because of the positive benefits which flow from that action.

The State must also accept that we are not going to resolve labour conflict by banning or detaining trade union leaders. When the State uses its security legislation to gag leaders

of labour movements, it does not resolve the problem, it only further politicises and antagonises.

Employers have an enormous responsibility as well. It is not an easy time for an employer and often they are found in the middle. But there are employers who, when faced with labour conflict, take the easy way out by picking up a telephone to summon the police. Where there is a risk of life and property, one can understand concern.

However, employers, above all should try to orient their own workforce, their own personnel, their own industrial relations staff, to do the utmost to resolve any conflict by using the available machinery which has been introduced in the last few years.

In the same way, one should encourage all workers in trade unions, whether they are registered or otherwise, to use every available negotiation method to bring about a peaceful resolution to the conflict which is inherent in our labour field today.

One of the mitigating features is the lack of mobility granted to black workers. This is a total contradiction of the Government's declared commitment to the free enterprise system. For this reason, it is not enough to accept in principle the six basic elements of fair employment practice. They should be incorporated in our labour law.

These six elements, namely the right to work, to associate, to bargain collectively, to withhold labour, to protection and to development, should be included in our legislation as a labour code for all to see.

It is the implementation of these principles which will ensure that the process of labour reform will continue.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

P. van der Loo

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

166

Vol. 195]

KAAPSTAD, 9 SEPTEMBER 1981

CAPE TOWN, 9 SEPTEMBER 1981

[No 7764

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No 1823

9 September 1981

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

No 58 van 1981 Tweede Loonwysigingswet, 1981

No 1823

9 September 1981

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 58 of 1981 Second Wage Amendment Act, 1981



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistree

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

166

Vol 195]

KAAPSTAD, 9 SEPTEMBER 1981

[No 7764

CAPE TOWN, 9 SEPTEMBER 1981

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No 1823

9 September 1981

No 1823

9 September 1981

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 58 van 1981 Tweede Loonwysigingswet, 1981

No 58 of 1981 Second Wage Amendment Act, 1981



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 (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

166

VOL 195]

KAAPSTAD, 9 SEPTEMBER 1981

CAPE TOWN, 9 SEPTEMBER 1981

[No 7763

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No 1822

9 September 1981

No 1822

9 September 1981

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word —

It is hereby notified that the State President has assented to the following Act which is hereby published for general information —

No 57 van 1981 · Wysigingswet op Arbeidsverhoudinge, 1981.

No 57 of 1981 · Labour Relations Amendment Act, 1981

AN undisclosed number of workers at Iscor's Newcastle plant were yesterday paid off following industrial unrest which had recently swept at least two major Northern Natal industries.

The unregistered Black Allied Workers Union (BAWU) Mr B E Khumalo, who put the figure at 150, said the workers were paid off because of their strike action in protest over the introduction of new working hours.

The issue that sparked the walkout this week was said to

be the rationalisation of shifts which were reduced from 18 to 12 a week resulting in a number of redundancies.

The works manager at Iscor, Mr C J van Vuuren, who disputed the number of workers who walked out describing it as "an exaggeration", said the steps taken by

his corporation were necessitated because of the prevailing "economic conditions".

The reason for their going was that working hours on the rod mill had been changed from 18 shifts a week to 12 shifts a week. These were being worked on the basis of two 12-hour shifts a day four

days a week, he said. We tried to reallocate labour to other departments but the people have been fed contradictory and misleading statements which led to discontent with the result that the 98 took their discharge.

Mr Khumalo said he was not aware of the new arrangement: being negotiated

with the workers of the Industrial Council, as Iscor claims

Meanwhile a Dunlop's Ladysmith plant where, according to Bawu's president Mr M K Khumalo, about 200 workers had downed tools in a little more than a week over a pay demands, the dispute remains unresolved

SOWETAN 18/9/81

Handwritten scribbles and initials in the left margin.

Autonomy is a right - official

Star 25/9/81. 166

South Africa's new labour legislation embraced the principle of freedom of choice, Dr P J van der Merwe, deputy director-general of the Department of Manpower Utilisation, told the IPM convention.

It gave the worker the right to associate or decline to do so, and it guaranteed the freedom of the employer to choose his employees.

Trade union autonomy was a right. Both unions and employers' organisations could impose their own conditions of membership and determine their own structures.

There would be a minimum of Government intervention in employer-employee relations.

CONFLICT INHERENT

It was expected that this autonomy should be used in a rational and responsible manner, Dr van der Merwe said.

Mr Theo Heffer, personnel manager for Chloride South Africa, said his company's philosophy was that conflict of rights and interests should be accepted as an inherent part of the relationship between employer and workforce.

They believed that while management had the right to manage the business and meet its responsibility to shareholders, it did not have the right to decide everything.

The right of workers to choose the form of representation they desired was recognised, and the company believed in the consultation principle in industrial relations.

LIAISON

Although Chloride's workers belonged to a "militant" trade union — the South African Allied Workers' Union — there had been no difficulty in structuring the system.

Collective bargaining on major issues was conducted with union officials, while day to day company matters were dealt with through the internal liaison committee.

One either had an "open" or a "closed" policy on trade unions, Mr Heffer said.

"Partial" recognition of unions through paternalistic or "schizophrenic" approaches was the result of a negative attitude to the phenomenon of conflict.

'Closed shop' somersault

News 29/9/81 (166)

Parliamentary Staff

THE surprise somersault by the Government last month, when it rescinded an earlier decision to scrap the practise of closed shop in the trade union movement, was based on recommendations of the National Manpower Commission

Student: Please
This became apparent yesterday when the Commission's first report of 1981 was tabled in Parliament recommending the

repeal of the suspension of the closed shop practise.

The Government announced its decision last month in a White Paper and has followed the recommendations of the National Manpower Commission, almost to the word. The NMC report was signed in May this year.

The Government in 1979 sided with a minority re-

commendation made in the first Wiehahn Commission report which rejected the closed shop practise as interference in the free enterprise system and as being seen as 'one of the commonest forms of job reservation.'

The issue became a political hot potato with right-wing unions strongly opposing the scrapping of the practise.

ry.

SECTION A: Industrial Relations in Comparative Perspective

Johann Maree

Answer TWO of the following questions.

1. ' . . . the shop steward finds himself torn between the forces of representation and bureaucratization.'

What are these forces operating on a shop steward and do the representative or bureaucratic forces dominate?

2. Compare and contrast the roles of migrant workers in Western Europe and South Africa with respect to trade union organization and strikes. How would you explain the similarities and differences between their roles?
3. (a) Critically evaluate the organizational roles of the UAW and the Ford Workers' Committee (FWC) in the Ford dispute with particular reference to the Cortina plant.

OR

(b) Compare and contrast the nature and roles of the League of Revolutionary Black Workers (LRBW) and the Ford Workers' Committee (FWC) paying particular attention to their approach to workplace and community issues and their relationship to the relevant trade unions.

4. 'What I find so objectionable as well as invalid in the Marxist view is its implicit contempt for "pure and simple" trade unionism. Trade unions, by doggedly sticking to their immediate ends and refusing to be captured and exploited by any political party, have gradually transformed society. Only not according to the sacred texts or the dialectical laws! That they may be right in preferring reform to revolution and unity to discord never crosses the mind of those whose theory tells them all the answers.' (Allan Flanders)

Assess this assertion of Flanders, paying special attention to Perry Anderson's writing, and drawing on your knowledge of the sociology of trade unions and industrial relations.

SECTION B:

Support for
closed shop

HOUSE OF ASSEMBLY —
The National Manpower
Commission has recommend-
ed that the closed shop
trade union system be re-
tained

In a report to the Prime
Minister tabled yesterday,
the chairman of the commis-
sion, Dr Hennie Reynders,
said while there were strong
philosophical and practical
objections to the closed
shop, it was a long estab-
lished practice in South
Africa and, on balance, its
retention would probably
have more advantages than
disadvantages — Sapa

Govt favours blasting
certificates for blacks

166
27.9.76

By Peter Sullivan
Political Correspondent

CAPE TOWN — The Government has accepted the principle that blasting certificates should be granted to black and white miners.

In a White Paper tabled in Parliament this afternoon the Government accepted a recommendation in the Sixth Wiehahn Commission Report stripping the Mines and Works Act

of discriminatory phraseology.

In effect this allows blacks to get blasting certificates, but the recommendation and Government viewpoint carry the rider that no law should be changed before white workers' fears have been allayed.

The commission lists seven conditions to be met before the discrimination is scrapped.

State may act to curb 'closed shop' abuses

166 (BR) RDM 30/9/81 Political Staff

THE National Manpower Commission has found strong support among workers and employers for the introduction of measures to limit the possible abuse of closed-shop agreements. It has also found in a survey of employer and worker organisations that "the closed shop is seen in many cases as the cause of discrimination which takes place".

These findings are contained in the commission's report, tabled in Parliament, on closed shops. Although closed-shop agreements take many forms, they basically involve agreements between unions and employers that limit employment in specific plants to members of the unions involved in the negotiations.

The National Manpower Commission recommended that closed-shop agreements be retained — provided potential workers give 30 days in which to join the union concerned.

The Government, in a White Paper issued after the fifth report of the Wiehahn Commission, accepted the recommendation of the commission but gave a 60-day period of grace to workers to join the unions concerned.

In its report the commission gave the results of a survey conducted among unions — both registered and unregistered — employer organisations and individual employers.

Prevent

The survey revealed it is fairly generally believed that, when a trade union which made provision only for whites concluded a closed-shop agreement with employers, the employers could not employ people of colour in the occupational categories affected by the agreement.

When trade unions which were not open to all races had negotiated closed-shop agreements, the effect was "to exclude certain population groups from those job categories and to prevent workers from such groups from entering the categories concerned in the course of time".

Among those groups which supported closed-shop agreements, mainly trade unions and certain employer groups, it was argued that the system was a "well-known and established practice in South Africa and it promotes employee representation, discipline and stability, which, in their turn, make an important contribution towards the promotion of industrial peace".

Restrict

The commission said those opposed to closed-shop agreements included the great majority of individual employers and employer associations.

"To this group the principle of the closed shop and freedom of association cannot be reconciled.

"According to them, closed-shop agreements restricted the freedom of choice of the individual in the first place in regard to whether he wants to belong to a trade union or not, and, in the second place, in regard to which trade union he wants to join".

They also felt the agreements had a negative effect on the supply and demand for labour and that they restricted the development of certain race groups. The commission came to the conclusion in the end that "although there are strong philosophical and practical objections to the closed shop, it is a long-established practice in South Africa the retention of which, on balance, will probably have more advantages than disadvantages".

Regulatory

It came to this conclusion in spite of finding that Government policy involved "the maintenance and promotion of individual economic freedom and competition. The principle of freedom of association and its converse, the freedom not to associate, are immediately involved here".

The commission also found that Government policy involved the promotion of individual economic responsibility through "the principle of maximum self-governance".

"The role of the State is mere regulatory: it provides the broad framework within which the various parties will act.

"This has nothing to do with control over, for instance, the activities of trade unions. In fact, the opposite is true and the legislator aims at the maximum self-governance — including trade-union autonomy as regards membership and office bearers," the commission said.

... will to assess the performance

ion of an enterprise in relation to

d other kinds of investments.⁶ It has

fair comparisons can only be made if

to all the economic costs incurred by

ct entities.

to the entity theory, or what may also

managerial view⁷ as distinguished from

of view, the returns to all equity holders

al of these implicit and explicit

interest cost for the period.

dd that there are those who feel that

he proprietary or entity theory of

: fundamental to the issue of imputing

at one may accept the one theory with-

sed treatment of the interest charge

Political Staff

HOUSE OF ASSEMBLY.

The National Manpower Commission has found strong support among workers and employers for the introduction of measures to limit the possible abuse of closed shop agreements

It has also found in a survey of employer and employee organizations that "the closed shop is seen in many cases as the cause of discrimination which takes place"

These findings are contained in the commission's report on the closed shops in South Africa which has been tabled in Parliament

Although closed shop agreements take many forms, they involve agreements between unions and employers that only members of the unions involved in the negotiations will be employed in the plants concerned

The National Manpower Commission recommended that closed shop agreements be retained provided potential workers were given 30

Report on closed shop principle

CT 30/9/81 166

a closed shop agreement with employers, such people cannot employ people of colour in the occupational categories affected by the agreement, in spite of the fact that the people of colour are not subject to the agreement in such a case, nor excluded from employment," the commission said.

When trade unions which were not open to all races had negotiated closed shop agreements the effect in practice was to "to exclude certain population groups from those job categories and to prevent workers from such groups from entering the categories concerned in the course of time"

The commission said those opposed to closed shop agreements included the great majority of individual employers and employer associations

The commission came to the conclusion in the end that "although there are strong philosophical and practical objections to the closed shop, it is a long-established custom in South Africa the



Dr Piet Koornhof

retention of which will on balance probably have more advantages than disadvantages.

It came to this conclusion in spite of finding that government policy involved "the maintenance and promotion of individual economic freedom and competition. The principle of freedom of association and its converse, the freedom not to associate, are immediately involved here"

The commission also found that government policy involved the promotion of individual economic responsibility through the principle of maximum self-governance.

"The role of the State is merely regulatory. It provides the broad framework within which the various parties will act

"This has nothing to do with control over, for instance, the activities of trade unions. In fact, the opposite is true and the legislator aims at the maximum self-governance."

SA'S 'BLUEPRINT FOR LABOUR RELATIONS'

ONE of the most important commissions of inquiry — the Wiehahn Commission into labour legislation — has finally completed its task with the tabling of its sixth and last report in Parliament.

The commission was appointed in July 1977, and its first report was published in May 1979.

It was headed by Professor Nic Wiehahn, then labour adviser to the Minister of Manpower and now professor of industrial relations at the University of South Africa.

The commission's main task was to update labour relations in industry.

In an interview today, Professor Wiehahn said the reports would serve as a blueprint for labour market and industrial relations.

The fact that the Government had in principle accepted recommendations in the sixth report dealing with the mining industry, which were among other things aimed at removing race discrimination, meant that South Africa now had a system which was comparable to the best in the world.

Prof Nic Wiehahn

Article 1/1981

By TOS WENTZEL
Political Correspondent

766

The implementation of the new labour relations system, as envisaged in earlier reports, had gone well and its reception in the outside world had been remarkably good.

Professor Wiehahn said he hoped this would gain South Africa more acceptance in the international labour field.

Until 1979 South Africa had a labour relations system which discriminated on the basis of race and sex. It had features such as job reservation and was 'non-meritocratic'.

Since 1979 this system had changed drastically. It was now characterised by non-discrimination on a basis of merit.

It was based on equality of opportunity and advancement with heavy emphasis on the training and education of workers.

MAIN ACHIEVEMENTS

Professor Wiehahn saw the main achievements of the commission's reports listed as follows:

- The recognition of black trade union rights by the inclusion of blacks in the statutory system of labour relations
- The establishment of a manpower commission,
- The establishment of an industrial court with judicial powers,
- The indenturing of black apprentices in designated trades, and
- The scrapping of job reservation.

Apart from also recommending the removal of race discrimination, the sixth report aims at streamlining the administrative proceedings in labour relations in the industry and encourages the industry to move towards the establishment of an industrial council.

KEY ISSUES

The first report dealt with key labour legislation issues which called for early attention and its recommendations set the tone for the abolition of race discrimination.

The second report dealt with training and more specifically with human resources and development, manpower policy and utilisation, and productivity.

The third report dealt with employment and social security and the fourth with the protection of the safety and health of workers.

The fifth report, which was tabled earlier during the present session of Parliament, dealt with South Africa's industrial relations legislation and system in general and with other industrial relations issues.

BIUEPRINT to end mining job bars

RPM 111 81

THE Government has accepted the principle of scrapping race discrimination in the mining industry — but will not amend legislation until measures have been effected to safeguard white miners' job security.

The Wiehahn Commission, in its latest report tabled in Parliament yesterday, recommends the definition of "scheduled person" in the Mines and Works Act be replaced, on certain conditions, by the non-discriminatory definition, "competent person".

Only "scheduled persons" may hold blasting certificates — and only holders of blasting certificates may become fully-fledged miners.

The bar on blacks holding them is regarded as the key job reservation measure still on the statute book.

The commission said it appeared complete removal of discriminatory measures in the mining industry could be achieved with the co-operation of the white trade unions concerned, provided certain safeguards were applied.

In a White Paper tabled with the report, the Government says it is, in principle, in favour of adjusting the job definition "at an appropriate time and in a suitable manner", but emphasises that the employer organisation and the trade unions must take the initiative to reach a compromise.

In pursuance of the proposals made by the parties concerned in this connection or in the light of the pattern which the negotiations take, the Government will determine further action, but wants to emphasise that no legis-

lative amendment will be

'Frequent job law violations'

Mail Correspondent

THE Wiehahn Commission has found frequent violation of regulations on South African mines, with workers doing jobs for which they have not obtained certificates.

It pointed out in its report in Parliament yesterday that a consistent shortage of 250 white holders of blasting certificates had been reported by the Cham-

"There is no doubt that white workers have become accustomed to protection, based on colour, against competition from blacks in the workplace.

"There is no doubt either that it is only a normal human reaction that the removal of any form of protection will generate feelings of insecurity.

"The fears of white miners' seem to cer-

White unions

The White Paper says the Government has already accepted in principle that statutory restrictive employment measures must be repealed.

In its findings, the commission reports that the complete removal of discriminatory measures in the mining industry, with the active co-operation and concurrence of the white unions concerned, appears "capable of achievement" provided the recommended conditions are applied.

Mr A I Nieuwoudt and Mr T S Neethling, who served on the commission, submitted the minority view that the mining industry could obtain enough whites for training in most of the skilled occupations on the mines.

They said far too many whites with the necessary qualifications and aptitude for training who sought careers in certain sectors of the mining industry were turned down.

"The so-called shortage of suitably qualified white workers is thus artificially created by the lack of adequate training facilities and the lack of communication between mines to divert surplus applications to other mines

'Threat'

"This situation seriously threatens the security of the already declining numbers of whites working in the industry," Mr Nieuwoudt and Mr Neethling said.

They recommended the definition "scheduled person" remain until the industry had established and registered an industrial council or similar organisation able to ensure agreements were legally enforceable.

RIAN DE VILLIERS reports the recommendation is likely to raise the political temperature among white miners.

The main union affected is the Rightwing Mineworkers' Union which is bitterly opposed to blacks winning blasting certificates.

Labour sources said yesterday that the proposed formula offered no solution to the long-standing deadlock between mining employers and the MWU, which has pledged to call a general strike if blacks are granted blasting certificates.

measures have been effected

Job Security

The commission recommends the definition be changed on condition that:

• Adequate measures are taken to allay the possible apprehension of white workers about their future job security.

• Standards of work are rigorously maintained.

• All workers are required to achieve the same level of proficiency in training and experience before being appointed to posts.

• The principle of equal remuneration for work of equal value is maintained.

• Changes in work practices and conditions of employment are not introduced unilaterally by employers but through consultation and negotiation with affected employee organisations.

• Adequate job security measures are incorporated in collective agreements; and

• Adequate protection against racial victimisation is provided for all groups.

in black workers' without certificates being asked for which they were not qualified

"This reduces safety and overall productivity because these people are not formally trained, officially examined and certified and are not accountable in terms of the Act," the commission said

The commission also said

... as some historical justification... that mine houses will endeavour to replace white workers with black workers at lower wages

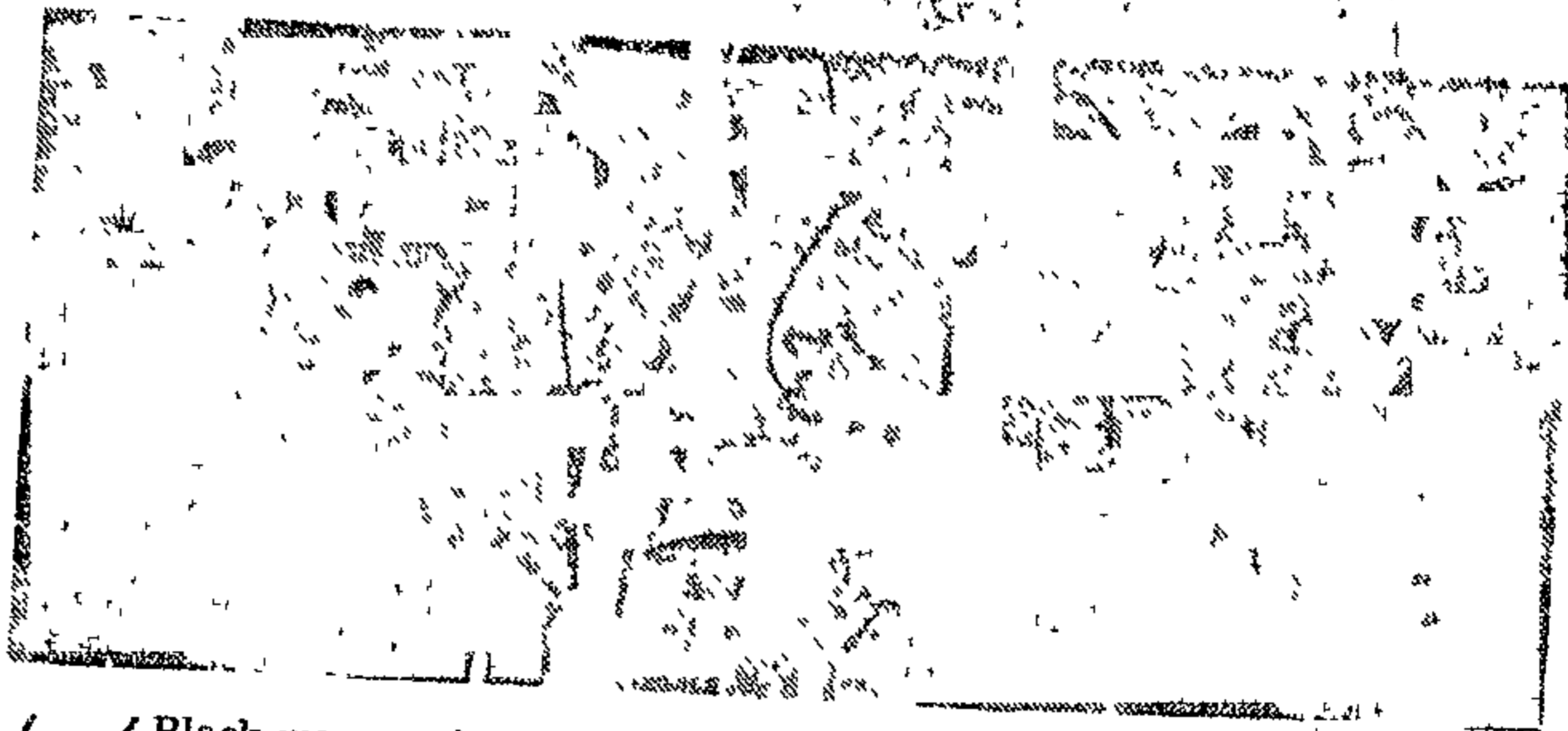
"There can be no other hand, he little doubt that it is in the long-term interest of South Africa and all citizens — including the white miner — to make work equally accessible to all races."

166 1/10/81

All-race mining with 7

Star 1/10/81

safeguards: Wiehahn



South Africa's mining houses and unions must now face up to the task of opening to black workers all racially restricted job categories in the industry. Yesterday in Cape Town the Government released Part 6 of the Wiehahn Commission Report, this one dealing with the mining industry.

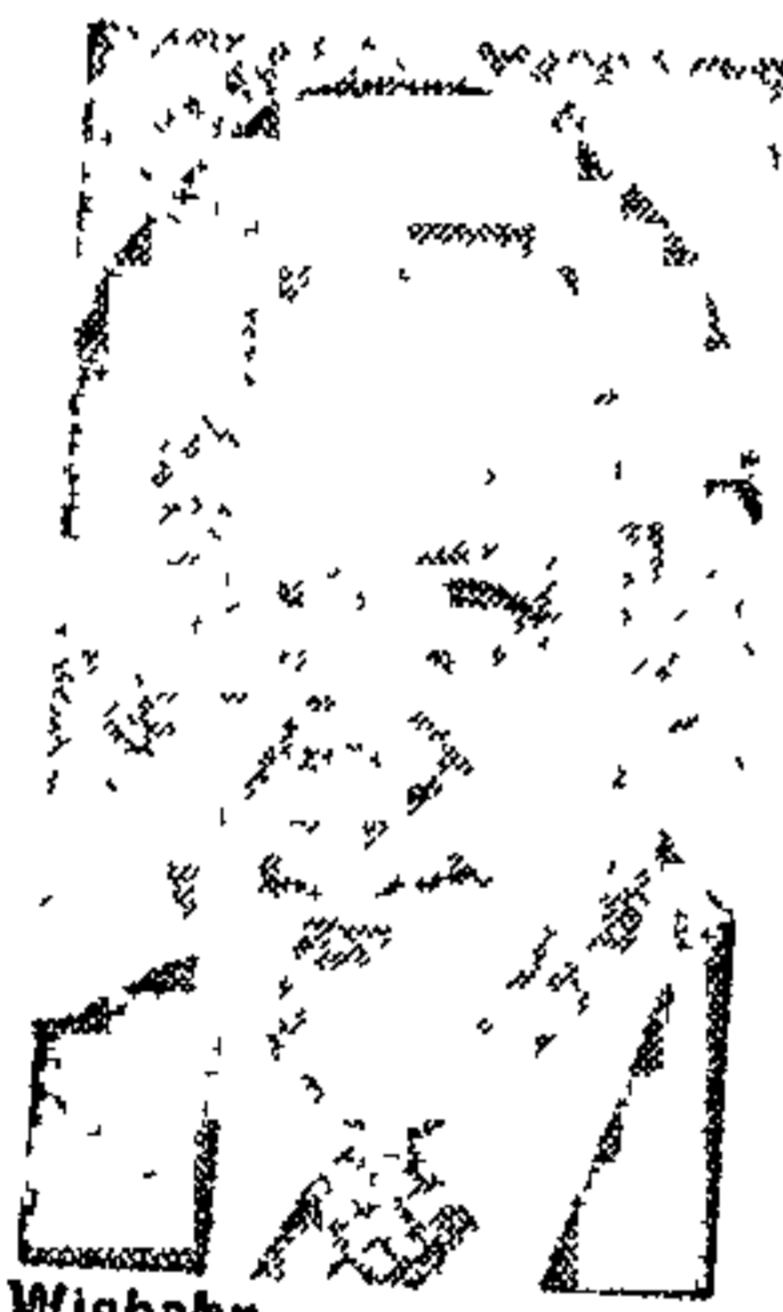
The Government's White Paper has accepted in principle the Commission's recommendation that all discriminatory definitions be dropped from the Mines and Works Act, effectively allowing black workers into a number of new job categories previously closed to them, writes The Star's Labour Reporter, Tony Davis.

Legal strike?

A list of 7 safeguards for white workers were included which the Government stated had to be met before the actual legislation would be changed.

Among other things, standards of work will be strictly maintained, equal pay will be the rule, adequate job security measures will be taken, there will be no unilateral changes by employers in work practices and apprehensions felt by white workers will be allayed.

The crucial mining industry is the subject of Part Six of the Wiehahn Commission's Report on labour. Will it mean a strike by white unionists rejecting the abolition of job reservation? Staff of The Star examine the issues.



Wiehahn ... recommendations accepted in principle.

With the possibility of a breakdown of talks between the MWU and the mining houses there exists the possibility of a legal strike.

Some 13 job categories will effectively be opened. The usually vocal general secretary of the all-white Mine Workers' Union, Mr Arrie Paulus, said he would examine the Report and White Paper before commenting.

Peter Sullivan, The Star's Political Correspondent,

reports that although the Government has accepted the principle of giving blasting certificates to blacks it is unlikely to follow through in practice for some time.

This is the only one of the report's four recommendations which is likely to be explosive in mining circles, allowing people of all races to become miners, shift bosses, mine overseers — and, theoretically, mine managers.

In the White Paper the Government sets out its view with a preface indicating that in principle it is already committed to repealing "statutory restrictive employment measures".

Meaningless

However, it goes on to say that it is in favour in principle of adjusting the definition at an appropriate time and "in a suitable manner".

It emphasises that "the parties concerned (employer organisations and trade unions)" must take the initiative to reach a compromise "within a reasonable period of time".



Paulus ... seeing gloom at the bottom of the shaft?

The three other recommendations in the Report deal with less controversial matters.

One suggests that the exemption of gold and coal mines from the provisions of the Black Labour Relations Regulation Act be withdrawn an exemption which will become meaningless as the Act is to be repealed.

Another recommends a more satisfactory future basis for recognising trade unions than the closed

shop, but the Government has ducked this by saying it has presented a White Paper on closed shops and a follow-up report is being prepared by the National Manpower Commission.

The third minor recommendation is that some provisions relating to employment be transferred from the Department of Mineral and Energy Affairs to Manpower, a recommendation the Government has accepted in principle.

Tos Wentzel, a correspondent of The Star, reports from Cape Town that the head of the Commission, Professor Nic Wiehahn, then labour adviser to the Minister of Manpower and now professor of industrial relations at the University of South Africa, said in an interview that the Government's acceptance in principle of the recommendations in the sixth report meant that South Africa now had in the mining industry a system comparable with the best in the world.

Professor Wiehahn listed the main achievements of the Commission's reports as recognition of black trade union rights by the inclusion of blacks in the statutory system of labour relations, a manpower commission, an industrial court with judicial powers black apprentices in designated trades,

scrapping of job reservation.

The sixth report encourages the mining industry to move towards the establishment of an industrial council.

Leon Marshall, another Cape Town correspondent of The Star reports that the mining industry has been making a major effort to stabilise its large migrant labour force, according to the Wiehahn Commission's sixth report.

It says concerted attempts have been made to counter the social ills attributed to the system by upgrading accommodation, food and sporting facilities.

Bruce Cameron of The Star's parliamentary staff reports that despite threats of massive industrial action from the Mine Workers' Union the Commission felt the scrapping of discriminatory measures in the mining industry could be achieved with the "active cooperation and concurrence of the white unions concerned."

Equal access

"There can be no deviating from the fundamental principle that there should be equal access to job opportunities for all, regardless of colour."

"Questions such as whether or not enough whites are available to fill all skilled positions in the mining industry are therefore irrelevant."

"Whether or not adverse reaction from the white unions is a real likelihood the Commission is firmly of the opinion that it would be in the interests of orderly and peaceful industrial relations reform if adequate provision were made for feelings of insecurity evidently being expressed by white workers."

The Commission said "Frustration of black career ambitions could pose as much a threat to industrial peace as the prospect of a white backlash."

The Commission listed reasons why the scrapping of job reservation was being met with opposition but argued that none of them was justified as a cause for opposing the scrapping of job reservation.

Call to open jobs on mines to all

Own Correspondent

JOHANNESBURG — In a move likely to raise the political temperature among white miners, the Wiehahn Commission on labour laws has recommended that blasting certificates — at present issued only to white and coloured mineworkers — also be granted to blacks.

Only holders of blasting certificates may become fully fledged miners and the bar on blacks holding them is regarded as the key job-reservation measure still on the statute book.

But the commission has recommended that changes in job practices on the mines should only be brought about through "consultation and negotiation" with affected unions.

'In principle'

And while the government has accepted the recommendation "in principle", it has declared that employers and unions themselves should reach a compromise on the issue.

It has also declared that it will not change the law before "alternative safeguarding measures" for white miners have been introduced.

The commission's recommendation has come in its long-awaited sixth and final report, dealing with the mining industry, which was tabled in Parliament yesterday.

The labour spokesman of the Progressive Federal Party, Dr Alex Boraine, said the government had avoided an immediate commitment to alter the controversial and discriminatory definition in the Mines and Works Act.

The existing definition of "scheduled person" effectively barred blacks from obtaining a blasting certificate, while the change to "competent person" recommended by the Wiehahn report would end this prejudice to their chances of career advancement.

Dr Boraine, however, criticized the government White Paper tabled with the report yesterday. By adding a long list of provisos, he said, the commission had opened the way for the government to drag its feet, which the government was now doing. "Whilst agreeing with the spirit of the recommendation, the government does not intend to do anything about it."

MWU.

"What it should do is to announce its intention of repealing the offending section in the Mines and Works Act so as to prohibit discrimination."

The move has focused renewed attention on the stance of the right-wing Mine Workers' Union, which is bitterly opposed to the measures proposed in the Wiehahn Commission report. Its general secretary, Mr Arrie Paulus, said yesterday he would not comment until he had studied the government's White Paper.

No comment could be obtained yesterday from the Chamber of Mines or leading mining houses.

● More reports, page 6

Blacks to end mining job bars

RPM 1118 81

166

THE Government has accepted the principle of scrapping race discrimination in the mining industry — but will not amend legislation until measures have been effected to safeguard white miners' job security.

The Wiehahn Commission, in its latest report tabled in Parliament yesterday, recommends the definition of "scheduled person" in the Mines and Works Act be replaced, on certain conditions, by the non-discriminatory definition, "competent person".

Only "scheduled persons" may hold blasting certificates — and only holders of blasting certificates may become full-fledged miners.

The bar on blacks holding them is regarded as the key job reservation measure still on the statute book.

The commission said it appeared complete removal of discriminatory measures in the mining industry could be achieved with the co-operation of the white trade unions concerned, provided certain safeguards were applied.

In a White Paper tabled with the report, the Government says it is, in principle, in favour of adjusting the job definition "at an appropriate time and in a suitable manner", but emphasises that the employer or organisation and the trade unions must take the initiative to reach a compromise.

"In pursuance of the proposals made by the parties concerned in this connection or in the light of the pattern which the negotiations take, the Government will determine further action, but wants to emphasise that no legislative amendment will be made before alternative safeguarding measures have been effected."

Job security

The commission recommends the definition be changed on condition that

- Adequate measures are taken to allay the possible apprehension of white workers about their future job security.
- Standards of work are rigorously maintained.
- All workers are required to achieve the same level of proficiency in training and experience before being appointed to posts.
- The principle of equal remuneration for work of equal value is maintained.
- Changes in work practices and conditions of employment are not introduced unilaterally by employers but through consultation and negotiation with affected employee organisations.
- Adequate job security measures are incorporated in collective agreements, and
- Adequate protection against

'Frequent job law violations'

Mail Correspondent

THE Wiehahn Commission has found frequent violation of regulations on South African mines, with workers doing jobs for which they have not obtained certificates.

It pointed out in its report in Parliament yesterday that a consistent shortage of 250 white holders of blasting certificates had been reported by the Chamber of Mines.

These shortages had resulted in black workers without certificates doing tasks for which they were not qualified.

"This reduces safety and overall productivity because these people are not formally trained, officially examined and certified and are not accountable in terms of the Act," the commission said.

The commission also said

"There is no doubt that white workers have become accustomed to protection, based on colour, against competition from blacks in the workplace.

"There is no doubt either that it is only a normal human reaction that the removal of any form of protection will generate feelings of insecurity.

"The fears of white miners, seem to centre particularly around the traditional belief which possibly has some historical justification — that mine-houses will endeavour to replace white workers with black workers at lower wages.

"There can, on the other hand, be little doubt that it is in the long-term interest of South Africa and all its citizens — including the white mineworker — to make work equally accessible to all races."

for all groups.

White unions

The White Paper says the Government has already accepted in principle that statutory restrictive employment measures must be repealed.

In its findings, the commission reports that the complete removal of discriminatory measures in the mining industry, with the active co-operation and concurrence of the white unions concerned, appears "capable of achievement" provided the recommended conditions are applied.

Mr A I Nieuwoudt and Mr T S Neethling, who served on the commission, submitted the minority view that the mining industry could obtain enough whites for training in most of the skilled occupations on the mines.

They said far too many whites with the necessary qualifications and aptitude for training who sought careers in certain sectors of the mining industry were turned down.

The so-called shortage of suitably qualified white workers is thus artificially created by the lack of adequate training facilities and the lack of communication between mines to divert surplus applications to other mines.

'Threat'

"This situation seriously threatens the security of the already declining numbers of whites working in the industry," Mr Nieuwoudt and Mr Neethling said.

They recommended the definition "scheduled person" remain until the industry had established and registered an industrial council or similar organisation able to ensure agreements were legally enforceable.

RIAAN DE VILLIERS reports the recommendation is likely to raise the political temperature among white miners.

The main union affected is the Rightwing Mineworkers Union, which is bitterly opposed to blacks winning blasting certificates.

Labour sources said yesterday that the proposed formula offered no solution to the long-standing deadlock between mining employers and the MWU, which has pledged to call a general strike if blacks are granted blasting certificates.

mining Bureaux



It's yes-no to

black blasters...

Argus 1/10/81

166

~~167~~

Parliamentary Staff

THE Government has accepted the principle of giving blasting certificates to blacks — but is unlikely to follow through with the practice for some time.

This is the gist of Government reaction to the sixth and final Wiehahn Commission report tabled in Parliament yesterday.

The report contains four recommendations, only one of which is likely to be explosive in mining circles.

This is the recommendation stipulating the definition of a 'scheduled person' of racial connotation, thereby allowing people of all races to become miners, shift bosses, mine overseers and, theoretically, mine managers.

While the Chamber of Mines is in favour of this, white mineworkers with their powerful unions are generally against it.

The commission itself is cautious about redrafting the definition, warning that it should only be done if seven specific conditions are met.

The reports say the definition should be replaced by a non-discriminatory definition of 'competent person' on condition that:

- Adequate measures are taken to allay possible apprehension about their future job security on the part of white workers within the industry.

- Standards of work are rigorously maintained.

- All workers are required to achieve the same level of proficiency with respect to training and experience before being appointed to a post.

- The principle of 'equal remuneration for work of equal value' be maintained.

- Changes in work practices and conditions of employment are not intro-

duced unilaterally by employers, but rather with due regard to consultation and negotiation with affected employee organisations.

- Adequate job security measures are incorporated in collective agreements.

- Adequate protection against racial victimisation is provided for all groups.

A White Paper sets out the Government view, with a preface indicating that in principle it is already committed to repealing 'statutory restrictive employment measures'.

However, it goes on to say that it is in favour in principle of adjusting the definition 'at an appropriate time and in a suitable manner'.

It emphasises that the parties concerned (employer organisations and trade unions) must take the initiative to reach a compromise 'within a reasonable period of time'.

Besides these provisos, the Government's ultra-cautious attitude is summed up in a final White Paper paragraph dealing with the definition where it says:

'In pursuance of the proposals made by the parties concerned, or in the light of the pattern which the negotiations take, the Government will determine its further action, but wants to emphasise that no legislative amendment will be made before alternative safeguarding measures have been affected.'

The three other recommendations in the report deal with less controversial matters.

One suggests the exemption of gold and coal mines from the provisions of the Black Labour Relations Regulation Act be withdrawn — an exemption which will become

meaningless as the Act is to be repealed.

Another recommends a more satisfactory future basis for recognising trade unions than that of the closed shop, but the Government has ducked this by saying it has presented a White Paper on closed shops and a follow-up report is being prepared by the National Manpower Commission.

The third minor recommendation is that some provisions relating to employment be transferred from the Department of Mineral and Energy Affairs to Manpower, a recommendation the Government has accepted in principle.

The Wiehahn report is dated November 29 1980, which means the Government was aware of the report's recommendations before the election but decided not to release it.

Major effort to stabilise migrant labour force

01 OCT 1981
The Argus - Parliamentary Staff

THE mining industry has been making a major effort to stabilise its large migrant labour force, the Wiehahn Commission says in its latest report.

It says concerted attempts have been made to counter the social ills attributed to the system by upgrading accommodation, food and sporting facilities.

On many mines arrangements are in force to allow black migrant workers to visit their families at regular intervals.

The commission notes that the migrant labour system exercises a substantial influence on the use of labour. Traditionally, the migrants come to mines on a contract of about a year, during which time a minimum training period has to be accommodated.

COSTS

This limits the number of working days per contract as well as proficiency.

The cost of the migrant labour system is therefore substantial, and although it has given a useful degree of basic training to large numbers of people from many Southern African countries, it militates against the acquisition of significant skills.

However, in a recent review the Chamber of Mines reported that black mineworkers were becoming increasingly career orientated, as reflected by a steadily decreasing labour turnover.

Wiehahn Urges end to job reservation

Argus 1/10/81

166

Parliamentary Staff

THE Wiehahn Commission info labour legislation has rejected arguments against scrapping statutory and non-statutory job reservation in the mining industry.

And despite threats of massive industrial action from the all-white miners' union, the commission felt that scrapping discriminatory measures could be achieved with the active co-operation and concurrence of the white unions concerned.

But in its sixth and final report tabled in Parliament yesterday it made clear that a number of preconditions would have to be met before this could be achieved.

However, the commission said, "There can be no deviating from the fundamental principle that there should be equal access to job opportunities

for all, regardless of colour.

Questions such as whether or not enough whites are available to fill all skilled positions in the mining industry are therefore irrelevant.

Whether or not adverse reaction from the white unions is a real likelihood the commission is firmly of the opinion that it would be in the interests of orderly and peaceful industrial relations reform if adequate provision were made for feelings of insecurity evidently being expressed by white workers.

The commission also warned that frustration of black career ambitions could pose as much a threat to industrial peace as the prospect of a white backlash.

The commission lists five reasons why the scrapping of job reserva-

tion was being met with opposition

● Claims that there were sufficient skilled whites for the present

● Available white skills were under-utilised

● The need for safety on the mines

● The consideration of State security from the point of view of access to explosives

● The fear that if statutory protection of whites were removed there would be a negative reaction from certain existing unions

The commission argues that one of these reasons is valid.

There was already a shortage of qualified workers in the industry which cannot be met from the ranks of available

whites' and demand would increase.

Conceding that available white skills were under-utilised it said the skills of blacks were also being under-utilised.

State security would not be threatened as there had been no indication of this happening where there had been relaxations — both overt and covert — of job reservation.

Fears of white workers could be removed by providing adequate assurances and protection.

The commission recommended that the Government amend existing legislation protecting jobs for whites only, but said that non-statutory job reservation would have to be removed by negotiation between employers and unions.

Non-statutory work reservation occurs in the form of the closed-shop agreements between the Chamber of Mines and the trade unions ...

The commission pointed out that in its first report it had suggested that the parties involved in the mining industry should negotiate an accommodation on job reservation, but there was no evidence of this having happened.

However, the commission is loath to suggest any other course than that of a renewed appeal to the parties to bring this to a speedy conclusion.

The commission also expressed concern about the lack of any trade union movement among black mineworkers and recommended the way should be paved for adequate union representation.

'Cop-out' on miners, Opposition accuses

Argus 1/10/31 (166)

Political Staff

POLITICAL reaction to the sixth Wichahn report and Government White Paper ranged from 'a cop-out' to 'betrayal'.

Dr Alex Boraine, official Opposition spokesman on labour, said the Government had done a cop-out by refusing to scrap the controversial and discriminatory definition of a scheduled person

The definition effectively stops blacks getting blasting certificate, thereby preventing promotion

Mr Jaap Marais, leader of the Heistigte Nasionale Party, said the Government had now turned its back on the mineworkers and was siding with the mine magnates

THREAT

"They have given a licence to the Chamber of Mines to force the issue, and if mineworkers do not compromise 'within a reasonable time' they face an implied threat," Mr Marais said

The Government had accepted the principle of giving blasting certificates to blacks and it was now just a matter of time

Dr Boraine said while the acceptance in principle was to be welcomed, the way had been opened

for the Government to drag its feet

"While agreeing with the spirit of the recommendation the Government does not intend to do anything about it," he said

"What it should do is announce its intention to repeal the offending section in the Act so as to prohibit discrimination

"But because of its fear of the militant right-wing mineworkers' union the Government has done a cop-out

Mr Ron Miller, New Republic Party labour spokesman, said his party welcomed 99 per cent of the Government's reaction to the report

"We fully agree that blasting certificate competency be extended to other race groups," he said

However, it should not be introduced unilaterally — but after negotiation with employee organisations

(News by P Sullivan, 122 St George's Street, Cape Town)

● See Pages 20 and 25

Kappies hit at labour law

BY ADOPTING the latest recommendations of the Wiehahn Commission on labour legislation, the Government and the Chamber of Mines would "sever the artery" of white mineworkers, the Rightwing women's organisation, Kappie-Kommando, said in Pretoria yesterday.

The convenor of the organisation, Mrs Marie van Zyl, issued a brief statement, commenting on the provisions of the latest latest Wiehahn recommendations

"This is part of the P W Botha Government's total onslaught against the whites of South Africa," she said

"We therefore give our unconditional support to the Mine Workers' Union in their struggle against the plan"

"By adopting the sixth point of the Wiehahn recommendations, the National Party Government and the Chamber of Mines have succeeded in severing the artery (slagaar) of the white mineworker," she said — Sapa

tain industries to belong to particular unions, was condemned in a minority recommendation in the first Vichahn Report as one of the commonest forms of job reservation. Government backed this recommendation and provisionally agreed to further closed shop agreements. However, it has now accepted a National Manpower Commission (NMC) proposal to retain the system.

'We don't believe it is necessary' says Rod Branside, chairman of the Federated Chamber of Industries, labour affairs committee. He complains that the system imposes a restriction on the freedom of organised labour at a time when it is essential to move away from such curbs.

He warns that it will be perceived by many workers as a barrier to their progress and could lead to conflict. 'In the past the system has benefited one end of the spectrum rather than the lower end' he says.

The system is regarded with great suspicion by emerging black unions. General Workers' Union general secretary David Lewis says the closed shop is a violation of freedom of association in that it is used to press-gang workers into a particular union. Sometimes the only contact these workers have with the union is when they are signed up. Many workers do not even know where the union's offices are, he says.

Dr Anna Schoopers, president of the Trade Union Council of SA (TUCSA), however, defends the system and says it has played an important role in ensuring industrial peace in the past. She says the law has been applied to all groups, black and white, and she favours a voluntary system. But points out that some of the strongest supporters of the system have campaigned for a long time for the introduction of a generalised closed shop.

NMC chairman Dr Jennie Boydson says that while there are strong philosophical and practical objections to the system, its retention would, on balance, probably have more advantages than disadvantages.

FM 2/10/81
THE CLOSED SHOP 
The NMC stands out

Government's decision to let the closed shop system may have been welcomed by long established unions. But has not pleased organised industry which warns of the potential for conflict over the issue.

The system, which forces workers in cer-

Right wing reject mine labour plan

Own Correspondent

PRETORIA — Adoption of the latest Wiehahn recommendations on labour legislation would lead to conflict and confrontation, two right wing political organizations said in Pretoria yesterday.

Di Connie Mulder of the National Conservative Party and Mr Eugene Ferie-B-lanche of the Afrikaner Weerstandsbeweging commented in a joint statement on the sixth report of the commission tabled yesterday.

‘Should the recommendations regarding removal of protective measures for the white mineworker be adopted — as recommended in the sixth report of the Wiehahn Commission — it will mean the start of the gradual phasing out of the white worker in the mining industry of white South Africa,’ they said.

‘The recommendations were in direct conflict with 30 years of National Party labour policy, they said.

‘The recommendations were especially in conflict

with NP policy on white mineworkers.

They implied that the white mineworkers would be pushed out of a strategic industry in which they had played a key role for many years.

Rejecting the recommendations the two leaders said ‘Implementation of the recommendations will only lead to conflict and clashes.

‘It has been these very kind of concessions which have led to serious confrontation and conflict in the past.

They appealed to the government to think twice before this ‘bastion of the white worker is also thrown open for the sake of good human relationships.’

● By adopting the latest recommendations of the Wiehahn commission on labour recommendations the government and the Chamber of Mines would sever the ‘artery’ of white mineworkers, the right wing woman’s organization Kap-pie-Kommando said in Pretoria yesterday.

The convenor of the orga-

nization, Mrs Marie van Zyl, issued a brief statement commenting on the provisions of the latest Wiehahn recommendations.

‘This is part of the PW Botha government’s total onslaught against the whites of South Africa,’ she said. ‘We therefore give our unconditional support to the Mine Workers Union in their struggle against the plan.’

By adopting the sixth point of the Wiehahn recommendations the National Party government and the Chamber of Mines have succeeded in severing the artery (slagaar) of the white mineworker.’

● The country’s mining unions are to meet in Johannesburg to discuss the Wiehahn Commission’s report.

● Organizers of the all-white Mine Workers Union and shift representatives at a number of mines said mine workers were waiting for the union to call a meeting to decide on what course of action to take.

‘We’re waiting for Arrie (Mr Arrie Paulus, secretary of the MWU) to call a meeting,’ one union organizer said.

Asked whether strike action was being considered, a shaft representative said ‘That’s one of the options we will have to consider, but this time we’ll be organized.’

The MWU is scheduled to hold new elections next week and yesterday Mr Paulus described the elections as the most important in the union’s history because of the issues involved.

He said he would not comment at this stage on pending negotiations with the Chamber of Mines on the issue of black workers being admitted as ‘competent’ workers on the mines.

Report on

mines is

RDM 8 10 81

welcomed

THE Chamber of Mines has welcomed the Wiehahn Commission's recommendations and the Government's acceptance that statutory racial discrimination in the mining industry be abolished.

In a statement in Johannesburg yesterday the chamber said it was encouraged that the commission and the Cabinet have accepted that statutory racial discriminations in the mining industry be abolished

The chamber said it welcomed the general thrust of the recommendations

"As with earlier reports of the commission, the Government has indicated its desire to have this change affected through a process of consultation between management and labour

"The Chamber believes this to be appropriate

"It also believes that there is every reasonable chance that change can be negotiated to accommodate the safeguards stipulated in the commission's report and accepted by the government." — Sapa

60% + 3 = 63%

Chamber
Star 8/10/27.
approves
166
mines report

The Chamber of Mines has welcomed the general thrust of the Wiehahn Commission's sixth report, on the mines, and the Government's broad acceptance of its recommendations.

In its first official reaction to the recently published report and the White Paper response, the chamber said it was "encouraged" that the commission and the Cabinet had accepted that statutory discrimination in the mining industry be abolished.

The Government had indicated its desire to effect change through negotiation between management and labour — and the chamber believed this to be "appropriate."

Proposed Bill on pensions rejected

By STEVEN FRIEDMAN

AFFILIATES of the Federation of SA Trade Unions in Durban and Maritzburg have rejected the Government's proposed pensions Bill outright and have called for workers to have a direct say in the running of pension funds.

This demand will now go forward to Fosatu's central committee and could become part of national Fosatu policy. If it becomes policy, it could lead to demands by Fosatu unions for decision-making powers in company pension funds.

A spokesman for Fosatu yesterday released the text of resolutions adopted by more than 500 workers and worker representative at a meeting in Maritzburg. He said similar resolutions had been adopted at a meeting in Durban.

The resolutions say that the Government's proposed pension Bill — which has sparked nationwide labour unrest — was drawn up "without consulting the majority of workers or the organisations representing them".

They add that the Bill is "ill-timed" because workers are earning low wages and because South Africa has a "totally inadequate system of social security".

The resolutions claim that the Bill is an attempt "to relieve the State of the necessity to provide proper social security for workers".

Prejudice

They call for the Bill to be scrapped and add that "workers and their organisations must be consulted on this or any other issue" affecting them.

The meetings also condemned the "undemocratic practices of the majority of State, company and industrial council pension funds" and called for workers and worker organisations to have

● The right to withdraw from any pension fund "without prejudice"

● Have access "to all information regarding pension funds"

● A direct say in "the rules governing pension funds, their day-to-day operation, investment and loan policies"

This amounts to a call for a direct say in the running of company pension funds.

The unrest sparked by the proposed pension Bill has been particularly rife in Natal and the Registrar of Financial Institutions, Mr Naas van Staden, is due to address the Durban Chamber of Commerce and Natal Chamber of Industries on the issue tomorrow.

Unionists have said that worker reaction to the Bill has led to "a widespread examination by workers of the whole role of pension funds" and that workers "are questioning the running of these funds".

9/10/81
New draft labour bill (166)
PRETORIA — A draft bill to further amend the Labour Relations Act of 1956 during the 1982 Parliamentary session would be published in the Government Gazette today, the Director General of Manpower, Mr E A Cilliers, announced in yesterday. He said the bill would be published for general information and comment. — Sapa

112

(X 2)

1981
 REA
 T OF

 ry as
 mental
 in 63
 deter-
 piece
 Area
 vern-
 (25,7)
 of the
 in the
 in me
 in by
 be
 ment
 ived

 S and
 m ex-
 each,
 and
 mum
 areas
 on 16
 25,7)

 ms of
 1), or
 6), in
 in can
 ment
 ctates

 e said
 thou-
 ual to
 e, be
 land
 of 1
 eby

 PUB-
 TED

 roup
 of
 e, as
 pub-
 1981,
 nmu-

 re list
 esen-
 rivate

(c) alle eienaars van sodanige eiendom en alle houers van geregistreerde verbande daarvoor en enige ander belanghebbendes word hiermee aangesê om indien hulle enige beswaar het teen sodanige insluiting van die eiendom in die lys, hulle skriftelike besware met vermelding van die gronde van beswaar binne 21 dae na die datum van hierdie kennisgewing by die Gemeenskapsontwikkelingsraad in te dien

L. FOUCHE, Direkteur-generaal, Departement van Gemeenskapsontwikkeling, Privaatsak X149, Pretoria, 0001
 (9 Oktober 1981)

(c) all owners of properties included in the list and all holders of bonds registered over such properties and any other interested parties are hereby called upon to lodge with the Community Development Board, in writing, any objections they may have to the inclusion of such properties in the said list, together with the reasons therefor within 21 days of the date of publication hereof

L. FOUCHÉ, Director-General, Department of Community Development, Private Bag X149, Pretoria, 0001
 (9 October 1981)

KENNISGEWING 768 VAN 1981
 DEPARTEMENT VAN MANNEKRAG
 WYSIGINGSWETSONTWERP OP ARBEIDS-
 VERHOUDINGE

Die volgende Konsepwysigingswetsontwerp op Arbeidsverhoudinge word hierby vir algemene inligting en kommentaar gepubliseer. Enige kommentaar of vertoe daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word.

Algemene verduidelikende nota

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan
 — Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan

KONSEPWETSONTWERP

Tot wysiging van die Wet op Arbeidsverhoudinge, 1956, ten einde verder voorsiening te maak vir die vergoeding van uitgawes en geldelike verliese van sekere persone; die werksaamhede van die nywerheidshof verder te reël; die bepalinge met betrekking tot aangeleenthede wat deur 'n ooreenkoms van 'n nywerheidsraad behandel kan word, uit te brei; die uitreiking van bevele in sekere geskille verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan

NOTICE 768 OF 1981
 DEPARTMENT OF MANPOWER
 LABOUR RELATIONS AMENDMENT BILL

The following Draft Labour Relations Amendment Bill is hereby published for general information and comment. Any comment or representations thereon should be lodged in writing and in duplicate with the Director-General Manpower, Private Bag X117, Pretoria, 0001, within 30 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 Labour Relations Act, 1956, so as to further provide for the reimbursement of expenses and pecuniary losses of certain persons; to further regulate the functions of the industrial court; to extend the provisions relating to matters that may be dealt with by an industrial council agreement; to further regulate the making of orders in certain disputes; and to provide for matters connected therewith

Ingedien deur die Minister van Mannekrag

Daar word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika soos volg:

Wysiging van artikel 12 van Wet 28 van 1956, soos gewysig deur artikel 13 van Wet 57 van 1981

1. Artikel 12 van die Hoofwet word hierby gewysig deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Aan enige persoon wat as getuie gedagvaar is om voor die registrateur of 'n amptenaar te verskyn, kan, as die registrateur oortuig is dat hy weens sy verskyning [in gehoorsaamheid] ter voldoening aan die subpoena enige geldelike verlies gely het of enige onkoste moes aangaan, die [voorgeskrewe toelae] toelae wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal of die bedrag van sodanige verlies en onkoste, na gelang van watter die minste is, uit gelde deur die Parlement beskikbaar gestel, betaal word. Met dien verstande dat indien die persoon wat as getuie gedagvaar is, in die voltydse diens van die Staat is, die [toelae] toelae of die bedrag aan hom betaalbaar ooreenkomstig die wetsbepalinge wat sy diens reël, bepaal moet word.”

Introduced by the Minister of Manpower

Be it enacted by the State President and the House of Assembly of the Republic of South Africa, as follows:

Amendment of section 12 of Act 28 of 1956, as amended by section 13 of Act 57 of 1981

1. Section 12 of the principal Act is hereby amended by the substitution for subsection (9) of the following subsection:

“(9) Any person subpoenaed to appear before the registrar or any officer may, if the registrar is satisfied that he has by reason of his appearance in obedience to the subpoena suffered any pecuniary loss or been put to any expense, be paid from moneys appropriated by parliament [the prescribed] such allowances as the Minister may, with the concurrence of the Minister of Finance, from time to time determine or the amount of such loss and expense, whichever is the lesser. Provided that if the person subpoenaed is in the full-time employment of the State the allowances or amount payable to him shall be determined in accordance with the laws governing his employment.”

Wysiging van artikel 17 van Wet 28 van 1956, soos vervang deur artikel 8 van Wet 94 van 1979 en gewysig deur artikel 5 van Wet 95 van 1980 en artikel 18 van Wet 57 van 1981

2 Artikel 17 van die Hoofwet word hierby gewysig —

(a) deur in subartikel (11) die volgende paragraaf na paragraaf (b) in te voeg

“(bA) om die werksamhede te verrig soos in artikel 43 bedoel,”

(b) deur paragraaf (b) van subartikel (19) deur die volgende paragraaf te vervang

“(b) Assessore ingevolge paragraaf (a) aangestel, is geregtig op die toelaes wat [voorgeskrif word] die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal.”

(c) deur die volgende subartikel na subartikel (21) in te voeg

“(21A) ’n Party by ’n geskil of aangeleentheid in paragraaf (a) van subartikel (11) bedoel, kan teen enige beslissing van die nywerheidshof wat na aanleiding van sodanige geskil of aangeleentheid by die verrigting van sy funksies kragtens daardie paragraaf gegee is, appelleer na die provinsiale afdeling van die Hooggeregshof binne wie se regsgebied die nywerheidshof sy funksies met betrekking tot sodanige geskil of aangeleentheid verrig het en waar sodanige funksies verrig is binne die regsgebied van meer as een afdeling, na die provinsiale afdeling binne wie se regsgebied die nywerheidshof sy eerste sitting gehou het. Met dien verstande dat indien al die partye skriftelik toestem dat sodanige appel by enige ander provinsiale afdeling van die Hooggeregshof aangeteken kan word, kan sodanige appel aangeteken word by die provinsiale afdeling met betrekking waartoe toegestem is”, en

(d) deur subartikel (22) deur die volgende subartikel te vervang

“(22) (a) Daar word ’n Reelsraad ingestel bestaande uit die volgende lede

(i) Die president van die nywerheidshof, wat ook die voorsitter is van die Raad,

(ii) die adjunk-president van die nywerheidshof, wat die adjunk-voorsitter is van die Raad en as voorsitter van die Raad optree wanneer die president van die nywerheidshof vir enige rede nie in staat is om aldus op te tree nie,

(iii) twee advokate henoem deur die Algemene Raad van die Balie van Suid-Afrika en aangestel deur die Minister vir ’n tydperk van drie jaar, en

(iv) twee prokureurs henoem deur die Uitvoerende Raad van die Vereniging van Prokureursordes van die Republiek van Suid-Afrika en aangestel deur die Minister vir ’n tydperk van drie jaar

(b) Vier lede van die Raad vorm ’n kworum

(c) Die Raad is bevoeg, onderworpe aan bekragtiging deur die Minister, om reëls uit te vaardig, te wysig of te herroep ter reeling van die volgende aangeleenthede ten opsigte van die nywerheidshof

(i) Die bestuur van die verrigtinge van die nywerheidshof,

(ii) die wyse waarop vertoe tot die hof gerig kan word,

(iii) die verteenwoordiging van partye wanneer getuennis of argument aangehoor word,

(iv) die tarief van gelde van advokate en prokureurs,

(v) die tarief van koste en uitgawes wat ten opsigte van prosesstukke van die hof en die betekening en tenuitvoering daarvan verhaal kan word,

(vi) die pligte van amptenare van die hof,

(vii) die taksering van kosterekenings,

Amendment of section 17 of Act 28 of 1956, as substituted by section 8 of Act 94 of 1979 and amended by section 5 of Act 95 of 1980 and section 18 of Act 57 of 1981

2 Section 17 of the principal Act is hereby amended—

(a) by the insertion in subsection (11) after paragraph (b) of the following paragraph

“(bA) to perform the functions as referred to in section 43,”

(b) by the substitution for paragraph (b) of subsection (19) of the following paragraph

“(b) Assessors appointed in terms of paragraph (a) shall be entitled to such allowances as [may be prescribed] the Minister may with the concurrence of the Minister of Finance, from time to time determine,”

(c) by the insertion after subsection (21) of the following subsection

“(21A) Any party to a dispute or matter referred to in paragraph (a) of subsection (11) may appeal against any decision of the industrial court given with reference to such dispute or matter in the performance of its functions under that paragraph to the provincial division of the Supreme Court within the area of jurisdiction of which the industrial court performed its functions with reference to such dispute or matter and where such functions were performed within the area of jurisdiction of more than one division, to the provincial division within the area of jurisdiction of which the industrial court held its first sitting. Provided that if all the parties in writing consent to such appeal being made to any other provincial division of the Supreme Court, then such appeal may be made to the provincial division so consented to”, and

(d) by the substitution for subsection (22) of the following subsection

“(22) (a) There shall be a Rules Board consisting of the following members

(i) the president of the industrial court, who shall also be the chairman of the Board,

(ii) the deputy president of the industrial court, who shall be the deputy chairman of the Board and who shall act as chairman of the Board whenever the president of the industrial court is for any reason unable so to act;

(iii) two advocates nominated by the General Council of the Bar of South Africa and appointed by the Minister for a period of three years, and

(iv) two attorneys nominated by the Executive Council of the Association of Law Societies of the Republic of South Africa and appointed by the Minister for a period of three years

(b) Four members of the Board shall constitute a quorum

(c) The Board shall have the power, subject to confirmation by the Minister, to make, alter or repeal rules regulating the following matters in respect of the industrial court

(i) The conduct of the proceedings of the industrial court,

(ii) the manner in which representations may be submitted to it,

(iii) the representation of parties whenever evidence or argument is heard,

(iv) the tariff of fees of advocates and attorneys,

(v) the tariff of costs and expenses which may be recovered in respect of process of the industrial court the service or execution thereof,

(vi) the duties of officers of the industrial court

(vii) the taxation of bills of costs,

(viii) die ure waartydens die kantoor van die griffier oop is vir die uitreik van prosesstukke en ontvangs van dokumente, en

(ix) in die algemeen met betrekking tot alle aangeentehede wat noodsaaklik of bykomstig is vir die uitoefening van die hof se bevoegdhede en die verrigting van sy werksaamhede "

Wysiging van artikel 24 van Wet 28 van 1956, soos gewysig deur artikel 21 van Wet 57 van 1981

3 Artikel 24 van die Hoofwet word hierby gewysig deur paragraaf (x) van subartikel (1) deur die volgende paragraaf te vervang

"(x) die verbod van die indiensneming deur 'n werkgewer wat 'n party by die ooreenkoms is, of wat 'n lid is van 'n werkgewersorganisasie wat 'n party by die ooreenkoms is, van werknemers of werknemers van 'n bepaalde klas wat, terwyl hulle tot lidmaatskap van 'n vakvereniging wat 'n party by die ooreenkoms is, toelaatbaar is, nie lede van sodanige vereniging is of binne 'n tydperk van 90 dae vanaf die datum van indiensneming lede van sodanige vakvereniging word nie, en die verbod van die aanname deur lede van sodanige vakvereniging of deur lede van 'n bepaalde klas van sodanige lede van diens by 'n werkgewer wat nog 'n party by sodanige ooreenkoms is nóg 'n lid van 'n werkgewersorganisasie wat 'n party by sodanige ooreenkoms is, tensy sodanige werkgewer binne 90 dae na die datum van indiensneming van lede van sodanige vakvereniging of van lede van 'n bepaalde klas van sodanige lede 'n party by sodanige ooreenkoms of 'n lid van 'n werkgewersorganisasie wat 'n party by sodanige ooreenkoms is, word "

Vervanging van artikel 41 van Wet 28 van 1956, soos gewysig deur artikel 28 van Wet 57 van 1981

4 Artikel 41 van die Hoofwet word hierby deur die volgende artikel vervang

"Onkoste van versoeningsraad

41 'n Lid van 'n versoeningsraad is geregtig op die toelae wat die Minister met die instemming van die Minister van Finansies van tyd tot tyd bepaal en sodanige ander onkoste wat aangegaan word in verband met die verrigtinge van 'n versoeningsraad as wat die Direkteur-generaal Mannekrag goedkeur voordat of nadat dit aangegaan is, word betaal uit gelde wat deur die Parlement beskikbaar gestel word "

Vervanging van artikel 43 van Wet 28 van 1956, soos gewysig deur artikel 7 van Wet 41 van 1959, artikel 13 van Wet 94 van 1979 en artikel 7 van Wet 95 van 1980

5 Artikel 43 van die Hoofwet word hierby deur die volgende artikel vervang

"Bevoegdheid van hof om herstel in diens van werknemers of herstel van bedinge en voorwaardes van diens te beveel of om nie 'n beweerde onbillike arbeidspraktyk in te voer nie of, indien die praktyk ingevoer is, die arbeidspraktyk wat voor sodanige invoering bestaan het, te herstel

43 (1) In hierdie artikel beteken die uitdrukking "geskil" 'n geskil aangaande—

(a) die skorsing of beëindiging van diens van 'n werknemer of werknemers of die besluit of voorstel van 'n werkgewer om die diens van 'n werknemer of werknemers te skors of te beëindig, of

(b) 'n verandering of voorgestelde verandering in die bedinge of voorwaardes van diens van 'n werknemer of werknemers behalwe om uitvoering te gee aan 'n toepaslike wetsbepaling of loonreëlende maatregel, of

(c) 'n beweerde onbillike arbeidspraktyk

(viii) the hours during which the office of the registrar shall be open for the issue of process and receipt of documents, and

(ix) generally relating to all matters necessary or incidental to the exercise of its powers and the performance of its functions "

Amendment of section 24 of Act 28 of 1956, as amended by section 21 of Act 57 of 1981

3 Section 24 of the principal Act is hereby amended by the substitution for paragraph (x) of subsection (1) of the following paragraph

"(x) the prohibition of the employment by an employer who is a party to the agreement or who is a member of an employer's organisation which is a party to the agreement, of employees or employees of a particular class, who, while being eligible for membership of a trade union which is a party to the agreement, are not members of such union or do not become members within a period of 90 days from the date of commencement of their employment, and the prohibition of the acceptance by members of such trade union or by members of a particular class of such members of employment with an employer who is neither a party to such agreement nor a member of an employers' organisation which is a party to such agreement unless such employer becomes a party to such agreement or a member of an employers' organisation which is a party to such agreement within 90 days after the date of employment of members of such trade union or of members of a particular class of such members."

Substitution of section 41 of Act 28 of 1956, as amended by section 28 of Act 57 of 1981

4 The following section is hereby substituted for section 41 of the principal Act

"Expenses of conciliation board

41 Members of a conciliation board shall be entitled to such allowances as the Minister may with the concurrence of the Minister of Finance, from time to time determine and such other expenses incurred in connection with the proceedings of a conciliation board as are approved by Director General before or after their incurrence, shall be paid from moneys appropriated by Parliament "

Substitution of section 43 of Act 28 of 1956, as amended by section 7 of Act 41 of 1959, section 13 of Act 94 of 1979 and section 7 of Act 95 of 1980

5 The following section is hereby substituted for section 43 of the principal Act

"Power of court to order reinstatement of employees or restoration of terms and conditions of employment or to order an alleged unfair labour practice not to be introduced or, where such a practice has been introduced that the labour practice which existed before such introduction, be restored

43 (1) In this section the term "dispute" means a dispute concerning—

(a) the suspension or termination of the employment of an employee or employees or the decision or proposal of an employer to suspend or terminate the employment of an employee or employees, or

(b) a change or proposed change in the terms or conditions of employment of an employee or employees, except to give effect to any relevant law or wage regulating measure, or

(c) an alleged unfair labour practice

(2) 'n Party by 'n geskil wat—

(a) bedoelde geskil verwys na 'n nywerheidsraad wat regsbevoegdheid ten opsigte van die geskil besit, of

(b) kragtens artikel 35 (1) aansoek doen om die instelling van 'n versoeningsraad ten opsigte van die geskil as daar nie 'n nywerheidsraad is wat regsbevoegdheid besit nie,

kan tegelykertyd of binne sewe dae vanaf die datum van 'n verwysing ingevolge paragraaf (a) of 'n aansoek ingevolge paragraaf (b), na gelang van die geval, op die wyse voorgeskryf by die nywerheidshof aansoek doen om 'n bevel kragtens subartikel (4) Met dien verstande dat bedoelde aansoek by die nywerheidshof gedoen moet word binne 60 dae of, indien die nywerheidshof van mening is dat die aansoek binne 'n redelike tydperk gedoen is met inagneming van die onderhandelings wat voor die aansoek plaasgevind het of ander faktore wat die nywerheidshof ter sake ag, binne 90 dae vanaf die datum waarop kennis van die voorgestelde skorsing, beëindiging, verandering of beweerde onbillike arbeidspraktyk gegee is, of indien geen sodanige kennis gegee is nie, vanaf die datum waarop die skorsing, beëindiging of verandering plaasgevind het of die beweerde onbillike arbeidspraktyk ingevoer is

(3) (a) Wanneer 'n aansoek om 'n bevel ingevolge subartikel (2) gedoen word, moet die applikant tegelykertyd bewys tot bevrediging van die nywerheidshof lewer dat 'n afskrif van die aansoek per geregistreerde pos gestuur of afgelewer is aan die ander party of partye by die geskil en indien daar 'n nywerheidsraad is wat regsbevoegdheid ten opsigte van die geskil besit, aan die sekretaris van daardie raad

(b) Die in paragraaf (a) bedoelde party of partye en die nywerheidsraad (indien daar een is) kan binne 14 dae vanaf die datum van bedoelde aansoek of binne sodanige verdere tydperk of tydperke as wat die nywerheidshof of voor of na verstryking van so 'n tydperk vasstel, beëdigde skriftelike vertoe daaromtrent aan die nywerheidshof voorle

(4) (a) Na oorweging van die aansoek en enige beëdigde skriftelike vertoe aan hom voorgelê binne die in subartikel (3) (b) bedoelde tydperk en enige ander aangeleenthede wat hy ter sake ag kan die nywerheidshof 'n bevel uitvaardig waarin—

(i) die betrokke werkgewer of werkgewers gelas word om in 'n subartikel (1) (a) bedoelde geval, nie die diens van die betrokke werknemer of werknemers te skors of te beëindig nie of indien sodanige diens geskors of beëindig is die skorsing in te trek of die betrokke werknemer of werknemers weer in diens te herstel op bedinge en voorwaardes nie minder gunstig vir hom of hulle nie as die wat gewoonlik sy of hulle diens voor sodanige beëindiging geteel het, of

(ii) die betrokke werkgewer of werkgewers in 'n in subartikel (1) (b) bedoelde geval, gelas word om nie die voorgestelde verandering aan te bring nie of indien die verandering aangebring is, die bedinge en voorwaardes van diens wat gewoonlik voor die verandering bestaan het, te herstel, of

(iii) die werkgewer of werkgewers of werkgewerorganisasie of werknemer of werknemers of vakvereniging, na gelang van die geval, in 'n in subartikel (1) (c) bedoelde geval, gelas word om nie die beweerde onbillike arbeidspraktyk in te voer nie of indien die praktyk ingevoer is, die arbeidspraktyk wat gewoonlik voor sodanige invoering bestaan het, te herstel

(b) Die nywerheidshof kan te eniger tyd op aansoek van 'n party so 'n bevel terugtrek of wysig en die bepalinge van subartikel (3) is *mutatis mutandis* op so 'n aansoek van toepassing

(2) A party to a dispute who—

(a) refers the said dispute to an industrial council having jurisdiction in respect of the dispute, or

(b) applies under section 35 (1) for the establishment of a conciliation board in respect of the dispute if there is no industrial council having jurisdiction,

may at the same time or within seven days of the date of a reference in terms of paragraph (a) or an application in terms of paragraph (b), as the case may be, apply to the industrial court in the manner prescribed for an order under subsection (4) Provided that the said application be made to the industrial court within 60 days or, if the industrial court is of the opinion that the application was made within reasonable time having regard to the negotiations which took place prior to the application or to other factors which the industrial court considers relevant, within 90 days of the date on which notice was given of the proposed suspension, termination, change or alleged unfair labour practice, or if no such notice was given, of the date on which the suspension, termination or change took place or the alleged unfair labour practice was introduced

(3) (a) Whenever an application for an order is made in terms of subsection (2), the applicant shall at the same time furnish proof to the satisfaction of the industrial court that a copy of the application has been sent by registered post or delivered to the other party or parties to the dispute, and if there is an industrial council having jurisdiction in respect of the dispute, to the secretary of that council

(b) The party or parties and the industrial council (if there is one) referred to in paragraph (a) may, within 14 days of the date of the application, or such further period or periods as the industrial court may from time to time either before or after the expiry of any such period fix, submit attested written representations to the industrial court in regard thereto

(4) (a) After considering the application and any attested written representations submitted to it within the period referred to in subsection (3) (b) and any other matters which it considers relevant, the industrial court may make an order wherein—

(i) the employer and employers concerned in a case referred to in subsection (1) (a), is or are required not to suspend or terminate the employment of the employee or employees concerned, or if such employment has been suspended or terminated, to cancel the suspension or to reinstate the employee or employees concerned on terms and conditions not less favourable to him or them than those which governed his or their employment prior to such termination, or

(ii) the employer or employers in a case referred to in subsection (1) (b), is or are required not to make the proposed change, or if the change has been made, to restore the terms and conditions of employment which usually existed prior to the change, or

(iii) the employer or employers or employers' organisation or employee or employees or trade union, as the case may be, is or are required in a case referred to in subsection (1) (c), not to introduce the alleged unfair labour practice, or if the practice has been introduced, to restore the labour practices which usually existed prior to such introduction

(b) The industrial court may at any time on application from a party withdraw or vary any such order and the provisions of subsection (3) apply *mutatis mutandis* to such an application

(7-2)

(c) Die nywerheidshof mag, ten opsigte van enige verrigtinge kragtens hierdie artikel, geen bevel uitvaardig wat enige party by die verrigtinge gelas om die koste deur enige ander party aangegaan te betaal nie. Met dien verstande dat as die nywerheidshof van mening is dat 'n party op heuselegte gronde verskyn of tot die verrigtinge toetree het en dat bygevolg 'n ander party koste aangegaan het wat anders nie aangegaan sou gewees het nie, hy sodanige bevel aangaande die betaling van koste kan uitvaardig as wat hy billik ag.

(5) Wanneer die nywerheidshof 'n bevel kragtens subartikel (4) uitvaardig, stel die nywerheidshof 'n datum vas van wanneer af die bevel van krag word en kan die nywerheidshof dit terugwerkend maak na 'n datum nie vroer nie as dié waarop die diens van die werknemer of werknemers geskors of beëindig is of waarop die bedinge of voorwaardes van diens verander is of waarop die beweerde onbillike arbeidspraktyk ingevoer is.

(6) (a) 'n Aansoek om 'n bevel ingevolge subartikel (2) kan, indien daar goeie rede aangetoon word waarom die prosedure soos in subartikel (3) bepaal nie gevolg behoort te word nie, *ex parte* by wyse van beëdigde verklaring by die nywerheidshof gedoen word in welke geval die nywerheidshof die bevoegdheid het om 'n bevel ingevolge subartikel (4) uit te vaardig en die nywerheidshof stel 'n keerdatum vas vir oorweging of die aansoek bekragtig moet word.

(b) 'n Party wat deur 'n aansoek in paragraaf (a) bedoel geraak word, en die nywerheidsraad wat regsbevoegdheid besit, indien daar een is, kan 'n beëdigde skriftelike vertoe soos in subartikel (3) (b) bedoel voor die keerdatum aan die nywerheidshof voorle.

(c) Iemand teen wie 'n bevel *ex parte* toegestaan is, kan voor die keerdatum met minstens vier-en-twintig uur kennisgewing aan die ander partye en die nywerheidsraad wat regsbevoegdheid besit, indien daar een is, aansoek by die nywerheidshof doen om opheffing van die bevel.

(7) Die nywerheidshof kan na aanhoor van 'n aansoek, hetsy *ex parte* of andersins gedoen, 'n bevel weier maar die applikant verlot gee om die aansoek op dieselfde stukke, aangevul met sodanige verdere beëdigde verklaringe as wat na die mening van die nywerheidshof nodig mag wees, te hernieu.

(8) 'n Bevel deur die nywerheidshof kragtens subartikel (4) uitgevaardig, is van krag ondanks enige daarmee strydige bepalinge van 'n wet of loonreelende maatregel en bly van krag, tensy dit eerder teruggetrek word, totdat—

(a) die geskil deur die betrokke nywerheidsraad of die versoeningsraad, of as dit na arbitrasie of na die nywerheidshof vir vasstelling verwys word of moet word deur 'n toekenning of vasstelling, na gelang van die geval, besleg is, of

(b) die betrokke nywerheidsraad of versoeningsraad, na gelang van die geval, die nywerheidshof meegedeel het dat hy nie daar in geslaag het om die geskil te besleg nie en dat hy nie 'n besluit geneem het om die geskil na arbitrasie te verwys nie, of

(c) die partye by die geskil en die griffier van die nywerheidshof kennis ontvang dat die Minister besluit het om nie die instelling van 'n versoeningsraad goed te keur nie.

(c) The industrial court may not in respect of any proceedings under this section, issue an order requiring any party to the proceedings to pay the costs incurred by any other party. Provided that if the industrial court is of the opinion that a party appeared or joined in the proceedings on trivial grounds and in so doing caused another party to incur costs which otherwise would not have been incurred, it may make such order concerning the payment of costs as it may consider reasonable.

(5) When the industrial court makes an order under subsection 4, the industrial court shall fix the date from which the order shall operate and the industrial court may make the order retrospective to a date not earlier than that on which the employment of the employee or employees was suspended or terminated or on which the terms or conditions of employment were changed or on which the alleged unfair labour practice was introduced.

(6) (a) An application for an order in terms of subsection (2) may, if good cause is shown why the procedure specified in subsection (3) should not be followed, be made *ex parte* to the industrial court by way of a sworn statement, in the event of which the industrial court shall be empowered to make an order in terms of subsection (4) and the industrial court shall fix a return date to consider the ratification of the application.

(b) A party who is affected by an application referred to in paragraph (a), and the industrial council having jurisdiction, if there is one, may submit attested written representations referred to in subsection (3) (b) to the industrial court prior to the return date.

(c) Anyone against whom an order has been granted *ex parte* may, before the return date and with not less than 24 hours notice to the other party and the industrial council having jurisdiction, if there is one, apply to the industrial court for the order to be set aside.

(7) The industrial court may after hearing an application, whether it was made *ex parte* or otherwise, refuse an order but grant permission to the applicant to renew the application on grounds of the same documents, supplemented by such further sworn statements as may be necessary in the opinion of the industrial court.

(8) An order made by the industrial court under subsection (4) shall prevail over any contrary provisions in any law or wage regulating measure and shall, unless it is withdrawn sooner, remain operative until—

(a) the dispute has been settled by the industrial council or conciliation board concerned or, if it is referred or has to be referred to arbitration or to the industrial court for determination, by an award or determination, as the case may be, or

(b) the industrial council or conciliation board concerned, as the case may be, informs the industrial court that it did not succeed in settling the dispute and that a decision to refer the dispute to arbitration was not taken, or

(c) the parties to the dispute and the Registrar of the industrial court are notified that the Minister did not approve of the establishment of the conciliation board,

v-
of
no
f a
in
he
ter
to
urt
ni
ch
ch
die
m,
if
air
in
me
a
or
if
ect
re
of
ods
or
rit-
to
ted
od
ich
si
ase
u to
o or
een
to
rms
han
r to
o in
the
to
hich
ani-
the
o in
ifair
l, to
or to
ion
OVI-
h an

na gelang van watter gebeurtenis eerste plaasvind Met dien verstande dat geen sodanige bevel vir langer as ses maande vanaf die datum van inwerkingtreding deur die nywerheidshof kragtens subartikel (5) vasgestel, van krag bly nie, tensy die nywerheidshof op aansoek daardie tydperk verleng met tydperke van nie langer as 30 dae op 'n keer nie

(9) Indien 'n bevel uitgevaardig word ten opsigte van 'n in subartikel (1) (a) bedoelde aangeleentheid, word 'n werkgewer wat aan 'n werknemer die beloning betaal wat aan die werknemer verskuldig sou gewees het ten opsigte van sy normale werkkure as sy diens nie geskors of beëindig was nie, geag uitvoering aan die bevel te gee het

(10) Indien die nywerheidsraad of versoeningsraad wat 'n in subartikel (1) (a) bedoelde aangeleentheid onder oorweging gehad het of 'n arbiter of arbiters of 'n skeidsregter na wie die aangeleentheid ingevolge hierdie Wet verwys word of die nywerheidshof die skorsing of beëindiging of die besluit of voorstel wat tot die geskil aanleiding gegee het, bekragtig, of indien die besluit van die Minister om die instelling van 'n versoeningsraad ten opsigte van daardie aangeleentheid goed te keur ter syde gestel word kragtens artikel 35 (13), of indien die Minister besluit het om nie die instelling van 'n versoeningsraad goed te keur nie, is 'n werkgewer wat kragtens die bepalinge van subartikel (9) enige beloning aan 'n werknemer betaal het ter voldoening aan 'n bevel wat kragtens subartikel (4) uitgevaardig is ten opsigte van dieselfde aangeleentheid, geregtig om die beloning aldus betaal op die werknemer deur suiwe geleidelike stappe te verhaal, mits die hof wat die peding om die verhaal van sodanige beloning verhoor, oortuig is dat die skorsing of beëindiging of voorgestelde skorsing of beëindiging van die diens van die werknemer as gevolg van wangedrag van die werknemer geregverdig was

Wysiging van artikel 46 van Wet 28 van 1956, soos gewysig deur artikel 9 van Wet 41 van 1959, artikel 3 van Wet 101 van 1967, artikel 14 van Wet 91 van 1970, artikel 8 van Wet 95 van 1980 en artikel 30 van Wet 57 van 1981

6 Artikel 46 (6) (d) van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (i) deur die volgende subparagraaf te vervang

“(i) Indien die geskil betrekking het op 'n in artikel 43 (1) bedoelde aangeleentheid, kan enige party by die geskil ten tye van die verslag kragtens paragraaf (a) of binne sewe dae daarna [die Minister versoek] by die nywerheidshof aansoek doen om 'n in subartikel (4) van daardie artikel bedoelde bevel uit te vaardig”.

(b) deur subparagraaf (ii) deur die volgende subparagraaf te vervang

“(ii) Indien die Minister kragtens paragraaf (b) gelas dat die bepalinge van hierdie artikel op 'n in subparagraaf (i) bedoelde geskil toegepas moet word, kan [hy] die nywerheidshof na oorweging van 'n [versoek kragtens bedoelde] in daardie subparagraaf bedoelde aansoek en enige beëdigde skriftelike vertoe van [en na oorlegpleging met] enige party wat na [sy] die nywerheidshof se mening daardeur geraak kan word [en as hy dit raadsaam ag om dit te doen,] 'n in bedoelde subparagraaf bedoelde bevel uitvaardig [asof hy die instelling van 'n versoeningsraad goedgekeur het].”;

whichever event occurs first Provided that no such order shall remain operative for longer than six months from the date of commencement fixed by the industrial court under subsection (5) unless the industrial court on application extends that period by periods of 30 days at a time

(9) If an order is made in respect of any matter referred to in subsection (1) (a) an employer who pays to an employee the remuneration which would have been due to the employee in respect of his normal hours of work had his employment not been suspended or terminated shall be deemed to have complied with the order

(10) If the industrial council or conciliation board which has had under consideration a matter referred to in subsection (1) (a), or an arbitrator or arbitrators or an umpire to whom the matter is referred in terms of this Act or the industrial court confirms the suspension or termination or the decision which gave rise to the dispute, or if the decision of the Minister to approve of the establishment of a conciliation board in respect of such matter is set aside under section 35 (13), or if the Minister decided not to approve of the establishment of a conciliation board, any employer who under the provisions of subsection (9) has paid any remuneration to an employee in satisfaction of an order made under subsection (4) in respect of the same matter shall be entitled to recover the remuneration so paid from the employee by civil legal proceedings, provided the court which hears the action for the recovery of such remuneration is satisfied that the suspension or termination or proposed suspension or termination of the employment of the employee was justified by reason of misconduct of the employee

Amendment of section 46 of Act 28 of 1956, as amended by section 9 of Act 41 of 1959, section 3 of Act 101 of 1967, section 14 of Act 91 of 1970, section 8 of Act 95 of 1980 and section 30 of Act 57 of 1981

6 Section 46 (6) (d) of the principal Act is hereby amended—

(a) by the substitution for subparagraph (i) of the following paragraph

“(i) If the dispute concerns a matter such as is referred to in subsection (1) of section 43, any party to the dispute may at the time of the report under paragraph (a) or within seven days thereafter [request the Minister] apply to the industrial court to make an order such as referred to in subsection (4) of the said section”, and

(b) by the substitution for subparagraph (ii) of the following subparagraph

“(ii) If the Minister directs under paragraph (b) that the provisions of this section shall be applied to any dispute such as referred to in subparagraph (i), [he] the industrial court may, after considering [any request under] an application and any attested written representations such as referred to in the said paragraph [and after consultation with] from any party who in [his] the industrial court's opinion may be affected thereby, [and if he deems it expedient to do so] make an order such as is referred to in the said subparagraph [as if he had approved of the establishment of a conciliation board]”.

(c) by the substitution of subparagraph (iii) of the following subparagraph

“(iii) The provisions of [paragraph (a) of subsection (4) and] subsections (5) [to (9)] (8), (9) and (10) of section 43 shall *mutatis mutandis* apply in respect of any order made under this paragraph”, and

(d) by the substitution of subparagraph (iv) of the following subparagraph

“(iv) The parties to the dispute shall be notified in writing by the registrar of the industrial court of the terms of an order made under this section or of the withdrawal or variation of any such order”

Short title and commencement

7 This Act shall be called the Labour Relations Amendment Act, 1982, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

(9 October 1981)

(c) deur subparagraaf (iii) deur die volgende subparagraaf te vervang

“(iii) Die bepalings van [paragraaf (a) van subartikel (4) en] subartikels (5) [tot (9)] (8), (9) en (10) van artikel 43 is *mutatis mutandis* van toepassing ten opsigte van ’n bevel kragtens hierdie paragraaf uitgevaardig”, en

(d) deur subparagraaf (iv) deur die volgende subparagraaf te vervang

“(iv) Die partye by die geskil moet skriftelik deur die griffier van die nywerheidshof in kennis gestel word van die bepalings van ’n bevel wat kragtens hierdie artikel uitgevaardig word of van die terugtrekking of wysiging van so ’n bevel”

Kort titel en inwerkingtreding

7 Hierdie Wet heet die Wysigingswet op Arbeidsverhoudinge, 1982, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal

(9 Oktober 1981)

Bill drafted to beef up industrial court

RDM

10/10/81 (S) 166
By STEVEN FRIEDMAN

THE Government yesterday released a draft Bill which seeks to introduce key changes to the industrial court, a vital element in the new labour dispensation which has been sharply criticised by unionists and some lawyers.

The draft Labour Relations Amendment Bill proposes a right of appeal to the Supreme Court against industrial court decisions and seeks to grant the court the power to order employers to reinstate fired workers

The lack of these provisions has been sharply criticised by lawyers

The Bill also seeks to alter the "closed-shop" system, whereby workers are forced to belong to specific trade unions, by giving workers a 90-day "period of grace" before they have to join

Several established unions have negotiated closed-shop agreements with employers, forcing black workers to join their unions.

This has been sharply criticised by emerging black unions, who see it as an attempt to "force workers to join unions which they reject"

Employers believe the closed shop can be used to enforce job reservation

Officials say the 90-day provision is an attempt to prevent unions from using the closed shop to keep blacks out of skilled jobs, because workers would then be allowed to take up jobs before the closed shop came into effect

On the industrial court, the Bill recommends a right of appeal as well as other changes, which seek to speed up access to the court and grant it wider powers

The court will now have the power to grant orders to workers instructing an employer to reinstate them if they have been fired

It may also order employers or unions to rescind "unfair labour practices" or to restore the status quo if there is a dispute over a change in employment conditions

Disputes

This power was previously vested in the Minister of Manpower

The court would have the power to hear applications for orders from workers or employers who have referred a labour dispute to an official industrial council or conciliation board

The order would last up to six months or until the dispute was resolved

Up to now, workers seeking access to the court have had to wait until a council or board had first discussed their cases

The Bill suggests they should be allowed to go to the court at the same time as they approach the council or board

The Bill proposes a Rules Board for the court, which would include two advocates nominated by the Bar Council and two attorneys nominated by the Associated Law Societies, all of whom would be appointed by the Minister

The Bill comes in the wake of sharp criticism of the court by lawyers and unionists. They complain it has no power to intervene in "unfair dismissals", and that access to it is too cumbersome, and have criticised the lack of an appeal to the Supreme Court

As a result, some emerging black unions have refused to use the court

The Bill appears to be a response to these criticisms

Industrial Court Bill gets mixed reception

SR 10/10/81

166

By Drew Forrest

Major changes to South Africa's new industrial court are proposed in a draft amendment to the Labour Relations Act, published yesterday

In a move clearly aimed at placating critics of the court in legal and trade union circles, the draft Bill proposes

- A wider right of appeal from the court to the Supreme Court. This would, however, apply only in respect of the court's functions as a court of law and not in respect of unfair labour practices

- New powers to enable the court to intervene more swiftly in labour disputes by the making of "status quo" orders

Such interim orders

would reinstate dismissed or suspended workers, or prohibit an alleged unfair labour practice, pending the determination of a dispute

While praising the draft Bill as "substantially positive," labour lawyers stressed yesterday that it failed to address itself to the basic problem of the industrial court's "absurdly narrow" jurisdiction

They pointed out that under the 1979 statute that established the court — and through its own judgment in the Raleigh Cycles case this year — it cannot hear disputes arising out of strikes, lockouts, victimisation, unlawful dismissals or unilateral changes in conditions of employment

"These are at the core of most recent industrial unrest," said one lawyer "This explains why the black unions have stopped using the court

Although significant, the proposed changes will not have too much effect until the court is given real teeth"

The lawyers also pointed out that applicants for "status quo" orders would, simultaneously, have to refer the matter in dispute to an industrial council or conciliation board

"This adds unnecessarily to the bureaucratic steps which have to be taken in resolving disputes," a lawyer said

In regard to the proposed right of appeal, the lawyers expressed disappointment that it would not apply in unfair labour practice cases

'Closed shop' Bill listed

The Government's controversial decision to retain the closed shop system is fleshed out in the latest draft amendment to the Labour Relations Act.

Published in the Government Gazette yesterday, the draft Bill proposes that newly recruited workers be allowed a 90-day period of grace before joining a trade union party to a closed shop agreement

Employers wishing to take on workers covered by a closed shop agreement would be allowed the same period of grace before becoming party to the agreement, if the Bill becomes law

The proposals are in line with the Government White Paper on the closed shop, tabled in Parliament a fortnight ago

In terms of the closed shop practice, membership of a particular union is a condition of employment. As it operates in South Africa, it is condemned by many black unions, and they are unlikely to be placated by the introduction of a 90-day "post entry clause"

Black workers in some industries are compelled by closed shop agreements to belong to established, white-dominated unions, often against their will

And because it has served historically as a form of job reservation, the retention of the practice is a setback for many employers

RULES

"The idea is that, in developing a body of precedent, the judgments of a specialist labour court should not be overturned by the ordinary courts," the lawyers commented

"But one can't help feeling that, while it is in a transitional phase, there would be value in the steadying hand of an appeal"

The draft Bill also proposes the establishment of a "Rules Board," consisting of the court's president and vice-president, two advocates and two attorneys. The board's task will be to hammer out court procedures

The court has been sharply criticised for being inaccessible despite the Wiehahn Commission's stated view that it should offer workers a cheap and readily available alternative to the ordinary courts

Blacks need their pensions NOW

C. Heald 10/10/81 208
166

THE salaries earned by African, coloured and Indian people are generally so low that they have to use their pension funds as savings and they have to 'draw' from them at times of need. This is the main reason why the Government's proposed law to allow for pensions to be transferred when employees resign is being attacked by the workers.

In fact, a warning was given at a Durban seminar on the Pension Bill that black workers in general (and particularly those in outlying areas) would not accept the Bill, and this opposition is being used as a focal point for fomenting industrial unrest.

An executive of the Hulets Group, said that Hulets had recently been plagued by worker stoppages, following the pattern of similar stoppages in the Eastern Province earlier in the year, and the Bill had been one of the major issues.

A similar warning had been given at an earlier seminar in Johannesburg. The seminars were two in a countrywide series organised by the Southern Life Association, one of South Africa's biggest administrators of pension funds.

JOB-HOPPING

The Bill is aimed mainly at job-hopping workers who cash in their pension entitlements when they change jobs, making inadequate provision for their old age. The principle is generally accepted by whites, but blacks reason differently. Their feelings, as described by speakers at the seminars, are:

- 'When I reach old age, the Government give me a pension for nothing. Now it is going to force me to pay for that pension.'
- Short-term needs of black workers far outweighed long-term benefits and refunds of pension contributions are seen as part of short-term financial survival.
- Pension moneys are seen as savings towards periods of joblessness, which could last several months.
- Workers who change jobs fear they will not be able to keep track of their frozen entitlements if they join other firms which have no pension schemes.
- In black extended families, workers have probably had to carry old

relatives and feel they are entitled to be carried in their turn.

● Black workers mistrust their employers, the administrators of pension funds and the Government and resent having no control over investment policies.

● Blacks want a change in their funds' investment mix, they want the money to go into financing black businesses and black housing and the yield of investments is unimportant in comparison.

To counter the opposi-

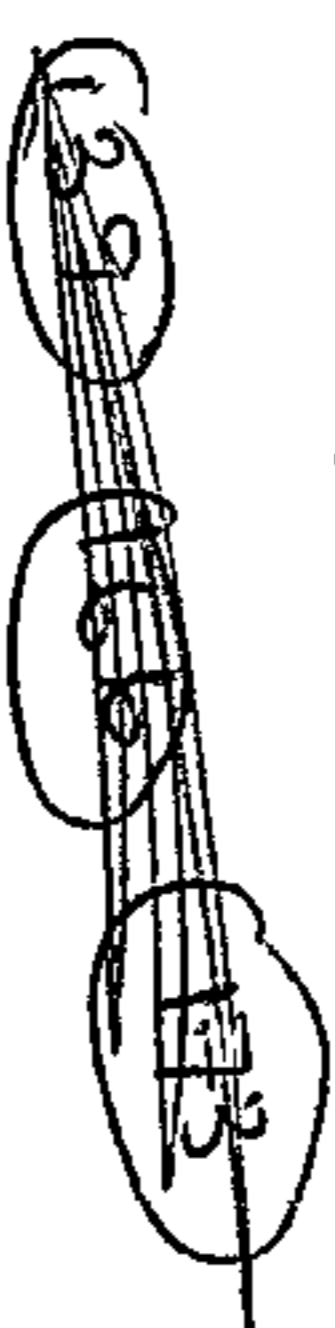
tion, a long period of preparation for the idea of pension preservation is needed, said a speaker.

That preparation would involve a great deal of negotiation on the part of industrial relations officials and a selling campaign by organisations like Southern Life.

The reaction among delegates at the Durban seminar was that introduction of the new law should be postponed for three to five years and that exemptions should be granted in special cases.

166

NM 10/10/81



Key changes to Industrial Court in draft Bill

Right of appeal and power to order employers to reinstate sacked workers proposed

Mercury Correspondent

JOHANNESBURG—The Government yesterday released a draft Bill which seeks to introduce key changes to the Industrial Court, a vital element in its new labour dispensation which has been sharply criticised by unionists and lawyers

The draft Labour Relations Amendment Bill proposes a right of appeal to the Supreme Court against Industrial Court decisions and seeks to grant the court the power to order employers to reinstate fired workers. The lack of

these provisions has been sharply criticised by lawyers

It also seeks to alter the 'closed shop', whereby workers are forced to belong to specific trade unions, by giving them a 90-day 'period of grace' before they have to join

Several established unions have negotiated 'closed shop' agreements with employers, whereby black workers are forced to join their unions.

This has been sharply criticised by emerging black unions, who see it as an attempt to 'force workers to join unions which they reject'

Employers believe the closed shop can be used to enforce job reservation.

The Bill retains the closed shop but allows workers 90 days' 'grace' before they join the union. Officials say this is an attempt to prevent unions from using the closed shop to keep blacks out of skilled jobs because workers would be allowed to take up their job before the closed shop came into effect

But it leaves all other aspects of the closed shop intact.

On the Industrial Court, the Bill recommends a right of appeal as

well as other changes which seek to speed up access to the Court and grant it wider powers

The Court will now have the power to grant orders to workers instructing an employer to reinstate them if they have been fired. It may also order employers or unions to rescind 'unfair labour practices' or to restore the *status quo* if there were a dispute over a change in employment conditions

This power was previously vested in the Minister of Manpower and would be transferred to the Court if the Bill were enacted.

The Court would have the power to hear applications for orders from workers or employers who have referred a labour dispute to an official industrial council or conciliation board

The order would last up to six months or until the dispute was resolved

Up to now, workers seeking access to the Court have had to wait until a council or board discussed their case before going to the Court. The Bill suggests they should be allowed to do so at the same time as they approach either body—a move which would speed up access in

these cases

The Bill also proposes a rules board for the Court, which would include two advocates nominated by the Bar Council and two attorneys nominated by the Associated Law Societies, all of whom would be appointed by the minister.

The Bill comes in the wake of sharp criticism of the Court by lawyers and unionists. They complain that it has no power to intervene in 'unfair dismissals', that access to it is too cumbersome and that there is lack of appeal to the Supreme Court

Uproar over draft Bill on pensions

S. Times 11/1/67
20/1/67

FURIOUS pension fund delegates tore into the draft Bill on pensions this week after a meeting in Johannesburg of the Association of Pension and Provident Funds

The meeting itself was marked by fierce criticism of the draft and angry debates and these continued at various private gatherings afterwards and in discussions with Business Times

The one bright patch was the approval in principle at the association's meeting that pensions should be preserved

Afterwards, a determined Registrar of Financial Institutions Nias van Staden told the meeting "There is no going back"

The chairman of the association, Geoff Faulding commented "The Bill has been ravaged. The ball is now in our court to suggest constructive changes"

Several experts canvassed emphasised that strikes by blacks and by white artisans had roots in the confusion about the pensions issue

They said that the issue was generating unrest because the workers felt they would have no access before official retirement to the money they had paid into pension funds

They therefore called for contributions made before the effective date of the new Act to be exempted from it

It was also made clear that to link a person's retirement immunity and pension benefits was questionable because of the great difference between white

By Stephen Orpen

and black pension

A discussion group spokesman Mr W P van Niekerk felt that the section concerned with divorce as grounds for exemption from the preservation rule appeared to apply more to whites than to blacks

He said that divorce should not qualify a person from exemption

Among the most hotly argued clauses of the Bill is clause 15 which demands that an employer operating a pension fund must publish the position of the fund or any deficit, in detail in the company's annual report

Many of the private-sector pension-fund representatives were adamant that the public sector should not be exempt from this compulsion to publish not least because "the Government is the largest single employer in the land"

Govt's three-year bid (166)
to ease pensions row

Labour Reporter

Provisions in the Pension Bill to be tabled in Parliament next year will not become legally binding for another three years, says the Registrar of Financial Institutions, Mr Naas van Staden.

He said pension funds would have three years to enact the Bill's provisions once it became law

The proposed Bill is seen to have sparked widespread labour unrest in Natal and the Eastern Cape. Strikes resulted

when workers demanded immediate pay-outs of their pension contributions and managements have warned they would have to resign to receive their funds

On Friday Mr van Staden flew to Durban for a meeting with the Natal Chamber of Commerce and Durban Chamber of Commerce Employers and the chambers had called for deferment of the pension legislation

Mr van Staden said firms wishing to enact the new legislation from next year were free to do so

Wiehahn Report under fire over registration issue

RDM 13.10.81 (116)
Mail Correspondent

THE chairman of the National Manpower Commission's standing commission on industrial relations, Professor S M Swart, yesterday expressed support for "automatic" union registration.

Prof Swart, of the business school of Stellenbosch University, was addressing a seminar of the Institute of Personnel Management in Port Elizabeth. The NMC is currently reviewing labour legislation.

He said the representativeness of trade unions should not play a role in registration, only as far as union recognition was

concerned. Recognition could be sorted out either on a plant or at industrial council level.

Prof Swart said the fifth part of the Wiehahn Commission Report was "superficial and lacking in technical depth" as far as registration and the decentralisation of collective bargaining was concerned.

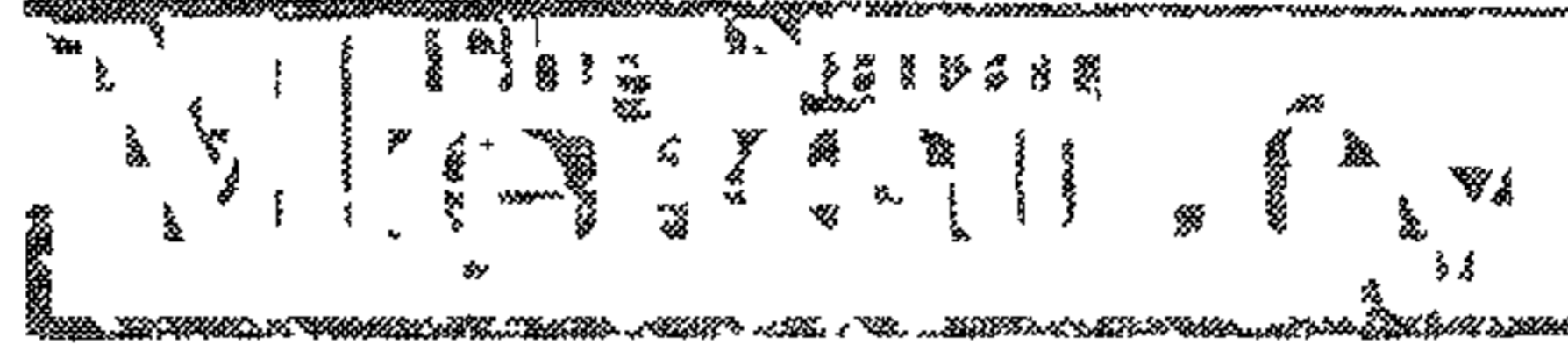
The Wiehahn Commission was not so much an expert commission as an interest commission, he said.

Report

The lack of decentralised bargaining — a major point of criticism by unregistered unions which prefer in-plant agreements to the "cumbersome and ineffective" official bargaining system — would be reported at the beginning of next year, Prof Swart said in an interview.

A report on registration — also a major issue with independent unions — would also be completed by then.

Prof Swart expressed serious doubts on the retention of the committee system in the new Labour Relations Act. He said a two-tier system of trade unions and committees could work but not in the present climate where there was strong feeling among blacks against committees.



TUESDAY, OCTOBER 13, 1981 (166)

BELATED CHANGE

THE Government's draft Bill to introduce important changes in the Industrial Court, which with the National Manpower Commission is one of the key institutions in the country's new era of industrial relations, is a welcome recognition of the validity of some of the criticisms of the earlier legislation.

But with the De Lange Report on education (and the Government's White Paper on it) freshly in mind, one is again left wondering why the Government is so prone to lessen the credit and goodwill that would accrue to it if it simply followed in the first place the more progressive recommendations put to it by the various investigating bodies it appoints to pave the way on the rocky road to reform.

Instead, it harms the credibility of its professed good intentions by watering down some of the most meaningful recommendations, only to try to regain lost ground later by way of amending legislation that harks back to the original proposals.

The purpose of the Industrial Court, as outlined in the first report of the Wiehahn Commission and in subsequent statements by Prof Nic Wiehahn, was that it would play a significant role in the development of fair labour practices and sound industrial and human relations. For

the first time the country would have a body with judicial powers to settle conflicts of rights and interests and to aid in the development of a labour code. It would follow decisions made in labour matters by other courts but would also form its own precedents where justified.

The Wiehahn Report also recommended that there should be a right of appeal to the Supreme Court against a decision of the Industrial Court, and that it should be competent to order reinstatements and restoration of terms or conditions of employment, or to give 'any such order as justice and equity may demand'. But somewhere along the legislative line these provisions were dropped, although power to restore the *status quo* in a dispute over a change in employment conditions was vested in the Minister of Manpower.

The Bill seeks to grant a right of appeal, and to streamline procedures and restore to the labour court much of the authority it was intended to have, including the power to reinstate unfairly dismissed workers. These amendments, with proposed changes in the application of the 'closed shop' principle, should meet much of the criticism that has been levelled by trade unionists and lawyers.



MR J LINDE, extreme right, an official of the Department of Manpower, with some members of the Umzinto North Town Board yesterday.

Pay

Umzinto North Town Board given ultimatum on black wages

NM
20/10/81
166

up or

By Mariah Vengtas

OFFICIALS of the Department of Manpower yesterday gave the Umzinto North Town Board an ultimatum to upgrade the wages of its black labour force within 48 hours or face prosecution

This follows a move by the board's 70 labourers to down tools yesterday morning in protest against low pay and working conditions

The striking workers, however, resumed their duties after two officials of the Department of Manpower, Mr J Linde and Mr A van der Merwe, assured them that their demands would be taken up with the board

The officials, accompanied by a spokesman for the workers, Mr Gilbert Mkadi, later held 'closed door' talks with members of the town board

After the hour-long meeting, neither Mr Linde nor Mr van der Merwe would comment, except to say that negotiations were continuing. But it was learned from a reliable source that the board was given 48 hours to upgrade the wages of its black workers or face prosecution.

Mr Mkadi said the starting wage of a labourer was R76 a month and the highest wage was under R150 a month

'This is ridiculous,' he

said adding that workers were finding it impossible to survive on R76 a month

'Bus fares have been increased and the cost of living has gone up. We want a minimum increase of R30 a month for all labourers' He said workers were also demanding overalls and gumboots while on duty

Board chairman Mr Goolam Bellim said a special meeting of the board would be convened today to discuss the pay demand and the decision would be relayed to the Department of Manpower

Meanwhile, a board member Mr Ismail Moolla, who last week announced his de-

cision to quit, told the Mercury yesterday that he had now decided to stay on following 'pressure from the chairman and his colleagues'

He said he had been persuaded not to resign at least until the outcome of a comprehensive memorandum sent recently to the Natal Provincial Administration by Mr Bellim. One of the requests in the memorandum, it is believed, is for a committee of inquiry into the workings of the town board.

Mr Moolla, who also attended the pay talks, said he agreed that the black labourers' wages should be upgraded.

Sawden 4/10/81

166

Real Grievances in Pension Issue

THE current unrest over the pensions issue is more than the product of workers' misery and instead has focused their grievances about the operation of pension funds generally, SELLO RABOIHATA reports.

THE RECENT announcement by the Government that the new Pensions Bill will be delayed for three years is not having the desired effect of calming labour unrest, as can be seen in the spate of strikes and dismissals around the country.

Demands for the withdrawal of pension contributions are still being made in several parts of Natal and the Eastern Cape and trade unionists on the East Rand say serious dissatisfaction exists with pensions there.

What the pensions bill seems to have done is to focus workers' grievances about the operation of pension funds generally. This is the finding of a Federation of South African Trade Unions' memorandum which is to be discussed at Fosatu's central committee meeting at the end of the month.

According to the memo, a strikingly small set of objections have been voiced on the running of pension funds at shop stewards' councils and factory meetings in Natal and the Transvaal.

Both management and the media have fallen into the trap of believing that the present pensioners' unrest is the product of worker grievances and gullibility, the memo says.

They believe that workers do not understand the benefits of pensions, and so see the problem as being one of communication. This totally underestimates workers' ability

workers a return to the same kind of industry is not early or speedily achieved.

Many contract workers as a result do not get the benefits of management contributions, which greatly reduces the value of participating.

If they are any the

only use of such a scheme is the forced savings of the workers' own money. But as the system presently works, the rate of interest given to worker contributions is usually two per cent less than what

only use of such a scheme is the forced savings of the workers' own money. But as the system presently works, the rate of interest given to worker contributions is usually two per cent less than what

far less than the cost of interest payable by the bank.

Many workers argue that they need the money now, and not at the age of 65. They believe that the cost of the more, more for the

they are younger on a deposit for a house or on education for their children. Others need the money more when they are unemployed than in the

THE ALEXANDER ON THE FUTURE OF THE PENSIONERS' UNREST



Items of pensions identified by

the memo are

Workers have never been consulted about pension schemes. They played no part in framing the rules or determining benefits. They have usually been forced to accept schemes when only their tokens consent. As a result many workers have viewed that interest as their own, and that are being served, and that funds as recently constructed fail to meet their needs.

Workers are denied access to adequate information on the funds. They do not know how much they have contributed, what is happening to their money and what rate of interest is being gained.

Even though they are entitled on request to information on their contributions or on the general condition of the fund, this is often made difficult to get. Such obstruction leads suspicion of funds, and makes it difficult for workers to know what they can claim.

Already, many workers do not get their benefits because no satisfactory system of tracing and paying pensioners is laid down. This is especially true of contract workers and their widows and dependents.

At present the responsibility for claiming the pension rests with the worker and not with the fund. This is particularly problematical when it comes to widows claiming death or retirement benefits.

Through no fault of their own, many fail to work in one company or one industry for long periods of time. Re-employment and dismissal are the most common movements, and in the case of contract

Pensions bill: Flood of reaction

Own Correspondent

JOHANNESBURG — Today is the closing day for objections to the draft Preservation of Pensions Bill — and officials say they have received "a growing stream" of comments

The draft bill, which has sparked heated comment and a spate of strikes by black workers, was released some weeks ago for comment and objections. The government recently announced it was going ahead with the bill but would not implement it for three years.

However, the issue is still prompting strikes in various centres.

The office of the Registrar of Financial Institutions said yesterday that "an ever-thickening stream" of reactions had been received.

The bill provides for all employee contributions paid into pension funds after it becomes law to be "preserved" — employees will not be able to withdraw contributions when they leave a job, but will receive their pension pay-out on retirement.

Most black unions want the bill scrapped. They have received support from "free marketeers", who argue that the bill is a "socialist measure" that would allow "the State to get its hands on private pension money".

The broad thrust of the bill still draws substantial employer support, but changes appear certain. One clause likely to go allows for pension funds to be exempted from the proposed law if there is a threat of "serious unrest".

The government has received suggestions from employers who want to see the measure modified to prevent unrest. These include exempting workers earning below a set amount and exempting provident funds, thus allowing workers to negotiate a fund not covered by the bill.

⊙ Yesterday Mr Piroshaw Camay, general secretary of the Council of Unions of SA, told the National Development and Management Foundation that workers' past experience with the administration of pension funds was "negative" and they "have no faith that the scheme will work to their benefit".

Boost for manpower training

8/23/10/81

177

166

The Minister of Manpower, Mr Fanie Botha, yesterday announced the formation of a National Training Board to cover the interests of manpower training irrespective of race, colour or sex.

At a Press conference in Pretoria, Mr Botha said the board would spearhead the provision of skilled workers of all population groups.

The board would consist of a chairman, a vice-chairman and 20 members, as well as 12 alternate members. It would have one black, one coloured and one woman member.

The members of the board would represent the interests of employers, workers and the State but not specific organisations.

The board had been appointed in terms of the Manpower Training Act which would come into operation on November 1. Its members, who would serve for three years, would advise the Minister of Manpower on training policy.

The chairman would be Dr P J van der Merwe, deputy Director general of Manpower. The vice-chairman would be Mr S C M Naude, retired Deputy Director general of National Education, Mr Botha said.

"They were appointed

because of their expert knowledge or experience of manpower training development and the interests they represent in the national economy," Mr Botha said.

Eight members would represent employers and four would be from employee ranks. There would be five State officials and three independent experts in the manpower field.

Mr Botha said that more members from employer ranks had been appointed because of the important role employers had in training the labour force.

"The board will play an important role in implementing the government's general aim in ensuring that the country's workers be developed and used to the optimum irrespective of race, colour or sex," Mr Botha said.

Mr Botha said he thought one of the first priorities of the board would be the co-ordination of existing manpower training programmes.

The board will take over the functions of three bodies — the National Apprenticeship Board, the co-ordinating Council for In-service Training of Blacks and the co-ordinating Council for In-service Training — Sapa

New board's members named by Minister

KPM 23 19 81 (160)

By RIAAN DE VILLIERS

THE Minister of Manpower Utilisation, Mr Fanie Botha, yesterday announced the membership of the first National Training Board to be appointed in terms of the new Manpower Training Act.

Mr Botha also announced that the Act, passed by Parliament during its last session, would come into operation on November 1.

The chairman is Dr P J van der Merwe, Deputy Director-General of Manpower, and the vice-chairman Mr S Naude, retired Deputy Director-General of National Education.

Mr Botha announced the names of the 20 other board members and pointed out that they included one coloured, one black and one woman.

In a statement, Mr Botha said the main functions of the board would be to advise him on policy matters arising from application

of the Act and matters relating to manpower training.

The board would play an important role in the co-ordination and promotion of manpower training and in implementing the Government's general aim regarding training which was that the country's workers, 'irrespective of race, colour or sex, must be developed and utilised to the optimum'.

Consultation

The members had been appointed after extensive consultation with various organisations and with due regard to their expert knowledge of training and the interests they represented.

Eight were from employer ranks, four from employee ranks, five were State representatives and three were independent experts, he said.

Dr Van Der Merwe described the new Act as a 'milestone'.

Continuing worker unrest: old age is not the only issue

"WHAT do they want — to leave us to sit with their problem for another three years?" the labour relations chief at a major company asked angrily last week.

He was reacting to the Government's decision to delay implementing its controversial pensions Bill for three years.

The Bill lays down that employee pension contributions must be "preserved" until retirement, rather than withdrawn on leaving a job, and has prompted nationwide labour unrest.

The Government has announced that the Bill will be introduced next year but implemented in 1985. But the threat of unrest looms as large as ever.

The Bill not only continues to prompt unrest — it has brought to the fore worker grievances on broader pensions issues and is certain to lead to more demands for a direct worker say in the running of private pension funds.

Since the Government announced its decision to delay implementation, there have been more pension strikes.

The Bill was hotly debated at this week's meeting of the Federated Chamber of Industries in East London, and the one point all employers present agreed on was that the three-year delay would not help them.

And this week the Federation of SA Trade Unions released a document which indicates not only that the Bills still an issue, but that it has led workers to question the entire rationale behind existing pension funds.

The authorities, many businessmen, and the established unions, see the Bill as a well-meaning attempt to provide pensions while avoiding a State scheme.

Because workers will not be allowed to take their money out of pension funds when they leave jobs, they will build up a large pension without becoming "a burden on the State", they argue.

But the document indicates that black union members see it as an attempt to force on them a system which they reject and to entrench a pension system which they believe uses their money to serve the interests of others.

The recent history of the Bill has seen a sign of growing black worker muscle. As with other legislation, it was introduced without consulting black workers, whom it directly affected. But workers "voiced with their feet" by demanding the return of their pension money. Employers, in an attempt to curb unrest, job-bid for changes.

Thus the draft Bill now provides that all money paid into pension funds until it becomes law will not be affected and includes a much-criticised clause allowing for exemptions if there is a threat of serious unrest.

Then, after a rash of pension strikes in Natal some weeks ago, employers in the province suggested a three to five year delay in introducing the Bill.

After meeting Natal employers, the Registrar of Financial Institutions, Mr Naas van Staden, announced the decision to go ahead but delay implementation.

Thus, he said, would give employees "the opportunity to become fully conversant with the benefits which preservation holds for them".

All these changes were a response to worker unrest. But the Government has stuck to the principle behind the Bill.

And that is precisely why the unrest is likely to continue.

Within a day of Mr Van Staden's announcement, the general secretary of the SA Allied Workers Union, Mr Sam Klume, was labelling the move a "tactic" and the first in a new rash of pension strikes had broken out.

And, while Natal employer bodies welcome

NOW IT'S PENSION

POENSIOM

DESPITE an announcement that it will not be implemented until 1985, the draft pension Bill continues to prompt unrest. Here hour reporter STEVEN FRIEDMAN reports.

the Government's decision, other employers were not so sure.

Some echoed the industrial relations director of a major firm who said "Black worker suspicion of the Government may be too great for this to help".

Another industrial relations man went further. He complained that the Bill itself had been a "disaster" — "an outside factor which is destroying the relationship we have built up with our workers".

He added: "Now we have to have this hanging over us for three years."

But, although the FCI meeting indicated little faith in the delay, it indicated that business is not united on what should become of the Bill.

The FCI has been negotiating with the Government on a formula evolved by its labour affairs committee.

This suggests that "provident funds be exempted from the Bill and that lower-paid workers be allowed to negotiate with employers for a provident fund (without preservation) or a pension fund (with it)".

But this week's debate revealed deep differences on the issue — so much so that the FCI had to refer a policy recommendation to a special committee.

Some delegates took what one source described as the "right team" — the benches — and argued that the Bill was being jeopardised by "irresponsible" unions seeking

a pretext for strike action.

To give in would invite more militancy on other issues.

But two Natal employers proposed that workers earning below, say, R7 000 a year should be exempted.

This, they said, meant workers would be gradually "sucked in" to the scheme as wages rose and employers would have time to cope with the problem.

But many argued that the concerns about the Bill among black workers were genuine and that it had been drawn up in "ill-conceived haste".

The director of the Midland Chamber of Industries, Mr Brian Mathew, said the Bill should have forced all firms to have pension funds. The precise nature of that fund would be a matter for negotiation between management and unions.

Like the labour affairs committee, he believes that pensions are a crucial aspect of work conditions and must, therefore, be negotiated with unions.

Whatever formula is agreed on, it is unlikely that the FCI will adopt the policy of the hawks. Certainly almost all companies which experienced pension unrest do endorse the need for change in the Bill.

And an increasing number of firms — at times whole industries — are taking the view that they prefer to pay out pension money than face unrest.

"This is one issue where it's wise to give in."

Issue at a series of union meetings and thus reflects grassroots worker views.

It also indicates that the Bill has brought to the surface a range of worker grievances about the way private pension funds are run — which will increasingly lead to demands for worker participation in the running of funds.

Indeed, the document argues that workers are suspicious of the legislation because it "entrenches and extends" the existing private pension system "which they already know is not meeting their needs".

Its first point is that workers are never consulted about pension schemes — while they may have to give "token consent" before they are introduced, "they played no part in framing the rules or determining the benefits and thus believe that interests other than their own are being served".

This is a charge which unions make about the Bill itself.

Foshat also complains that workers "are denied access to adequate information" about how the fund to which they belong works. Although they can request such information, requests are often blocked, it claims. This means workers don't know whether they are getting a fair deal.

And because there is no "satisfactory system of tracing and paying pensioners, many workers, especially migrants, do not ever get their pensions".

It also complains that a major bugbear is that workers must work a minimum period — up to 10 years — before they receive employer pension contributions.

For unskilled black workers this is a major obstacle because for them "retrenchment and dismissal are the most common forms of job movement". They thus "through no fault of their own" often don't work for one employer for the required period and "almost never receive management contributions".

Their pension thus operates only as a form of "enforced savings" — but at a much lower rate of interest than that offered by banks — 2% as against 8% — or the inflation rate.

The Bill, it says, comes at a time when — even before the present unrest — withdrawals from pension funds were mounting. And it suggests that the real intention is to bolster the private pension funds.

Foshat's main objection to the Bill is that it introduces "preservation" and thus means that workers cannot take their money out when they wish.

But it adds that while it "locks workers into" existing schemes, it does not eliminate the sources of their frustration with them, although it goes attempt to deal with them.

A management contribution will be preserved — workers, says Foshat, usually pay 6% of their wages into pension funds and the Bill provides that 7.5% will be preserved. This means a management contribution of at least 1.5%.

But the official committee which recommended the new dispensation recommended that 10% be preserved — a management contribution of at least 4%.

The interest rate is likely to be increased. But whereas the committee suggested a rate of 7% (itself still less than the bank rate), the Bill says this will be fixed by the Minister through regulations.

And Foshat believes there is still no mechanism for ensuring that workers know how to collect their preserved "pay-outs".

The document is to be discussed at a Foshat central committee meeting at the end of the month and much of it is likely to be adopted as policy.

And this means a call, not only for the scrapping of the Bill, but for direct worker participation in pension fund decisions — for "worker control".

This is set to become a bargaining demand in all areas in which Foshat has support and demands for a direct worker say in the way the fund is run.

not the only issue

t's

m

om

are becoming the
labour issue. La-
MEDMAN reports.

man "I would never ad-
ide out a strike on an issue like
marketeers" reject the Bill
capture
strong business support for
it as the only way of fending
a State pension scheme.
suggested at the FCI meeting
for employers to call
of the Bill, because that
reintroduction of the State
might bitterly in the 1970s.
that the worker reaction to
of "agitators" or the result
of "agitators" or the result
Because the concept of
one" to black workers, there
of the benefits in old age
they add
is some form of "education".
haven't been spelled out to
they are, the problem will
Staden said at the time the
"We are giving all em-
how can they object to being
which Fosatu attacks. Its
the first detailed attempt
workers are rejecting the Bill
that the document is a sum-
of union shop-stewards and
nbership who discussed the

issue at a series of union meetings and thus reflects grassroots worker views.

It also indicates that the Bill has brought to the surface a range of worker grievances about the way private pension funds are run — which will increasingly lead to demands for worker participation in the running of funds

Indeed, the document argues that workers are suspicious of the legislation because it "entrenches and extends" the existing private pension system "which they already know is not meeting their needs".

Its first point is that workers are never consulted about pension schemes — while they may have to give "token consent" before they are introduced, "they played no part in framing the rules or determining the benefits" and thus believe "that interests other than their own are being served"

This is a charge which unions make about the Bill itself

Fosatu also complains that workers "are denied access to adequate information" about how the fund to which they belong works. Although they can request such information, requests are often blocked, it claims. This means workers don't know whether they are getting a fair deal

And because there is no "satisfactory system of tracing and paying pensioners, many workers, especially migrants, do not ever get their pensions".

It also complains that a major bugbear is that workers must work a minimum period — up to 10 years — before they receive employer pension contributions.

For unskilled black workers this is a major obstacle because for them "retrenchment and dismissal are the most common forms of (job) movement". They thus "through no fault of their own" often don't work for one employer for the required period and "almost never receive management contributions"

Their pension thus operates only as a form of "enforced savings" — but at a much lower rate of interest than that offered by banks — 2% as against 8% — or the inflation rate

The Bill, it says, comes at a time when — even before the present unrest — withdrawals from pension funds were mounting. And it suggests that the real intention is to bolster the private pension funds.

Fosatu's main objection to the Bill is that it introduces "preservation" and thus means that workers cannot take their money out when they wish.

But it adds that, while it "locks workers into" existing schemes, it does not eliminate the sources of their frustration with them, although it does attempt to deal with them

A management contribution will be preserved — workers, says Fosatu, usually pay 6% of their wages into pension funds and the Bill provides that 7.5% will be preserved. This means a management contribution of at least 1.5%

But the official committee which recommended the new dispensation recommended that 10% be preserved — a management contribution of at least 4%

The interest rate is likely to be increased. But whereas the committee suggested a rate of 7% (itself still less than the bank rate), the Bill says this will be fixed by the Minister through regulations.

And Fosatu believes there is still no mechanism for ensuring that workers know how to collect their preserved "pay-outs"

The document is to be discussed at a Fosatu central committee meeting at the end of the month and much of it is likely to be adopted as policy

And this means a call, not only for the scrapping of the Bill, but for direct worker participation in pension fund decisions — for "worker control"

This is set to become a bargaining demand in all areas in which Fosatu has support and demands for a direct worker say in the money they put into pension funds are likely to mushroom

Continuing unrest will only be avoided by one of the solutions — such as Mr Matthew's — which provides for the issue to be settled by negotiation, not by employer or Government fiat

The Bill has stirred up a hornet's nest which is likely to make pensions a major labour issue for some time to come

Ironically, one of the Government's stated aims in introducing it was to make workers more "pension conscious"

In that, if nothing else, it has been successful — but in a way which can hardly be comforting for the Bill's supporters

'Unfair' treatment by white' claim by workers

Mercury Reporter

THE entire black labour force of the Congar town board's Electricity Department downed tools yesterday as a protest against what they called unfair treatment of black workers by a white official.

The Town Clerk, Mr V Parkhouse, said he was not aware of their grievance and he had called for an investigation.

He said the striking workers were assembled in front of the town board offices, dispersed after they were informed that it was illegal to strike.

A spokesman for the 30 workers said they were fed up with the official's attitude.

"We are not treated as human beings but as savages. There is a limit to what we can put up with and it's now

time that the authorities took some action," he said.

The workers, mainly labourers, reported for duty yesterday morning but instead of going about their routine they left the electricity depot in Plain Street and walked to the town board offices where they assembled.

They were later addressed by an official of the board who advised them

that they either return to work or go home as it was apparent they were extremely upset.

The spokesman said: "We hope the authorities will now take note of what we had been complaining of all along. Unless we have an assurance from the Town Clerk that we will be treated as human beings in the future we are not prepared to return to work."

Working women still not getting a fair deal

Set 27/10/87
57/166

By Moira Levy

The Government has taken a step towards improving the situation of working women but it still has a long way to go according to Roberta Johnston, co-convenor of the Women's Legal Status Committee

When the Government published a White Paper earlier this year rejecting most of the Wiehahn Commission's report on working women it was greeted with anger and dismay by leading women in the field of labour

The Study Group on Women in Employment, formed under the auspices of the Women's Legal Status Committee, made over 70 proposals to the Wiehahn Commission for improved working conditions for women

They recommended among other things that:

• The period of pre-confinement leave be raised from four to six weeks.

• Remuneration during approved maternity leave be increased to 60 percent of the employees normal earnings

• The law prohibit employers terminating the jobs of pregnant women.

• Employers be required to reinstate female employees at the end of their pregnancy leave

• Domestic and agricultural workers be included in the Unemployment Insurance Act so that they may receive maternity benefits

• The Unemployment Insurance Act be applied equally to widows and widowers.

• Two new bodies be established, a women's bureau, to adjudicate on matters of salary, promotion, em-

ployment practises and a permanent "monitoring" board to monitor and review the position of women in the economy

It is now a month since the Government agreed in its White Paper to look at some of these proposals, but working women are in much the same position as before

The Government issued a categorical refusal to the Study Group's request that employers be required by law to protect the employment, seniority and benefits of women employees temporarily on maternity leave

And the period of pre-confinement leave will not be increased to six weeks as requested

The Government has only agreed to consider increasing Unemployment Insurance maternity benefits

"We are terribly disappointed that the Government will not legislate for women to be reinstated after maternity leave. We are only asking for jobs to be guaranteed for a limited time. We feel that is a reasonable request and in turning it down the government is being anti-women," said Mrs Babette Kabak of the Women's Legal Status Committee.

The Study Group had requested that legislation be passed similar to that protecting the jobs of national servicemen

So far the Government has agreed only to consider other recommendations proposed by the Study Group

Appeals have been made to the Government to promote the employment of women on a part-time basis, to extend training facilities for young girls and older women entering or re-entering the labour market, for legislation to protect domestic and agricultural women workers, and for the formation of women's bureaux

The Government has

taken positive action to remove discrimination against working women by amending the Factories Machinery and Building Works Act to allow for equal restrictions on overtime for men and women.

"Women used to be allowed to work far less overtime than men. This presented enormous difficulties for mothers of single-parent families who depend on overtime pay to supplement their families' income," said Roberta Johnston

The Government has also agreed to phase out sexual discrimination in minimum wages by amending the Industrial Conciliation Act and Wages Act

Future wage agreements cannot discriminate against employees on the grounds of sex or marital status. And existing wage disparities have to be phased out within three years

However, this affects only blue collar working women, and legal experts warn that sexual discrimination in wages may continue.

"The law has not legislated against discrimination, it has simply cut it out at the level of minimum wages," said Mrs Johnston

And lawyer, Paul Benjamin of the Centre for Applied Legal Studies, at the University of the Witwatersrand points out

"As long as the employer pays his employees above the agreed minimum wage he can continue to pay women workers less than the men

"The only way women can be properly protected is by union activity at individual factories," he said

"The Government has agreed with the principle of fair employment practices but this is not enough," said Roberta Johnston

"We cannot expect employers to ensure equal employment practices — that is the role of the law," she said

ITS 60 years after the '22 strike, but the mining industry is still in turmoil

AFTER the bloody 1922 miners' rebellion, the Wiehahn Commission has written, the Government introduced job reservation for the mining industry "to settle what the employers and employees seemed unable to settle themselves".
Sixty years later, the wheel has turned full circle and the three parties are more or less back where they started.

The conflict between mining employers and unions at the beginning of the century resulted in a grossly discriminatory labour dispensation which has taken South Africa over half a century to shake off.

Now, it is the last major industry charged with the task of negotiating its way out of it.

However, the Chamber of Mines and the unions remain at loggerheads over much the same issues and it is not at all clear that they can settle their differences this time around either.

Once again there is a threat of Government intervention if they don't.

It is believed that the Minister of Mineral and Energy Affairs Mr F W de Klerk recently met mining employers and unions and warned them that he would unilaterally change the Mines and Works Act if they failed to reach a negotiated solution soon.

The employers face a formidable obstacle in the Mineworkers' Union, which has pledged to restage the 1922 rebellion if blacks get blasting certificates — one of the major certificates of competency restricted to whites in the Act.

However, the problems in the industry are by no means restricted to the MWTU alone and black job advancement on the mines has stalled on other levels as well.

All but two job reservation determinations in terms of the Industrial Conciliation Act were scrapped some two years ago.

One of them, Determination No 27, applied to some members of the Underground Officials' Association, one of the three officials' associations on the mines.

Deep-seated

Shortly afterwards, the UOA announced it was prepared to allow...

AN OLD, OLD, OLD, THE COMFLICT COMES TO THE SURFACE AGAIN



IN THE MIDDLE

waiting in the wings are the silent majority — the vast mass of half a million black workers

P 211 22 23 24 166

any whites who are not union members

Also, in a unique feature of the mining industry, white workers are covered by so-called allocation of occupation agreements as well, whereby workers in certain jobs are allocated in spec...

In its sixth and last report tabled in Parliament recently, the Wiehahn Commission recommended that job reservation in the Mines and Works Act be scrapped. The Government has accepted this recommendation and has urged unions and employers to reach agreement on new job practices. However, black job adv...

labour being replaced by non-union labour. But he opposes the allocation of occupations in principle.

"In the end, unions have a... industrial relations structure is inadequate and that the challenge posed by the Wiehahn report has only cast this in a more serious light."

still in force and the Wiehahn Commission has noted that it has no evidence that the parties have indeed achieved an accommodation on this matter.

Earlier this year, the same artisan unions which have widely allowed the indenturing of blacks in other industries rejected proposals by the chamber which would have allowed this on the mines.

Over 50 black apprentices have been indentured on mines not covered by the agreements between unions and the chamber — but there still isn't a single black apprentice on a chamber mine.

This seems to point to deep-seated problems in the industry, and there are

Approach

This they see as the best way of maintaining their control over skilled jobs, protecting existing members against undercutting by the introduction of cheap black labour and protecting skilled black workers against exploitation.

This approach has also been adopted by the officials

However it seems the chamber is unable to make up its mind whether it is prepared to meet this demand or not.

Unionists blame the chamber for the delay. They also deeply mistrust the chamber's motives, and accuse it of still wanting to undercut skilled labour and weaken unions — a belief which the Wiehahn report suggests is at least historically justified.

As a prominent unionist has put it: We have told the chamber they can train black artisans in our trade as long as they have to belong to unions — but it refuses to agree to this.

"The impression we get is that the chamber doesn't want blacks in unions and they want to pay

Consensus

He adds: "The industry has paid a very high price for its failure to reach consensus.

Sources close to the chamber say the main mining houses opposed to the closed shop and allocation agreements are Gencon and Anglo American. The main group in favour of retaining the agreements is Goldfields, backed by Anglo-Vaal, with the others somewhere in between.

If this is interesting, the arguments used by the pro-closed shop group are even more so.

They are said to be motivated by two fears. The first is that the Mineworkers' Union will swallow up all the whites on the mines if the agreements are lifted.

In reply to this, opponents of the agreements point out that whites don't necessarily have to be M.W.U. members to join a strike, and that the M.W.U. can "misuse" the closed shop by threatening to expel members who won't toe the line — who will then lose their jobs.

The second is the fear that a mass-based black union will arise if black workers are not made to join the established unions — and that the only way to preserve industrial peace is a "divide and rule" strategy of splitting them up under "responsible white leadership" for the time being.

Other mining men dismiss this as a pipedream.

At the same time, opponents of the closed shop point to major problems surrounding the unions' demands.

One issue is whether the closed shop and allocation of occupations can continue to be used as an informal barrier to black job advancement, as the Wiehahn Commission has suggested.

They believe it will. They say the closed shop can be formally deracialised but will continue to provide the unions with control over access to skilled jobs. This will allow them to retain control over the extent and pace of black

advancement — which is likely to remain restrictive as long as the unions remain white-dominated.

They also argue that it is wrong to force blacks into unions they have not chosen to join.

Proviso

As one mining man puts it: "What the unions are in effect saying is you can advance blacks provided you force them to join our unions. But these will be unions without real mandates."

He adds: "The closed shop and allocation of occupations are very real barriers to the orderly extension of collective bargaining rights to black workers."

These men are disappointed with the official attitude to the closed shop. The Wiehahn report has described the existing closed shop and allocation agreements as a "prime example of industrial work reservation" and has urged the parties to devise a "more satisfactory basis for the recognition of unions."

However the Government had decided that the closed shop should be retained — a decision reflected in its White Paper.

At least one leading unionist partially agrees with these criticisms.

Mr Ike van der Walt, secretary of the Boitsemakers' Society, supports the closed shop as he says he cannot agree to union

Findings

Unionists generally reject the argument that the closed shop will continue to be discriminatory.

And in reply to arguments that it is wrong to force blacks to join certain unions, one simply replies:

"If you want a train ride, you must buy a ticket. My members and I have put together a train over the years. Now, if the blacks want to ride they must buy a ticket as well."

The industry's problems do not end here. Another major obstacle is the inadequacy of the existing industrial relations structure.

Ironically, as the Wiehahn Commission has pointed out the industry has never formed an industrial council — despite being directly responsible for the introduction of the industrial council system.

In line with the commission's findings, unionists complain that negotiations are not formalised enough, that agreements are not binding on individual mines and that there is no monitoring mechanism to ensure that agreements are implemented.

A unionist says the unions have long argued that the whole

Optimistic

In an unprecedented move, all the mining unions and officials' associations met together recently and decided to demand joint talks with the chamber on all these issues.

The chamber has agreed and talks are due to begin soon.

Some unionists are optimistic, but others less so. One says there is no negotiated solution in sight, and that a long, drawn-out process is in the offing which no one can afford.

A mining man concedes: "There is no doubt that the chamber needs to improve its relationship with the established unions. It will have to learn not to treat them like children — or else it will stand little chance of negotiating a solution."

He adds: "What happens next is anybody's guess."

Meanwhile, waiting in the wings are the slight majority — the vast mass of half a million black workers with which the chamber, in the words of the Wiehahn Commission, "has no formal system of communication."

Sooner or later, black unions are going to emerge on the mines and if recent history is anything to go by, they are likely to pay much attention to the mechanics of blueprint-making by either established unions, employers or the Government.

Peasants flee war-torn villages

Sowetan 27/10/81
166A
EL PARAISO. — Caught in the cross-fire between Left and Right, tens of thousands of terrified peasants have deserted entire villages and areas in the north of El Salvador. They live in makeshift refugee camps under shelters built of sticks and cardboard, relying on neighbours' charity for food. They have no money and no work.

There were at least 1 000 refugees in each of four villages visited in the war-torn north, under the protection of the local National Guard. But this protection is somewhat dubious.

Security Forces in Chaletenango province have taken a total of 46 men from the Bermuda refugee camp as leftist sympathisers and they continue to take some nine men a month from the camp in El Paraiso. They recently poisoned 200 dogs in the latter village because they barked at night, alerting potential victims.

As a warning to the people of El Paraiso, a plastic bag containing six severed human heads was placed just outside the village some months ago. When villagers leave they are confronted daily with brutally dismembered corpses strewn close to the road as a further reminder.

In the three northern provinces of Chaletenango, Cabanas and Morazan, close to the Honduran border, where the control of some 4 000 guerrilla forces is strongest, it is no longer possible for peasants to remain neutral in the growing civil war.

It is the mass scale of the killings, often of apolitical peasants by the National Guard which pushes them into the guerrilla's arms.

They must either join the guerrillas, opt for the Government, or risk being killed "in industrial quantities" as President Napoleon Duarte put it. El Paraiso is Duarte's birthplace. He has not returned there recently.

As in Vietnam the battle for the countryside is paramount for El Salvador's future. But most peasants are far more frightened of the army and National Guard than of the guerrillas. It is the mass scale of the killings, often of apolitical peasants by these forces, which pushes them into the guerrillas' arms.

Not all peasants have opted for refugee camps. Some remain in their homes, seeking the protection of the guerrilla fighters. They are terrified of leaving because of torture and summary execution by government forces as Leftist sympathisers. But if they stay, they are periodically attacked in the army mop-ups that pierce guerrilla defence lines.

Up to a year ago, the peasants could still



CONFUSED: A child looks through the mesh of a fence at one of the refugee camps in El Salvador.

visit larger towns to collect necessities such as lime and salt for their beans and tortillas, but then they and even their children started disappearing on the way home, killed by paramilitary forces. Now they live in total isolation.

Critics of the Government say the steadily worsening situation in the countryside, involving the decimation of populations and the fleeing of survivors and the abandoning of land and livestock, makes a mockery of Duarte's plans for elections next year to solve the country's problems.

But Duarte, the Christian Democrat President, said in an interview he remained totally committed to a government of transition from 50 years of right-wing military dictatorship to the crowning process of elections.

He pointed proudly to changes wrought by agrarian reform, bank nationalisation and state control of foreign commerce previously controlled by the oligarchs who had a stranglehold over every aspect of political and economic life here. These changes were also intended to pre-empt the programme of the guerrilla Left.

Duarte, who won the election in 1972 only to be defrauded by the military, has impressive political credentials going back 20 years. He comes across as a sincere man operating in impossible conditions.

Critics say he and the three other civilian members of the junta merely provide the

window-dressing needed to justify United States support for what they say is in effect a repressive military government.

Scepticism about the relevance of elections in the midst of a civil war, under martial law and with no prospect of the participation of the guerrilla Left, remains intense. Few believe the forthcoming elections are likely to be honest.

In addition few Salvadorians have much faith in a Government which is incapable of halting political murders which have run at an average of 1 000 a month for the first five months of this year. So far in the fratricidal war, up to 17 000 Salvadorians have been killed, most of them unarmed civilians.

Real power in the country is held by the military, effectively controlled by Defence Minister José Guillermo García. He described the real balance of power eloquently when he said of the civilians in the Government: "It is not they who put us in power but we who put them in power."

Yet the military cannot crush the dissent. The United States has sent 25 million dollars' worth of military aid and assigned 55 military advisers (half of them Green Berets) to assist the 9 000-man army, which is backed by 6 000 National Guardsmen and police, but despite this, the war is at a stalemate.

The four civilian members of the junta merely provide the window dressing needed to justify United States support for what is in effect a repressive military government.

The army is unable to dislodge the guerrillas from their northern stronghold in rugged territory close to the Honduran border.

On the other hand, the guerrillas are unable to gain a military victory over the Salvadorian Army. Their "final offensive" of January was a failure and the guerrillas are now suffering some losses in a new army campaign using heavy artillery.

Economically, the effects of the growing violence have been disastrous and the country is almost bankrupt. The polarisation of the people makes it increasingly difficult to find a political solution which will halt the bloodshed, and after the assassination of Salvador's beloved Archbishop Romero last year, the unifying and authoritative voice of the Catholic Church is subdued.

The prospects seem to be for continuing violence and military stalemate. The so-called 'Centrist' Government of Duarte is weak and beleaguered, but as one US diplomat put it: "It's the only game in town" — **LONDON OBSERVER SERVICE.**

Women of all races and political persuasions have signed a memorandum asking for protection for domestic workers reports SUE GARBETT.

Widespread support for labour laws for domestics

Sta. 29/10/87
166

Organisations ranging from the Black Sash, to the Inkatha Women's Brigade and the Vrouefederasie have supported a memorandum sent to the Minister of Manpower in which he is asked to introduce protective legislation for domestic workers

The memorandum, which was posted to the minister on October 9 asks that domestic workers be included in labour law, and if this is not possible they should have an Act of their own

Secretary of the ad hoc committee on the Legal Position of Domestic Workers which has drawn up the memo, Mrs Roberta Johnston said there was 'a particular urgency about protection in law being extended to the most neglected sector of the work force'

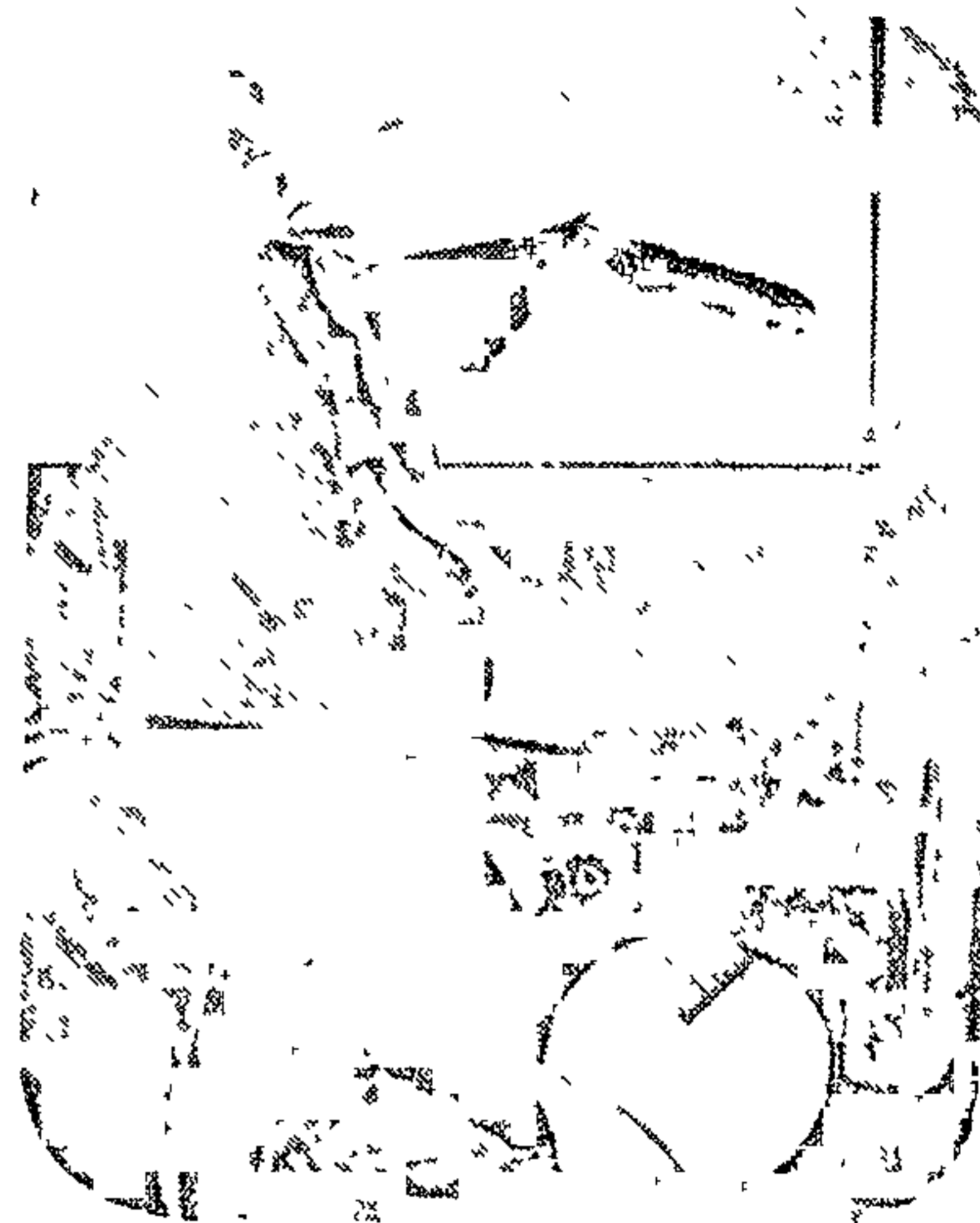
Mrs Johnston pointed out that the minister had said in Parliament this year that he had never had any real representations on the question of the legal position of domestic workers

'We felt there were far more people interested than he knew about, and the organisations representing thousands of people who have signed support for this memorandum proves this is correct,' said Mrs Johnston

She said that domestic workers in South Africa were in a unique position because despite their large numbers, they had no protective legislation whatsoever

Among the recommendations suggested for inclusion in a Domestic Workers' Act, are the following

- Provision of working clothes
 - Overtime pay scales
 - Permitted maximum hours of work
 - Minimum standards of furniture for live-in domestics
 - Minimum annual leave
 - Safe working conditions
- The committee has recommended amendments to



DOMESTIC WORKERS the most neglected sector of the work force

several Acts one being to the Workmen's Compensation Act

'Domestic workers are prone to injury because most accidents take place in the home. Therefore we feel they should be protected in this Act,' said Mrs Johnston

The committee which was formed in the wake of a seminar earlier this year on the legal position of domestic workers, is also worried that domestics do not have written contracts of employment and it has sent the minister a proposed contract for him to examine

Some of the organisations that have supported the memorandum in full include the Black Housewives League, the Johannesburg Marriage Guidance Society, the National Council of Women of South Africa, and the Housewives League of South Africa

At the time of going to press 32 organisations had supported the memorandum

'We are absolutely thrilled at the reaction. It shows that women whatever their race want something done about the working conditions of domestics,' said Mrs Johnston

She stressed the committee had not suggested a minimum wage, 'because that could put domestics out of work. That is what happened in Zimbabwe when they brought in a minimum wage of R40. What we want to see is the hours of work and the conditions of employment improved'

Mrs Johnston said she would like to see draft legislation published before the beginning of the next Parliamentary session so that comment could be made and legislation introduced before the end of it

166



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No R. 3317

REGULATION GAZETTE No R. 3317

PRYS (AVB ingesluit) 30c PRICE (GST included)

As 'n Nuusblad by die Poskantoor Geregistreer

BUITELANDS 40c ABROAD

Registered at the Post Office as a Newspaper

POSVRY POST FREE

Vol 196]

PRETORIA, 30 OKTOBER 1981
OCTOBER

[No 7867

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika
No R. 210, 1981

WYSIGING VAN DIE BENAMING VAN DIE DEPARTEMENT VAN WATERWESE, BOSBOU EN OMGEWINGSBEWARING EN VAN DIE DIREKTEUR-GENERAAL WATERWESE, BOSBOU EN OMGEWINGSBEWARING

Kragtens die bevoegdheid my verleen by artikels 27 en 27A van die Staatsdienswet, 1957 (Wet 54 van 1957), soos gewysig, wysig ek hierby, ooreenkomstig die aanbeveling van die Kommissie vir Administrasie, die Eerste Bylae en Derde Bylae by genoemde Wet met ingang van 1 November 1981 deur die vervanging van die woorde "Departement van Waterwese, Bosbou en Omgewingsbewaring" en "Direkteur-generaal Waterwese, Bosbou en Omgewingsbewaring" deur die woorde "Departement van Omgewingsake" en "Direkteur-generaal Omgewingsake" waar hulle onderskeidelik in kolomne I en II van die Eerste Bylae en die Derde Bylae voorkom

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Sewentiende dag van September Eenduisend Negehonderd Een-en-tagtig

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

A P TREURNICHT

No R 211, 1981

DATUM VAN INWERKINGTREDING VAN DIE WET OP MANNEKRAGOPLEIDING, 1981 (WET 56 VAN 1981)

Kragtens die bevoegdheid my verleen by artikel 59 van die Wet op Mannekragopleiding, 1981 (Wet 56 van 1981), verklaar ek hierby dat genoemde Wet op die eerste dag van November 1981 in werking tree

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Eerste dag van Oktober Eenduisend Negehonderd Een-en-tagtig.

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

S P BOTHA

823—A

PROCLAMATIONS

by the State President of the Republic of South Africa
No R 210, 1981

AMENDMENT OF THE DESIGNATION OF THE DEPARTMENT OF WATER AFFAIRS, FORESTRY AND ENVIRONMENTAL CONSERVATION AND THE DIRECTOR-GENERAL WATER AFFAIRS, FORESTRY AND ENVIRONMENTAL CONSERVATION

Under the powers vested in me by sections 27 and 27A of the Public Service Act, 1957 (Act 54 of 1957), as amended, I hereby amend, in accordance with the recommendation of the Commission for Administration, the First Schedule and Third Schedule to the said Act with effect from 1 November 1981 by the substitution of the words "Department of Environment Affairs" and "Director-General Environment Affairs" for the words "Department of Water Affairs, Forestry and Environmental Conservation" and "Director-General Water Affairs, Forestry and Environmental Conservation" where they appear in columns I and II, respectively, of the First Schedule and the Third Schedule

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Seventeenth day of September, One thousand Nine hundred and Eighty-one

M VILJOEN, State President

By Order of the State President-in-Council

A. P. TREURNICHT

No R 211, 1981

DATE OF COMING INTO OPERATION OF THE MANPOWER TRAINING ACT, 1981 (ACT 56 OF 1981)

Under the powers vested in me by section 59 of the Manpower Training Act, 1981 (Act 56 of 1981), I do hereby declare that the said Act shall come into operation on the first day of November 1981

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this First day of October, One thousand Nine hundred and Eighty-one

M VILJOEN, State President

By Order of the State President-in-Council

S P BOTHA

7867—1



2
Jan full text
see 88

166

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No 3322

REGULATION GAZETTE No 3322

PRYS (AVB ingesluit) 30c PRICE (GST included)

As 'n Nuusblad by die Poskantoor Geregistreer

BUIT-LANDS 40c ABROAD

Registered at the Post Office as a Newspaper

POSVRY POST FREE

Vol 196]

PRETORIA, 30 OKTOBER 1981
OCTOBER

[No 7874

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No R. 213, 1981

DATUM VAN INWERKINGTREDING VAN DIE TWEDE LOONWYSIGINGSWET, 1981 (WET 58 VAN 1981)

Kragtens die bevoegdheid my verleen by artikel 12 van die Tweede Loonwysigingswet, 1981 (Wet 58 van 1981), verklaar ek hierby dat genoemde Wet op die eerste dag van November 1981 in werking tree

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Eerste dag van Oktober Eenduisend Negehoenderd Een-en-tagtig

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

S P BOTHA

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No R 2321

30 Oktober 1981

LOONWET, 1957
WYSIGING VAN REGULASIES

Die Staatspresident het, kragtens artikel 36 van die Loonwet, 1957 (Wet 5 van 1957), die regulasies in die Bylae uitgevaardig

BYLAE

1 In hierdie Bylae beteken die uitdrukking "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing R 1385 van 6 September 1963, soos gewysig by Goewermentskennisgewing R 1333 van 21 Augustus 1970

860—A

PROCLAMATION

by the State President of the Republic of South Africa

No R 213, 1981

DATE OF COMING INTO OPERATION OF THE SECOND WAGE AMENDMENT ACT, 1981 (ACT 58 OF 1981)

Under the powers vested in me by section 12 of the Second Wage Amendment Act, 1981 (Act 58 of 1981), I do hereby declare that the said Act shall come into operation on the first day of November 1981

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this First day of October, One thousand Nine hundred and Eighty-one

M VILJOEN, State President

By Order of the State President-in-Council

S P BOTHA.

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No R 2321

30 October 1981

WAGE ACT, 1957
AMENDMENT OF REGULATIONS

The State President has, under section 36 of the Wage Act, 1957 (Act 5 of 1957), made the regulations in the Schedule

SCHEDULE

1 In this Schedule the expression "the Regulations" means the regulations promulgated by Government Notice R 1385 of 6 September 1963, as amended by Government Notice R 1333 of 21 August 1970

7874—1

166

P/C

X 2



STAATSKOERANT
 VAN DIE REPUBLIEK VAN SUID-AFRIKA
 REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No. 3319

REGULATION GAZETTE No 3319

PRYS (AVB ingesluit) 30c PRICE (GST included)

As 'n Nuusblad by die Poskantoor Geregistreer

BUITFLANDS 40c ABROAD

Registered at the Post Office as a Newspaper

POSVRY POST FREE

Vol 196]

PRETORIA, 30 OKTOBER 1981
OCTOBER

[No 7871

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. R 212, 1981

DATUM VAN INWĒRKINGTREDING VAN DIE WYSIGINGSWET OP ARBEIDSVERHOUDINGE, 1981 (WET 57 VAN 1981)

Kragtens die bevoegdheid my verleen by artikel 64 van die Wysigingswet op Arbeidsverhoudinge, 1981 (Wet 57 van 1981), verklaar ek hierby—

(a) dat die bepalings van genoemde Wet, uitgesonderd die bepalings van paragraaf (b) van artikel 21 en artikel 63 (1), op die 1ste dag van November 1981 in werking tree,

(b) dat die bepalings van artikel 63 (1) van genoemde Wet op die 1ste dag van Maart 1982 in werking tree, en

(c) dat die bepalings van paragraaf (b) van artikel 21 van genoemde Wet op die 1ste dag van November 1982 in werking tree

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Kaapstad, op hede die Eerste dag van Oktober Eenduisend Negehonderd Een-en-tagtig

M VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

S P BOTHA

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No R 2317

30 Oktober 1981

WET OP ARBEIDSVERHOUDINGE, 1956

WYSIGING VAN REGULASIES

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

861—A

PROCLAMATION

by the State President of the Republic of South Africa

No R 212, 1981

DATE OF COMING INTO OPERATION OF THE LABOUR RELATIONS AMENDMENT ACT, 1981 (ACT 57 OF 1981)

Under the powers vested in me by section 64 of the Labour Relations Amendment Act, 1981 (Act 57 of 1981), I do hereby declare—

(a) that the provisions of the said Act, excluding the provisions of paragraph (b) of section 21 and section 63 (1), shall come into operation on the 1st day of November 1981,

(b) that the provisions of section 63 (1) of the said Act shall come into operation on the 1st day of March 1982, and

(c) that the provisions of paragraph (b) of section 21 of the said Act shall come into operation on the 1st day of November 1982

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this First day of October, One thousand Nine hundred and Eighty-one

M VILJOEN, State President

By Order of the State President-in-Council

S P BOTHA

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No R 2317

30 October 1981

LABOUR RELATIONS ACT, 1956

AMENDMENT OF REGULATIONS

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

7871—1

BYLAE

1 In hierdie Bylae 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, R 733 van 18 April 1975 en R 2158 van 28 September 1979

2 Regulasie 1 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (4) (a) die uitdrukking "9 vm en 12 middag en 2nm en 4nm" deur die uitdrukking "09h00 en 12h00, en die ure 14h00 en 16h00" te vervang,

(b) deur subregulasie (5) deur die volgende subregulasie te vervang

"(5) Wanneer die uitdrukking 'inspekteur by regulasie omskryf' in die Wet of hierdie regulasies voorkom, beteken dit—

(a) in die landdrostdistrikte Barberton, Belfast, Brits, Bronkhorstspuit, Carolina, Cullinan, Groblersdal, Koster, Letaba (Tzaneen), Lydenburg, Marico (Zeerust), Messina, Middelburg (Transvaal), Nelspruit, Pelgrimsrus, Pietersburg, Potgietersrus, Pretoria, Rustenburg, Soutpansberg, Swarttruggens, Thabazimbi, Warmbad, Waterberg, Waterval-Boven, Witbank, Witrivier en Wonderboom.

Die Afdelingsinspekteur, Departement van Mannekrag, Pretoria (Posbus 393),

(b) in die landdrostdistrikte Alberton, Amersfoort, Balfour, Benoni, Bethal, Bloemhof, Boksburg, Brakpan, Christiana, Coligny, Delareyville, D'Almas Ermelo, Germiston, Heidelberg (Transvaal), Heilbron, Hoefeldrif, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Lichtenburg, Nigel, Oberholzer, Parys, Piet Retief, Potchefstroom, Randburg, Randfontein, Roodepoort, Sasolburg, Schweizer-Reneke, Springs, Standerton, Vanderbijlpark, Ventersdorp, Vereeniging, Volksrust, Vrededorp, Wakkerstroom, Westonaria en Wolmaransstad

Die Afdelingsinspekteur, Departement van Mannekrag, Johannesburg (Posbus 4560),

(c) in die provinsie Natal

Die Afdelingsinspekteur, Departement van Mannekrag, Durban (Posbus 940),

(d) in die landdrostdistrikte Albert, Alwal-Noord, Barkly-Oos, Cathcart, Elliot, Fort Beaufort, Indwe, King William's Town, Komga, Lady Grey, Maclear, Moltene, Oos-Londen, Queenstown, Sterkstroom, Stockenstrom, Stutterheim, Tarka en Wodehouse

Die Afdelingsinspekteur, Departement van Mannekrag, Oos-Londen (Posbus 312),

(e) in die landdrostdistrikte Aberdeen, Adelaide, Albany, Alexandria, Bathurst, Bedford, Colesberg, Cradock, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Humansdorp, Jansenville, Kirkwood, Middelburg (Kaapprovinsie), Murraysburg, Noupoort, Pearston, Port Elizabeth, Richmond (Kaapprovinsie), Somerset Oos, Steynsburg, Steytlerville, Uitenhage, Venterstad en Willowmore

Die Afdelingsinspekteur, Departement van Mannekrag, Port Elizabeth (Privaatsak X3908),

(f) in die landdrostdistrikte Beaufort-Wes, Bellville, Bredasdorp, Caledon, Calvinia, Carnarvon, Ceres, Clanwilliam, Die Kaap, Fraserburg, Goodwood, Heidelberg (Kaapprovinsie), Hermanus, Hopefield, Kuilsrivier, Ladismith (Kaapprovinsie), Laingsburg, Malmesbury, Montagu, Namakwaland, Paarl, Piketberg, Prins Albert,

SCHEDULE

1 In this Schedule "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, R 733 of 18 April 1975 and R 2158 of 28 September 1979

2 Regulation 1 of the Regulations is hereby amended—

(a) by the substitution in subregulation (4) (a) for the expression "9 a m and 12 noon and 2 p m and 4 p m" of the expression "09h00 and 12h00 and the hours 14h00 and 16h00",

(b) by the substitution for subregulation (5) of the following subregulation

"(5) Wherever the expression 'inspector defined by regulation' occurs in the Act or these regulations, it means—

(a) in the Magisterial Districts of Barberton, Belfast, Brits, Bronkhorstspuit, Carolina, Cullinan, Groblersdal, Koster, Letaba (Tzaneen), Lydenburg, Marico (Zeerust), Messina, Middelburg (Transvaal), Nelspruit, Pietersburg, Pilgrim's Rest, Potgietersrus, Pretoria, Rustenburg, Soutpansberg, Swarttruggens, Thabazimbi, Warmbaths, Waterberg, Waterval-Boven, White River, Witbank and Wonderboom—

the Divisional Inspector, Department of Manpower, Pretoria (P O Box 393),

(b) in the Magisterial Districts of Alberton, Amersfoort, Balfour, Benoni, Bethal, Bloemhof, Boksburg, Brakpan, Christiana, Coligny, Delareyville, Delmas Ermelo, Germiston, Heidelberg (Transvaal), Heilbron, Highveld Ridge, Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Lichtenburg, Nigel, Oberholzer, Parys, Piet Retief, Potchefstroom, Randburg, Randfontein, Roodepoort, Sasolburg, Schweizer-Reneke, Springs, Standerton, Vanderbijlpark, Ventersdorp, Vereeniging, Volksrust, Vrededorp, Wakkerstroom, Westonaria and Wolmaransstad—

the Divisional Inspector, Department of Manpower, Johannesburg (P O Box 4560),

(c) in the Province of Natal—

the Divisional Inspector, Department of Manpower, Durban (P O Box 940),

(d) in the Magisterial Districts of Albert, Alwal North, Barkly East, Cathcart, East London, Elliot, Fort Beaufort, Indwe, King William's Town, Komga, Lady Grey, Maclear, Moltene, Queenstown, Sterkstroom, Stockenstrom, Stutterheim, Tarka and Wodehouse—

the Divisional Inspector, Department of Manpower, East London (P O Box 312),

(e) in the Magisterial Districts of Aberdeen, Adelaide, Albany, Alexandria, Bathurst, Bedford, Colesberg, Cradock, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Humansdorp, Jansenville, Kirkwood, Middelburg (Cape), Murraysburg, Noupoort, Pearston, Port Elizabeth, Richmond (Cape), Somerset East, Steynsburg, Steytlerville, Uitenhage, Venterstad and Willowmore—

the Divisional Inspector, Department of Manpower, Port Elizabeth (Private Bag X3908),

(f) in the Magisterial Districts of Beaufort West, Bellville, Bredasdorp, Caledon, Calvinia, The Cape, Carnarvon, Ceres, Clanwilliam, Fraserburg, Goodwood, Heidelberg (Cape), Hermanus, Hopefield, Kuils River, Ladismith (Cape), Laingsburg, Malmesbury, Montagu, Namaqualand, Paarl, Piketberg, Prince Albert, Robertson,

Robertson, Simonstad, Somerset-Wes, Stellenbosch, Strand, Sutherland, Swellendam, Tulbach, Vanrhynsdorp, Victoria-Wes, Vredenburg Vredendal, Wellington, Williston, Worcester en Wynberg en die hawe en nedersetting Walvisbaai

Die Afdelingsinspekteur, Departement van Mannekrag, Kaapstad (Posbus 872).

(g) in die landdrostdistrikte Calitzdorp, George, Joubertina, Knysna, Mosselbaai, Oudtshoorn, Riversdal en Uniondale

Die Afdelingsinspekteur, Departement van Mannekrag, George (Privaatsak X6545).

(h) in die Provinsie die Oranje-Vrystaat, met uitsondering van die landdrostdistrikte Heilbron, Parys, Sasolburg en Vrededorp

Die Afdelingsinspekteur Departement van Mannekrag, Bloemfontein (Posbus 522), en

(i) in die landdrostdistrikte Barkly-Wes, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Philipstown, Postmasburg, Prieska, Vryburg en Warrenton

Die Afdelingsinspekteur, Departement van Mannekrag, Kimberley (Privaatsak X5012) ", en

(c) deur in subregulasie (6) die uitdrukking "regulasies 2 (5), 9 (4) en 10 (3) tot 10 (11)" deur die uitdrukking "regulasie 2 (5) " te vervang

3 Regulasie 2 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (5) die uitdrukking "artikel agt (5) (a) (i)" deur die uitdrukking "artikels 8 (5) (a) (i), 8 (8) en 80 (8)" te vervang, en

(b) deur subregulasie (6) deur die volgende subregulasie te vervang

"(6) Die verklaring wat die sekretaris van elke vakvereniging of werkgewersorganisasie ingevolge artikels 11 (2) (a) en 11 (2) (a) soos toegepas by artikel 11 (6) van die Wet, moet verstrek, moet in die vorm van Aanhangsel LR 7 wees "

4 Regulasie 3 van die Regulasies word hierby gewysig—

(a) deur paragraaf (c) van subregulasie (2) deur die volgende paragraaf te vervang

"(c) en die getue deur aan die subpoena gehoor te gee na die oordeel van die registrateur enige geldelike verlies gelyk het, moet daar aan hom 'n bedrag van R20,50 per dag of die bedrag van sodanige verlies, na gelang van watter die minste is, betaal word en, as hy deur aldus gehoor te gee na die oordeel van die registrateur enige onkoste moes aangaan, uitgesonderd reiskoste, moet daar aan hom 'n toelaag van R20,50 vir elke 24 uur en 85c vir elke volle uur bo 24 uur of 'n veelvoud van 24 uur, of die bedrag van sodanige onkoste, na gelang van watter die minste is, betaal word",

(b) deur in subregulasie (4) (a) die uitdrukking "R8 in die geval van 'n Blanke en R4 in die geval van 'n Gekleurde" deur die uitdrukking "R20,50" te vervang,

(c) deur in subregulasie (4) (b) die uitdrukking "R18 per dag in die geval van 'n Blanke en R14 per dag in die geval van 'n gekleurde" deur die uitdrukking "R41,00 per dag" te vervang, en

(d) deur paragraaf (c) van subregulasie (4) deur die volgende paragraaf te vervang

"(c) 'n verblyftoelae teen die maksimum skaal betaalbaar aan staatsamptenare, of die bedrag van werklike onkoste met betrekking tot verblyf, na gelang van welke bedrag die minste is "

Simonstown, Somerset West, Stellenbosch, Strand, Sutherland, Swellendam, Tulbagh, Vanrhynsdorp, Victoria West, Vredenburg, Vredendal, Wellington, Williston, Worcester and Wynberg and the port and settlement of Walvis Bay—

the Divisional Inspector, Department of Manpower, Cape Town (P O Box 872),

(g) in the Magisterial Districts of Calitzdorp, George, Joubertina, Knysna, Mossel Bay, Oudtshoorn, Riversdale and Uniondale—

the Divisional Inspector, Department of Manpower, George (Private Bag X6545),

(h) in the Province of the Orange Free State, excluding the Magisterial Districts of Heilbron, Parys, Sasolburg and Vrededorp—

the Divisional Inspector, Department of Manpower, Bloemfontein (P O Box 522), and

(i) in the Magisterial Districts of Barclay West, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Philipstown, Postmasburg, Prieska, Vryburg and Warrenton—

the Divisional Inspector, Department of Manpower, Kimberley (Private Bag X5012) ", and

(c) by the substitution in subregulation (6) for the expression "regulations 2 (5), 9 (4) and 10 (3) to 10 (11)" of the expression "regulation 2 (5)"

3 Regulation 2 of the Regulations is hereby amended—

(a) by the substitution in subregulation (5) for the expression "section eight (5) (a) (i)" of the expression "sections 8 (5) (a) (i), 8 (8) and 80 (8)", and

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

"(6) The statement which the secretary of every trade union or employers' organisation is required to furnish by sections 11 (2) (a) and 11 (2) (a) as applied by section 11 (6) of the Act shall be in the form of Annexure LR 7 "

4 Regulation 3 of the Regulations is hereby amended—

(a) by the substitution for paragraph (c) of subregulation (2) of the following paragraph

"(c) and such witness by reason of his obedience to the subpoena in the opinion of the registrar has suffered any pecuniary loss, he shall be paid an amount of R20,50 per day or the amount of such loss, whichever is the lesser and, if by reason of such obedience he has in the opinion of the registrar been put to any other expenses, other than travelling expenses, he shall be paid an allowance of R20,50 for every 24 hours and 85c for every full hour in excess of 24 hours or a multiple of 24 hours, or the amount of such expenses, whichever is the lesser ",

(b) by the substitution in subregulation (4) (a) for the expression "R8 in the case of a White person and R4 in the case of a Coloured person" of the expression "R20,50",

(c) by the substitution in subregulation (4) (b) for the expression "R18 per day in the case of a White person and R14 per day in the case of a Coloured person" of the expression "R41,00 per day", and

(d) by the substitution for paragraph (c) of subregulation (4) of the following paragraph

"(c) a subsistence allowance at the maximum scale payable to public servants or the amount of actual expenses relating to subsistence, whichever is the lesser "

5 Regulasie 4 van die Regulasies word hierby gewysig—
(a) deur subregulasie (2) deur die volgende subregulasie te vervang

“(2) ’n Appèl moet ingedien word gedurende die tydperk waarin daar kragtens artikel 16 (1) van die Wet geappelleer kan word, hetsy deur dit persoonlik af te lewer, of deur dit per geregistreerde pos te stuur, aan die Direkteur-generaal Mannekrag”, en

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

“(3) Die appèl moet vergesel gaan van ’n oorspronklike uiteensetting onderteken deur die appellant, of sy gemagtigde verteenwoordiger, van die vertoe wat die appellant, of sy gemagtigde verteenwoordiger, van die vertoe wat die appellant ingevolge artikel 16 (2) (a) van die Wet moet voorlê, tesame met drie afskrifte van die uiteensetting en van die aanhangsels daarvan. Sodanige vertoe moet die redes op grond waarvan geappelleer word duidelik en uitdruklik uiteensit.”

6 Regulasie 6 van die Regulasies word hierby gewysig deur subparagraaf (i) van subregulasie (4) (a) deur die volgende subparagraaf te vervang

“(i) ’n Bedrag van R20,50 vir elke 24 uur of gedeelte daarvan wat bestee is in verband met die vervulling van sy pligte ingevolge die Wet of in verband met sy reis na of van die plek waar sy dienste vereis word,”

7 Regulasie 8 van die Regulasies word hierby gewysig—

(a) deur die woorde “EN KENNISGEWINGS WAT OPGEPLAK” in die opskrif te skrap,

(b) deur in subregulasie (1) (a) die woord “order” na die woord “vastelling” in te voeg, en

(c) deur subregulasie (5) te skrap

8. Regulasies 9, 10 en 14 van die Regulasies word hierby herroep

9 Aanhangel IC 1 van die Regulasies word hierby gewysig deur in paragraaf 1 die uitdrukking “artikel 4/artikel 4A (skrap wat nie van toepassing is nie)” deur die uitdrukking “artikel 4” te vervang

10 Aanhangel IC 2 van die Regulasies word hierby gewysig deur in paragraaf 1 die uitdrukking “artikel 4/artikel 4A (skrap wat nie van toepassing is nie)” deur die uitdrukking “artikel 4” te vervang

11 Aanhangsels IC 3A en IC 4A van die Regulasies word hierby herroep

12 Aanhangel IC 7 van die Regulasies word hierby gewysig—

(a) deur die uitdrukking “ARTIKEL FIF (2)” in die opskrif deur die uitdrukking “ARTIKEL 11 (2)/ARTIKEL 11 (2) (a) SOOS TOEGEPAS BY ARTIKEL 11 (6)” te vervang, en

(b) deur die uitdrukking “artikel 11 (2) (a)” deur die uitdrukking “artikel 11 (2) (a)/artikel 11 (2) (a) soos toegepas by artikel 11 (6)” te vervang

13 Aanhangel IC 9 van die Regulasies word hierby gewysig—

(a) deur die uitdrukking—

“(a) { Die Sekretaris van Arbeid
Laboragebou
Pretoria

(b) { Die Voorsitter
Nywerheidshof
Pretoria”

5 Regulation 4 of the Regulations is hereby amended—
(a) by the substitution for subregulation (2) of the following subregulation

“(2) An appeal shall be lodged during the period within which it may be made in terms of section 16 (1) of the Act, either by the personal delivery thereof, or by forwarding it by registered post, to the Director-General Manpower”, and

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

“(3) The appeal shall be accompanied by an original statement, signed by the appellant or his authorised representative, of the representations which the appellant is required to submit in terms of section 16 (2) (a) of the Act, together with three copies of the statement and of the annexures hereto. Such representations shall set forth clearly and specifically the grounds on which the appeal is made.”

6 Regulation 6 of the Regulations is hereby amended by the substitution for subparagraph (i) of subregulation (4) (a) of the following subparagraph

“(i) An amount of R20,50 for every 24 hours or part thereof spent in connection with the performance of his duties under the Act or on travelling to or from the place at which his services are required,”

7 Regulation 8 of the Regulations is hereby amended—
(a) by the deletion of the words “AND NOTICES TO BE POSTED” in the heading,

(b) by the insertion in subregulation (1) (a) of the word “order” after the word “determination”, and

(c) by the deletion of subregulation (5)

8 Regulations 9, 10 and 14 of the Regulations are hereby repealed

9 Annexure IC 1 to the Regulations is hereby amended by the substitution in paragraph 1 for the expression “section 4/section 4A (delete whichever is not applicable)” of the expression “section 4”

10 Annexure IC 2 to the Regulations is hereby amended by the substitution in paragraph 1 for the expression “section 4/section 4A (delete whichever is not applicable)” of the expression “section 4”

11 Annexures IC 3A and IC 4A to the Regulations are hereby repealed

12 Annexure IC 7 to the Regulations is hereby amended—

(a) by the substitution for the expression “SECTION FIFTEEN (2)” of the expression “SECTION 11 (2)/SECTION 11 (2) (a) AS APPLIED BY SECTION 11 (6)” in the heading, and

(b) by the substitution for the expression “section 11 (2) (a)” of the expression “section 11 (2) (a)/section 11 (2) (a) as applied by section 11 (6)”

13 Annexure IC 9 to the Regulations is hereby amended—

(a) by the substitution for the expression—

“(a) { The Secretary for Labour
Laboria Buildings
Pretoria
(b) { The Chairman
Industrial Tribunal
Pretoria”

deur die uitdrukking
 "Direkteur-generaal Mannekrag
 Laboragebou
 Pretoria"
 te vervang,
 (b) deur die uitdrukking "artikel sestien (1) (a)/sestien (1)
 (b)" deur die uitdrukking "artikel 16 (1)" te vervang,
 (c) deur die uitdrukking "Voorsitter van
 Nywerheidshof" te skrap, en
 (d) deur opmerking (ii) te skrap

14 Aanhangsel IC 10 van die Regulasies word hierby
 gewysig—

(a) deur die woord "tabelle" in daardie gedeelte van
 die Aanhangsel met die opskrif "SLEGS VIR DEPAR-
 TEMENTELE GEBRUIK" deur die woord "tabel" te
 vervang, en
 (b) deur die tabelle deur die volgende tabel te vervang

of the expression—

"The Director General Manpower
 Labour Buildings
 Pretoria",

(b) by the substitution for the expression "section six-
 teen (1) (a)/sixteen (1) (b)" of the expression "section 16
 (1)",

(c) by the deletion of the expression "Chairman of
 Tribunal", and

(d) by the deletion of note (ii)

14 Annexure IC 10 to the Regulations is hereby
 amended—

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

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

TABLE

LR 10

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

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 and who is not more than three months in arrears in respect of the payment of his membership fees which are payable in terms of such contract as is referred to in section 1 (2) of the Act

15 Annexure IC 11 to the Regulations is hereby amended—
 (a) by the substitution for the word 'table' in that part of the Annexure under the heading 'FOR DEPARTMENTAL USE ONLY' and
 (b) by the substitution for the tables of the following table

TABLE

LR 11

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				
	White persons	Totals X	Persons employed				Totals
			White persons	Coloured persons, excluding Asiatics	Asiatics	Black persons	
Totals							
Number of members included in the totals shown in column X who are not in good standing							

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 and who is not more than three months in arrears in respect of the payment of his membership fees which are payable in terms of such contract as is referred to in section 1 (2) of the Act

16 Annexure IC 15 to the Regulations is hereby amended by the deletion of paragraph 3

17 The following Annexure is hereby substituted for Annexure IC 15 to the Regulations

12

ANNEXURE LR 17
REGULATIONS 5 (6), 5 (8), 6 (10), 6 (11) and 7 (4)
LABOUR RELATIONS ACT, 1956

(NAME OF TRADE UNION)

TABLE

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/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/determination in who are no members of the trade union				
	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

Notes —

- (i) A member who is in good standing as a member who has paid the entrance fee (if any) prescribed in the trade union constitutions and who is not more than three months in arrears with the payment of his membership dues which are payable in terms of such constitution [vide section 1 (2) of the Act]
 - (ii) This Annexure must be completed on the same date as Annexures LR 15, 19, 26, 27 or 30 as the case may be
- We hereby certify that according to the best of our knowledge the figures contained in the above table are correct

Chairman of the *Industrial Council/Conciliation Board Trade Union

Secretary of the *Industrial Council/Conciliation Board Trade Union

(Name of *Industrial Council/
Conciliation Board)

Date 19

Note — Delete at *whichever is not applicable

FOR DEPARTMENTAL USE ONLY

I certify that I have investigated the figures contained in the above table and am satisfied that the particulars shown are substantially correct

Date 19

Place

Divisional Inspector

19 Annexure IC 23 to the Regulations is hereby amended—

- (a) by the deletion of paragraph (c) under the heading 'For Departmental use only', and
- (b) by the deletion of note (vi)

20 Annexure IC 26 to the Regulations is hereby amended by the deletion of paragraph 3

21 Annexure IC 30 to the Regulations is hereby amended by the deletion of paragraph 2

22 Annexure IC 32 to the Regulations is hereby amended by the deletion of note (ii)

23 Annexures IC 33, IC 34, IC 35, IC 36, IC 37, IC 38, IC 39, IC 40, IC 41 and IC 42 to the Regulations are hereby repealed

24 Annexure IC 43 to the Regulations is hereby amended by the substitution for the word 'Chairman of the word 'Registrar' where it occurs the first time

25 The expressions 'Manpower Director/General Manpower', 'Labour Relations Act' and 'LR' are hereby substituted for the expressions 'Labour', 'Secretary for Labour' and 'Industrial Conciliation Act' and

Labour unrest will continue, experts fear

166 172 192

Minister of Manpower, S P Botha . . . his department faces serious problems.

By Tony Davis, Labour Reporter

October was one of the worst months for labour relations in South Africa for many years. More than 20 000 workers were involved in disputes affecting about 40 firms and hundreds appeared in court.

Labour experts can see no end to labour disputes in the near future and this poses serious problems for the Department of Manpower under Mr S P Botha.

Hardest hit by the unrest were Durban, the East Rand, Port Elizabeth and East London.

There was no single reason for the unrest although worker agitation against new pension legislation due next year started many of the disputes in the Eastern Cape and Natal.

Workers fear that government pension fund legislation will freeze their contributions and they mistrust any official dealings with the unions.

Union officials deny management claims that workers do not understand pension funds — "They do understand and they don't want any part of it," an official said.

Factors

Several other factors contributed to the unrest. These included

● Dismissal of workers, as at the massive CDA car assembly plant in East London where there were several stoppages when workers protested against disciplinary action by management

● The mass of new labour legislation, much of it from the Wiehahn Commission report and accompanying government White Papers.

Unrest is likely to continue

▶ from page 1

to withhold their labour and accuse employers of lockouts

At the Telephone Manufacturers of SA in Springs, 1 600 workers lost their jobs and at Triomf in Kempton Park, 500. There were similar dismissals in the Eastern Cape

Manpower officials blame workers for being too willing to resort to the strike weapon when they have grievances

Managements have accused unions of having failed to follow recognised procedures for disputes

Several hundred workers have appeared in courts for their alleged roles in disputes

Unrest at the SA Bottling Company plant and the Post Office in Port Elizabeth resulted in many workers being charged under the Riotous Assemblies Act

And, in the Ciskei, 183 workers who were arrested by the homeland's Security Police, are to appear in court later this month

In October several companies were hit by repeated closures

In Natal, four of the Hulletts group's sugar factories were closed in September because of pension unrest. They were hit again last month when about 2 000 workers at Darnall, Mount Edgecombe, Felixton and Amatukulu downed tools.

● Workers "flexing their muscles" and realising the strength of registered trade unionism — only allowed for black workers in 1979. Workers have often demanded the immediate reinstatement of dismissed colleagues and, when unions and managements have formed appeal boards there have been settlements

Labour experts blame managements for neglecting to tell union representatives in advance of disciplinary action

Several disputes on the East Rand resulted in mass worker dismissals although managements sometimes claimed that workers had "dismissed themselves" by refusing to work

But unionists insist that workers have a right

To Page 3, Col 7

only 1 page

72

166



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No 3324

REGULATION GAZETTE No 3324

PRYS (Aan ingesluit) 30c PRICE (GST Included)

As 'n Nuusblad by die Poskantoor Geregistreer

BUITELANDS 40c ABROAD

Registered at the Post Office as a Newspaper

POSVRY POSTEREL

Vol 197]

PRETORIA, 2 NOVEMBER 1981

[No 7901

GOEWERMENSKENNISGEWING

GOVERNMENT NOTICE

DEPARTEMENT VAN MANNEKRAG
No R 2367 2 November 1981
WET OP VOORLIGTING EN INDIENSPLASING, 1981
REGULASIES

DEPARTMENT OF MANPOWER
No R 2367 2 November 1981
GUIDANCE AND PLACEMENT ACT 1981
REGULATIONS

Die Minister van Mannekrag het kragtens artikel 20 van die Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981), die regulasies in die Bylae hiervan uitgevaardig
BYLAE

The Minister of Manpower has in terms of section 20 of the Guidance and Placement Act, 1981 (Act 62 of 1981), made the regulations in the Annexure hereto
ANNEXURE

1 *Woordomskrywing* —In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, dieselfde betekenis en, tensy uit die samehang anders blyk, beteken—

1 *Definitions* —In these regulations any word or expression to which a meaning is assigned in the Act has the same meaning and, unless inconsistent with the context—

“Wet” die Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981); en

“Act” means the Guidance and Placement Act, 1981 (Act 62 of 1981), and

“aanhangsel” ’n aanhangsel van hierdie regulasies

“annexure” means an annexure to these regulations

2 *Registrasie van werksoekers* —(1) Die besonderhede wat ’n werksoeker aan die aangewese beampte moet verstrek ingevolge artikel 4 (1) van die Wet, is die besonderhede voorgeskryf in Aanhangsel 1

2 *Registration of workseekers* — (1) The particulars that a workseeker is required to furnish to the designated officer in terms of section 4 (1) of the Act are the particulars prescribed in Annexure 1

(2) Die registrasiekaart wat die aangewese beampte aan ’n werksoeker moet uitreik ingevolge artikel 4 (2) van die Wet, moet in die vorm van Aanhangsel 2 wees

(2) The registration card that the designated officer is required to issue to a workseeker in terms of section 4 (2) of the Act shall be in the form of Annexure 2

3 *’n Werksoeker wat werk vind of werkloos bly, stel die aangewese beampte in kennis* —(1) ’n Geregistreerde werksoeker wat werk gekry het, moet ingevolge artikel 5 (1) (c) van die Wet die besonderhede vermeld op die keersy van die voorgeskrywe registrasiekaart (Aanhangsel 2) aan die betrokke aangewese beampte verstrek

3 *A workseeker who has obtained employment or who remains unemployed shall notify the designated officer* — (1) A registered workseeker who finds employment must, in terms of section 5 (1) (c) of the Act, furnish the particulars mentioned on the reverse side of the prescribed registration card (Annexure 2) to the designated officer concerned

(2) ’n Geregistreerde werksoeker wat nog werk soek, moet ingevolge artikel 5 (2) (a) van die Wet die aangewese beampte skriftelik of mondeling in kennis stel dat hy nog werk soek

(2) A registered workseeker who is still seeking employment must in terms of section 5 (2) (a) of the Act, advise the designated officer orally or in writing that he is still seeking employment

(3) ’n Geregistreerde werksoeker moet die aangewese beampte ingevolge artikel 5 (2) (b) van die Wet skriftelik of mondeling in kennis stel van enige adresverandering

(3) In terms of section 5 (2) (b) of the Act, a registered workseeker must advise the designated officer orally or in writing of any change of address

4 *’n Werkgewer stel die aangewese beampte in kennis van die indiensneming van ’n werksoeker* —Die besonderhede wat ’n werkgewer ingevolge artikel 6 (1) van die Wet aan die betrokke aangewese beampte moet verstrek, is die vermeld op die keersy van die voorgeskrywe registrasiekaart (Aanhangsel 2) of dié vermeld in Deel A van Aanhangsel 3

4 *An employer shall advise the designated officer of the employment of a workseeker* — The particulars that an employer is required to furnish to the designated officer concerned in terms of section 6 (1) of the Act are those mentioned on the reverse side of the prescribed registration card (Annexure 2) or those mentioned in Part A of Annexure 3

photo 5 list
x2 x 10/2/81

166



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIEKOERANT No. 3223 REGULATION GAZETTE No. 2223
RYS (AVB inbegryp) 30c PRIJS (GST inbegryp)
As 'n Nuusblad by die Poskantoor Geregistreer SUID-AFRIKA 40- ARBOOD Registered at the Post Office as a Newspaper
LOSTY IOSTYPT

Vol 197] EPHEMERA, 2 NOVEMBER 1981 [No 7000

GOEWERMENTSKENNISGEWING

GOVERNMENT NOTICE

DEPARTEMENT VAN MANNEKRAG
No. R 2366 2 November 1981
WET OP MANNEKRAGOPLEIDING, 1981
(WET 56 VAN 1981)

DEPARTMENT OF MANPOWER
No. R 2366 2 November 1981
MANPOWER TRAINING ACT, 1981
(ACT 56 OF 1981)

Die Minister van Mannekrag het kragtens artikel 57 van die Wet op Mannekragopleiding, 1981 (Wet 56 van 1981), die regulasies in die Bylae hiervan uitvaardig

The Minister of Manpower has, in terms of section 57 of the Manpower Training Act, 1981 (Act 56 of 1981), made the regulations in the Schedule hereto

BYLAE
WET OP MANNEKRAGOPLEIDING, 1981
(WET 56 VAN 1981)
REGULASIES

SCHEDULE
MANPOWER TRAINING ACT, 1981
(ACT 56 OF 1981)
REGULATIONS

Woordomskrwing

Definition

1 In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

1 In these regulations, unless the context otherwise indicates—

“Wet” die Wet op Mannekragopleiding, 1981, en “Aanhangsel” ’n aanhangsel van hierdie regulasies, en het enige woord of uitdrukking waaraan in die Wet ’n betekenis geheg word, dieselfde betekenis

“Act” means the Manpower Training Act, 1981, and “Annexure” means an annexure to these regulations, and any word or expression to which a meaning has been assigned in the Act shall bear the same meaning

Bywoning deur getuies van ondersoek deur die raad, komitees, onderkomitees, opleidingsadviseurs of ondersoek-beamptes

Attendance of witnesses at inquiries by the board, committees, subcommittees, training advisers or investigating officers

2. (1) ’n Dagvaarding om voor die raad, ’n komitee, onderkomitee, opleidingsadviseur of ondersoek-beampte te verskyn in verband met enige ondersoek deur die raad, ’n komitee, onderkomitee, opleidingsadviseur of ondersoek-beampte, moet in die vorm van Aanhangsel 1 wees

2 (1) A subpoena to appear before the board, a committee, subcommittee, training adviser or investigating officer in connection with any inquiry by the board, a committee, subcommittee, training adviser or investigating officer shall be in the form of Annexure 1

(2) So ’n dagvaarding kan aan die persoon van wie vereis word om voor die raad, ’n komitee, onderkomitee, opleidingsadviseur of ondersoek-beampte te verskyn, beteken word—

(2) Any such subpoena may be served on the person required to appear before the board, a committee, subcommittee, training adviser or investigating officer—

- (a) deur dit, of ’n afskrif daarvan, aan hom af te lever, of
- (b) deur dit, of ’n afskrif daarvan, by sy woon-, besigheids- of werkplek te laat by ’n persoon wat blyf baar minstens 16 jaar oud is en blykbaar daar woon of daar in diens is; of
- (c) deur dit, of ’n afskrif daarvan, per aangetekende pos aan sy woon-, besigheids- of werkadres of sy posbusnommer te stuur

- (a) by delivering it, or a copy thereof, to him; or
- (b) by leaving it, or a copy thereof, at his residence or business or employment with some person apparently not less than 16 years of age and apparently residing or employed there; or
- (c) by dispatching it, or a copy thereof, by registered post to his residential, business or work address or his post office box number

for full list see 7800/1

RDM
4/11/81
123
166

Unions wary of Seifsa's labour guides

By STEVEN FRIEDMAN

NEW labour guidelines announced this week by the Steel and Engineering Industries Federation showed a change in "style, not substance", unions who have refused to join industrial councils said yesterday.

None of the unions who have refused to join the councils would comment officially on the new guidelines yesterday. They said they wanted to study them and refer them back to their members before commenting publicly.

However, one prominent unionist said that, at first glance, the new guidelines seemed to be an indication that Seifsa had "changed its tone in dealing with unions who refuse to go on to councils".

He added, "This will obviously help. But the substance — Seifsa's insistence on the council system — remains unchanged."

Another unionist also acknowledged that the guidelines represented a shift but said, "The real issue is our demand to bargain on wages and work conditions outside the council system and Seifsa has not changed its stand on that."

Both said they did not believe the new guidelines would persuade unions to change their minds about serving on the councils, but said they could assist in creating "a more open labour atmosphere" in the metal industries.

The new guidelines reaffirm Seifsa's opposition to any bargaining on wages and work conditions outside the official industrial council system.

Facilities

They also recommend that employers grant facilities to unions who serve on councils more easily than to those who don't.

However, Seifsa has restated its commitment to changes in the industrial council system and is to hold talks on possible changes both with those unions who serve on councils and those who have refused.

The new guidelines also recommend changes in attitude to those unions who refuse to serve on industrial councils.

Employers are advised to hold talks with these unions and establish whether they are representative (although not by means of a referendum, which Seifsa says is "not a test of representativeness").

If they are, the possibility is left open that employers will ne-

gotiate with these unions on the granting of some of the facilities which will be extended to unions who serve on councils.

The guidelines also alter Seifsa's policy in recommending that employers recognise and deal with the shop stewards of unions who are on the councils — although not that they negotiate with them on pay and work conditions.

DD 10/11/81 (126)

Deadline for unions

EAST LONDON — All unregistered trade unions have three months from November 1 to submit copies of their constitutions, head office addresses and lists of office bearers to the Industrial Registrar

These provisions are contained in the Labour Relations Amendment Act which has been gazetted by the Department of Manpower and which extends controls previously only applicable to registered trade unions and employers' organisations to unregistered trade unions and employers' organisations

Other provisions which now affect unregistered unions are the keeping of membership registers and books of account, the preparation of financial statements and the prohibition of affiliation to a political party

According to the Act, which amends but does not replace the Industrial Conciliation Act, trade unions and employer organisations which fail to give effect to these requirements will be guilty of an offence — DDR

Govt told: new bill on pensions a must

DD 10/11/81

200-123 166

JOHANNESBURG — Despite the "worrying issue" of finding a solution to labour and industrial issues, legislation for the preservation of pension rights should be regarded as vital to ensure that communication between workers and management on this matter was based on a solid foundation, Mr R C Lloyd, outgoing chairman of the Life Offices Association (LOA) said here yesterday.

He hoped that the recent announcement of the withdrawal of the bill, pending discussion with interested parties, did not mean that the need for producing a revised and acceptable bill would not be regarded as urgent.

In his farewell address to the association, Mr Lloyd said it would be agreed that among current issues affecting the life assurance industry, the preservation of pension rights deserved the highest priority.

"I think it is important to keep in mind clearly why we of the LOA are strongly supporting the preservation of pension rights. It is

simply that without an effective system of preservation of pension rights, we will end up with a national pension scheme with consequences that do not need to be enumerated.

"But if we water down the preservation system too much, the consequence will be inadequate pensions and the pressure for a national pension scheme will then become irresistible. So the emphasis must be on having an effective system."

Mr Lloyd said that the main concern of the LOA in dealing with the technical, legal and administrative matters associated with the implementation of pensions had been to advocate that, as far as possible, there should be a greater degree of administrative policy, and that matters extraneous to the principle of preservation should be put aside.

Also that the proposals that would finally be adopted "must blend with, and not revolutionise, the basis on which pension provision has been made."

"But the more worrying issue is the need to find a

solution to the labour and industrial issues that gave rise to the decision to defer the implementation of the legislation until three years after its enactment.

"It should be accepted that it is vital to have legislation next year or as soon as possible thereafter — otherwise communication between workers and management will not be based on a solid foundation.

"There must be no continuing uncertainty on the form the preservation legislation is to take.

"However, we must not make the facile assumption that the troubles that have arisen have all been due to misunderstanding and that all that is needed is to explain matters and all will be well. The workers among whom most of the trouble has arisen have certain clear priorities among their different needs.

"While they want pensions, this is seen as remote, but the need to have money to tide them over when unemployed is a real and urgent need," Mr Lloyd said — SAPA.

By Tony Davis

The Government backed down several times on its controversial proposed Preservation of Pensions Interests Bill since it was announced almost a year ago. Last weekend it was scrapped.

On Friday the Registrar of Financial Institutions, Mr Naas van Staden, and the Director General of Manpower Mr E. A. Cilliers announced that the proposed pensions Bill was being discontinued and there would be talks with various interest groups.

Since it was first mooted in Parliament, the Bill has come under attack from all quarters.

The first known pension strike was in the North Eastern Transvaal last September, involving 400 workers at Tubatse Feirochrome.

Port Elizabeth soon became a centre of pension unrest and in late January about 1500 Firestone workers stopped work. Workers at other Port Elizabeth firms followed suit.

In response to the gro-

How workers killed an unpopular Bill

Employers hit by the wave of pension strikes hope that peace will return now that the Government has withdrawn its controversial Pension Bill.

Employment granted the Government exemptions from the proposed legislation — its first 'retreat' on the controversial Bill.

A number of reasons were advanced why workers mistrusted the Bill. These included:

- Mistrust of Government 'interference' with their pensions.
- Worker misunderstanding about pension funds.
- Pension contributions were seen as emergency funds to help out during times of unemployment or to buy goods.
- Concern over the preservation of funds until the age of 65.
- Firms in the Eastern Cape and Natal — particularly Durban — became

caught up in the spreading pension unrest and the Government once again retreated.

Mr Owen Horwood announced in Parliament that contributions made before the pension Bill became law would be exempted.

Then the employers stepped heavily into the dispute.

The Government had already heard recommendations from unions and union federations, but now the employers wanted drastic changes to the

proposed Bill if not its actual scrapping.

The Federated Chamber of Industries (FCI) and the Natal Chamber of Industries suggested 'salary threshold' exemptions from any pension legislation which would effectively exempt many black workers.

The Registrar of Financial Institutions, Mr van Staden, flew to Durban last month to meet the Natal Chamber and Durban Chamber of Commerce which called for a

postponement of the legislation for several years.

Durban over a two-month period had been hit by at least a dozen pension-related strikes. Workers at Mulet's group sugar plants had been out several times in succession.

After the meeting Mr van Staden announced what appeared to be a further 'retreat' on the proposed Bill — its provisions would not be enforced for three years after it became law.

The pension unrest led to the loss of millions of rands of worker contributions in pension funds across the country.

This month the pension unrest showed no signs of abating, with almost daily

reports of new disputes and the Government appeared to be in a no-win situation.

On the day before the announcement that the Bill was being dropped the FCI made a public call for it to be scrapped, stating employers and employees should negotiate pension terms with minimal 'State intervention'.

Then the final retreat — the Bill was halted and the Government would re-examine the scheme and hold talks with the parties involved.

Employers hope the wave of pension unrest will now subside although they recognise the issue has not been fully resolved.

"The Government has been wise in withdrawing this legislation and starting again on a consultative basis," the executive director of the Natal Chamber of Industries, Mr Roland Freaques, said.

But it was essential that those who were directly affected — the employees — should have some access to comment on the issue.

166
10/11/81



STAAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

PRYS (AVB ingesluit) 30c PRICE (GST included)

As 'n Nuusblad by die Poskantoor Geregistreer BUITELANDS 40c ABROAD Registered at the Post Office as a Newspaper
POSVRY POSTFREE

Vol 197]

PRETORIA, 13 NOVEMBER 1981

[No 7918

ALGEMENE KENNISGEWING

KENNISGEWING 870 VAN 1981

DEPARTEMENT VAN MANNEKRAG

WETSONTWERP OP MASJINERIE, BEROEPSVEILIGHEID EN -GESONDHEID

Die volgende Konsepwetsontwerp op Masjinerie, Beroepsveiligheid en -Gesondheid word hierby vir algemene inligting en kommentaar gepubliseer

Enige kommentaar of vertoe daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-generaal Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word

KONSEPWETSONTWERP OP MASJINERIE, BEROEPSVEILIGHEID EN -GESONDHEID

Om deur die Minister van Mannekrag ingedien te word

Om voorsiening te maak vir die veilige gebruik van masjinerie; vir voorsorgmaatreëls teen ongelukke en voorvalle in diens; vir maatreëls ter beskerming en bevordering van die gesondheid van persone in diens; die pligte, verantwoordelikhede en bevoegdhede van die onderskeie owerhede, werkgevers en werknemers te omskryf; vir die instelling en werksaamhede van 'n Advieskomitee vir Beroepsgesondheid; en vir aangeleenthede wat daarmee in verband staan

Daar word bepaal deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika soos volg

INDELING VAN ARTIKELS

	Artikels
Hoofstuk I Woordomsrywings en Toepassingsbestek	1- 2
Hoofstuk II Masjinerie en Beroepsveiligheid	3-16
Hoofstuk III Beroepsgesondheid	17-26
Hoofstuk IV Algemene bepalinge	27-50

897—A

GENERAL NOTICE

NOTICE 870 OF 1981

DEPARTMENT OF MANPOWER

MACHINERY, OCCUPATIONAL SAFETY AND OCCUPATIONAL HEALTH BILL

The following Draft Machinery, Occupational Safety and Occupational Health Bill is hereby published for general information and comment

Any comments or representations thereon should be lodged in writing and in duplicate with the Director-General Manpower, Private Bag X117, Pretoria, 0001, within 30 days of the date of publication of this notice

DRAFT MACHINERY, OCCUPATIONAL SAFETY AND OCCUPATIONAL HEALTH BILL

To be introduced by the Minister of Manpower

To provide for the safe use of machinery; for precautionary measures against accidents and occurrences in employment; for measures for the protection and promotion of the health of persons in employment; to define the duties, responsibilities and powers of the various authorities, employers and employees; for the establishment and functions of an Advisory Committee on Occupational Health; and to provide for matters incidental thereto.

Be it enacted by the State President and the House of Assembly of the Republic of South Africa, as follows

ARRANGEMENT OF SECTIONS

	Sections
Chapter I Definitions and Scope of Application	1- 2
Chapter II Machinery and Occupational Safety	3-16
Chapter III Occupational Health	17-26
Chapter IV General provisions	27-50

7918—1

had been either ignored or modified. In addition, some emerging black unions have announced their refusal to use the court.

Labour lawyers have criticised its extremely narrow jurisdiction. They have pointed out that under the statute establishing the court and through the implications of its own judgment in the Raleigh Cycles case earlier this year, it cannot rule on disputes arising out of strikes, lockouts, victimisation, or unlawful dismissals. These are some of the issues which lie at the heart of industrial unrest.

The court's power to decide on unfair labour practice cases was excluded by the Raleigh case, but it can hear them only after workers have sought redress through the appropriate industrial council — a pro-

cedure many unionists regard as cumbersome.

Government has moved to placate some of the court's critics. Last month a draft amendment to the Labour Relations Act was published, providing for a wider right of appeal to the Supreme Court. This, however, only applies in respect of the court's function as a court of law, and not in respect of unfair labour practices.

The amendment also provides for new powers to enable the court to intervene more swiftly in labour disputes and in the making of 'status quo' orders. Such interim orders would reinstate dismissed workers or prohibit an alleged unfair labour practice pending the determination of a dispute.

Some labour lawyers have praised the

draft Bill, but have complained that it has failed to address itself to the basic problem of the court's extremely narrow jurisdiction.

Senior officials of the court maintain that the court is functioning smoothly and say that this year the court has heard about twice as many cases as the 18 it heard last year. A large proportion of these cases appear to have been demarcation disputes between various industries as well as some arbitration cases. The officials say a small, though increasing, number of cases concerning unfair labour practices are coming before the court.

This, however, cannot detract from the fact that court is not at the centre of labour events in SA. Government obviously realises that something needs to be done and has instructed the National Manpower Commission to investigate the court's functioning. But whether it has the courage to allow the court to become a forum through which black workers can achieve collective aims remains to be seen.

FM 20/11/81
INDUSTRIAL COURT

Limping along (166)

It came in with a flourish, but after two years the Industrial Court has yet to fulfill its role as a cornerstone of SA's new labour dispensation.

In its first report, the Wiehahn Commission made a detailed plea for a special labour court, arguing that the procedure in ordinary civil courts was too formal and cumbersome to resolve labour disputes. Furthermore, ordinary courts were overloaded with work and out of the financial reach of most workers.

According to the commission the court would interpret labour law, hear allegations of irregular and undesirable labour practices and judge on the legality of issues such as strikes, pickets and boycotts. It would also develop fair employment guidelines through precedents set in judgments.

That the court has not fulfilled expectations was well illustrated by a survey in June this year which showed that labour leaders felt the court, in its present form, was a waste of time. They complained that it was weak and that the Wiehahn proposals

Academics warn of more strikes

CAPE TIMES 26/11/81

126/130/166

By NEVILLE FRANSMAN

TOP RANKING Afrikaans academics yesterday warned that strikes in South Africa would become more frequent, that managements would increasingly have to learn to negotiate at local worker level and that there was no other choice but to turn to people who were not white to wipe out the country's serious manpower shortage.

Professor S M Swart of the Stellenbosch University Graduate School of Business said that if a political solution was not found in South Africa the labour problems of this country would intensify.

He was one of the speakers at a labour relations seminar for local authorities organized by the Western Cape branch of the South African Institute of Public Administration (SAIPA).

Union numbers

Professor Swart said that almost 20 percent of black workers belonged to trade unions. This percentage would rise with new legislation easing restrictions on workers organizing themselves in a free enterprise system, and pressures on managements to negotiate with workers would increase.

He pointed out that 55 percent of strikes had their origin in unfair handling of workers and procedures used in conflict situations. Employers would in future be forced to reconsider their internal policy measures (beleidsmaatreke) on a reg-

ular basis and the success of the labour force would depend on good human relations and behaviour.

Free enterprise for management also implied free enterprise in trade unionism, Professor Swart said.

Professor Ampie Muller of the University of the Western Cape (Dept of Industrial Psychology) repeated the warning that the number and duration of strikes would in all probability increase in the foreseeable future.

He added that managements must adapt to a climate in which they could not continuously run to the government for protection and in which they would have to move away from domination as a method to resolve conflict. Instead management would be forced towards a policy of mutual problem-solving.

Earlier he said it was "a reasonable assumption" that the existence of separate trade unions for different race groups in the municipal service could contribute to labour conflict because of the increased emotional component of negotiation.

A Stellenbosch University economist Professor J L Saldie said it had become impossible to fill the posts in the civil service with white persons. "This is an unpopular statement," he said "but even higher salaries will not create more people. The country has no choice but to look to other race groups for its manpower needs - there are simply not enough whites."

He added that more workers could be drawn from the

homeland areas the alternative being the destitution and starvation these workers would suffer. He could not agree that the homeland would be robbed of labour if blacks were allowed into white areas.

Training centre

Dr L J Fick, personnel director of the Cape Divisional Council proposed the establishment of a training centre which could serve local authorities of Greater Cape Town on a regional basis. The downgrading of vacant posts so that lower qualified people could be employed and the provision of regional services in the Cape metropolitan area.

Opening the seminar yesterday, Mr Herrie Kriel, MEC for local government said that 225 000 people were employed by local authorities in South Africa.

Emphasizing the overwhelming need for healthy labour relations in all facets of government he said a fine and delicate balance had to be maintained between employer and employee. He criticized the fact that with some local authorities the ratio between the wage bill and other expenditure was totally out of proportion.

Healthy labour relations at local government level were based on the worker negotiating responsibly so that he does not antagonize his employer's source of income. On the other hand the local authority must recompense his worker so that he can live comfortably. Mr Kriel said.

166



X2

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIFKOERANT No R. 3331

REGULATION GAZETTE No R. 3331

PRYS (A.B. inreelut) 30c PRICE (GST included)

As n Nuusblad by die Poskantoor Gereistreer RUITLANDS 10c APPROAD Registered at the Post Office as a Newspaper
ПОСУДЪ ПОСТЕПЕЪ

Vol 197]

PRETORIA, 27 NOVEMBER 1981

[No 7937

PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika
No R 237, 1981

DATUM VAN INWERKINGTREDING VAN DIE WET OP VOORLIGTING EN INDIENSPYASING, 1981 (WET 62 VAN 1981)

Kragtens die bevoegdheid my verleen by artikel 22 van die Wet op Voorligting en Indienspasing, 1981 (Wet 62 van 1981), verklaar ek hierby dat genoemde Wet op die 29ste November 1981 in werking tree.

Gegee onder my Hand en die Seel van die Republiek van Suid-Afrika te Pretoria, op hede die Twaalftede dag van November Eenduisend Negehonderd Een-en-taestig.

M. VILJOEN, Staatspresident

Op las van die Staatspresident-in-rade

S. P. BOTHA

No R 243, 1981

OORDRAG VAN GROND EN SEKERE REGTE AAN DIE REGERING VAN DIE CISKEI

Kragtens die bevoegdheid my verleen by artikel 36 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), artikel 4bis van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), en artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 28 van 1927) gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), verklaar ek hierby dat—

(1) behoudens die bepalinge van paragraaf 3 en onderworpe aan enige bestaande skriftelike vergunning, leenkontrak, huurkontrak, servituut, verband of ander beswaring, reg of verpligting, alle grond geleë in die distrikte vermeld in Bylae A, waarvan die eienersreg of beheer berus by of verly is deur die Regering van die Republiek van Suid-Afrika of die Suid-Afrikaanse Ontwikkelingstrust, ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936) (hieronder "die Trust" genoem), uitgesonderd die grond omskryf in Bylae B, berus by of hierby oorgeleë word aan die Regering van die Ciskei.

(2) behoudens die bepalinge van paragraaf 3 en onderworpe aan enige bestaande skriftelike vergunning, leenkontrak, huurkontrak, servituut, verband of ander beswaring, reg of verpligting, alle grond geleë in die distrikte vermeld in Bylae A, wat op naam van die Minister van Samewerking en Ontwikkeling of van enige ander

PROCLAMATIONS

by the State President of the Republic of South Africa
No P 237, 1981

DATE OF COMING INTO OPERATION OF THE GUIDANCE AND PLACEMENT ACT, 1981 (ACT 62 OF 1981)

Under the powers vested in me by section 22 of the Guidance and Placement Act, 1981 (Act 62 of 1981), I do hereby declare that the said Act shall come into operation on the 29th day of November 1981.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twelfth day of November One thousand Nine hundred and Eighty-one.

M. VILJOEN, State President

By Order of the State President-in-Council

S. P. BOTHA

No R 243, 1981

TRANSFER OF LAND AND CERTAIN RIGHTS TO THE GOVERNMENT OF THE CISKEI

Under and by virtue of the powers vested in me by section 36 of the National States Constitution Act, 1971 (Act 21 of 1971), section 4bis of the Development Trust and Land Act, 1936 (Act 18 of 1936) and section 25 (1) of the Black Administration Act, 1927 (Act 28 of 1927) read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby declare that—

(1) subject to the provisions of paragraph 3 and subject to any existing written concession, contract of sale, lease, servitude, bond or other encumbrance, right or obligation, all land, excluding the land described in Schedule B, situate in the districts mentioned in Schedule A, the ownership or control of which is vested in or has been acquired by the Government of the Republic of South Africa or the South African Development Trust, constituted by section 4 of the Development Trust and Land Act, 1936 (Act 18 of 1936) (hereinafter referred to as "the Trust"), shall vest in, or is hereby transferred to, the Government of the Ciskei.

(2) subject to the provisions of paragraph 3 and subject to any existing written concession, contract of sale, lease, servitude, bond or other encumbrance, right or obligation, all land situate in the districts mentioned in Schedule A which is registered in the name of the Minister of Co-operation and Development or of any other person in



(X 2)

166

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

REGULASIFKOERANT No R. 3339

REGULATION GAZETTE No R 3339

PRYS (AVB ingesluit) 30c PRICE (GST included)

As 'n Nuusblad by die Poskantoor Geregistreer

BUIJFLANDS 10c ABROAD

Registered at the Post Office as a Newspaper

POSVRY POSTFREE

Vol 197]

PRETORIA, 30 NOVEMBER 1981

[No 7935

Nota —Hierdie kennisgewing vervang die kennisgewing wat by Goewermentskennisgewing R 2367 van 2 November 1981 gepubliseer is en wat van nul en gener waarde is nie aangesien die Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981) by Proklamasie R 237, 1981 eers op 29 November 1981 in werking getree het

Note —This notice replaces the notice published under Government Notice R 2367 of 2 November 1981 which is of no force or effect since the Guidance and Placement Act, 1981 (Act 62 of 1981) only came into operation on 29 November 1981 by Proclamation R 237, 1981

GOEWERMENTSKENNISGEWING

GOVERNMENT NOTICE

DEPARTEMENT VAN MANNEKRAG

DEPARTMENT OF MANPOWER

No R 2560 30 November 1981
WET OP VOORLIGTING EN INDIENSPLASING, 1981
REGULASIES

No R 2560 30 November 1981
GUIDANCE AND PLACEMENT ACT, 1981
REGULATIONS

Die Minister van Mannekrag het kragtens artikel 20 van die Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981), die regulasies in die Bylae hiervan uitgevaardig
BYLAE

The Minister of Manpower has in terms of section 20 of the Guidance and Placement Act 1981 (Act 62 of 1981), made the regulations in the Annexure hereto

ANNEXURE

1 *Woordomskrywing*.—In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, dieselfde betekenis en, tensy uit die samehang anders blyk, beteken—

1 *Definitions*—In these regulations any word or expression to which a meaning is assigned in the Act has the same meaning and, unless inconsistent with the context—

“Wet” die Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981), en

“Act” means the Guidance and Placement Act, 1981 (Act 62 of 1981), and

“aanhangsel” ’n aanhangsel van hierdie regulasies

“annexure” means an annexure to these regulations

2 *Registrasie van werksoekers*—(1) Die besonderhede wat ’n werksoeker aan die aangewese beampte moet verstrek ingevolge artikel 4 (1) van die Wet, is die besonderhede voorgeskryf in Aanhangsel 1

2 *Registration of workseekers*—(1) The particulars that a workseeker is required to furnish to the designated officer in terms of section 4 (1) of the Act are the particulars prescribed in Annexure 1

(2) Die registrasiekaart wat die aangewese beampte aan ’n werksoeker moet uitreik ingevolge artikel 4 (2) van die Wet, moet in die vorm van Aanhangsel 2 wees

(2) The registration card that the designated officer is required to issue to a workseeker in terms of section 4 (2) of the Act shall be in the form of Annexure 2

3 *’n Werksoeker wat werk vind of werkloos bly, stel die aangewese beampte in kennis*—(1) ’n Geregistreeerde werksoeker wat werk gekry het, moet ingevolge artikel 5 (1) (c) van die Wet die besonderhede vermeld op die keersy van die voorgeskrewe registrasiekaart (Aanhangsel 2) aan die betrokke aangewese beampte verstrek

3 *A workseeker who has obtained employment or who remains unemployed shall notify the designated officer*—(1) A registered workseeker who finds employment must, in terms of section 5 (1) (c) of the Act furnish the particulars mentioned on the reverse side of the prescribed registration card (Annexure 2) to the designated officer concerned

(2) ’n Geregistreeerde werksoeker wat nog werk soek, moet ingevolge artikel 5 (2) (a) van die Wet die aangewese beampte skriftelik of mondeling in kennis stel dat hy nog werk soek.

(2) A registered workseeker who is still seeking employment must, in terms of section 5 (2) (a) of the Act advise the designated officer orally or in writing that he is still seeking employment

(3) ’n Geregistreeerde werksoeker moet die aangewese beampte ingevolge artikel 5 (2) (b) van die Wet skriftelik of mondeling in kennis stel van enige adresverandering

(3) In terms of section 5 (2) (b) of the Act, a registered workseeker must advise the designated officer orally or in writing of any change of address

Public service in 'complete chaos'

CAPE TIMES 3/12/81

166

Own Correspondent

JOHANNESBURG — One of South Africa's top civil servants has warned on his retirement that the manpower situation in the public service has deteriorated from "semi-chaos" to "complete chaos" over the past few years.

Ending his career on a controversial note, Mr Jaap Cilliers, Director-General of Manpower, has also

- Hit out at critics of the public service and defended it as still the best in Africa

- Criticized attempts to play down the role of the department in implementing the government's new labour dispensation

- Said the dispensation was going through an "un-

derstandable period of growth pains"

Mr Cilliers has retired after 43 years in the civil service. He rose to prominence during the past six years as first Secretary for Labour and later Director-General of Manpower, presiding over the introduction of the government's new labour dispensation.

Successor

His successor is Dr P J van der Merwe, a prominent former academic who has been drawn increasingly into administering the new labour dispensation after serving on the Wiehahn and Riekert commissions.

In an interview yesterday, Mr Cilliers said the crisis in

the civil service applied not only to the quantity but also to the quality of people attracted to it.

He warned that the "old public servants" who had come from the Depression years had either retired or were on the verge of retiring.

"Their background of patriotism, loyalty and dedication is probably not common any more in the times in which we live."

They had grown up in hard times and security was an important factor in their lives. But he warned "Security of employment is no longer the monopoly of the public service and can be obtained in other spheres of employment."

Mr Cilliers said public servants were held responsible for slow decision-making, red tape and "moving like tortoises" — but in spite of the present shortcomings, no country in Africa could be credited with a better public service.

Mr Cilliers said it was the duty of civil servants to keep low profiles, and their function was to administer and not to govern.

But in a move which appeared to reflect tensions within the official labour establishment surrounding the role of the Wiehahn commission, he said "I regret to say that I read in the press that the laws of the department were rewritten over the past four years by outside people."

"I ask myself what I and my successor are supposed to have been doing during that period. It is one thing to recommend and another to motivate and implement," he said, and spoke of the "tremendous task" performed by senior officials in implementing the new dispensation.

Time factor

Mr Cilliers did not want to detract from the work done by the Wiehahn and Riekert commissions — but the new developments had been part of an "evolutionary process" which would have taken place in any case to a greater or lesser extent.

"This is indicated by the fact that some of the legislation introduced over the past four years has emanated from the department's experience itself, as the time factor obviously did not permit us to wait for some of the findings of the one commission."

Commenting on the future of the new dispensation, he said black workers who had been excluded from the official system for 40 years would take some time to realize the value of operating within it.

Current problems are growth pains which one must expect and foresee that most responsible black trade union leaders will ultimately use the system and find it the best way to serve their people."

He paid tribute to his successor, saying he was the ideal person to assume the responsibilities of his job.

Mr Cilliers is to return to Port Elizabeth, his home town, where he will serve as part-time labour adviser to an American multi-national company and practise various hobbies.

He also said he was looking forward to renewing old friendships, including his association with the former prime minister and state president, Mr B. J. Vorster.

Firms must report strikes to Govt

ARGUS
4/12/81
166
MMA

Argus Correspondent

DURBAN. — New Government regulations make it compulsory for firms to give official reports on strikes to the Department of Manpower.

Employers who do not comply with the regulations face a R1 000 fine or one year's imprisonment or both, Mr D P Liebenberg, divisional inspector of the Department of Manpower, said yesterday.

The forms require information under 12 headings, on what is termed the 'discontinuance of work'.

According to Mr Liebenberg, the questionnaires replace the old system where an inspector visited the company and asked a similar set of questions.

RESPONSIBILITY

Firms are now having to do this work themselves, because the Government wishes employers to accept more responsibility for their labour relations.

'Previously we had complaints from employers about the old system of inspectors visiting the premises. They felt the disputes could best be handled between management and workers'.

INCITEMENT

The questions include details about the group if any, with whom management negotiated and they also ask were there any signs of incitement and/or intimidation, and if so, who in your opinion was responsible for such action?

Management is also asked if the dispute was settled and if not, which steps are being considered to resolve it and finally what steps are contemplated to prevent similar stoppages from arising in the future.

Two file types exist: Catalogue distinction between program management level.

Files may be generated with files consisting of multiple files from the available pool in a file may be randomly located, to the user, the file ever, to the user, the file

All control information necessary contained within the file directory; thus all space available.

- a. External name of the information contained for.
- b. Project identity from.
- c. Account number from.
- d. Date on which the
- e. Activity of the file.
- f. Usage authorization.
- g. Recording mode (master).
- h. Granularity and number.
- i. Number of reels of
- j. Linkage to the granularities and numbers.
- k. Pack-id's and numbers.

For files which are to be reconstructed containing the file and are maintained by the process of entering a file to as cataloging and effecting.

6.1 INTRODUCTION

MASTER

The primary files. The data at the user data

processed. How- the granules are allocated to necessarily, have ion granularity.

ance of a file is within the Master data granules is

numbers (tape only)

igned (mass storage only)

of last reference

statement

statement

ludes the following:

File Directory (MFD). characteristics of each Directory is referred control statements.

Reforms in labour proposed

CAP-7105 9/12/81

Own Correspondent

JOHANNESBURG — A working paper on union registration and recognition by the official National Manpower Commission (NMC) contains criticisms of major aspects of the country's official labour-relations system and key proposals for labour law reform.

The document which has come into the possession of the Rand Daily Mail, quotes many of the criticisms of the system made by employers and trade unions and contains options for reform some of which if implemented would meet many of the objections of critics of the official system.

The NMC emphasizes that the document does not necessarily reflect its views, but some see it as a precursor to proposals for key reforms of the system.

Key demands

It suggests, among other points, that aspects of the system could fall foul of the spirit, although not the letter, of labour conventions drawn up by the International Labour Organization.

The paper is also sympathetic to direct recognition of unions by employers at company level — one of the key demands of black unions.

It discusses the idea of

legislation to help unions achieve this, thus reducing strikes on the issue, and of speeding up official strike procedures which have been criticized as too cumbersome and bureaucratic.

The document is being circulated to interested parties by the NMC, which is asking employer associations, unions and other parties to comment on controversial labour-relations issues.

Investigation

Earlier this year, the government instructed the NMC to investigate the controversial registration system and other key aspects of the official system.

A covering letter accompanying the document stresses that the views expressed in it and options which it spells out are not necessarily proposals by the NMC, but are summaries of the views of organizations consulted by it.

This was emphasized yesterday by the NMC's chairman Dr Hennie Reynders. 'We have not yet taken a stand on these issues. The views expressed in the document are simply those we have gathered from other parties,' he said.

However it is seen as significant that the document stresses the need for reform and that all but one of the options advocate change.

'Unacceptable'

Since the government opened the official system to blacks critics have said it is too bureaucratic and that registration imposes 'unacceptable' controls on unions. They say it is not suited to the needs of black workers.

The paper contains a wide-ranging series of options for reform although it stresses that none are necessarily endorsed by the NMC.

All of these provide for some form of control over union political affiliations, constitutions and finances, but suggest key reforms.

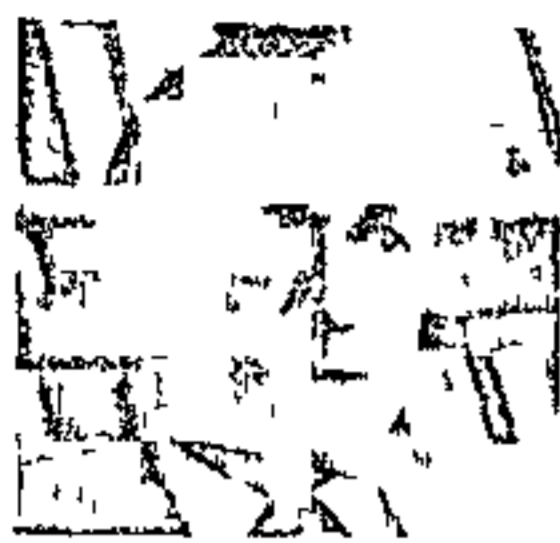
These include having race registration making registration automatic or basing it on union representativeness, removing some official discretion in registration, allowing unregistered unions access to

PIET VAN DER MERWE

F.M. 18/12/81

Labour perspectives

122 165 166



The *FM* spoke to Dr Piet van der Merwe, who at the beginning of this month took over the key post of Director General of Manpower

FM There are fears that the increasing number of recognition agreements being signed between companies and emerging black unions will lead to a labour relations system which competes with the industrial council system. Could you please comment?

Van der Merwe: In SA we have become used to industry-level bargaining, but we should not forget that plant, or enterprise-level bargaining is the most common form of bargaining in the world. In countries such as the US, Canada, Japan, most socialist nations of Europe, as well as the emerging African states, enterprise-level or plant-level bargaining is the most common form of bargaining. Even in West European countries where industry-level bargaining used to be very much in vogue, enterprise-level bargaining is increasing.

Therefore I think one must not look at it as the industrial council system versus enterprise-level negotiation. One must try to marry the two. I think, particularly in situations where you have emergent trade unions with little experience of negotiating, it is the natural thing to go for enterprise-level bargaining. It bears a much closer relationship to the world of experience of the worker and is a better known area to him. Industry-level bargaining is an abstract concept to the worker.

I think this is a natural development which should be allowed to run its course. Perhaps at a later stage it will on its own move to a higher plain of industry-level bargaining.

There has been much criticism of the regulations dealing with trade union registration. Some industrial relations specialists argue that there are not enough inducements to emerging unions to register. What are your feelings on this issue?

I think the whole question of registration is very much over-emphasised. In terms of the most recent amendments to the labour legislation, registration re-

mains voluntary and is therefore no longer the crucial issue it has been made out to be. What has become much more important than registration is really whether a union, registered or unregistered, complies with obligations imposed on it in the new Labour Relations Act. The new legislation in effect provides for the existence of unregistered unions and imposes on them certain obligations which they have to meet. Providing they meet these they can function and can also enter into enterprise or plant-level bargaining with employers on terms they reach agreement on.

We know there are criticisms and problems concerning the registration process. The National Manpower Commission is investigating the whole registration procedure and it has issued a preliminary document for comment by all parties. In the light of that there may no doubt be adjustments.

What is your reaction to complaints that the large-scale detention of unionists is eroding the important reforms which have been made in labour?

Detentions do not take place in terms of labour legislation, they take place in terms of laws outside the purview of the Department of Manpower. That these detentions do have an effect on trade union activities and labour relations one cannot deny. But of course, unless one knows what the reasons for the detentions are one cannot really evaluate whether they are justified or not. One must presume that they are justified, but one cannot really judge on the merits of them unless one knows the full facts, which one normally does not. But inevitably they do effect relations between employers and employees and they do cause tensions between the department and the trade unions involved.

What is your response to complaints that the Industrial Court has not lived up to expectations?

There has been quite a lot of criticism levelled at the Industrial Court, some of it stemming from a misunderstanding of what the court is really supposed to do. I think one must regard the court as a new institution which must still develop. One of the main criticisms has been that the court is not as easily accessible as people thought it would be. But one does

have to take into account that it is a court in the proper sense of the word and that certain procedures have to be followed to get access to it.

The whole functioning of the court and ways and means of access to it are also being investigated by the National Manpower Commission in conjunction with the court itself. We hope that in the light of these investigations, most of the criticism which has arisen can be removed in future.

What do you regard as your main priorities?

The main priorities facing the Department of Manpower lie in the field of training and productivity. Larger numbers of people have to be trained — and trained in the right direction. We also have to make sure that the trained labour pool that is available is utilised to the best advantage.

In the area of social security the department will of course continue to lay down certain minimum standards which are necessary for the protection of workers. In the field of industrial relations the department will provide a broad framework. However, industrial relations is essentially something in which the employer and employee parties, rather than the department, are involved. Therefore, as I see it, the main thrust of the department will be in the direction of training and the effective utilisation of the available stock of trained people.

What do you believe are the most important qualities needed by people involved in industrial relations?

One must be honest, sincere and sympathetic in one's dealings with either the employer or employee parties. One must be objective and deeply impartial. In other words one cannot have any preconceived ideas about what needs to be done. One has to be knowledgeable, not only about industrial relations issues, but also about all those other issues which either directly or indirectly have a bearing on industrial relations. In other words, one must look at industrial relations problems not only in the context of the work environment, but also in the context of the social and political environment in which industrial relations has to function. It is a difficult area to work in and courage is needed.

2014 (167) Soweto
MRS MAGGY MOERA
Leave shebeens alone

THE Orlando branch of the Inkatha movement has called on Soweto police to stop raiding shebeens during the festive season.

In its Christmas message yesterday the movement also praised the Soweto council for finally agreeing to the legalisation of shebeens in the townships. The council had previously voiced strong disapproval of their legislation.

The branch's general secretary, Mr Ambition Brown, said in a statement: "Inkatha makes a special request to the police to grant some form of laxity in raiding shebeens and their patrons over the festive season, as a measure of leniency in the process of their legalisation.

"This application and request does not imply the abuse of law and prevention of other types of crime. We are clear that police have an exclusive and specific duty to perform, mainly to protect life and

property. By asking this laxity on the part of the police, Inkatha does not dissociate itself from the standing orders of the law but requests some kind of relief for shebeen owners and their patrons to enjoy their festive season at their festive season at leisure and ease," the statement added.

This gesture and act from the police would establish confidence derived from South African statute law that drink was no longer accepted as an extenuating circumstance in committing any form of crime, it said.

"In conclusion, we are looking forward to a year of advancement and changed leadership in conformity with the dawn of the new era in our local government," the movement said.

Deadline set for shebeens

By MONK NKOMO
SHEBEEN and 'gig' operators in Mamelodi Township have been given until Thursday to close shop.

This ultimatum was issued yesterday by Lt Col K S Lekganyane, the local police station commander

He said large quantities of liquor had been confiscated and "about 20" shebeen and "gig" operators had been arrested during the intensive clampdown which started last Tuesday.

Both Lt Col Lekganyane and Major S M Tsoka, Chief CID officer in Atteridgeville, have been reinforced by a contingent of police reservists in a massive crackdown aimed at curbing the crime rate during the festive season.

The Mamelodi police chief also announced that the crime rate had decreased "tremendously" since Tuesday and that no serious incidents had been reported. He added that 30 people had been arrested for driving without licences. They were all released after paying a fine of R75 each, Lt Col Lekganyane said.

Although two murders had been reported in Atteridgeville during the weekend, Major Tsoka said the township was relatively quiet and that the murders were committed inside houses "where police could not prevent them".

(169) Sowetan
22/12/81
Both police leaders however, stressed that they were not only concentrating on shebeens and 'gigs' but also on knife-carrying thugs "who victimised innocent people in the streets".

Major Tsoka said since the massive clampdown, seven people have been arrested for being in possession of dangerous weapons — 'oukappies', six for being in possession of dagga, one for illegally trading with liquor and only one had been charged for driving without a licence.

"We are using two big trucks and two small vans for raiding the shebeens and gigs. We work round the clock with the help of the community. We are giving the operators until Thursday to close their businesses, and I really mean it when I say they will all be closed on Thursday. We mean business", said Lt Col Lekganyane.

Major Tsoka, who also threatened to take drastic action against shebeen and gig operators, said he was not "completely satisfied" with the community in not reporting incidents.

"We make another special appeal to the residents to help us in curbing crime. It is part of their duty to help in an effort to live a peaceful and harmonious life in the townships", he said.

Amnesty

167

man in
Lesotho?

Star
24/2/81

The Star's Africa News Service

MASERU — Amnesty International is thought to have sent a leading Johannesburg advocate, Mr David Soggot to Lesotho to investigate the circumstances of government detainees

Mr Soggot who reported to Amnesty on the abduction and murder of opposition editor Edgar Motuba in September, declined to give the reasons for his visit to Maseru. But reliable sources said it concerned detainees and allegations of maltreatment

In November a civil servant, Mr K S Mathaba died in detention. Reports of the number of detainees range as high as 200, though several have been released in recent weeks

The police have refused to allow relatives to visit detainees

By Drew Forrest

The past year has proved one of the busiest in decades for the Department of Manpower

The long and complex process of change set in motion by the Wreghahn Commission culminated in an avalanche of statute, draft law and White Paper responses to commission reports

In line with the State's rationalisation policy, no fewer than eight separate statutes were repealed and consolidated into new law Changes, or proposed changes touched almost every aspect of the labour field

Many of the changes have streamlined and updated protective legislation and were generally well received

Benefits payable to injured workmen were improved in terms of an amendment to the Workmen's Compensation Act, and the incomes ceiling above which workers were excluded from its ambit was raised from R9 600 to R12 000 a year.

An amendment to the Wage Act abolished sex discrimination in the Wage Board's minimum wage fixings, which protect tens of thousands of unorganised workers not covered by industrial agreements

The Government's bantustan policy marred what was otherwise an important reform — the extension of unemployment insurance to black coal and gold miners. Migrant workers and

Avalanche of statute

(1982) Star 30/12/81

commuters from the independent homelands were excluded from the amendment, leaving more than 100 000 miners from Transkei and Venda, which have no UIF without cover.

A later amendment to the Unemployment Insurance Act sought to curtail Ciskei residents from the loss of South African UIF rights, by preserving benefits for three years after the homeland's independence.

Also piloted through Parliament were two Bills aimed at rationalising the labour market and alleviating South Africa's skilled manpower shortage

The Guidance and Placement Act provided for the establishment of public vocational guidance and job placement centres and the regulation of private employment agencies

All existing training legislation was merged, adapted and deracialised in the Manpower Training Act.

The latter set up a new joint employer-employee body, the National Training Board, to advise the Minister on training policy and to co-ordinate and promote training

It provided for the first time for the training of work-seekers, and for the establishment of a State-

subsidised Manpower Development Fund to finance registered and industrial council training schemes

It gave the Minister new powers to levy any category of employer, or employers generally, for training purposes

Tucked away in the Act was a contentious clause which extended State control over the delicate area of labour relations training

Unregistered unions and union federations were compelled to register any private training centre with the Government, which would vet the courses offered

Official concern over unregistered unions — accused by Mr Panne Botma in Parliament of "undermining order in the labour field" — was a major theme in the centrepiece of the 1981 labour reforms, the Labour Relations Amendment Act

That the Act was an historic step forward, nobody would deny. It erased long-standing racial restrictions on registered unions, allowing mixed unions to be formed and giving them the right to racially integrated branches and executive committees

Provisional registration, a 1979 amendment rejected by the black unions, was scrapped and

sex discrimination in industrial agreements was outlawed.

Widely criticised clamps on registered unions in an earlier draft Bill — including a clause empowering the State to wind them up if they acted "unreasonably" — were dropped

At the same time, the Act subjected unregistered unions to effective compulsory registration through wide ranging administrative controls

Employers were barred from deducting dues on behalf of unregistered unions, without the permission of the Minister

Registered unions are forbidden in the main Act to finance political parties The restriction was widened — now embracing "other" assistance, as well as attempts to influence union members in favour of a political party — and was extended to their unregistered counterparts

After being scrapped in the draft Bill, the statutory committee system, so bitterly opposed by black unions, was reinstated. It became an offence for any union to give strike pay to workers striking unlawfully

The Government was more circumspect in its dealings with white labour

In a White Paper it agreed in principle to the scrapping of statutory job

bars on the mines — but said there would be no change in the law before safeguards for white workers had been negotiated with their unions

However, there have been strong hints from official quarters that the Government will act unilaterally if the mining industry cannot set its own house in order

What of 1982, and beyond? Draft legislation giving more muscle to the much criticised Industrial Court has been published and will be passed next year

In terms of the draft Bill, the court will be able to make orders, and a full right of appeal to the Supreme Court will be enshrined

Amendments to the provisions governing the closed-shop practice and the in-plant committee system are on the cards

And in the last stage of the rationalisation process, the Factories Act and the Shops and Offices Act will be adapted, combined and parcelled out into two Bills — one on basic conditions of employment and the other on industrial health and safety

In the interim, the National Manpower Commission is investigating the whole thorny issue of union registration and further changes — but not before 1983 — are possible in this area.

LABOUR LEGISL.

1982

JAN. — DEC

2110 =

By Drew Forrest

In an important policy shift the 1970-1971-1972 Trade Union Council of South Africa has recommended changes in procedure for the registration of trade unions.

As South Africa's largest union federation composed mainly of registered unions the Trade Union Council of South Africa (Tucsa) has a strong influence on the State. Its new stance on registration could bring changes in labour law.

Tucsa's views are contained in a set of conditional guidelines issued by the national executive committee of the federation's 60 odd affiliated unions.

They bring Tucsa

(166)

Star

5/1/82

Important policy shift by Tucsa on two-tier unions

set to the emergent black unions and employer bodies such as the Federated Chambers of Industry. In the guidelines these processes, glove company, at South Africa's another system of registered and unregistered unions — both operating locally.

Registered unions were handicapped in competing with newly-registered counterparts as the latter were not subject to the

jurisdiction limitations and procedure of the Labour Relations Act. When basic areas concerning the proper industrial management and constitutional and democratic functioning of unions were essential as protection for members' compulsory registration according to present requirements and practices could not be supported. Tucsa states a possible alternative feature of the present registration provisions

was the objections previously voiced by established unions in the registration of new unions.

This could be seen by established unions as a means of protecting their interests but might have the effect of denying true freedom of association to workers. The effect of the proposed changes would be to permit registration of unions which would not be permitted under the present provisions.

Registration would be compulsory and would subject all unions to the industrial and administrative checks of the Labour Relations Act. It would also bind them to the Act's dispute settling procedures.

No test of representativeness would be applied to applications for registration and unions would not be permitted to register unless they had a minimum of 100 members. Tucsa also recommends the local

tion of 'trade union' be amended to include that general workers unions — which include them they were not covered by the present term — were included in its ambit.

Once ratified, unions could apply for registration. This would be a voluntary process carrying certain social benefits. These benefits are not specified but would appear to include access to industrial councils.

Issues of representation, elections and scope would be settled at the registration stage by a three-man registration board chaired by the Industrial Relations rather than decided by the registrar alone, as presently provided.

See 7/1/82

TUCSA WANTS POWERS TO FORCE NEGOTIATIONS

By Drew Forrest

The general secretary of the 370 000 strong Trade Union Council of South Africa, Mr Arthur Grobbelaar, has spelt out further details of Tucsas's proposed new deal on trade union registration.

The Star has exclusively revealed Tucsas's new registration statute which involves proposals that the present system should be split into compulsory "certification" and voluntary "registration" of unions. Tucsas's views are contained in confidential guidelines designed

to assist its affiliated unions in commenting on the recently circulated National Manpower Commission working paper on registration.

The NMC inquiry may result in changes to labour law and Tucsas is a strong influence on the Government.

Mr Grobbelaar confirmed that in Tucsas's view the statutory benefits entailed by the proposed "registration" process — which are not specified in the guidelines — would include the right to participate in industrial councils, call conciliation boards and initiate

legal strike procedures.

Although no firm decision had been taken, Mr Grobbelaar said he would like to see a situation in which representative registration unions could use "some sort of compulsory" on employers to negotiate.

This right would not be enshrined in statute, but possibly operate by guidelines jointly established by unions with employers. Mr Grobbelaar said the three-man "registration board" which Tucsas believes should replace the office of the Industrial Registrar would have greater freedom to act accord-

ing to the principles of natural justice.

The onus for opposing applications for registration would rest with the board rather than objecting unions, he said, and to accelerate the process its decisions would be made open to a public hearing after a public hearing open to all interested parties.

Mr Grobbelaar said Tucsas would like to see all recognition agreements brought within the ambit of the Labour Relations Act. "On a superficial study, I would say the real beneficiary of most of these agreements is the employer," he said.

Hikers told to record routes

The Natal Parks Board has advised hikers to notify their base camp of their route and to get permission before setting out. This is so that rescuers will know their positions if any get lost or injured.

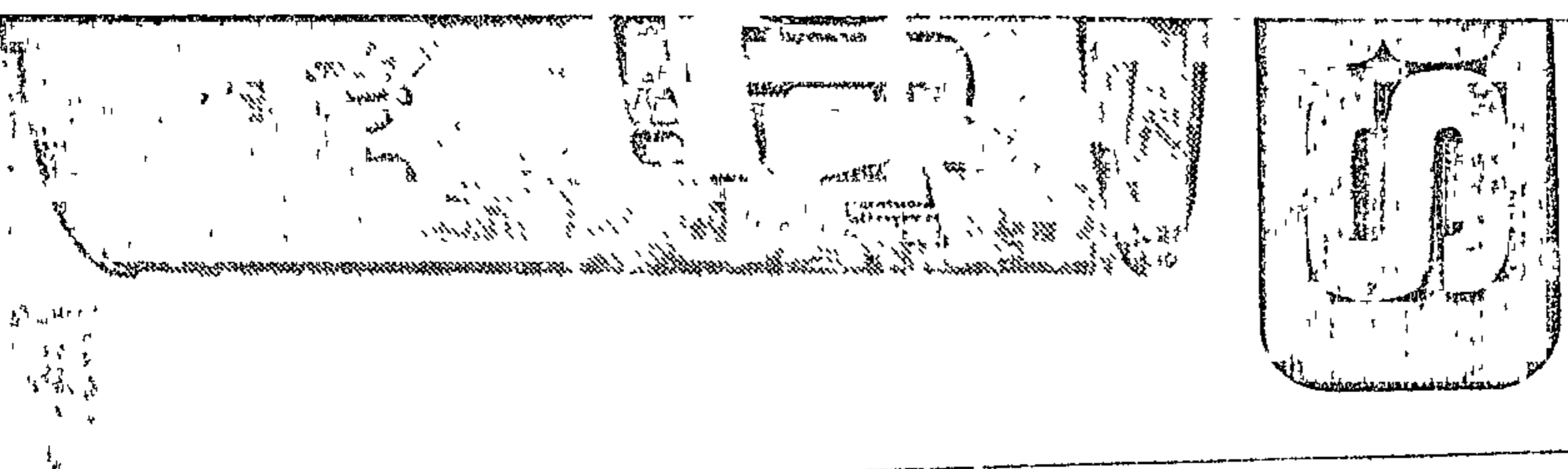
A spokesman for the board said another cardinal rule was to "be prepared".

STORMS

Anyone hiking in the Drakensberg must obtain a permit, complete the mountain rescue register, and check on the long-range weather forecast.

Hikers must also carry a contour map and an altimeter.

Lightning and thunderstorms in the mountains are a danger. Hikers should not shelter under trees or on the edge of a cliff during a thunder-



Labour laws will be delayed

166

Sunday Express 10/1/82

By DAVID PINCUS

IT IS unlikely that any labour legislation will be tabled during the coming Parliamentary session, Dr Henne Reynders, chairman of the Manpower Commission, told me this week.

Reynders said his department was busy with a number of investigations, most of which concerned the registration of trade unions and their recognition, as well as aspects of work councils. It is unlikely they will be finished in time for their recommendations to be processed into draft legislation before the end of the Parliamentary session.

Legislation resulting from these reports is likely to be introduced to Parliament in 1983.

Reynders said there was a possibility that, because of the late completion of his department's investigations, his annual report would not be completed in time to be tabled in Parliament.

He stressed that the Government might not agree with the findings of his department's investigations, the inference being that this could lead to an even longer delay in any introduction of new labour legislation.

Despite the economic slowdown, Reynders said there was still a shortage of skilled manpower.

In some instances it was serious. He singled out fitters and turners, pattern

makers and tool and die makers. There was, he said, an almost critical shortage of them.

The large number of immigrants flooding into this country would, to a certain extent, alleviate the skilled manpower problem but

would certainly not solve it.

"The only problem I can foresee as far as they are concerned, is that there is not enough housing to accommodate all of them."

"We'll certainly be faced with a problem in that area."

A G
FIR
PP

FM 15/1/82

LABOUR PREFERENCE POLICY

More room for Cape bla

310

166

39

Blacks wanting to work in the western Cape have over past decades run straight into government's coloured labour preference (CLP) policy for the region. Despite the expressed opinions of some community leaders, backed by academic research that the coloured people themselves do not need the 'protection' of the CLP, it has remained in force.

Furthermore, it now appears that for the past 18 months the door to racially unrestricted employment in the western Cape may have been open to some blacks - but that bureaucratic obduracy has impeded the prospects of thousands of such workers.

An intensive investigation by the Cape Town Chamber of Commerce of the Urban Areas Consolidation Act and of the regulations governing black labour has found, according to a chamber spokesman, that an amendment to the black labour regulations in June 1980 effectively frees blacks with permanent residential rights from the CLP policy. The legislation excludes Section 10 qualified blacks in the western Cape from its more general provisions.

In terms of this amendment, an employer wishing to employ a qualified black worker in the area no longer has to apply to a labour officer for permission before employing a qualified black worker, nor does he have to prove that "suitable non-black labour is not available".

This significantly improves the position of blacks in the western Cape. However, prior to the chamber's investigation, the implications of the amendment had not been recognised by organised commerce, industry or the Western Cape Administration Board (WCAB). (Until November last year, the WCAB was responsible for black labour in the area. This function has now been taken over by the Department of Manpower.)

So in spite of these amendments there have been no practical or procedural changes favouring Section 10 blacks. Nic Hechter, a senior regional official of the Department of Manpower, says: "I have had no instructions from my head office that CLP policy has been changed. As far as I'm concerned, the policy means that before any employer in the western Cape employs a black person he must have a certificate stating that coloured labour is unavailable. Where a factory is involved, the Department of Planning is also involved as it has labour quotas for the area."

The chamber is sticking to its guns and advising members accordingly. The standpoint is that "qualified" blacks can be employed regardless of whether coloured labour is available and provided certain other

conditions are met - for example, registration of employees with the Administration Board for the payment of levies such as for transport.

Manufacturers are subject to additional restrictions - the number of blacks employed by any particular firm was frozen at the number in its employ in January 1968. Any increase in this quota must be approved by the Department of Industries. This includes qualified blacks. Where new factories or extensions require a fresh quota, applications must be made to the Secretary for Industries.

CLP policy still applies to the introduction of new black labour into the area. But if the changes are seen in the light of the Supreme Court judgment in the Komani case - which permits the wives and children of men with Section 10 rights to stay with their menfolk in the cities - the number of blacks becoming exempt from the CLP policy will grow substantially over time. In fact, the policy has effectively been dismantled for qualified blacks.

According to a chamber spokesman: "The strict application of the non-availability of coloured labour requirement has prevented blacks acquiring jobs commensurate with skills and has also impacted detrimentally on the economy of the western Cape."

There is an urgent need for government to ensure that the amendment is put into practice. It is simply not good enough for its officials to state that the CLP policy is still in force for all blacks. It isn't.

'White miners' fears realised'

By Bob Davis

The day most feared by white mineworkers is said to have dawned

That was the gist of the message from Mr Cor de Jager, president of the Mineworkers' Union, to delegates at the annual congress in Johannesburg today

Mr de Jager accused the Government of "steamrolling" labour relations legislation through Parliament, "in order to give to blacks that which traditionally belonged to white workers"

He said "What we

have feared has come to pass,

"In terms of a Government White Paper on the sixth report of the Wiehahn Commission, blacks will be allowed to have blasting certificates and will be able to occupy any position on a mine"

The Government had given mine employer and employee groups the opportunity to come to terms on the matter "within a reasonable period".

"In other words they expect us to hand over our birthright in ex

change for a mess of pottage"

He wanted to warn the Government "You must look at the African states and what is taking place there, across our borders

"The blacks are not interested in power sharing or confederation, they want to rule. They want to be the lone bosses"

He said blacks had proved, since 1979 when they were allowed to have trade unions, that the South African economy was of secondary importance "If they cannot

have their way, they simply go on strike

"I think by now the Government is aware of having a tiger by the tail"

He said if blacks were allowed to have positions of authority in the mining industry, backbone of the economy, they would become increasingly militant

"I fear the day when they start demanding a share of our suburbs, facilities and other privileges now enjoyed by whites

"Woe the day they ask also for one man one vote"

THE president of the Mine Workers' Union, Mr Cor de Jager, yesterday threw down the gauntlet to the Government and mine employers who have said they want to end racial job bars on the mines through negotiation.

Addressing the Rightwing MWU's annual general council meeting in Johannesburg, he also urged white miners to resist attempts to open skilled mine jobs to all races.

Mr De Jager rejected negotiations aimed at ending job reservation in the mines, saying this meant the union was expected to exchange the future of white miners for "a bowl of len-

til soup".

In doing so, he rejected the Government's White Paper reacting to the sixth Wiehahn Commission report

The commission recommended that blacks be allowed to acquire "blasting certificates"

Mineworkers may not perform skilled work without these certificates, which have been denied blacks since shortly after the turn of the century

The MWU said last year that its members would strike if blacks were allowed to acquire them

The White Paper endorsed the commission's proposal, but added that employers and worker organisations on the mines "should take the initiative themselves" by negotiating an end to job bars "within a reasonable time".

Hopes

Since then, mine employers have been pinning their hopes on negotiations with white miners' representatives to end job reservation on the mines

Some mining sources have also suggested the Government could intervene in the issue if the negotiations do not produce changes.

In his address yesterday, Mr De Jager quoted verbatim from the White Paper and added "According to the White Paper, the Government is generous enough to give an opportunity to employer and worker organisations to reach an agreement within a reasonable time

"In other words, your trade union is expected to exchange even your birth-right, namely your trade and future, for a bowl of lentil soup"

He said the general council — the MWU's policy-makers — would discuss fully the Wiehahn report and its consequences

He told members "You must give instructions to the executive as to what it must do in this regard"

Fears

The Wiehahn report on the mines had "confirmed our worst fears," Mr De Jager said

Acceptance of the recommendation that blacks be entitled to blasting certificates would mean they could "occupy any post on a mine"

Quoting a poem by Langenhoven, he said that miners must not allow that "the labourer (jong) one day becomes the boss of the farm"

In a reference to past resistance among miners to changes in racial job patterns — which culminated in a strike in 1979 — Mr De Jager said "The members of this union have shown, and if necessary will again show, that unfair legislation will not get the better of them"

He added "For the sake of the money bosses and the blacks, the white workers are to be placed on an altar for sacrifice"

But he warned the Government that blacks were "not interested in power sharing or confederations, they want to dominate"

'Tiger'

By registering black unions, the Government had "a tiger by the tail"

Mr De Jager also discussed increases in the inflation rate and predictions of a recession, claiming that the recent boom was "artificial" and was created by the "money power" to bring about a shortage of skilled labour and to make the Wiehahn proposals acceptable

But he warned that the drop in the gold price would make it more difficult for miners to win improvements in their living standards

NEW YORK OVER JOBS CERTIFICATE

NDM 27/1/82
BY STEVEN FRIEDMAN

34
166

Park, Krugersdorp, Meyerton, Nigel, Pretoria, Randburg, Randfontein, Roodepoort-Maraisburg, Sandton, Sasolburg, Springs, Vanderbijlpark, Vereeniging, Verwoerdburg en Westonaria,

(bb) die regsgebiede van die Plaaslike Gebiedskomitees van Bredell en Rosslyn van die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede,

(cc) die regsgebied van die Gesondheidskomitee van Modderfontein soos omskryf in die Eerste en Tweede Bylaes van Administrateurskennisgewing 383 van 20 Mei 1953,

(dd) die regsgebied van die Stadsraad van Midrand soos by Proklamasie omskryf in die Bylae van Administrateurskennisgewing 147 van 1981,

(ee) die Swart gebied bekend as Alexandra onder beheer van die Wes-Randse Administrasieraad ingestel kragtens die Wet op die Administrasie van Swartsake, 1971 (Wet 45 van 1971),

(ff) die Swart gebied bekend as Tembisa onder beheer van die Oos-Randse Administrasieraad ingestel kragtens die Wet op die Administrasie van Swartsake, 1971 (Wet 45 van 1971),

(gg) die dorpsgebied bekend as Rensburg, gelee binne die landdrostdistrik Heidelberg, Transvaal,

(hh) die regsgebied van die Bestuursraad van Sebokeng insluitende die hospitaal en administratiewe kompleks soos omskryf in Bylaes A en B van Proklamasie R 213 van 1969, en

(ii) die Swart gebied bekend as Ratanda onder beheer van die Oos-Randse Administrasieraad ingestel kragtens die Wet op die Administrasie van Swartsake, 1971 (Wet 45 van 1971),"

(29 Januarie 1982)

KENNISGEWING 63 VAN 1982
DEPARTEMENT VAN MANNEKRAG
WYSIGINGSWETSONTWERP OP
ARBEIDSVERHOUDINGE

Die volgende Konsepwysigingswetsontwerp op Arbeidsverhoudinge word hierby vir algemene inligting en kommentaar gepubliseer. Enige kommentaar of vertoed daaromtrent moet binne 30 dae vanaf die datum van publikasie van hierdie kennisgewing skriftelik en in duplikaat by die Direkteur-Generaal Mannekrag, Privaatsak X117, Pretoria, 0001, ingedien word.

Algemene verduidelikende notas

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan
— Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan

Die hoofdoel van die voorgestelde wysigingswetgewing is om die term "arbeidsmakelaar" te definieer en om hul aktiwiteite te reguleer deur voorsiening vir hul registrasie te maak en om hulle spesifiek by die woordomskrywing van werkgewer in te sluit. Die oogmerk van die wysigings is om die statutêre beskerming van werkers wat deur arbeidsmakelaars aan ander werkgewers voorsien word te verseker

for full text see 859

166

Park, Krugersdorp, Meyerton, Nigel, Pretoria, Randburg, Randfontein, Roodepoort-Maraisburg, Sandton, Sasolburg, Springs, Vanderbijlpark, Vereeniging, Verwoerdburg and Westonaria.

(bb) the areas under jurisdiction of the Local Area Committees of Bredell and Rosslyn of the Transvaal Board for the Development of Peri-Urban Areas,

(cc) the area under jurisdiction of the Health Committee of Modderfontein as described in the First and Second Schedules of Administrator's Notice 383 of 20 May 1953,

(dd) the area under the jurisdiction of the Town Council of Midrand as described by Proclamation in Schedule of Administrator's Notice 147 of 1981,

(ee) the Black area known as Alexandra under control of the West Rand Administration Board established in terms of the Act on the Administration of Black Affairs, 1971 (Act 45 of 1971),

(ff) the Black area known as Tembisa under control of the East Rand Administration Board established in terms of the Act on the Administration of Black Affairs, (Act 45 of 1971),

(gg) the township known as Rensburg situated in the Magisterial District of Heidelberg, Transvaal

(hh) the area of jurisdiction of the Management Board of Sebokeng including the hospital and administrative complex as described in Schedule A and B of Proclamation R 213 of 1969, and

(ii) the Black area known as Ratanda under control of the East Rand Administration Board established in terms of the Act on the Administration of Black Affairs (Act 45 of 1971),"

(29 January 1982)

NOTICE 63 OF 1982
DEPARTMENT OF MANPOWER
LABOUR RELATIONS AMENDMENT BILL

The following Draft Labour Relations Amendment Bill is hereby published for general information and comment. Any comment or representations thereon should be lodged in writing and in duplicate with the Director-General Manpower, Private Bag X117, Pretoria, 0001, within 30 days of the date of publication of this notice.

General explanatory note

- [] Words in bold type in square brackets indicate amendments from existing enactments
— Words underlined with solid line indicate amendments in existing enactments

The main purpose of the proposed amending legislation is to define the term "labour broker" and to regulate its activities by providing for their registration and to include them in the definition of employment. The amendments are aimed at ensuring the statutory protection of workers provided by labour brokers to other

CAPE TIMES 29/1/57
**Draft bill
is a first
for labour
legislation**

Own Correspondent

JOHANNESBURG — The government is to publish a draft bill today aimed at protecting workers who are hired out to employers by "labour brokers" — the first time legislation on this issue has ever been proposed.

Labour brokers are independent contractors who hire out labour to employers for specific tasks, particularly in industries like building and civil engineering.

The Director-General of Manpower, Dr Piet van der Merwe, said yesterday that the practice of labour broking "appears to be growing" and that the workers hired out by brokers had no legal protection.

"We have therefore decided to ask for comment on a bill which seeks to protect the workers and bring them into the social security system," he said.

Private employment agencies, whose activities are covered by the Guidance and Placement Bill, are not affected by the proposed bill.

Announcing the draft bill, the Minister of Manpower, Mr Fanie Botha, said it would be known as the Second Labour Relations Amendment Bill — the first amendment bill, published last year, dealt with the industrial court and the closed shop.

Dr Van Der Merwe said yesterday that there was a feeling in some quarters that some labour brokers "charge exorbitant fees" for hiring out labour and that broking "does not constitute a genuine employer-employee relationship".

The workers hired out were not employees of the companies they performed work for, or of the broker.

"It is not clear who is responsible if they have an accident at work or whether they can claim unemployment insurance benefits if they are unemployed. Labour broking also obviously has labour relations implications", Dr Van Der Merwe said.

He said the department therefore felt these workers should be protected and their rights protected by legislation.

In his statement, Mr Botha said the bill would be published in the Government Gazette today.

New Bill aids 'hired hands'

THE Government publishes a draft Bill today aimed at protecting workers hired out to employers by "labour brokers" — the first time legislation on this issue has ever been proposed

"Labour brokers" are independent contractors hiring labour out to employers for specific tasks, particularly in industries like building and civil engineering

The director-general of Manpower, Dr Piet van der Merwe, said yesterday the practice of labour broking appeared to be growing, and the hired workers had no legal protection.

"We have therefore decided to ask for comment on a Bill which seeks to protect the workers and bring them into the social security system," he said

Private employment agencies, whose activities are covered by the Guidance and Placement Bill, are not affected by the proposed Bill

Announcing the draft Bill, the Minister of Manpower, Mr Fanie Botha, said it would be known as the Second Labour Relations Amendment Bill — the first amendment

By STEVEN FRIEDMAN

Bill, published last year, dealt with the industrial court and the closed shop

Dr Van der Merwe said yesterday there was a feeling in some quarters that some labour brokers "charge exorbitant fees" for hiring labour, and that broking did not "constitute a genuine employer-employee relationship"

The workers hired out were neither employees of the companies they worked for, nor the broker

"It is not clear who is responsible if they have an accident at work or whether they can claim unemployment insurance benefits if they are unemployed," said Dr Van der Merwe

He said the department therefore felt these workers should have their rights protected by legislation.

D. Dispatch 5/2/82

FCI calls for changed union register system

JOHANNESBURG — The influential SA Federated Chamber of Industries (FCI) wants the government's union registration system changed so that it does not attempt to control unions

This was revealed in a statement issued by the chairman of the FCI's labour affairs committee, Mr Rod Ironside, yesterday. It indicated some of the evidence submitted by the FCI to an official probe on union registration and recognition.

The FCI also stated the government's industrial registrar should not take race into account when registering a union — A decision by the registrar to do this when unions affiliated to the Federation of SA Trade Unions applied for registration last year sparked a major row.

Further, the FCI said union representation and bargaining rights should

not be affected by union registration.

But Mr Ironside's statement does not make a specific recommendation on a key issue being considered by the probe — whether labour law should provide for direct union recognition by individual employers.

The statement calls on unions and the government to join in a search for an "acceptable industrial relation framework".

Last year the government asked the National Manpower Commission (NMC) to probe controversial elements of the official labour system which have been slammed by unions.

These include registration and recognition of unions and bargaining within individual companies. The probe is expected to recommend key changes to the official system.

Mr Ironside said the FCI had told the inquiry that union registration "should be a neutral and voluntary process and should not attempt to curb or restrict the functioning of trade unions".

Registration should not influence a union's bargaining status or other rights granted to unions in labour law.

He added registration should be "synonymous with the registration of companies under the Companies Act" which would create limited liability for trade unions and give them legal status.

The FCI had "consistently supported" principles of labour reform already accepted by the government, such as freedom of association and minimum state intervention in labour relations, and had recommended to the NMC that the government implement these principles, he said — DDC

FCI seeks end to curbs on unions

WOM 6/2/67 166 153
By STEVEN FRIEDMAN

THE influential SA Federated Chamber of Industries wants the Government's union registration system changed so that it does not attempt to control unions.

It also implies that the Government's industrial registrar should not take race into account when registering a union

There was a major row last year over a decision by the registrar to do this when unions affiliated to the Federation of SA Trade Unions applied for registration

And the FCI says whether or not a union has registered should not affect its representativeness or bargaining rights

These points are contained in a statement issued yesterday by the chairman of the FCI's labour affairs committee, Mr Rod Ironside, revealing some of the evidence submitted by the FCI to an official inquiry on union registration and recognition

But Mr Ironside's statement does not make a specific recommendation on a key issue being considered by the probe — whether labour law should provide for direct union recognition by individual employers

Search

It simply says there are "many options open" in the search for an "acceptable industrial relations framework" and calls on unions and the Government to join a search for such a system

Last year, the Government asked the National Manpower Commission to investigate controversial elements of the official labour system

These include registration and recognition of unions and bargaining within individual companies. The probe is expected to recommend key changes to the system

Mr Ironside says the FCI has told the inquiry that union registration "should be a neutral and voluntary process and should not attempt to curb or restrict the functioning of trade unions"

Registration should not influence a union's bargaining status or other rights in labour law

Liability

He says registration should be "synonymous" with the registration of companies under the Companies Act which would create limited liability for trade unions and give them legal status

Mr Ironside adds Representativeness is a factor that should be determined in the bargaining arena and the onus placed squarely on trade unions to demonstrate their ability to organise and sign up members

He says the FCI has "consistently supported" principles of labour reform already accepted by the Government, such as freedom of association and minimum State intervention in labour relations, and has recommended that the Government implement these principles

This implied "a non-discriminatory labour relations structure where race should not be singled out as an interest in negotiations"

Amendments to labour legislation

Political Correspondent

CAPE TOWN — The Government is to make more amendments to its existing labour legislation machinery with added emphasis on the conditions of registration of unions

Mr Fanie Botha, Minister of Manpower, has given notice of his intention to introduce a Bill to Parliament to amend the Labour Relations Act

Exact details of the proposed changes were not available today as manpower officials were still busy compiling a comprehensive memorandum on the terms of the Bill

From the notice of motion, however, it is clear the Bill is aimed at further regulating the registration of trade

unions and employers' organisations and detailing the conditions of the recently established industrial court

The Bill — the Labour Relations Amendment Bill — is only the latest in a series of Bills in the last three years that have substantially changed the country's labour legislation

One of the most important issues has always been the conditions of registration of trade unions with the Government having progressively dropped its limitations on union membership over the years

A substantial body of the trade union movement has, however, refused to apply for registration

WAGE ACT →

forces up price of security

Industrial wage 9/2/82

166
287
347

The new Wage Act has forced up the price of security services provided by the large security companies. The impact will be greatest where customers rely on commercial cash carrying services such as those supplied by Fidelity Guards - the largest - and Securitas - second largest on the Reef.

While the South African National Security Employers Association welcomes the wage increases, certain aspects have been cause for concern. Where drivers of armed vehicles were previously termed "drivers", they have been reclassified as "security officer Grade A" - the most senior grade.

Overnight, this has added 30 % to such and similar salaries. As the payroll comprises 60 % of most security companies overheads, the impact is significant. Fidelity Guards, for example, have 800 people on the road of which 400 were classified as drivers and now earn the higher rate.

"As most security companies work on a very tight profit margin, they have had to pass on most of the increases to the client," says John McBrearty, Chairman of TEASS, the Transvaal arm of the National Association. "Despite the increases, however, rates still compare favourably with Europe, the United Kingdom and Australia."

Ironically, the introduction of GST has played an important part in increasing cash carry business, because of the 500 % upswing in demand for additional coinage. Also, boom conditions have increased payroll dimensions.

The cost of commercial security guard services will also rise for similar reasons - security company profit margins do not allow much absorption.

"Watch out," says McBrearty, "if you're paying an unusually attractive and low rate for your security service. Ten to one the security firm you employ is breaking the law and you are making this possible. Frankly, we have little sympathy for such operations and will report malpractices immediately."

"As members of an association dedicated to instilling professionalism throughout the service, we can no longer tolerate the operations of shyster companies that are outside the law!"

SANSEA sets out a table of recommended minimum fees for various security guard grades. This scale makes allowance for salary, bonus, leave replacement, sick leave replacement, 7th day replacement, medical aid contributions (average R31), pension contributions (5% of salary), uniform costs, uniform allowance, vehicle costs, subsistence, training, supervisor and control costs and a management fee. A minimum acceptable standard of service cannot be offered for less than these rates - and even these rates presuppose that employer companies are paying no more than the legal minimum rates of pay.

Per Month	Natal	Transvaal
— Watchman	R314	R340
— Security Guard II	R344	R372
— Security Guard I	R418	R445
— Security Guard B	R675	R705
— Security Officer A	R845	R870

Failure by security companies to pay the gazetted wages is punishable by law and SANSEA invites any incidents of this nature to be reported to its relevant provincial arm.

- Transvaal Employers Association of Security Services
Chairman John McBrearty
Box 29140, Melville 2109
- Natal Employers Association of Security Guard Services
Chairman Tom Connolly
Box 2282, Durban 4000
- Western Cape Security Services Association
Chairman John Lennett
Box 78, Woltemade 7445

A
3
st
te

(166) 100M 11/1/82

Bill will ease closed shop rules

Labour Reporter

A BILL to revamp the Government's industrial court and change the controversial 'closed shop', was released in Parliament yesterday

The Industrial Relations Amendment Bill also seeks to change the procedure affecting official industrial conciliation boards, which are designed to settle disputes

It is the final version of a draft Bill published last year

If it becomes law, workers taking a job covered by a closed shop clause will have

90 days to join a union. At present, they must do so immediately

This gives effect to a National Manpower Commission recommendation last year and, officials say, is designed to stop non-black unions from using the closed shop as a form of job reservation

Closed shop agreements between employers and registered unions state that a worker must belong to a registered union which is a member of a particular in-

dustrial council. Some insist upon a specific union

This has been attacked by some black unions, who see it as a way of forcing workers to join a union they may not support

Officials fear it could be used to keep black workers out of some jobs

They see the 90-day 'grace' period as a way around this problem.

Changes to the industrial court appear to be a response to criticisms by lawyers and unionists

REPRODUCED FROM THE ORIGINAL

LABOUR (166) ~~150~~
More reform moves

FM 12/2/82

Announcements made this week by National Manpower Commission (NMC) chairman Dr Hennie Reynders help to sustain hopes that the process of reform in labour in SA will continue. He said the NMC intends making recommendations to government on the trade union registration issue and several related labour matters by mid-year. This would enable government to prepare legislation for next year's session of Parliament.

Reynders said the commission is having an intensive look at the inter-related issues of registration, representativeness of unions and the recognition of unions. Coupled to this are investigations into the functioning of works councils and the industrial court.

The commission has already had numerous replies from individuals and organisations who were sent a memorandum on registration and recognition in December last year. The memorandum outlined a variety of options on registration — some of which, if implemented, would meet many of the objections of critics to the official system of labour relations.

During the next few months the NMC is to host a series of discussion groups involving employers and employee organisations on the whole question of works councils. In addition, Reynders made it clear that the investigation into the functioning of the Industrial Court will be a wide-ranging one.

The court has not lived up to expectations and has yet to fulfill its intended role as a cornerstone of SA's new labour dispensation.

The NMC is also investigating an array of other labour matters. Among these are a national minimum wage, the possibility of providing cash grants, instead of tax concessions, to employers who train their employees, and a study of middle level manpower in SA. Reynders said there will be further study of the closed shop issue.

He said latest statistics show that unemployment among black men in SA, outside the independent homelands, stands at about 5,5%. The overall rate for black men and women outside the homelands is 7,3%, a figure which compares well with the unemployment statistics in many Western nations, he said.

Although SA is no longer a member of the International Labour Organisation (ILO), Reynders made it clear that SA is concerned about its relationship with the world body. He said "objective reports" on the progress that has been made in the labour field in SA would be sent to the ILO.

Changes in job law (166) for some workers

18/2/82 D. Dispatch

EAST LONDON — Black Eastern Cape work seekers with Section 10 rights are no longer forced to register at administration board labour bureaux, the East Cape Administration Board (ECAB) has announced

In a statement issued this week the chief director of ECAB, Mr Louis Koch, said these people could "move freely" within the administration board's administrative area

In terms of a new government dispensation for black workers— details of which were released by ECAB this week — there is to be a swing towards "freer" employment registration in urban areas

The old law called on

workseekers to apply at labour bureaux for a registration card before looking for a job, and to inform the bureaux if and when they found a job

Now, however, workseekers with Section 10 rights entitling them to live and work in urban areas are allowed to look for work independently. They are only registered with the bureaux by their employers when they find work

They are also free to move around the Eastern Cape in search of work provided they can find accommodation

The existing labour bureaux — of which there are 69 under

ECAB's control — are being converted to guidance and placement centres "to assist workers and employers in job searching"

According to Mr Koch's statement, the main aims of these centres will be

- ① "The selective placement of workseekers in employment which best suits the work seeker's personality, interests, abilities, qualifications and previous experience"
- ② "Guidance to persons regarding choice of vocation"
- ③ "Assisting employers in the selection of personnel"

Because these centres only begin functioning at the beginning of this

year, "considerable administrative adaptations still have to be made before they will be fully operational" according to Mr Koch

When the centres are fully operational, employers would report their vacancies to the ECAB placement centres. They would not be compelled to inform the centre when they employed blacks, but would still have to pay fees to the administration board

However if the employment is done by the placement centres, the employer must be reported to enable us to do follow-up work regarding the employee's adjustment and performance

Only black workers with the necessary endorsements — that is, Section 10 rights — would be allowed to be directly hired under these schemes, Mr Koch

said Blacks from rural areas and national states could only be employed after influx control exemptions were obtained

"The placement of people in these categories is not done by the placement and guidance centres," Mr Koch added

"Qualified blacks with the Section 10 endorsements were urged by Mr Koch to register at the placement centres if they had difficulty finding work

Black "qualified" people who wished to do business as independent contractors did not need to obtain permission to do so from the administration board, Mr Koch said but their contributions remained payable to ECAB

He added there is no proof that a person qualified rests with the person concerned and therefore important that such persons should obtain the necessary endorsements from the board's influx control offices — DDR

Headquarters Seventh Army
 APO #758 U S Army
 7 August, 1943
 to my attention that a very small number of soldiers

On August 3rd the following remark appears on Kuhl's Emergency Medical Tag: "Psychoneuroses anxiety state—moderately severe Soldier has been twice before in hospital within ten days. He can't take it at front evidently. He is repeatedly returned" (signed) Capt T F Covington, Medical Corps

By this route and in this way Private Kuhl arrived in the receiving tent of the 15th Evacuation Hospital, where the blow was struck that was heard round the world

"I came into the tent," explains General Patton, "with the commanding officer of the outfit and other medical officers.

"I spoke to the various patients, especially commending the wounded men. I just get sick inside myself when I see a fellow torn apart, and some of the wounded were in terrible ghastly shape. Then I came to this man and asked him what was the matter."

The soldier replied: "I guess I can't take it."

"Looking at the others in the tent, so many of them badly beaten up, I simply flew off the handle."

Patton squared off in front of the soldier

He called the man every kind of a leathsome coward and then slapped him across the face with his gloves

The soldier fell back. Patton grabbed him by the scruff of the neck and kicked him out of the tent

Kuhl was immediately picked up by corpsmen and taken to a ward. Returning to his headquarters Patton issued the following memorandum to Corps, Division and Separate Brigade Commanders, two days later

Dangers of the closed shop

The closed shop is one of the most controversial issues in labour. Essentially, it is an agreement between trade unions and employers that all workers in an industry must be union members. After much deliberation, government has decided to allow the practice to continue in a slightly amended form. But clearly the official spotlight will remain on it.

In the past, people seeking employment in a closed shop industry in SA had to be members of the union (or one of the unions) in that industry before they could get a job. Soon to be debated in Parliament is a Bill which grants these people 90 days from the time they are employed to join a closed shop union.

Indications are that the effect this amendment will have on eliminating abuses caused by the closed shop will be limited. Government sources say that allowing workers 90 days in which to join a union will eliminate confusion which arises at the time of recruitment. But Rod Ironsides, chairman of the Federated Chamber of Industries (FCI) labour sub-committee, describes the amendment as a mere release valve in a system which should not exist at all. Training manager Ben Mokoatle, a member of the Wiehahn Commission, says the amendment merely "adds confusion to an already confused situation".

Many unionists in SA — and throughout the world — regard the closed shop as a hard-won, cherished right. In SA, however, the closed shop has long been associated with efforts by some unionists to protect white workers. In the era before Wiehahn statutory job reservation applied to only about 3% of jobs. However, industrial council agreements stipulated that only union labour could perform certain jobs — and as a result blacks could not get jobs because they could not become union members.

In its first report, the Wiehahn Commission concluded that "the closed shop practice is so firmly entrenched in SA that it cannot be abolished." It found that there were 49 such agreements in operation, directly affecting about 250 000 employees in 22 different industries or trades. The commission recommended constant surveillance by the National Manpower Commission (NMC) to prevent abuses.

A minority report by five commission members recommended that government should prohibit any new closed shop agreements. Government responded by saying it would allow existing agreements to continue, but indicated that it would not allow any new ones. However, following an NMC study on the closed shop, government accepted a recommendation that the practice be allowed. The only amendment would be the addition of the 90-day post entry clause.

Clearly, government has struggled to

make up its mind on the issue — and deserves some sympathy, bearing in mind just how complex the issue is and how many vested interests are at stake. This is a problem with which many Western nations are wrestling and, even within the International Labour Organisation (ILO), there are strong divisions.

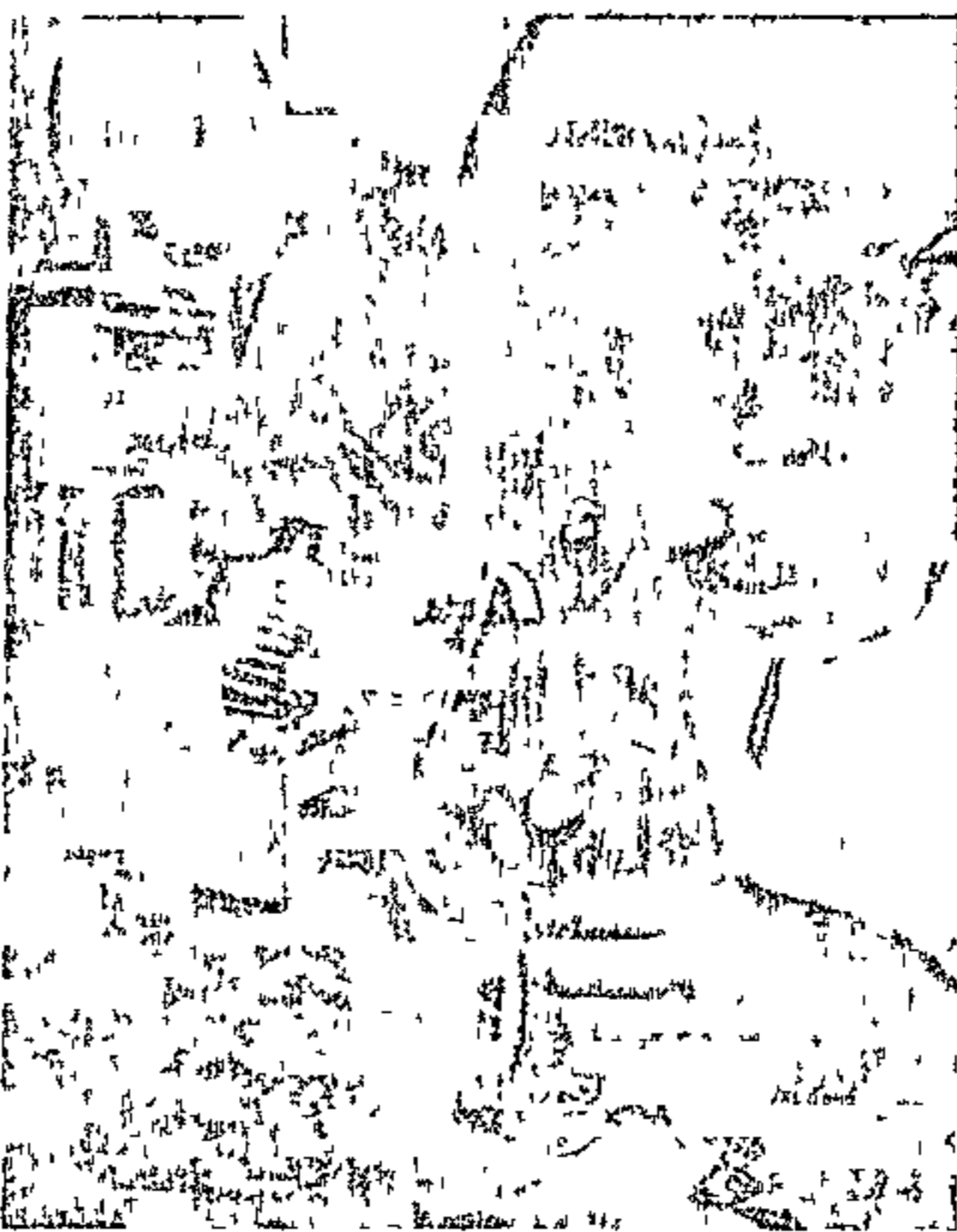
The most frequently used argument in favour of the closed shop is based on the contention that where most workers in a particular industry join a union, that union will negotiate conditions for all workers. Those workers who are not union members will benefit from the union's efforts whether they join or not. The argument, therefore, is that these workers should be compelled to join and pay dues. "Why should a freeloader enjoy benefits won by other workers?" asks the Garment Workers' Union, whose president, Dr Anna Scheepers, is also president of the Trade Union Council of SA (Tucsa).

These unionists also insist that the closed shop helps to maintain industrial peace. They claim that unions which do not have a closed shop agreement are forced to adopt a highly militant posture to demonstrate their muscle.

There are, however, compelling arguments against the closed shop. These were eloquently spelt out by the five Wiehahn commissioners in the minority report.

□ It constitutes an intrusion on workers' right of freedom of association, with its corollary of the freedom not to associate.

□ It conflicts with the principles of a free enterprise economy by interfering with the normal mechanisms of supply and demand in the labour market. In practice, it gives



Closed shop ... will he be better, or worse, off?

the union leadership the power to control the labour market to the detriment of both the employer and other employees.

□ It is unacceptable to recommend, on the one hand, that job reservation should be abolished and, on the other, that its commonest form should be perpetuated and statutorily sanctioned. The closed shop is a means of restricting skills training at a time of dire need of such skills.

The five commissioners pointed out that in SA a grave threat to industrial peace is posed by the probability that racially constituted unions will seek to "freeze out" others by means of the closed shop.

Mokoatle, who was one of the five commissioners to write the minority report, tells the FM that as the law stands now, there is nothing to prevent the many black workers who are beginning to exercise trade union rights from using — and abusing — the closed shop.

Ironsides complains that once a closed shop has been created in a particular industry, it is extremely difficult to get rid of it. In addition, it means that unions do not have to sell their services to workers. Closed shop unions tend to have a comfortable life and don't have to work hard in gaining worker support.

Although these arguments are rejected by closed shop unions, they do strike a responsive chord among SA's emerging black and non-racial unions. Leaders of these unions claim that in the wake of blacks being granted union rights, some established unions have simply amended their constitutions to admit black members. They have thus obtained a large — and possibly unwilling — black membership with a minimum of effort.

Some labour lawyers say that this practice might violate labour law because the Minister of Manpower can approve a closed shop agreement only if the parties who signed it are sufficiently representative. In the case of the union or unions involved, they would have to represent more than 50% of the workers.

When existing closed shop agreements were signed, the unions did represent a majority of workers in a particular industry. However, it is possible that some may no longer truly reflect the views and aspirations of their members. This is because many blacks have been, so to speak, co-opted into these unions now that they are legally defined as employees. These blacks had no real option, if they were to remain in the particular industry, because of the closed shop agreement.

It remains to be seen whether the courts can be used to challenge a closed shop where the degree of representation of a union is in doubt. Fortunately, there are signs that officials of the Department of

Pretoria: Government Printer.

Wilson, M. and L. Thompson (eds)

1969 The Oxford History of South Africa. Vol 1. London: Oxford

FM 5/3/82
LABOUR LEGISLATION

Widening the scope

166
~~167~~
Legislation due to go before Parliament this year will significantly broaden the scope of laws which have regulated the working conditions of people employed in the private sector in the past

This legislation will affect people who are not employed by the State or State corporations, and farm and domestic workers. Public sector employees' working conditions are already adequately covered by legislation, while the National Manpower Commission (NMC) is investigating the working conditions of SA's some 2m farm and domestic workers and will propose measures to protect them.

At present, working conditions of private sector employees are governed by the Shops and Offices Act, and the Factories Act. However, according to senior officials in the Department of Manpower, a substantial number of employees are not protected because the places where they work do not fall within the Acts' definitions of shops, offices or factories. For example, there is little protection for people employed on rural construction projects. In addition, the definition of a factory in the Factories Act is a fairly narrow one and the new legislation will widen the definition considerably.

Department sources emphasise that the legislation will not lay down minimum wages. It will merely stipulate minimum conditions regarding matters such as working hours, holidays and sick leave.

Sources also emphasise that the NMC probe into the working conditions of domestic and farm workers is part of a broad programme of reform aimed at protecting the interests of all workers in SA. There are also efforts to bring farm and domestic workers within the ambit of occupational safety legislation.

The NMC investigation is likely to stir up a great deal of controversy and Manpower Minister Fanie Botha took pains not to alarm organised agriculture when he announced the probe. He said factors "peculiar" to this sector had to be taken into account. These include the wide geographical distribution of workers, the seasonal nature of farming operations, the influence of climate on farming operations, and the fact that certain work has to be done daily.

□ Meanwhile, the common law rights of domestic workers are being tested in Cape Town. Lena Lende, a domestic worker has



Minister Botha .. protecting the workers

brought a civil action against her former employers and is suing them for two weeks' unpaid wages and a further two weeks' wages in lieu of notice. She has acknowledged in court that she does not qualify to work in the area. But her attorney is challenging the notion that a contravention of influx control laws can invalidate a verbal work contract and the common-law rights which would flow from that contract.

By Alex Ball
Court Reporter

A Johannesburg Regional Magistrate yesterday upheld an industrial agreement which prevents diamond cutters moving quickly from one job to another.

Mr C A Allcock was giving his finding in the trial of Lodewikus Johannes van den Bergh (25) of Alexandra Street, Florida Extension Three, who was convicted of breaking a diamond trade agreement.

This states that if a diamond cutter leaves his job he must wait three months before joining another employer. If he re-enters the trade inside three months he is bound to return to his former employer.

If the agreement had been overturned far-reaching consequences could have been expected for the diamond

(191/166) Star
12/3/82

Gem trade agreement is upheld

trade Diamond cutters would be allowed greater job mobility which would lead to more competition in the industry.

Van den Bergh, who pleaded not guilty, was employed by Jooste Diamond Cutting Works (Pty) Ltd until July 24 last year, when he resigned, saying he intended to become a carpenter.

Before leaving, he signed a document setting out the conditions under which he could

return to the trade. The following Monday he joined LC Diamond Cutting Works.

Mr Allcock said he found it highly unlikely that Van den Bergh had read the document before signing it. A person in the diamond industry should also be expected to know the conditions of his employment, he said.

Van den Bergh had claimed he was under the impression that the agreement was not binding upon him

because he had resigned from the South African Diamond Cutters' Union.

It was also improbable that the accused intended to become an apprentice carpenter at a lower wage than he was earning as a diamond cutter, Mr Allcock said.

Van den Bergh in giving evidence said on the day he left Jooste's he found out his name was low on the list of those wanting to become carpenters and he changed his mind.

In mitigation, Van den Bergh said he had been unhappy about conditions at Jooste's. He earned a basic salary of R800 a month plus a bonus for extra work, fancy cuts or the cutting of bigger stones.

Last year when the diamond trade declined he found it difficult to earn his bonus.

More care needed FM 19/3/82

166 ~~131~~

Working can be dangerous Recent explosions at the Fedmis ammonia plant in the Cape, the Modderfontein dynamite factory

and an East Rand cosmetics factory have highlighted the threat to the health and safety of people working in an

industrialised society

This year more than 2 000 South Africans will be killed at work About 31 000 will be permanently maimed and several hundred will be hurt so badly that they will never return to their jobs About 350 000 will be injured, while serious damage will be done to about 110 000 hands 50 000 feet and 40 000 eyes Nearly R50m will be paid out for injury compensation rehabilitation and medical costs

But the hidden costs are much higher Factors such as loss of productivity damage to plant and equipment push the annual total cost to nearly R400m

Occupational safety and injuries resulting from accidents are one side of the coin Occupational health is the other In many factories the danger of disablement and death results from occupational diseases which manifest themselves only after many years For example mesothelioma brown lung and silicosis In SA where many migrant workers return to the homeland after completing their contracts, delayed effects of toxic substances can go



40 000 eyes will be damaged this year

unnoticed by employers and government

The Erasmus Commission of Inquiry into Occupational Health complained in 1976 that, except in the mining industry, "industrial health not only occupies a secondary position in industry in this country... industrialists have put very little time, money and organisation into the prevention of occupational diseases" It found that 5 78m (71,9%) of the 8m economically active people in SA were not covered by occupational disease legislation

The commission pointed out that SA was one of the few industrially developed countries without a comprehensive health system for the protection of all industrial workers and the prevention of occupational disease It found there was a critical shortage of factory inspectors

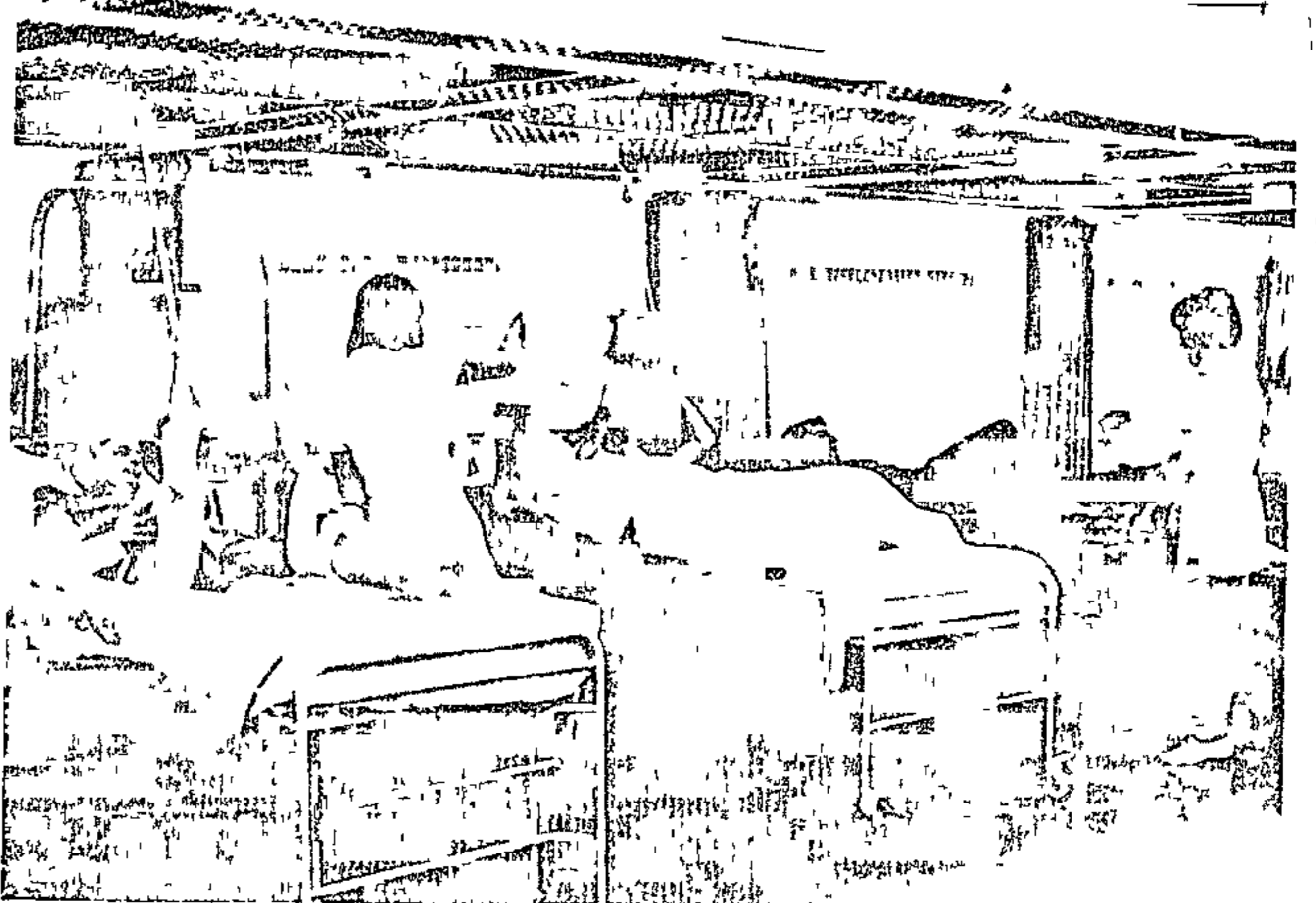
Six years later government has still not made up its mind about how the problem should be tackled The delay, according to senior men in government is because of disagreement between the Departments of Manpower and Health over how the commission's recommendations should be implemented Last year the Department of Manpower issued a draft Machinery, Occupational Safety and Occupational Health Bill for comment However, this will not go before Parliament this year because consensus has not yet been achieved

The Bill empowers Department of Manpower inspectors to deal with occupational safety and Department of Health inspectors to deal with occupational health This arrangement has been criticised by some observers who say the fragmentation of the responsibility for occupational health and safety between the two departments will encourage inefficiency They complain there is not a clear enough demarcation between the functions of the factory inspectors and the health inspectors There could therefore be conflict between what is acceptable to the two groups

Opinions differ

However in fairness to government it should be pointed out that there is strong difference of opinion in the private sector over this issue Many industrialists believe it makes sense for one department, that of Manpower, to enforce health and safety regulations But some trade unionists believe the Department of Health inspectors are far better qualified to deal with occupational health matters

If adopted, the Bill could have a far-reaching impact on improving occupational health and safety standards It considerably broadens the scope of present legislation to protect people in any form of employment For example, it provides a basic framework for the protection of the health and safety of domestic workers The Bill also gives government greater powers to prohibit processes which are harmful to the health of employees Employers will be forced to assist health inspectors and resistance will be regarded as an offence The



Some of these patients will be among this year's 31 000 maimed

Bill also prevents employers from making employees pay for safety equipment — a fairly common practice in the past

Government sources claim the Bill could also result in a tightening up of standards regulating employees' exposure to toxic substances For example, there are no stat-

utory standards for lead exposure and standards employed by government seem to be permissive — three times that allowed in US plants and one-and-a-half times that allowed in West Germany Surveys conducted in recent years have revealed that many employers in SA are failing to adequately protect employees working with lead

Disabling substances

The National Council for Occupational Health has found that 20% of workers in several mercury amalgamation plants and one fluorescent light factory were exposed to potentially disabling amounts of mercury

An angry debate is being waged over the dangers of asbestos, SA's third largest non-metallic mineral export About 40 000 people are involved in mining asbestos or manufacturing products from it in SA, but there are no statutory limits to levels of asbestos exposure in mines factories or the local environment

Dr Johnathon Moore, author of *Asbestos and Asbestos Related Diseases*, says emphatically "There is no safe level for asbestos exposure" Studies by the American National Cancer Institute and the National Institute of Environmental Health Services have claimed that 20-25% of people heavily exposed to asbestos die from lung cancer

SA's asbestos producers say these figures have been challenged by eminent researchers who have dismissed them as "scientific nonsense" The producers say they have spent millions of rands on safety equipment and that stringent controls are applied constantly There is also a growing debate about what are adequate safety thresholds for other substances like silica, iron oxide and cotton dust

All this points to the urgent need for gov-

By Knowlton Nash, of the Canadian Broadcasting Corporation

In some ways, we journalists should have the same attitude to news as an employee of a bank has to money — it isn't ours We're handling it on behalf of other people, so it cannot be converted to our own use If we do, it's embezzlement

Reporters cannot try to change people's minds or confirm their beliefs We must give untainted news so the public can make up its own mind We can report apparent abuse, but not crusade what seems to be law breaking but not advocate prosecution, report a demonstration but not take sides In other words don't embezzle the news

Reporters simply report, we do not approve or disapprove We're not a bunch of little moral thermometers

There are those journalists who do comment, who do advocate who do approve or disapprove, but they are opinion columnists and commentators and editorial writers That's a separate and necessary journalistic function What is critical is never to confuse or contaminate fact with opinion within news stories — to clearly separate what's news and what is opinion

ernment to implement a coherent occupational health and safety strategy. It cannot afford to delay much longer.

Government also needs to consider reforms to the Workmen's Compensation Act. This Act protects employers from the consequences of their own negligence because an injured worker cannot sue his employer for damages, even if he can prove that the employer did not maintain proper safety standards.

Compensation for such an injured worker is paid out of a fund created from levies on employers. There is however, a large disparity between Workmen's Compensation Act payments and damages awarded in court for similar injuries. Compensation in terms of the Act equals 75% of loss of earnings and medical expenses only. Civil courts consider damages in terms of pain and suffering and loss of amenities of life.

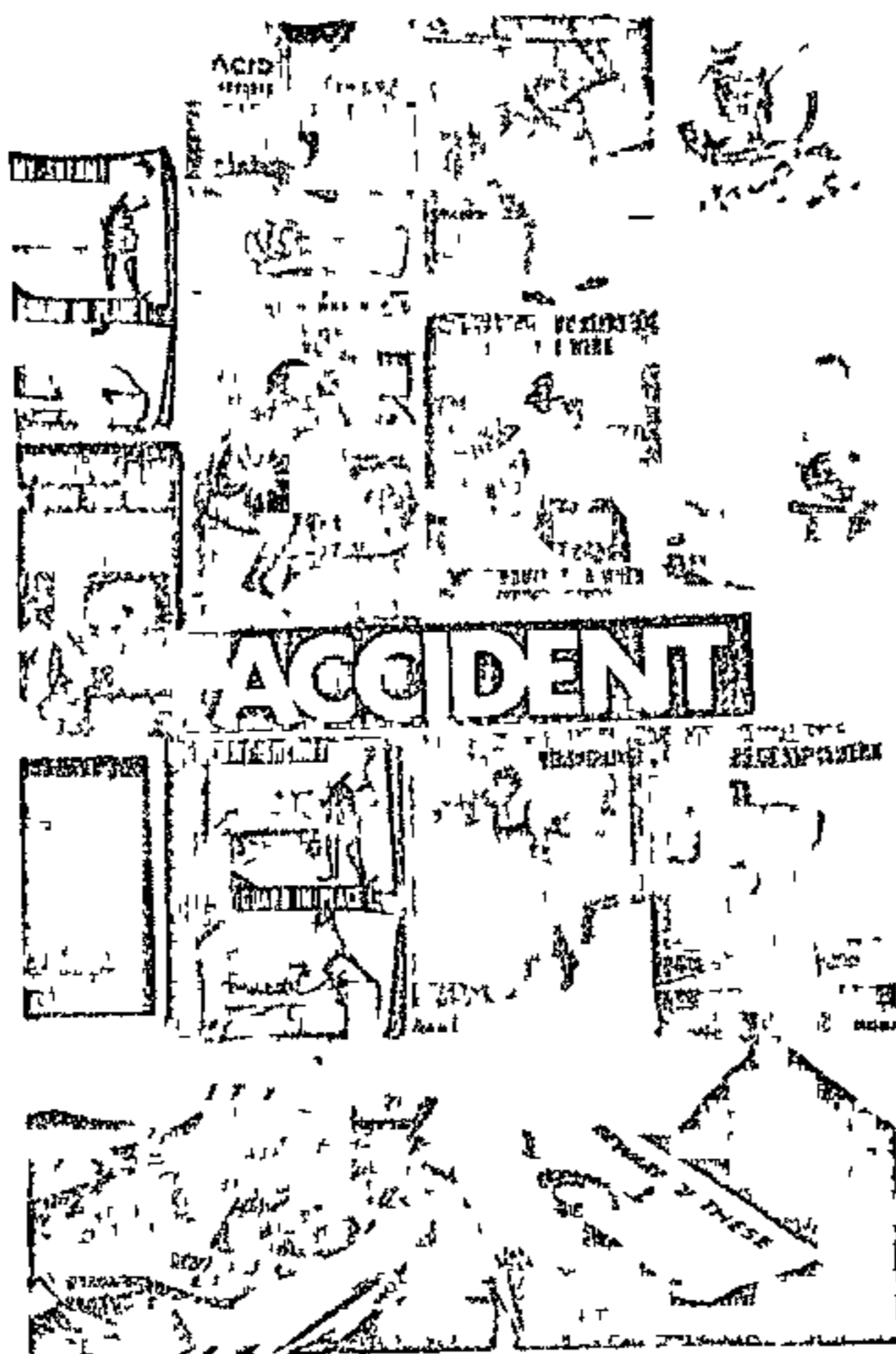
One result of compensating people in proportion to their income is that disablement payouts for blacks are about 40% lower than those for the other race groups. Yet it is the unskilled black workers who have the most to lose, they depend on physical fitness for their livelihood. Many of these workers do not even know that they are entitled to compensation.

Government also needs to step up the rate of inspections. One occupational safety expert estimates that there is about one inspector for every 1 250 factories. "Clearly the inspection is inadequate," he says.

But the government is justified in expressing concern about some managements' casual attitude towards accident prevention. Registrar of Financial Institutions Naas van Staden points out that short-term insurance losses in 1979 amounted to R421m — nearly 0.9% of the GDP for that year. These losses are growing by 21% a year, he says, and by now could more than one percent of the country's GDP.

Adequately insured

"When a factory is destroyed by fire, the loss of the plant, machinery, stock and the building, although adequately insured, remains a loss of capital to the country as a whole," he says. "For too long, perhaps, we have allowed the insured to dissociate himself from vigilantly protecting his



The message of prevention

property."

Fortunately, many companies are adopting an increasingly sophisticated approach to safety and some maintain safety standards that compare with the best in the Western world. Foskor, for example, holds the world record for accident-free hours worked by a mining company and is the recipient of numerous safety awards. Foskor MD Theo Pistorius says he and his management team believe the safety of employees to be their highest priority.

Accident prevention is regarded as an essential management function and high safety standards are maintained in all the company's operations. Safety training is given at all levels, with the aim of making each worker his own safety official. Highly trained safety specialists hold scheduled and unscheduled daily inspections.

Companies such as Foskor have been aided considerably by the National Occupational Safety Association (Nosa) which has developed a detailed Safety by Objec-

tives" system which helps managements to spot problem areas.

In addition, managements are increasingly able to rely on the expertise of companies which have become specialists in this field. Fidelity Guards, for example, conducts a detailed survey for clients and reports on processes or practices in their plants which are potentially dangerous.

Companies which manufacture safety equipment are developing products which provide better protection against accidents and toxic substances. 3M, for example, will soon be marketing badges which, when worn by workers, can indicate whether they have been exposed to chemicals which could be harmful to them over a long period.

Much safer

Some managements have in fact created working environments which are much safer than the world outside the factory gates. Last year no employee of Mobil Refining (SA) suffered an on-the-job injury which resulted in a loss of working time. However, 93 accidents suffered off the job resulted in a loss of 990 man days. "This is a serious problem and I am sure it is not peculiar to our business," says the company's MD, Colin Murdoch.

One happy result of many employers' desire to install proper safety systems is that the accident frequency rate among employees in SA has dropped sharply over the past 30 years and is now lower than in some Western nations. Nosa, however, has limited resources and is unable to reach many small companies. It also has problems in getting its message across to the agricultural sector where many workers are exposed to pesticides and potentially dangerous equipment.

In the years ahead, tardy managements will face a new challenge. Trade unionists are becoming increasingly aware of occupational health issues and are likely to exert severe pressure on employers to improve working conditions. They claim that industrialists, who have an abundant supply of cheap labour, put little time, money and organisation into the prevention of accidents and occupational diseases. It is up to managements to prove them wrong.

The fund act of 1913 consolidated all former land laws of Natal, the Orange Free State and Transvaal. The act provided for a number of land by whites in scheduled areas, but blacks could not own land in "white areas" not in the African Homelands. This act was extended later to include the

Question 4

FM 26/3/82
CLOSED SHOP AGREEMENTS

Ways of escape?
Employees prejudiced by closed shop

agreements operating outside the scope of the Industrial Conciliation Act have a number of potential remedies at their disposal. So says Professor Peter le Roux of Unisa's Department of Mercantile Law.

In a recent article in *Modern Business Law* and the *Industrial Relations Journal of SA*, he outlines courses of action open to aggrieved employees.

The article follows one written two years ago in which Le Roux dealt specifically with closed shops operating within the scope of the Act. He expressed the opinion then that a closed shop as defined in a particular section (24(1)(x)) of the Act cannot be used to implement job reservation.

It was possible, he said, that other closed shop agreements provided for by the Act could be used to enforce job reservation, however, there was a good chance these could be challenged in court.

Le Roux says that agreements operating outside the scope of the Act do not occur as frequently as those which fall within its ambit. However, they are found in important industries. They do, for example, exist in the mining industry and in in-house agreements between unions and employers in the iron, steel and metallurgical industry. It is also possible, he says, that some recognition agreements reached between employers and emerging unions could contain similar closed shop provisions.

Actions which employees can take to

challenge these closed shop agreements include the following:

□ Arguing that such an agreement constitutes an unfair labour practice. However, Le Roux says it is impossible to predict whether the closed shop will be characterised by the courts as such. Not all closed shops should be so stigmatised, he says, and it would be preferable to decide each case on its merits. Some factors to be taken into account would be how strict is the closed shop, does it make provision for exemptions, does it discriminate on the grounds of race or sex, and does it provide protection against the unfair expulsion of an employee from the trade union concerned?

□ Claiming that the agreement conflicts with sections of the Act. Section 78(1) prohibits an employer from ordering his employees not to join a union. Employees can, therefore, argue that this section allows them to join the union of their choice. Le Roux says they can present this argument only where the closed shop provision is worded in such a way that membership of any other union is excluded. There will be no contravention of section 78 if the agreement, while confining membership to the closed shop union, does not prevent employees from belonging to other unions as well.

Le Roux says it seems possible that an employer who dismisses an employee because the employee refuses to join a closed shop, will, in certain circumstances, be in contravention of section 66(1).

□ People who lose their jobs because of a closed shop may, in certain cases, have contractual or other remedies at their disposal.

□ It is possible that there could be an attempt to have the closed shop defined as a "restrictive practice" in terms of the Maintenance and Promotion of Competition Act. Le Roux, however, doubts whether such an attempt would be successful.

He says it remains to be seen whether the courts, including the Industrial Court, recognise these remedies. However,

"Given the fact that this type of closed shop is a fairly significant feature of our industrial relations system, and given the growing strength of trade unions in SA, it is probable that attempts will be made to utilise these remedies in the near future."

industry

A settlement was, however, reached between the union and the association soon after the start of the hearing. The court acceded to a request that its determination be based on the terms of the settlement.

As a result, the court ruled that the regulation at issue amounted to an unfair labour practice and that the regulation should be deleted from the association's constitution. In addition, the association has to compensate the union member for the period during which he was unemployed.

It appears that there are very few other industries in SA where such severe restrictions on labour mobility have been imposed by employers. However, some observers believe that the court's finding is significant because it represents yet another step towards the court playing an important role in defining just what does constitute unfair labour practice.

As a result of a recent amendment to the Labour Relations Act, disputes about victimisation can also be taken to the court. Transferred to the court is the power, previously held by the Minister of Manpower, to order the reinstatement of workers in their jobs, or the restoration of their conditions of employment.

LABOUR LAW 17/2/72

A cutting edge (111)

The ability of an employer association to restrict the free flow of labour in its particular industry has been curbed. The Industrial Court has found that such a restriction — operating in the diamond cutting industry for many years — amounts to an unfair labour practice.

This month the court heard a case involving the SA Diamond Workers' Union and the employer body, the Master Diamond Cutters' Association. At issue was a regulation in the association's constitution dating back to 1951. The regulation required member companies to contact the association for all their labour needs.

The union claimed that the regulation had been used by employers to block the employment of certain workers and 'freeze' labour mobility. The union took up the case of an employee who claimed he was unemployed for two weeks last year because the association refused to allow him to be employed. This was in spite of the fact that a member of the association was willing to employ him.

The union complained that there had been many similar cases in the past, but that employers had refused to discuss them at meetings of the industrial council for the

pic see act 1307

LABOUR RELATIONS AMENDMENT ACT, 1982

Act No. 51, 1982

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

166

To amend the Labour Relations Act, 1956, so as to further define a certain expression; to further regulate the registration of trade unions and employers' organizations; to make new provision for the determination of certain allowances payable in terms of the said Act; to further regulate the functions of the industrial court, and to further define certain matters that may be dealt with by industrial council agreements, and to provide for matters connected therewith.

*(English text signed by the State President)
(Assented to 16 March 1982)*

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

- 1 Section 1 of the Labour Relations Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) in paragraph (a) of the definition of "unfair labour practice" for the words preceding subparagraph (1) of the following words
 5 "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 has or may have the effect that—".
 10 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, section 1 of Act 94 of 1979, section 1 of Act 95 of 1980 and section 1 of Act 57 of 1981

2. Section 4A of the principal Act is hereby amended by the addition of the following subsection
 15 "(3) The provisions of this section shall *mutatis mutandis* apply to employers' organizations"
Amendment of section 4A of Act 28 of 1956, as inserted by section 4 of Act 94 of 1979 and substituted by section 6 of Act 57 of 1981

3. Section 7 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection
 20 "(5) The provisions of section 4 (2), (3) (a) and (b) and (4) shall *mutatis mutandis* apply in respect of any variation which it is proposed to make in terms of this section the effect of which would be to increase the area or widen the interests of the trade union or employers' organization, and for the purposes of the application of the provisions of section 4 (4), if the registrar acts of his own motion, the date upon which he decided so to act shall be deemed to be the date on which the application was lodged within the meaning of that subsection"
 25 Amendment of section 7 of Act 28 of 1956, as amended by section 2 of Act 41 of 1959, section 5 of Act 94 of 1979 and section 9 of Act 57 of 1981

VGG

No. R 758

16 April 1982

WYSIGING VAN REGULASIES —WET OP VOORLIGTING EN INDIENSPLASING, 1981

Die Minister van Mannekrag het kragtens artikel 20 van die Wet op Voorligting en Indiensplasing, 1981 (Wet 62 van 1981), die regulasies gepubliseer by Goewermentsken-nisgewing R 2560 van 30 November 1981 gewysig soos uiteengesit in die Bylae hiervan

BYLAE

1 Regulasie 6 van die regulasies word hierby gewysig deur die volgende subregulasie na subregulasie (12) by te voeg

“(13) Die sertifikaat wat die Direkteur-generaal, of iemand deur hom daartoe aangewys of gelas, aan ’n Inspek-teur wat ooreenkomstig artikel 16 aangewys is, uitreik, moet in die vorm wees soos in Aanhangsel 9 voorgeskryf”.

2. Die volgende Aanhangsel word by die regulasies gevoeg:

“AANHANGSEL 9

WET OP VOORLIGTING EN INDIENSPLASING, 1981 [ARTIKEL 17 (2) (REGULASIE 6 (13))

AANWYSINGSERTIFIKAAT VAN ’N INSPEKTEUR

Hierby sertifiseer ek dat .. ID No .. ingevolge artikel 16 van die Wet op Voorligting en Indiens-plasing, 1981, deur my as Inspekteur aangewys is om die bevoegdhede van ’n Inspekteur kragtens artikel 17 van ver-melde Wet uit te oefen

DIREKTEUR-GENERAAL.

Datum ..

No. R. 758

16 April 1982

AMENDMENT OF REGULATIONS —GUIDANCE AND PLACEMENT ACT, 1981

The Minister of Manpower has, in terms of section 20 of the Guidance and Placement Act, 1981 (Act 62 of 1981), amended the regulations published by Government Notice R 2560 of 30 November 1981 as set forth in the Annexure hereto.

ANNEXURE

1. Regulation 6 of the regulations is hereby amended by the addition of the following subregulation after subregula-tion (12):

“(13) The certificate which the Director-General, or a person designated or directed by him, issues to an Inspector designated in terms of section 16 shall be in the form pre-scribed in Annexure 9”.

2 The following Annexure is added to the Regulations:

“ANNEXURE 9

GUIDANCE AND PLACEMENT ACT, 1981 [SECTION 17 (2) REGULATION 6 (13)]

DESIGNATION CERTIFICATE OF AN INSPECTOR

I hereby certify that .. ID No .. has been designated an Inspector in terms of section 16 of the Guidance and Placement Act, 1981, by me to exercise the powers of an Inspector in terms of section 17 of the said Act

DIRECTOR-GENERAL.

Date ..

for full text see CG 8164

OFFICE TIMES 20/4/82
B From page 166

galization of black unions

He said the government should be careful about creating "a breeding ground for political unrest"

Mr Barnard referred specifically to the investigation of farm and domestic workers and accused the government of appointing commissions to investigate areas where there had been no complaints, interfering in relationships between employer and employee

No domestic worker had complained, yet a real urban threat could be created by the formation of organizations across the country which could be used by agitators

Mr Botha in turn accused Mr Le Roux of making "bitter, irresponsible and unfair" allegations

Nationalist congresses had been consulted about the Wiehahn reforms, he said as Mr Le Roux interjected that this was only after implementation Mr Botha also said Mr Le Roux, as a member of the Nationalist study group on manpower, had been involved in and aware of everything that was done

"There was not one occasion on which you did not agree"

Mr Botha accused Dr Treurnicht of knowing nothing about labour matters and the CP of trying to give the impression of campaigning to restore rights which had been taken away

● Manpower vote debate, page 5

Too late for classification

DEATHS

SHEAR — Sarah our wonderful kind and gentle aunt whom we all loved dearly passed away peacefully on 18 4 82 after an illness so bravely borne Her memories will always be treasured and we will always remember her fondly Deeply mourned and sadly missed by her loving family Walter and Liska Gordon children and grandchildren

SHEAR — Sarah, our loving kind and darling sister, passed away on 18 4 82 Will be fondly remembered by her sisters Dinah Byrne Becky Gersohn and brother Hyman Shear

LAYDEN — Michael dearly beloved husband of Norah and loving father of Michelle, Kenny and grandfather of Teresa Barbara Ann and John and stepfather of Ian Diane Heather Marelynne, Chester and their families Fortified by the right of The Holy Roman Catholic Church Requiem Mass at 3 30pm Wednesday, April 21, at Our Lady Of Good Hope Church Sea Point No flowers by request, donation in lieu of to St John's Catholic Parish PO Box 395 Beaufort West 6970 Cremation private Resurrected with The Lord

FOR most people law is a mysterious thing surrounded by strange rituals and even stranger language, understood only by a closed circle of professionals who form its priesthood.

Now, for the first time in South Africa, a book written specially to help laymen understand the law has appeared.

The average reader should have no problems coping with the clear style of the "Reader's Digest Family Guide to the Law in South Africa (priced at R33,95)

Nearly 800 pages long, it contains sections dealing with the administration of the law, crime, housing and property, the family and marriage, money, business, labour, driving, leisure and SA's race and security laws.

The book is filled with interesting facts about the SA legal system.

For example, how many people know that when they buy a packet of cigarettes they are making a contract with the shopkeeper, or that it is illegal for employers to suspend employees without pay? Or that a "lock-out" by employers which has not been sanctioned through the correct conciliation channels, is just as illegal as an "illegal" strike?

Most workers do not know that even if their strike is a legal strike, they can still be dismissed

Few people realise that many guarantees offered by

manufacturers take away common law rights, and that consumers would in most cases be better off without them. For example, some products are guaranteed for a limited period, which means if defects surface after the guarantee period has elapsed, the buyer has no claim. In common law, there is no time limit, but the defects must have existed at the time of sale.

One of the more interesting facts about our legal system is that in the eyes of our Roman-Dutch common law, all men are equal, which means there is no discrimination and separation between different races in common law

The whole system of racial domination and discrimination, which began to develop long before the Nationalists came to power in 1948, has been created by statutory law, and in the process many of the common law rights of the majority of South African people have been taken away

The Group Areas Act, for example, took away the common law right to own property and live anywhere in South Africa. In terms of this act, a person may only own property and reside in his race group's group area. Other laws restrict the mobility of the labour force. Certain types of work are reserved for members of the white "race". Other laws limit the geographical mobility of black workers, while the Mixed Marriages Act and Immorality Act limit the freedom of people to choose who to marry and love.

It is not only in the field of race relations that common law rights have disappeared. Under security legislation, many common law rights have

A book has just been published which may clear up some of the mystery our laws have for the layman. JUSTIN GEORGE reports.

Laying our laws on the line

166
RDM
26/4/87

been swept away. An individual can be detained indefinitely without trial in terms of Section 6 of the Terrorism Act. A person who is banned is "punished" without trial and without being convicted of an offence. If he breaks his banning order, he commits an offence and can be punished by the courts

It is in this area, the area of South Africa's race and security laws, that the compilers are perhaps too cautious. They commit themselves to presenting only the "facts" about the legal system, and leave any critical conclusions which might be drawn to the reader. Yet the distinction between "fact" and "comment" is a spurious one. It is also a dangerous one, because it can be used by some to omit certain facts by arbitrarily classifying them as "comments"

Some comments about the

relation between social change and the law could have been added as well. This is particularly relevant to South Africa, where social and legal reform have become major issues. We can understand the law better if we know why it changes as society changes.

Marriage law is a good example of how social changes which have accompanied industrialisation in South Africa have forced changes in the law. Although property is jointly owned by a couple married in community of property, only the husband may administer the property. He can administer it in any way he sees fit, and need not get his wife's permission if he chooses to sell any part of the joint property. She must get his permission to make contracts, which means she must get his approval to buy things other than household necessities such as cloth-

ing and food. Put more bluntly, she is reduced to the status of a child.

However, as industrialisation in South Africa changes the marriage relationship by drawing millions of women from their homes into factory and domestic work, the traditional dominance of men is weakening, and marriage law is changing to accommodate the new realities. To give an example, if the Matrimonial Property Bill becomes law this year, and it seems it will, then women married in community of property will no longer need their husbands' consent to make contracts

Similar changes in the law are taking place, and can be expected to take place, in other fields, especially in areas like industrial relations. Nothing lasts very long in industrial capitalism, and many time-honoured racial restrictions will crumble as South Africa becomes a fully developed capitalist society

Job reservation and laws like the Group Areas Act restrict the mobility of private property. At the moment, South Africa is a developing capitalist country, and it can accommodate these restrictions. But it is hard to see how they will be reconciled with a developed capitalist economy which will require the abolition of all restrictions on the free circulation of labour and property

However, in spite of these shortcomings, this book remains an outstanding achievement. Most important, it will succeed in informing South Africans about their legal rights, something crucially important when so many of their freedoms are under attack.

Star 27, 1 81

\$ 8
\$ 9
\$ 4

Year	African	Asian and Coloured	White	Total
1970	..	..	..	19 075
1971	..	..	..	19 194
1972	..	..	..	20 666
1973	8 620	12 435	..	21 055
1974	9 279	12 690	..	21 969
1975	9 364	12 682	..	22 046
1976	9 259	11 969	..	21 228
1977	8 658	11 091	..	19 749

166

REAL IION from employee co-ordinating bodies to the Labour Relations Amendment Act, which came into effect in November last year, has been generally favourable, but often mixed, the Institute for Industrial Relations (IIR) says in a report.

BY SELLO RABOTHATA

To some employee co-ordinating bodies, the act is largely acceptable, but others are concerned about the various measures introduced to control trade union activities and the extension of trade union rights to all workers in South Africa.

The purpose of the IIR reports is to highlight some of the significant features of the new act and to assess the implications of the act in terms of industrial relations in South Africa.

In terms of the Act the definition of the word 'employee' has now been amended to include all black workers including workers from the homelands. Up to 1977 blacks were excluded from the defi-

Labour Act pleases most

mean that discriminatory provisions in agreements, etc which are binding on 1 date the Act comes in operation cease to have effect, but only that no future agreements may differentiate on the basis of race or sex.

The system providing for the registration of trade unions is only slightly amended. The provisions dealing with objections by mixed trade unions to the registration of either white or coloured unions are deleted altogether. A white or a coloured union applying for regis-

tration will no longer get registration if another union is representative of the employees as such.

In terms of the old Act, provision existed for the splitting from a mixed union to form a racially separate union and to facilitate such splitting a new white or coloured union which becomes registered may force a mixed registered union to divide its assets between them. This provision has now been deleted in terms of the Amendment Act.

officials office bearers etc has acted unlawfully.

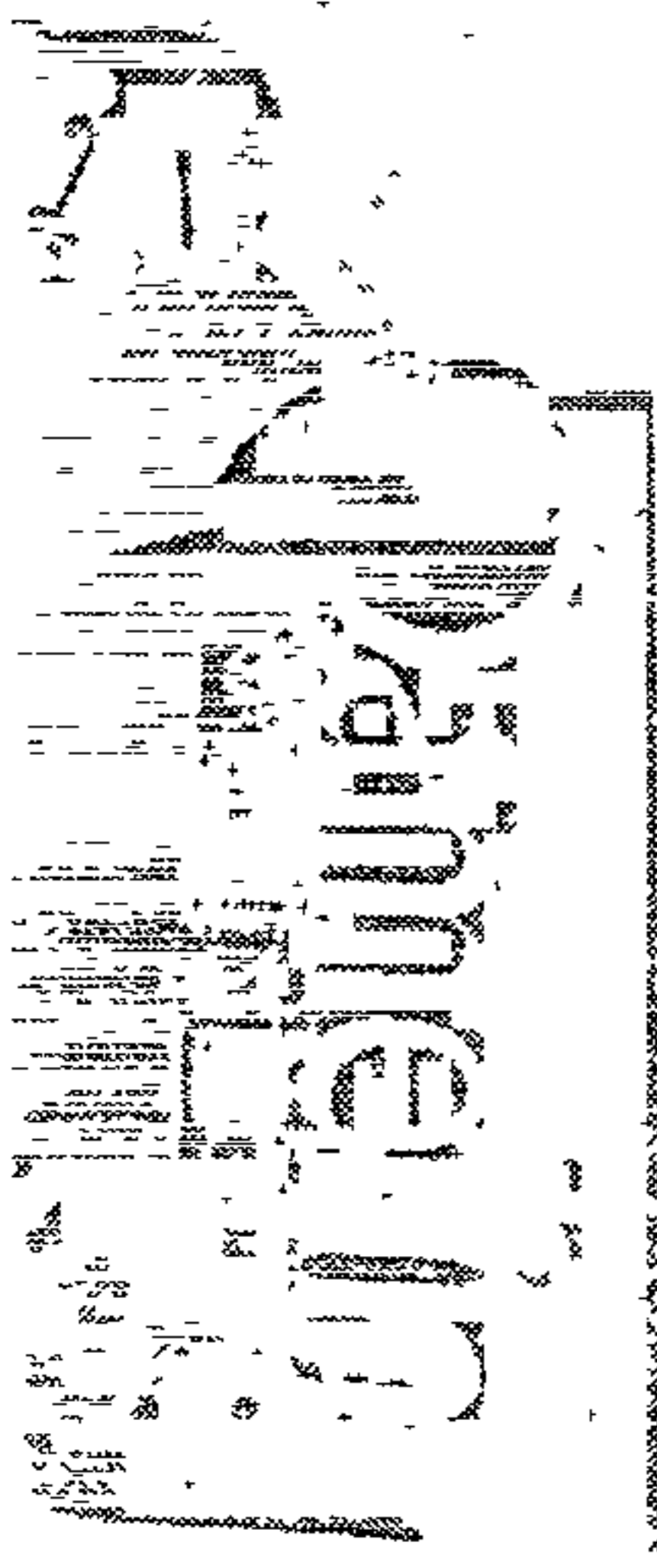
These proposals were extremely harsh especially when one takes into account that a union might lose its registration if an official acts unlawfully. This proposal came in for heavy criticism from the Institute, trade unions and employers organisations and was fortunately dropped.

The Act also provides for the establishment of works councils which substitute liaison committees in terms of the Black Labour Relations Regulation Act 1953 as amended. In terms of the Amendment Act the Black Labour Relations Regulation Act and all its amendments have been repealed - therefore works committees are also abolished as statutory bodies.

"JOIN THE RANKS OF THE ELITE WITH A DAMELIN MANAGEMENT QUALIFICATION"

J.P. Brummer Director of the Damelin Education Group

"In the business world today, particularly with the increasing demand for skilled managers, there is no substitute for the right training and at Damelin Management School (DMS) our record of success over many years has enabled the principal, Mr Drew, to personally guarantee that students leave with the finest qualifications. What's more, following the merger of the College of Marketing with the DMS, all marketing and marketing-related courses are officially approved by the Institute of Marketing Management



Cape Times 26/4/82 (174) (166)

HOUSE OF ASSEMBLY
 — The government was not against trade unions and no union was forced to register, the Minister of Manpower Mr Fanie Botha, said yesterday

Replying to the manpower budget vote debate, the Minister said "We have no problems with unions. We have problems with certain militant people who try to lead unions in the wrong direction. It is union members who must decide who their leaders are. They must beware of militants."

Unions were meant to achieve better working conditions for their members and not "to be used as a tool in the liberation struggle", as someone said to him.

"I hope the day won't come that unions are used by certain people to sow unrest. There is no feeling on the part of the government against the

Govt 'won't force unions to register'

existence of unions and against the large number of unions which play a useful role in our economic life.

Earlier in the debate, Mr Botha said South Africa had performed dramatically in the field of labour stability and peace among its 5,5 million factory and service workers last year.

There had been a period of adjustment and reform in labour relations over recent years which could now be considered complete.

Stability and peace in the labour field could be measured by the fact that

12 new labour unions were established last year while 246 000 workers of all races had officially entered the registered labour market.

The government could look back at a few years during which the basis for labour prosperity and peace had been laid.

"It has been worthwhile and the results are such that we can feel satisfied," he said.

The government was faced with the difficult task of bringing first and third world workers together without the third world workers being put in a situation of neglect

"In the main we have succeeded," he said. As basic cornerstones of the labour policy the government had set four criteria:

- To promote labour stability and peace

- To train and retrain the mass of South Africans

- To keep the productivity of the labour corps as high as possible

- To guarantee the welfare and security of South Africa's workers. In all these fields South Africa had achieved dramatic successes.

Success in training and retraining could be seen

in the fact that last year 1 440 additional artisan training contracts were entered into.

The private sector had trained an additional 76 000 workers.

"A total of 133 000 additional people were trained last year," Mr Botha said.

"We could hardly train any more if we wanted to," he said.

Productivity had shown equally dramatic improvements and as far as job security was concerned, the fact that there were 24 000 fewer unemployment payments than the previous year illustrated progress.

"We experienced success because there was confidence in what the government set out to do and because we had cooperation from all sides," he said — Sapa

COURSE of study (e.g. B.A.; B.Com.; M.Med.):
 STUDIEKURSUS:

B.C.M.

No. of Answer Books handed in
 Aantal antwoordboeke ingelewer

4

Number of this book
 Nommer van hierdie boek

4

NOTICE TO CANDIDATES

WAARSKUWING

1 Candidates must not use both sides of the paper for their answers. The left-hand pages may be used for rough work, but the examiners will only give credit for answers written on the right-hand pages.

2 Candidates are reminded to indicate their names on all loose sheets accompanying an answer to an examination question.

3 No candidate may have with him in the examination room any books or notes whatsoever unless specially instructed by the Registrar by written notice to bring such with him, when he may take into the room the books indicated but no other books or notes.

4 A candidate attempting to help or obtain help from any other candidate, or having any unauthorised books or notes in his possession will be liable to be disqualified and to be further dealt with as may be determined by the Senate.

5 A candidate must not take out of the examination room any examination books supplied by the University.

6 Pages must not be extracted from this book.

1 Eksamenantwoorde mag net aan één kant van die papier geskryf word. Kladderwerk mag op die agterkant van 'n bladsy gedoen word, maar die eksaminator sal vir eksamendoeleindes alleen in aanmerking neem wat op die voorkant geskryf is.

2 Kandidate word herinner om hulle name op alle los blaai wat 'n antwoord op 'n eksamenvraag verskaf, te skryf.

3 Geen kandidaat mag boeke of aantekeninge van watter aard ookal by hom in die eksamenkamer hê nie tensy die Registrateur deur skriftelike kennisgewing las gegee het om bepaalde boeke mee te bring.

4 'n Kandidaat wat probeer om 'n ander kandidaat te help of om hulp van 'n ander kandidaat te verkry, of wat ongeoorloofde boeke of aantekeninge in sy besit in die eksamenkamer het, stel homself bloot aan diskwalfikasie en sulke verdere stappe as wat die Senaat nodig mag ag.

5 Geen eksamenskrifte deur die Universiteit verskaf, mag uit die eksamenkamer weggenem word nie.

6 Geen bladsye mag uit hierdie eksamenskrif geskeur word nie.

6/5/82

By STEVEN FRIEDMAN
Labour Correspondent

AN ATTEMPT to test in court a point of law with far-reaching implications for labour practices at SA Transport Services (SA Railways) has ended in a settlement — which means the legal point has not been tested.

But similar cases in the future are a possibility

At issue is an alleged SATS ruling which, lawyers claim, deprives black rail workers of protection against firing which white workers enjoy, by automatically classing all blacks as "casual" workers

SATS is the largest employer of black workers in the country

Employment practices at SATS are governed by the Railways and Harbours Services Act which offers workers extensive protection against firing

But the Act also lays down that casual workers are not covered — their conditions are to be laid down by the railways administration

Lawyers acting for the General Workers Union, which is locked in a battle for

Cheque stops test case for rail workers

recognition at SATS claim that all black workers are automatically classed as casuals by SATS

The GWU briefed lawyers earlier this year to act on behalf of Mr Jeremiah Tolwana, a former GWU leader employed by SATS at Port Elizabeth docks who was allegedly fired after being given 24 hours' notice

The union's lawyers alleged that Mr Tolwana was classed as a casual worker despite working continuously for SATS since 1969. They said he was not a casual worker in the eyes of the law and was entitled to 30 days' notice

Had the court ruled in Mr Tolwana's favour, it would have established the right of black workers to become ei-

ther "temporary" or "permanent" workers in terms of the Act and give them greater job security, lawyers said

Instead, SATS has sent a cheque for 30 days' notice pay for Mr Tolwana, settling the claim. It has not admitted any liability and the legal point remains unresolved

A lawyer for Mr Tolwana said yesterday he had discussed with SATS the possibility of agreeing to submit the claim to court as a test case. The arrival of the cheque had removed the possibility of such a case.

An SATS legal representative confirmed yesterday SATS had sent a cheque. But he insisted this had been done without conceding that Mr Tolwana had any legal claim to the money

Strike at Edgars is called off

The strike by about 700 employees of Edgars Stores in Johannesburg was called off yesterday after an agreement between management and union shop stewards

A brief company statement said detailed negotiations would begin next week. At issue in the four-day strike were demands for the recognition of the Commercial, Catering and Allied Workers Union and a 50 percent wage rise.

The Metal and Allied Workers Union (Mawu) has claimed a breakthrough by winning a 6c an hour wage increase after negotiations at Defy Industries, Benoni, which was recently hit by a wage strike.

At Femco, Brits, on Thursday about 600 workers struck over the company's retrenchment policies for the third time in a week. According to Mawu, about 250 workers were still idle yesterday

Govt rejects race appeal by unions

By Drew Forrest

In a controversial move, the Government has rejected appeals by six affiliates of the non-racial Federation of South African Trade Unions against the racial registration certificates they received last year

The ruling by the Minister of Manpower, Mr Fanie Botha, comes more than a year after the appeals were lodged and was yesterday attacked by Fosatu as "disastrous" and "a political move designed to appease right-wing labour"

A storm erupted last year when the affiliates of Fosatu — which makes an uncompromising stand on non-racial unionism — received registration certificates preventing them from bargaining officially for all race groups

International labour organisations and at least one local employer criticised the industrial registrar's decision, which was influenced by objections from established unions with white and coloured membership.

Stating that the result of the appeal "made a mockery of the Government's claims to have deracialised the official labour system," Fosatu's general secretary, Mr Joe Foster, said the Minister's decision would be tested in the Supreme Court.

Mr Fanie Botha could not be contacted yesterday, while officials of the Department of Manpower declined to comment

Race ¹⁶⁶ ~~166~~ ruling ^{C. Post} appeal ^{13/5/82} by top unions

DURBAN — The Federation of South African Trade Unions (Fosatu) has instructed its attorneys to appeal to the Supreme Court against the decision of the Minister of Manpower Utilisation, Mr Fanie Botha, to uphold racial registration for the federation's affiliated unions

Six Fosatu affiliated unions applied for registration soon after the labour legislation had been amended to allow black trade unions to register

The Registrar granted the unions registration but restricted it in terms of race Fosatu then appealed to the Minister.

A regional spokesman for Fosatu said the Minister had informed the federation that in terms of the labour legislation before the recent amendment he had been compelled to turn down the appeal

Fosatu's general secretary, Mr Joe Foster, said the federation's attorneys believed the Minister could have set aside the Registrar's ruling and granted non-racial registration, so they have decided to appeal against it

He said in terms of the Registrar's ruling the unions were restricted to representing only workers of a particular race group in a particular region

The Registrar, Mr M W Le Roux, said that although he had been required by law to reveal his reasons for restricting the registration to the parties concerned, he was not prepared to reveal them to the Press at this stage — Sapa

D

Union boss hints at new status

166
13/5/80

Year	
1970	
1971	
1972	
1973	
1974	
1975	
1976	
1977	
1978	
1979	
1980	

Labour Reporter
 The Government must create a situation in the labour field which will allow unions to operate without racial restrictions, says the president of the SA Boilermakers Society, Mr Fred Ahrends.

Mr Ahrends said at the union's triennial conference in Johannesburg yesterday that the organisation might have to abandon its registered status and seek some other stance because of current labour laws and unrest.

Because of black worker mistrust of government intentions in the labour field the boiler-makers society, with its multiracial membership was beginning to feel that it was in a serious quandary.

"We are beginning to wonder whether we may not, in time, be forced to abandon our present course of remaining within the body of established and registered trade unions and perhaps seek some other status," Mr Ahrends said.

He also called for reforms in the field of labour.

Racial criteria should not be used to determine union registration and it should be left to unions and employers, and not the Industrial Registrar, to decide which parties should take part in negotiations, Mr Ahrends said.

Wages and working conditions for farm and domestic workers should be protected by law, he added.

The union's membership had increased by more than 20 000 since the last triennial conference from 33 095 to 53 312 Mr Ahrends said.

Black membership had not increased until late last year when its ranks were opened to all races.

There were problems in reorganising the union's structure so that all races could participate, including membership of the executive committee.

Mr Ahrends also called for a faster resolution to the opening of jobs to all races on the mines.

Total	
418	✕
322	✕
331	✕
222	✕
377	✕
..	
445	\$
460	

Fosatu Annual Report 1980/81

Address: 201/
Corp
Cape
8001

Officials: Sex

Area of Operat:

Founded: 1936

Registration:

(21) 433658

1974 affiliated to TUCSA and had disaffiliated by 1977/78 and with other unions formed FOSATU in 1979

SA's biggest union slams race hurdles

By STEVEN FRIEDMAN
Labour Correspondent

THE president of the country's biggest trade union, the SA Boilermakers Society, yesterday slammed racial elements in the Government's union registration system

Mr Fred Ahrends addressing the three-yearly congress of the 53 000-strong union near Johannesburg, even suggested it may have to consider dropping its registered status

Mr Ahrends urged the Government to speed up social and political change

He disclosed that, since the Tucca affiliate opened its doors to blacks, its white and coloured membership had risen far more sharply than black enrolment

This was evidence that many people were waiting for rational and peaceful

changes to our social, economic and political structures"

Dealing with registration Mr Ahrends said the Boilermakers Society had asked the official National Manpower Commission to recommend that registration be made "almost automatic" and separated from the issue of union recognition

His union was concerned because race was still a "decisive element" in deciding the registered scope of unions — their right to bargain in the official labour system

The union believed it could recruit any worker regardless of race, in any job for which it had registration. But the authorities insisted it apply for extended registration when it recruited blacks in these jobs

Blacks were suspicious of the Government and believed this meant they were a "special category of work-

ers who needed official permission to join the union although this was not so

At times, the Boilermakers had been forced to organise branches and negotiate for workers for whom they had not yet received extended registration

If workers believed the union needed official permission for every step it took it would be unable to gain their confidence

"We are beginning to wonder whether we may not in time be forced to abandon our present course of remaining within the body of established and registered unions and seek some other status

"I have been and still am extremely reluctant to even think along these lines," Mr Ahrends said

But the day could come when the Boilermakers and similar unions might have to do this to avoid "being dismissed as tied trade unions carrying out only instructions from the Government"

(166) 2011 19/5/82

Assocom call on strikes

Labour Correspondent

THE Association of Chambers of Commerce (Assocom) says the right of workers to strike should be recognised by the Government and that all laws which make it a crime to strike should be scrapped

The same should apply, it says, to lock-outs by employers and it should be left to management and workers only to agree on when strikes or lock-outs may occur

This call is contained in Assocom's submissions to the Government's National Manpower Commission which were released yesterday. The NMC is investigating key aspects of the country's official labour system

Assocom also suggests that all labour laws should be "enabling" (voluntary) only and that no labour law should be introduced which does not

have the support of both employers and workers

Referring to legal penalties for striking Assocom says "It is appreciated that no right (to strike or lock-out) exists in South African law at present and such activities should be decriminalised

This, it says, would enable management and workers to negotiate conditions under which strikes or lock-outs can occur

Such agreements should spell out some 'regulatory measure before strikes or lock-outs can be accepted'

In its submissions on bargaining Assocom notes that established unions have tended to bargain with employers at industry level. This meant they were usually 'organisationally weak' on the factory floor

But emergent mainly black unions had sought to

concentrate on the shop floor "where they are particularly strong and well organised"

This meant that two bargaining systems were emerging and that the future development of bargaining would be from the bottom up

However, Assocom did not believe the industrial council system 'is necessarily breaking up or doomed'

Although it believed that industry-wide negotiations should predominate the two levels of bargaining should "complement" each other "and neither should be seen as a substitute for the other"

"It cannot be stressed sufficiently strongly that the views of Assocom are that legislation must be purely enabling and that no law must be introduced with regard to labour legislation unless it has the support of both parties"

Parliament

Fewer jobless among all groups last year, says Manpower report

regions in "white areas" involving 202 schools and about 40 000 pupils in Sub A and B

Other important developments disclosed in the report were:

● The number of white pupils was levelling off.

● The number of blacks undergoing technical training was increasing

● There was a general improvement in the educational level, particularly of the black economically active population, with the percentage of urban blacks without any educational qualification falling from 39,9% in 1970 to 25,6% last year — Sapa

CAPE TOWN — Unemployment among all population groups declined during 1981, the latest annual report of the National Manpower Commission says

The report, tabled in Parliament yesterday, warns however, that the unemployment position may again worsen in the short and medium term and that "it seems it will be difficult to reach the unemployment targets set by the Economic Development Programme"

Registered unemployment among whites, coloureds and Asians in proportion to their economically active populations had remained at a low

level during the 1970s, varying between 1% and 2%.

The current population survey showed that unemployment among blacks peaked at 501 000 people (9,3%) in September, 1979, and dropped to 408 000 (7,2%) in October last year

The report said that a less gratifying feature of the year under review (1981) was the increase in the number of strikes and work stoppages.

In an explanatory memorandum, the Minister of Manpower, Mr Fanie Botha, said

"In a certain sense this increase was to be expected in the light of the larger number of trade unions and union members, particularly among blacks, and the concomitant increase in activities in this field."

Another contribution was that many of the participating parties were still relatively inexperienced in the processes of collective bargaining

In the field of education and training, the commission reported that indenturing of black apprentice artisans was progressing, although the number of apprentices attaining artisan status continued to

show a declining trend

Registered black apprentices increased sharply from 82 in 1980 to 495 last year. The number of training schemes and centres also increased from 562 and 52 respectively in 1980 to 690 and 218 last year

The Government had continued to provide equal educational opportunities. Compulsory education for blacks was extended to 38

'Small 'Omnibus' way' to provide jobs mooted after Security Bill approved

Political Correspondent

changes were

● Permission for a district surgeon to see a detainee in private

● Agreement to review a person's detention under Section 29 of the new Bill every three months after an initial six-month period

Also of significance was a statement by the

Political Correspondent

CAPE TOWN — The country's massive informal economic sector has received further encouragement from the National Manpower Commission — the top advisory body to the

dispensation, it is to be expected that disruption, including disruption by strikes, will occur during the period of adjustment

"Despite the increase in the number of strikes, however, there is no reason for unnecessary alarm."

Eastern Cape has most strikes in SA

By BRIAN POTTINGER

Political Correspondent

CAPE TOWN — The Eastern Cape region had the most strikes and lost more man-hours through industrial unrest last year than any other area in the country

The statistics are

increase in the 174 000 lost man-hours during 1980

Most strikes were, however, for less than a day

In the Eastern Cape, average lost man-days per worker came to 3,6 while in the PWV area, it was 1,7

Wages were the reason for the strikes in 48% of the

port of the National Manpower Commission tabled in Parliament yesterday

Of the 342 strikes recorded in the country last year, 101 (nearly 30%) were in the Eastern Cape. A total of 75 000 man-hours were lost compared to 43 000 lost in the whole PWV complex during the year

Nationally, 93 000 workers were involved in strikes with the loss of 226 000 man-hours — a substantial

Worker bargaining at plant-level no cause for alarm — NMC chief

Political Correspondent

CAPE TOWN — The National Manpower Commission (NMC) has urged a re-investigation of the industrial council system to take account of the increasing importance of plant-level negotiations

In the commission's latest report, the chairman, Dr Henne Reynders, calls on employers and employees to remain adaptable and take notice of the "signals" from the market

The question of plant-level recognition and negotiation is one of the major industrial relations issues facing the country at present, with the unregistered trade union movement rejecting the industrial council system

Dr Reynders said that although there appeared to be an increase in the number of workers who accepted formal structures there were a large number searching for other alternatives for the bargaining process

"It is clear that there are those among the emerging trade unions which have not yet evolved set patterns like the older unions, which give preference to negotiations at the local level rather than at an

national level. Legislation accounted for about 15% of the strikes nationwide

Dr Henne Reynders, chairman of the NMC, observes in his report that despite the increase in the number of strikes, a comparison with other countries showed that its effect on the economy was less than other developed countries

"In view of the fact that South Africa is still at the beginning of a new labour market that many of the parties were inexperienced in the processes of collective bargaining and the real pressures of inflation had contributed to the increase in strikes

"What I wish to say is that we must guard against regarding every strike as a national crisis. This is far from the truth and a strike is a normal feature in the bargaining process that takes place in a free market"

Industry-wide level

Dr Reynders said a significant number — about 200 — recognition agreements between plants and unions existed which expressed the development of collective bargaining outside the structures

"It is no cause for alarm that this development has probably come to stay. Local-level negotiation was the oldest form of collective bargaining and in some countries was an important supplement to industry-wide bargaining

Dr Reynders said the industry-wide negotiation system had served South Africa well over a long period but should not be regarded as inviolable

Although many people had a preference for the system it was clear there was a willingness to approach it with an open mind. It seemed to indicate the need to re-investigate the system for possible adjustments if necessary

"There is no sense in closing one's eyes to the facts and rejecting overtures at the local level, even outside the formal legal structures or if negotiations at this level serve only to supplement industrial council agreements"

In its latest report the NMC notes that the informal economic sector — small one-man businesses — can make an important contribution to solving the unemployment problem

For years the Government has refused to support — in fact actively suppressed — the informal sector in the urban areas, for ideological reasons

Last year during the Good Hope business leaders conference, the Government gave first hints of a changed policy regarding the informal sector, and this has been echoed by various Ministers since then

In its 1981 report, the NMC's chairman, Dr Henne Reynders, identified the informal business sector as consisting of small (family) businesses that operate mainly outside the existing legal and institutional framework

Among the main characteristics of the sector are "mainly trade and accommodating services, largely women, mostly one-man businesses, limited facilities"

Capital investment is often less than R50. Average turnover per enterprise is between R50 and R100 a week, with profits of between R25 and R50

The NMC found the major problem in the sector was getting the initial capital, and Government restrictions

The NMC said the sector could also assist those who were under-employed as they could work in both the formal and informal sectors

the whole gamut of security legislation for the country Government and Conservative Party spokesmen have argued that the Bill, which re-dedicates itself to the central features of the old security laws, is necessary because of the threats facing South Africa

The PRP originally opposed the Bill in the strongest terms possible by calling for it to be read "six months hence" when that failed they proposed a number of amendments to provide greater protection for detainees and limit the power of the executive

NRP spokesmen also argued against the sweeping powers re-invested in the Minister of Law and Order by the legislation and proposed changes to more closely monitor the circumstances under which detainees were held

The Minister of Law and Order, Mr Louis le Grange, eventually accepted eight amendments slightly altering the Bill

Among some of the amendments accepted were: to give the Minister of Law and Order the power to order the detention of any person if he is satisfied that such person is a danger to the public

Opposition spokesmen warned that the new Bill represented a "compromise of all the old horrors of the security laws" and brought little change

120 767 families moved under Act

CAPE TOWN - A total of 120 767 families had been moved in terms of the Group Areas Act between its commencement and the end of last year, the Minister of Community Development, Mr Pen Kotze, said yesterday

Replying in writing to a question by Mr Colin Eglin (PFP, Sea Point) he said 80 053 families were coloured, 38 472 Indian and 2 242 white

Mr Kotze said "More than 90% of the families involved formerly lived in such dilapidated and slum-like conditions that their rehousing can hardly be termed removal from 'houses'. Better dwelling units were provided in each case"

Another 2 659 Indian, coloured and white traders had been moved from business premises in terms of the Act

There were a further 15 traders in Natal and 175 in the Transvaal who were disqualified in terms of the Act and were due to be resettled. However, the position of 91 of the 175 traders in the Transvaal was being reviewed — Sapa

Accepting conflict

Initiating a legal strike in SA is a lengthy and arduous procedure So the Association of Chambers of Commerce of SA (Assocom)

submission to the National Manpower Commission (NMC) last week, recommending that strikes and work stoppages in SA should be "decriminalised," has been welcomed by unionists

The submission was timely, especially in the light of this week's NMC annual report, which noted that SA industry was hit by 342 strikes and work stoppages last year — nearly all of which were illegal

These involved 93 000 workers and resulted in the loss of 226 554 man hours. However, the majority (75%) were of reasonably short duration and lasted one day or less. The eastern Cape, followed by the PWV area, were hardest hit

Wages were cited as a causal factor in most strikes (48%). Although the average earnings of workers of all groups increased by 20% in the nine months to September 1981, the gap between white and black pay continued to widen, though earnings did outstrip inflation

The number of strikes last year indicates a dramatic increase over the previous year (207). However according to the report "although the increase in strikes appears fairly sharp at first glance, (comparison) with other countries shows that the effect it had on the country's production as a whole was still smaller than in most of the developed industrial countries.

Union membership, at present, is nowhere near that of other developed countries. The 200 registered unions, with a total membership of just over 1m at the end of 1981, represent 12,2% of the registered workforce. This compares with unionisation in Sweden of 83%, UK 50%, Germany 38%, Japan 33% and the US 20%.

There were 21 unregistered trade unions with an estimated membership of nearly 100 000 and it is likely that this number will increase. "A number of the new trade unions have indicated that, for the foreseeable future, they will not make use of the negotiating machinery of the Labour Relations Act and consequently will not register," the report notes

As a result, it seems recognition agreements have become increasingly popular, with an estimated 200 employers entering into them.

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

166

To amend the Manpower Training Act, 1981, so as to provide for the payment of training allowances in respect of certain training; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 7 June 1982.)*

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

1. Section 1 of the Manpower Training Act, 1981 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the definition of "employer" for the expression "37 and 38" of the expression "37, 37A and 38" Amendment of section 1 of Act 56 of 1981

2. Section 2 of the principal Act is hereby amended by the substitution in subsection (2) for the expression "section 37" of the expression "sections 37 and 37A" Amendment of section 2 of Act 56 of 1981

3. The following section is hereby inserted in the principal Act after section 37. Insertion of section 37A in Act 56 of 1981

15 "Training allowances in respect of certain training

20

25

30

35

37A. (1) Subject to the provisions of subsection (2) the Minister may, on such conditions as he may deem fit and on such basis as he may determine with the concurrence of the Minister of Finance, out of moneys appropriated by Parliament for that purpose, pay to any employer in any area designated as an industrial development area by the Minister of Finance with the concurrence of the Minister of Industries, Commerce and Tourism, training allowances in respect of any training which his employees receive or have received at or under—

(a) a group training centre,

(b) a private training centre;

(c) a training scheme,

(d) a centre or scheme for which provision is made in an agreement which has in terms of section 48 of the Labour Relations Act, 1956 (Act No 28 of 1956), been declared binding, or

(e) a centre or scheme conducted in an area or territory—

(i) for which a legislative assembly has been established in terms of the provisions of the National States Constitution Act, 1971 (Act No. 21 of 1971),

(ii) which formed part of the Republic and became an independent State in terms of an Act of Parliament

for full text see act box

UNION REGISTRATION

Wait for 1984

(16) FM 25/6/82
Legislation to implement the recommendations of the National Manpower Commission (NMC) on the controversial issue of trade union registration may be introduced only in the 1984 session of Parliament. In addition, any major overhaul of the Industrial Court and works councils will probably also have to wait until then.

While both the Industrial Court and works councils are criticised by trade unions and some employers, registration has become one of the most divisive labour issues in SA. A significant number of emerging unions are refusing to register because they believe the present system places too many controls on them. Some employers regard the system as cumbersome and bureaucratic.

Late last year, the NMC circulated a document containing a variety of options on registration — some of which go a long way towards satisfying unions which are vehement critics of government labour policies. The document raises hopes that government might make important reforms.

The FM has learned from sources in the Department of Manpower that legislation on this issue will probably be passed only in 1984. The NMC needs time to analyse the widespread reaction it has had to the document. Government then has to reach a decision about the NMC recommendations.

With some exceptions, proposed legislation for next year's session needs to be ready by the end of September. Sources predict that officials dealing with legislation on registration will not be able to meet this deadline. There may be some minor amendments to the position of works councils and the Industrial Court in next year's session, but any major alterations to them will probably also take place in 1984.

166 Law 7/7/82
Labour laws are to ignore colour and sex

There will be no discrimination in terms of colour or sex in a new Bill on conditions of employment, says the Director General of Manpower, Mr P J van der Merwe.

He told yesterday's conference on industrial relations held by the International Association of Commerce and Economics (AISEC) that sex discrimination would also be removed from social security regulations in the Wages Act from November 1.

During the late 1970s, said Mr van der

Merwe, problem areas had been identified and the Government had introduced policy to develop the country's labour potential through improved skills and productivity.

With the advent of autonomy for trade unions and employers' organisations, the age of paternalism was past and legislation had provided for maximum self-government.

Freedom should be exercised with respect for order. Labour peace was a function of management and dialogue and not a

function of the Government.

To meet the demand for skilled manpower, with the training of workers from highest to lowest levels, the Manpower Training Act of 1981 was totally colour blind.

Mr van der Merwe said employers were not making full use of legislation, and practice was lagging behind policy developments which could produce improvements.

"Legislation will only fail if employers do not make it succeed," he said.

11 111 - 2 15 17 - 1 15

~~157~~ ~~157~~ ~~165~~

166

RAND DAILY MAIL, Friday, July 16, 1982

5

Enter in question it has (2) and

'Closed shop' to be tested in court

By STEVEN FRIEDMAN
Labour Correspondent

THE controversial "closed shop" provision which forces workers to belong to a trade union, is to be tested in the Government's new industrial court

The case is likely to be closely watched by both employers and unionists. The closed shop is firmly supported by most established unions but has been attacked by emerging unions and employers, who see it as a violation of workers' freedom of association.

The registrar of the industrial court confirmed this week that the case, brought by Natal furniture company Grafton Everest against the furniture industry's Natal Industrial Council and the National Union of Furniture and Allied Workers (NUFAW), an affiliate of the Trade Union Council of SA, is to be

heard. He said a date for the hearing had not been set. "The parties are negotiating on a date and we are waiting for them to come back to us," he said.

The case concerns an agreement negotiated at the Natal council which means all black furniture workers must belong to the NUFAW. The closed shop in the union has only recently been extended to blacks.

Grafton Everest brought the case after three of their workers refused to join the NUFAW. The council told the company it must fire the workers.

At one stage, the council sent an agent to the plant to evict the three. But he was turned back and they are still working at the plant.

It is understood that the three refuse to join because they support the unregis-

tered SA Allied Workers' Union. Informed sources say other NUFAW members at the plant originally backed the SAAWU.

The company has now taken the case to the court, arguing that to fire workers because they refuse to join a union is an 'unfair labour practice'.

The NUFAW's secretary, Mr Mohan Lalaram, confirmed yesterday the company had brought the case but added "We believe their attorneys have told them there is nothing illegal about the closed shop."

"Instead of doing this, why didn't they apply to the Minister of Manpower for an exemption from the closed shop, which they can do?" he said.

It is understood that the company has not asked for an exemption because this would mean that the closed shop principle would not be tested in court.

nal

Date

Degree/Diploma/Certificate for which you are registered (e.g. B.A., B.Sc.)

Subject ECONOMICS
(to be copied from the heading on the Examination Paper)

Paper No PAPER 201
(to be copied from the heading on the Examination Paper)

Exam-ners' Initials		

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
- 2 Blue or black ink must be used for written answers. The use of a ball point pen is acceptable. Red or green ink may be used only for underlining, emphasis or for diagrams, for which pencil may also be used
- 3 Names must be printed on each separate sheet (e.g. graph paper) where sheets additional to examination book(s) are used
- 4 Do not write in the left hand margin

WARNING

- 1 No books, notes, pieces of paper or other material may be brought into the examination room unless candidates are so instructed
- 2 Candidates are not to communicate with other candidates or with any person except the invigilator
- 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

HENSILWOODS
Established 1894

**SALE OF
MEN'S WEAR
STARTS**

TOMORROW

**SPECIAL OFFERS:
BIG REDUCTIONS**

- ★ **SUITS** Trevira/Wool,
3 piece, plain colours
and boardroom patterns **R99,95**
- ★ **TROUSERS** Wash and
wear casual styles **R18,95**
- ★ **DENIM JEANS**
Reduced from R23,95 to **R16,95**
- ★ **CORD JEANS**
Special offer **R18,95**
- ★ **WINTER PYJAMAS**
Reduced to clear **R13,95**
- ★ **WINDBREAKERS**
Corduroy were R23,95
now **R14,95**

ADD GST

**DON'T MISS THE LOUNGE SHIRTS, SPORTS SHIRTS,
SOCKS, JACKETS, DRESSING GOWNS — ALL TO CLEAR**

HENSILWOODS
Established 1894

**MAIN ROAD, CLAREMONT
PHONE 64 4110**

SPORTS COAT SALE
Oddments & broken ranges usually
sold up to R89.95
Now **R49.95**
No trade-in required

Blazers (all wool) **R69.95**
GST EXCL SIZES 87-134

ANDY'S
Plus GST **MAN'S SHOP**

282/4 VICTORIA ROAD, WOODSTOCK PHONE 47-4313

**Urgent need
for pregnancy
benefits**

LEGISLATION providing working women with pregnancy benefits, creches and lactation feeding facilities at their work was urgently needed, members of the South African Nutrition Society heard at their ninth biennial congress in Cape Town yesterday

**Son's
death: Is
it Ruth's
curse?**

Argus Bureau
LONDON — The son of murderess Ruth Ellis — the last woman to be hanged in Britain — died of a massive overdose of drugs, a coroner's court was told

Andre MacCallum, 37, never got over the death of his mother. His last wish was that he should be buried alongside her in an isolated grave at Old Amersham, Buckinghamshire

After a hearing at Westminster coroner's court yesterday it was disclosed that Andre was the fourth member of the family to die since the execution

LOVER

Ruth's elder sister, Mrs Muriel Jakubait, said "I pray that Ruth has not put a curse on us"

Mrs Jakubait has seen her mother and father, youngest sister and nephew, Andie die since Ruth was hanged in 1955 for the murder of her lover David Blakely

"All the deaths were directly involved with my sister being hanged," said Mrs Jakubait

"My parents and sister died from depression and broken hearts Andie was only 10 when his mother died, but he was devastated by it. He never completely recovered"

Addressing the congress, Dr E F P Jelliffe, lecturer and researcher for population, family and international health at the University of California said malnutrition and infant illness could be checked extensively by breast-feeding

Breast-feeding, however, was not always possible when working women were separated from their children

A RIGHT

Legislation laid down by the International Labour Organisation outlining benefits and rights of women with infants did not affect all countries, she said

While it was found in many Western countries it was more common in communist countries

Where legislation was not enforced and facilities were not available mothers should contact employers trade union officials and health officials

"It is a woman's right to breast-feed her baby," Dr Jelliffe said

In 1979 only two per cent of all factories in Brazil provided creches and lactation feeding facilities for women employees

"After an extensive State programme emphasising the need for breast-feeding, 85 per cent of factories laid on these facilities"

For breast-feeding to catch on again effective education was necessary

"The confidence of mothers that they can breast-feed their children needs to be regained and there is a need to break blocks, such as the fear through psychological blocks, such as the fear that they will lose their figure"

ARGUS 20/7/82
166

Wiehahn predicts emphasis on job security

MAGUS 29/7/82

166
134
132
131

WITH the downturn in the economy job security could assume prime importance in collective bargaining between employers and trade unions, Professor Nic Wiehahn, of the School of Business Leadership at the University of South Africa, said in Cape Town last night.

Retrenchments could become issues of negotiation, as could the causes of strikes and other forms of labour unrest, he added.

"This could also however, have a mitigating effect on labour unrest since trade unions fear that some employers could use a strike as an opportunity to rationalise their work forces, to mechanise, to computerise or automate their operations, thus reducing their work forces," said Professor Wiehahn.

He was speaking on "Future Perspectives for Industrial Relations in South Africa" at the annual meeting of the National Occupational Safety Association (NOSA).

Advance

Professor Wiehahn said that in the immediate future blacks could be expected to advance more rapidly into higher jobs, particularly in multinational companies.

However, if this advancement took place without the approval and support of non-blacks it could lead to polarisation between industries.

"Whites, the coloured and Asians, who would be unhappy to work under a black manager or foreman, could choose to leave and work for another company where the advancement of blacks was perhaps more conservative."

Another possible development was that the number of trade unions that would affiliate with international trade union movements would increase.

In other words industrial relations would receive more attention from international labour bodies.

Pressure

He said "For example, strikes in South Africa nowadays are reported in overseas media almost the same day they occur here putting the local management of the multinational company under pressure from two sources."

There was already strong evidence that many of our trade unions, particularly black ones, are becoming politi-



Professor Nic Wiehahn

cised in an anti-free enterprise philosophy."

He described this as a micro form of political ideology which could be summarised as "socialism versus capitalism," and it placed a new importance on industrial relations at the micro level.

"All these developments will further accentuate the importance of industrial relations in South Africa — its development training the management of it, and the need to keep up with developments in this field," he said.

Earlier, Professor Wiehahn warned of the consequences had South Africa not introduced changes in 1979.

Alienation

"Had we not changed our policies, scrapped many laws and rationalised others, had we not abolished discrimination on the basis of colour race and sex the labour unrest would have been much worse, and would probably have caused much more harm, than in fact it has done," he said.

"We would have alienated moderate blacks who willingly, and in great numbers, would have joined intimidators and agitators, and we would have exposed multinational companies in South Africa to anti-discrimination and desegregation legislation against them in their parent countries."

"We would have torpedoed the industrial council system completely for the black workers and we would have continued to prostitute our consciences on moral and ethical grounds by allowing blacks to work for us and with us, yet excluding them from the basic principles and mechanisms of industrial democracy."

Labour reforms 'defused' revolt

CAPE TIMES 29/7/82 122/30 166

Staff Reporter

MR Fanie Botha's labour reforms had helped defuse revolution in South Africa, Professor Nic Wiehahn told the annual meeting of the National Occupational Safety Association (Nosa) in the City last night.

Professor Wiehahn, a director of companies, academic and chairman of the Wiehahn Commission on Labour Legislation, said industrial reforms introduced after 1979 — for which Mr Botha, the Minister of Manpower, should take most of the credit — were "fundamental and drastic".

They did not appeal to "those who believe change in South Africa must be revolutionary and not evolutionary".

Professor Wiehahn said a number of people, including journalists and other writers, would do everything to create the impression that labour reforms were cosmetic and a sham "To these people, reforms are counter-productive to revolution — the means by which they want to change our society".

Pessimists viewed the labour unrest of the years since 1979 as alarming, even calling it the "Wiehahn disease" but

labour unrest had been on the increase since the mid-seventies.

"Had we not introduced the changes in 1979, had we not abolished discrimination on the basis of colour race and sex, the labour unrest would have been much worse."

Alienated

"We would have alienated moderate blacks, left many employers completely destitute of any officially recognized system to regulate their relations with black workers and exposed multinational companies in South Africa to anti-discrimination legislation against them in their home countries."

"We would have continued to prostitute our consciences on moral and ethical grounds by allowing the blacks to work for and with us and yet exclude them from the basic mechanisms of industrial democracy."

At the annual Nosa (Western Cape) meeting last night, Professor Wiehahn presented safety awards to Rembrandt (Paarl), Reckitt and Colman (Ndabeni), AECI (Somerset West) and Somchem (Faure). In the safety effort and experience competition, S A Nylon Spinners-Yarn Works (Bellville) won the Blumberg Shield for firms employing more than 500 workers and Brooke Bond Oxo (Retreat) won the Blumberg Shield for less than 500 workers.

(166) stan
In reverse
5/8/82
on labour

Political Staff

All labour reforms introduced by the Government over the past three years would be tossed out if the Conservative Party came to power

Mr Frank le Roux, MP, who handled the Conservative Party policy on manpower, said in Pretoria "the greatest threat to the self-determination of whites is in the labour field"

Union rights would be given only to citizens of "white" South Africa and other race groups would have union rights only in their own areas

Similarly, job reservation for whites would be re-introduced in "white" areas.

itis drug ban pour in er wonder drawal

had prescribed the
dred that there was

g to be very helpful
to wait and see what
as flooded with calls
ments" he said

said although there
u patients, several
the drug

n, general manager
n branch of Eli Lilly
yesterday that the
scribed for arthritis
Africa

an estimated 5 000
arthritis sufferers
were mainly people
the age group most
by arthritis

evy was disappoint-
drawal of the drug as
safe and effective
ne world-wide with-
was the controversy
ng of the drug in the
d Mr Newton

Another Johannesburg doctor said
yesterday that the withdrawal of the
drug was "possibly an over-reaction"

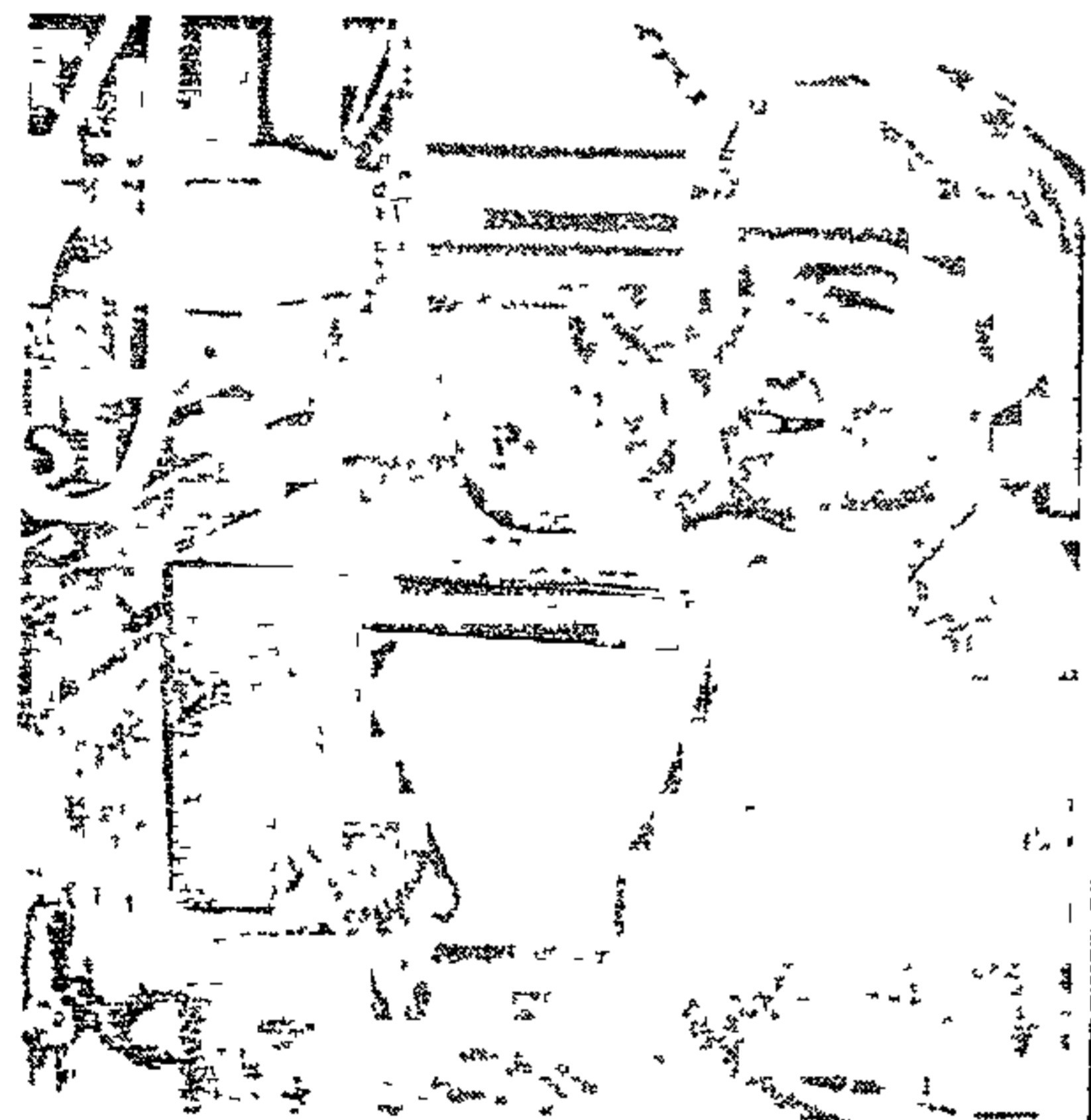
"The withdrawal of Oraflex is very
sad for some people because it has done
them a lot of good," commented the
doctor

And in London, reports Sapa-AP a
leading British doctor has said he would
continue prescribing the drug and
claimed it was no more dangerous than
many others in regular use, including
aspirin and penicillin

"We have had a number of calls from
patients asking whether they should stop
taking it," said Dr Tony Clarke a top
consultant with the Royal Hospital for
Rheumatic Diseases in the south west
England city of Bath

My answer is that where they are
having no problems and it is benefiting
them, there is no reason why they should
come off it"

On the other hand Professor Arnold
Beckett past president of the Pharma-
ceutical Society of Great Britain, said he
had persistently issued warnings about
the drug at international conferences



Pieterenella Stimpé, 23, from the Netherlands, one
of the tourists released by dissidents

Pictures: DANIE COETZER

girls tives

Miss Trimpe "I will come
of the trip was fantastic"
sunsets in the North African
elling drives through central
and getting stuck in deep
their male counterparts
tracks for their vehicle cook
met and were

Hunt for kidnap victims goes on

HARARE — The hunt for six

Labour laws to get a facelift

By STEVEN FRIEDMAN
Labour Correspondent

THE Government is to pub-
lish key amendments to
the Labour Relations Act
for comment next week.
the Director-General of
Manpower Dr Piet van
der Merwe said yesterday
The Act governs bargaining
between employers and
unions Department offi-
cials are tightlipped about
the proposed changes, but
informed sources suggest-
ed they could evoke angry
reaction from conserva-
tive unions

There are also signs that they
deal with key labour rela-
tions issues

Dr Van der Merwe, who was
addressing a seminar or-
ganised by Volkswagen in
Johannesburg, was asked
whether a cooling-off peri-
od during disputes was a
good idea and he replied
that he could only com-
ment after the Bill was re-
leased There are indica-
tions, however that the
Bill does not deal directly
with strikes

In his address Dr Van der
Merwe also indicated sym-
pathy for some form of di-
rect bargaining with un-
ions at individual factory
level and said this would
have to live side-by-side
with official industry wide
bargaining

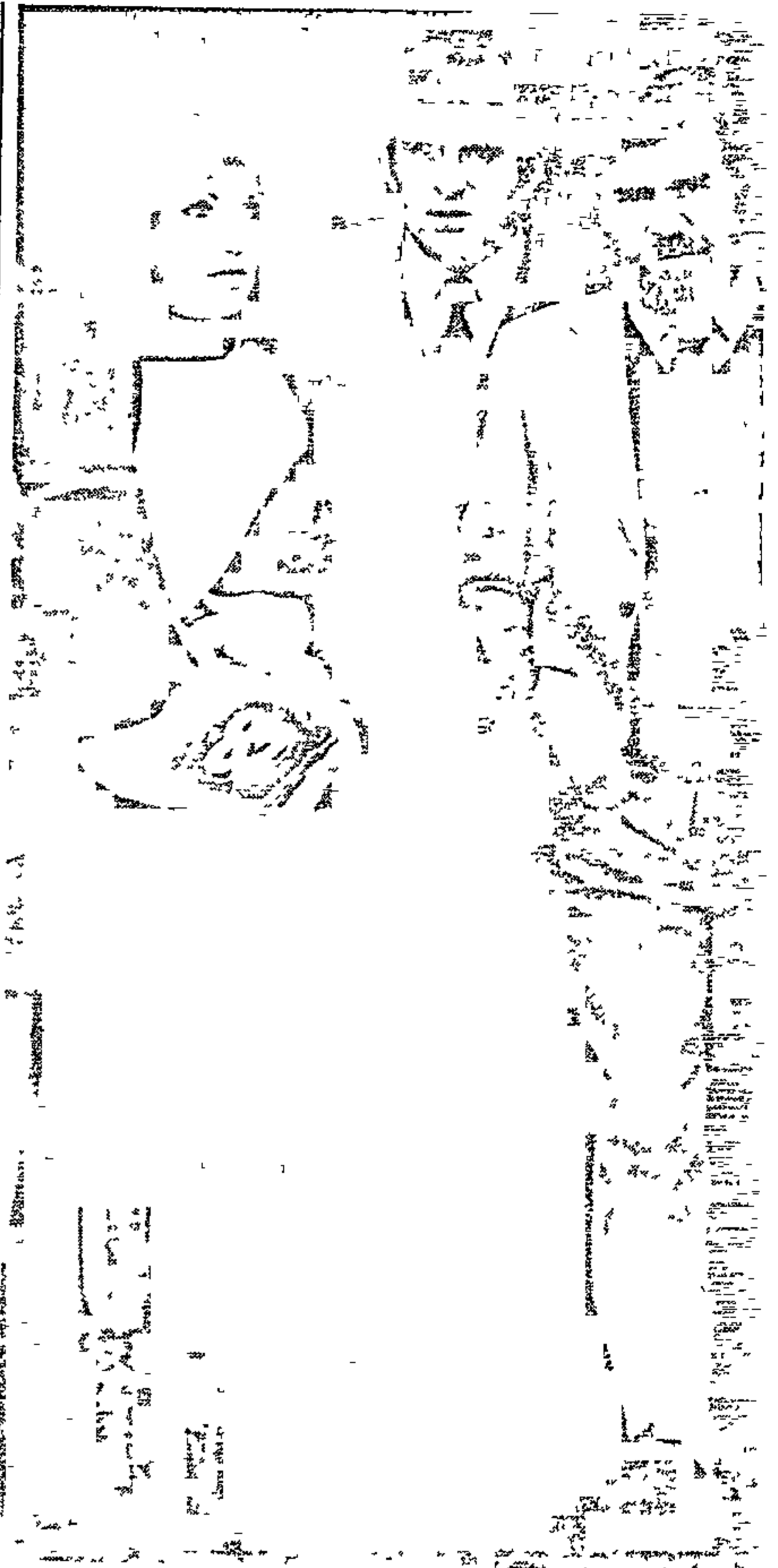
Direct plant bargaining is a
major demand of most
emerging unions but has
been resisted by employers
in key industries who sup-
port bargaining through in-
dustry-wide industrial
councils

Dr Van der Merwe said that
we may perhaps be too
concerned about enter-
prise-bargaining at the
present moment and
warned against alarmist
attitudes

Plant bargaining he added
was the earliest and still
the most widespread form
of bargaining in the
world

Dr Van der Merwe also cau-
tioned against alarm at the
country's strike record
over the past two years
adding that strikes in most
West European countries
cost far more man days
per hundred workers

Manpower department
sources said yesterday
that a Bill to regulate la-
bour broking which was
published recently is to be
republished with key
changes to the original
version



Mr Angelo Kondes, centre, outside the Rand Supreme Co
claiming nearly R3-million in damages from an insurance
a car accident

SA newsletter

By JOHN MATSONN
Washington Bureau

WASHINGTON — The South
African Embassy in Wash-
ngton is distributing a news-
letter put out by the former
Muldergate editor Mr Mar-
tin Spring, warning of an
ugly confrontation between
SA and the United States
over a possible Reagan Ad-
ministration sell out of South
Africa

The newsletter also pre-
dicts that the Progressive
Federal Party under Dr Fre-
derik van Zyl Slabbert's lead-
ership is condemned to sur-
vive only as a kind of
successor to the native repre-
sentatives who made a

strong impact in Parliament
in the 1930s and 1950s

Americans close to the
Reagan Administration have
been puzzled to receive the
newsletter at a time when
they believed their friendly
approach to SA had led them
to the brink of a break-
through in the South West
Africa negotiations

The newsletter predicts
that the honeymoon between
SA and the US will probably
end soon and it would be wise
to prepare for the worst even
while continuing to hope for
the best

It says there is no reason to
believe that President Rea-
gan will not go along with

some
force
sett'

As

a

Vietna

and b

na, r

be su

will

once

The

headl

the P

been

its A

tion a

time

turns

Re

dem

Proposed labour law changes out soon

7/8/82 (166)
D. Dispatch

JOHANNESBURG — The government is to publish key amendments to the Labour Relations Act for comment next week, the Director-General of Manpower, Dr Piet van der Merwe, revealed yesterday to a seminar organised by Volkswagen here

The act governs bargaining between employers and unions. Department officials are tightlipped about the proposed changes, but informed sources sug-

gested they could evoke angry reaction from conservative unions

There are also signs that they deal with key labour relations issues

During the seminar, Dr Van der Merwe was asked whether a "cooling off period" during disputes was a good idea and he replied that he could only comment after the bill was released. There are indications, however, that the bill does not deal directly

with strikes

In his address, Dr Van der Merwe also indicated sympathy for some form of direct bargaining with unions at individual factory level and said this would have to live side-by-side with official industry-wide bargaining

Direct plant bargaining is a major demand of most emerging unions, but has been resisted by employers in key industries who support bar-

gaining through industry-wide industrial councils

Dr Van der Merwe said that "we may perhaps be too concerned about enterprise-bargaining at the present moment" and warned against "alarmist attitudes"

Plant bargaining, he added, was "the earliest and still the most widespread form of bargaining in the world" — DDC

SA Foundation praises labour laws

LABOUR legislation in South Africa has created new industrial opportunities but, in the absence of similar political development, workers' leaders will use labour as a political platform.

This was said by Mr Gavin Relly, president of the South African Foundation, when he addressed members of an employers' association, Verband van Nederlandse Ondernemers, in Amsterdam, Netherlands, this week. Mr Relly said new legislation had opened

trade unionism to all races and the country was now free to advance, retreat or go sideways with other countries enjoying the burdens and supposed rewards of industrial democracy.

POLITICAL

This, Mr Relly said, was a dramatic change from the past and excited the enthusiasm of those who wanted to use the new-found industrial freedom for wider political purposes.

He also said South Africa was forced into an excessive and seemingly obsessive preoccupation with security by a determined programme of destabilisation by revolutionary movements.

Comments on the recent controversial recommendations of the President's Council and the subsequent specially convened Federal Congress of the National Party in Bloemfontein last week, Mr Relly criticised the exclusion of blacks from partici-

FLAW

Although greater autonomy is envisaged at local-government level, the intention to co-opt coloureds and Indians will emphasise this exclusion. This is an obvious flaw, which is being severely criticised.

"But to be realistic, the Prime Minister probably went as far as he could, given current white political constraints," said Mr Relly.

He saw the progressive changes initiated by Mr P W Botha as aimed essentially at righting "a generation of neglect and stupidity".

"For some years now, change in South Africa has largely taken place outside of Parliament — in the areas of labour and a freer economy and in the attitudes of employers and many South Africans in general.

"The essential unity of the economy has been re-emphasised and, with one exception, all former race discrimination in industry has been removed.

"The focus of South African affairs has shifted dramatically to the area of industrial relations and the future will be largely bound up with problems of trying to make an enlightened industrial-relations system work," he added.

He went on to say that the split in the National Party had broken the logjam of Afrikaner political unity and signalled a new period of more-realistic and less-ideological politics.

Labour disputes: New legislation

CAPE TIMES 13/8/82

Own Correspondent

PRETORIA — New legislation to streamline the machinery and procedures for settling labour disputes would be published in today's Government Gazette the Minister of Manpower, Mr Fanie Botha announced last night

The changes would be contained in the draft amending the Labour Relations Bill, 1983, which would be published today for general comment and information, he said

The bill was first published in January this year, but had to be published again because of certain changes made to it

The amendments relate to Section 35 of the Act, which deals with the appointment of conciliation boards, and are aimed at providing an official forum for the settlement of disputes in industries and

areas where no industrial council has jurisdiction and where one of the parties is an unregistered trade union or unregistered employer's organization

The members of such a body can, under the present system, apply for a conciliation board in their own right, but the union or organization is legally excluded from doing so

Proof

"The amendments and the publication of the bill for comment are further proof of the government's declared policy of consultation with all interested parties," said Mr Botha

"It is also proof of the government's policy of helping to maintain sound labour relations and to bring about the settlement of disputes which can disrupt the country's economy"

Labour
laws
ROM
'must be
13/8/82
changed'

Pretoria Bureau

LAWs would have to be changed to enable the public sector to employ more blacks, coloureds and Asians to ease the labour shortage, the annual meeting of the SA Institute of Public Administration in Pretoria was told yesterday.

The chairman of the Prime Minister's Economic Advisory Council, Professor Simon Brand, said the public sector's share of employed manpower, outside agriculture, was one quarter of all population groups, and more than a third of whites.

He stressed that Government regulations restricted the full use of all the country's manpower resources.

Whites provided about half the workers in the Government sector. This was out of proportion considering they constituted less than 20% of the total population.

This reflected the official policy that blacks, coloureds and Asians should only be employed in posts where they served their group.

This meant an artificial limitation on the exploitation of the country's total manpower potential.

Prof Brand said if the total demand for manpower for the public sector increased, and the policy was unchanged, whites would be taken up to an increasing extent in the public sector.

At the same time the private sector, also to an increasing extent, would have to rely on black, coloured and Asian workers.

An adequate broadening of the sources of trained manpower, even to provide for the present demand, would call for adjustments in legal and administrative regulations which at present limited the full use of the country's manpower sources.

Trade unionists dismiss Govt's incorporation bid

16
13/2/82
Mercury

Labour Reporter

TRADE unionists from the emerging — mainly black — trade unions yesterday dismissed the Government's efforts to incorporate them into officially sanctioned dispute-settling procedures in a bid to maintain industrial peace

They were responding to the Minister of Manpower, Mr Fanie Botha's announcement of proposed legislation aimed at allowing unregistered trade unions access to conciliatory procedures

At present members of an unregistered trade union can apply for a conciliation board in their own right, but the union is legally barred from doing so

The conciliation boards consist of an equal number of representatives of employers and employees and provide a formal forum for the discussion of disputes where no industrial council exists.

Strength

According to a statement by Mr Botha, the proposed amendments make provision for an unregistered trade union to represent its members in its own name 'in the interests of maintaining sound relations between employees and employers'

The national organiser of the unregistered South African Allied Workers' Union, Mr Herbert Barnabus, said the reforms 'do not entice us because we believe in worker strength at the level of the factory floor and prefer to deal with our disputes at that level'

'Anyway, we will not involve ourselves in any Government-orientated institution while it makes these vague reforms,' he said

Mr Jan Theron, the general secretary of the Food and Canning Workers' Union, said although the reforms were an interesting concession to unregistered trade unions, the industrial conciliation machinery left the working class 'with no teeth' because it deprived them of the right to strike

Impartial

Industrial conciliation boards, arbitration and the other aspects of the officially sanctioned system lean too heavily towards the interests of the employer, he said

The Council of South African Trade Unions' Natal regional co-ordinator, Mr Norman Middleton, backed up Mr Theron by saying industrial conciliation boards cannot be seen as being impartial

He said their affiliated unions were extremely suspicious of 'things set up by the Government'

Labour disputes: New Bill

Argus Correspondent

JOHANNESBURG. — Far-reaching proposals aimed at resolving labour disputes were published in today's Government Gazette. They are intended to streamline mediation and arbitration

The significant proposed amendments to the Labour Relations Bill are

● Allowing unregistered trade unions and employer bodies access to machinery to settle disputes

● The Minister would have the authority after consultation with involved parties to appoint a mediator to arbitrate in a dispute

● The Minister could establish conciliation boards to resolve a dispute if he thought a speedy settlement was in the national interest

The Draft Labour Relations Amendment Bill, 1982, is published for comment

Trade unions see the amendments as a positive response by the department to labour unrest

"SCOPE"

At present, a registered union must apply for an extension of scope if it wishes to organise members in any area outside the bounds defined in its registration certificate

Under the new scheme, unions would have to prove representivity of workers in an area

The scope issue has been a sore one for affiliates of the Federation of SA Trade Unions (Fosatu) because appeals for the appointment of a board to mediate have been turned down on the basis that the unions did not have the extended scope to organise in certain regions

A Fosatu spokesman said "The Government appears to have been responsive to the kind of problems our unions have faced, and we hope they are moving away from the formalities imposed in the registration system"

RESISTANCE

However, there is likely to be some resistance to the proposals from unregistered unions

Largely black unregistered unions have been critical of any involvement in Government-created institutions rejecting outside arbitration and preferring collective bargaining on the shop floor

Under the proposed amendments, an unregistered union would have to prove more than 50 percent membership of workers at a plant to establish representivity to be able to apply for a conciliation board

Govt proposes to ease mediation in labour unrest

By Tony Davis,
Labour Reporter

Far-reaching proposals aimed at resolving labour disputes are published in today's Government Gazette

The proposed amendments to the Labour Relations Bill were disclosed by the Minister of Manpower, Mr Fanie Botha, in Pretoria yesterday

The significant amendments are

- Unregistered trade unions and employer bodies will have access to machinery for settling disputes

- The Minister will

have the authority, after consultation with involved parties to appoint a mediator to arbitrate in a dispute

- The Minister may establish conciliation boards to resolve a dispute if he considers a speedy settlement to be in the national interest

The "Draft Labour Relations Amendment Bill, 1983" is being published for comment by interested parties and amendments to the Act would be made on the basis of comments where applicable

Trade unions see the amendments as a posi-

tive response by the department to labour unrest

The amendments will streamline mediation and arbitration which have fallen under criticism in the past

But there is still likely to be some resistance from unregistered unions to the proposals

Largely black-member, unregistered unions have been critical of any involvement in Government-created institutions, rejecting outside arbitration and preferring collective bargaining on the shop floor

Under the proposed amendments, an unregistered union would have to prove more than 50 percent membership of workers at a plant to establish representivity to be able to apply for a conciliation board

But Mr Botha said that figure was open to interested parties to suggest alternative levels

Unregistered unions would also be required to provide the department details of membership, constitution and accounts

Ministerial power to appoint a mediator to arbitrate in a dispute would replace the existing system in which an issue is first considered by a conciliation board or industrial council.

Mr Botha said it was the function of a council to resolve disputes, but if it were unable to do so then arbitration through an independent mediator or the industrial court could be sought.

"Damage is sometimes done during delays in procedure during a dispute. The question is now one of putting at the disposal of the parties involved, immediate machinery to resolve disputes," the Director-General of the department, Professor Piet van der Merwe, said

An appointed mediator would have to be acceptable to both parties in a dispute and they were not bound to accept the department's recommendation, Mr Botha said

166

Star

13/8/82

By SANDRA SMITH
 PROPOSED amendments to the existing labour legislation announced today by the Minister of Manpower, Mr Fame Botha, have met with a guarded response from unionists and employ-

However, the official Opposition has welcomed the draft legislation which makes provision for the inclusion of unregistered trade unions in the settling of disputes

The draft Labour Relations Amendment Bill, 1983, would make it possible for an unregistered union or employers' organisation to represent its members on a conciliation board

It would provide a forum for the settlement of dis-

putes in industries and areas where no industrial council had jurisdiction and where one of the parties was a representative unregistered trade union or employers' organisation

A second change to existing legislation would be that the Minister of Manpower would have the authority, in consultation with the involved parties, to appoint a mediator, instead of a dispute first having to be considered by an industrial council or

conciliation board

The proposed legislation also makes provision for direct arbitration in any dispute

The PFP spokesman on manpower, Dr Alex Boraine, said "I am confident that both unions and management will welcome a streamlining of legislation which will assist in resolving conflict at an earlier stage than at present

"While a careful study will have to be made of the draft proposals, it appears

the Government is more ready to make provision for the existence of unregistered trade unions than it has been up to now"

The head of the Department of Industrial Relations at the University of Port Elizabeth, Professor Roux van der Merwe, said it was encouraging that unregistered trade unions were being brought into the formal dispute-settling machinery

It was also encouraging that the State was again ex-

amining the function of a mediator to settle disputes as deadlocks were increasingly becoming a feature of disputes

"Mediation leads to a negotiated settlement, whereas arbitration does not. Therefore the emphasis on mediation is a good thing," he said

Unionists were reluctant to comment until they had an opportunity to study the implications of the proposed legislation

Ford's director of industrial relations, Mr. Fred Ferreira, said while he had not had an opportunity to study the proposals, the move to accommodate unregistered trade unions was to be welcomed

● See Page 3

166 E. Post 13/8/82
Labour Bill proposals generally well received

Unions suspicious on new labour dispute draft

Mixed views on labour plan

MOST trade unions have mixed feelings about the dramatic streamlining of mechanisms for settling labour disputes as announced by the Minister of Manpower, Mr Fanie Botha.

By JOSHUA RABOROKO

According to the draft Labour Relations Amendment Bill published last week, existing legislation would be amended so as to

- Allow labour organisations, including unregistered unions and employee organisations, access to the machinery for settling disputes
- Speed up the conciliation process
- Give the president of

the Industrial Council Court the discretion to release general information of court decisions

Fosatu's spokesman Mr Chris Dlamini, has expressed his reservations about the proposal

"We believe in plant-based negotiations between management and workers and are not in-

terested in this type of machinery brought from outside

"The only type of machinery we are interested in is that set up by the workers and management themselves"

He fears that management could use this outside machinery to their advantage, and said that only a mediator



IN THE PIPELINE: Mwasa's Goba Ndlovu thinks tighter labour laws on the way.

elected by the workers would be trusted by them

Referring to the Industrial Court he said that it was not his union's aim to take their cases there, and "we are not really interested in changes to its workings."

The new machinery might eventually prove itself acceptable but he remained suspicious of it at this stage

However, the Bill had drawn a positive response from the general secretary to the Trade Union Council of South Africa (Tucsa) Mr Arthur Grobbelaar

He said that the idea of speeding up the conciliation machinery and of extending the provisions to include unregistered unions was necessary

Mwasa's acting president, Mr Goba Ndlovu, said that it would appear that stricter labour laws were in the pipeline. The Government is going to force unions to make use of industrial councils he said

"We do not see ourselves working with the Industrial Council Mwasa has an arbitrator in case of deadlock with management and we do not have a conciliation board" he said

Meanwhile, numerous strikes and labour disputes have been reported in the country, despite the proposed Bill's aim to settle labour disputes

'Operation Hunger' to the rescue

PEOPLE in hunger-stricken Northern Transvaal are being supplied with parcels of powdered milk and soup — thanks to the South African Institute of Race

Music while on the move

By ELLIOT MAKHAYA

STATION Moving Music, a travelling radio station aimed at the daily entertainment of approximately 275 Putco buses, will be launched officially on September 1.

We were taken on a ride this week in one of the buses just to get the feel and concept of the station. The sound is quite clear and the music format quite impressive

Each bus is fitted with a fibreglass sound insulating cover to compensate for engine noise

In addition to this, all sound sets are fitted with a sound control circuit, which increases and decreases the volume of the sets to coincide with the revs of the motor. This ensures that the music is never too loud or too soft

The commercial programmes are estimated to be able to reach about 1.3 million passengers dur-

ing daily rush hours

While the station will cover buses in Johannesburg, East Rand, West Rand and Pretoria initially, negotiations are under way to cover Bophutatswana and western areas of Natal

"Four months of testing has proved the new service to be a hit with daily strap-hangers," said Dennis van der Linde of SMM

The station will use two deejays, Hamilton Malaza and Allan Pierce. Hamilton has had a spell with Radio SR while Allan, the big-voiced American has been with Capital Radio

The system is presently in use in Israel, West Germany and Australia and is being well received by commuters

While this sound's a new concept completely, one hazily remembers that in the fifties there was music in township buses known as Msakazo

HÉLIO SHOE BOUTIQUES

BIG WINTER SALE NOW ON



Industrial Bill criticised by labour lawyers

By STEVEN FRIEDMAN
Labour Correspondent

LABOUR lawyers have criticised a clause in the Government's draft Labour Relations Amendment Bill which would allow judgments of the Industrial Court to be made public — but only if the parties to a case agreed in writing.

The Industrial Court, introduced as a "cheap and speedy" forum for hearing labour cases as part of the Government's labour reform package, is part of the Department of Manpower and is governed by the secrecy clause in labour law. This means that the law does not allow the court president to make public court rulings — which could have a crucial bearing on labour relations.

The new Bill would allow the president to do this — but only if he received written consent from the parties involved in an action. The Bill would also allow the president to publicise judgments, but without identifying the parties involved. The release of evidence in court about the financial or business affairs of any of the parties would also be prohibited.

Labour lawyers said the

amendment was an improvement on the present situation in which total secrecy was expected from the court, but added that it was "absurd" and "unprecedented" in any properly constituted legal system for the parties to an action to have the say over whether details of a judgment could be released.

"The possible effects are not hard to imagine. An employer or trade union involved in an action could decide that the judgment was embarrassing.

"They could then ensure that the judgment was not publicised — no matter how vital it is for other employers and unions to be aware of the court's attitude on an issue," a leading labour lawyer said.

Alternatively, they could insist that their names not be published. "This is much like allowing somebody who is sued in the civil courts, and loses, the right to have his name withheld from the public," a lawyer said.

The lawyers argue that this "anomaly" has arisen because the court falls under the Department of Manpower's jurisdiction, rather than the Department of Justice.

166

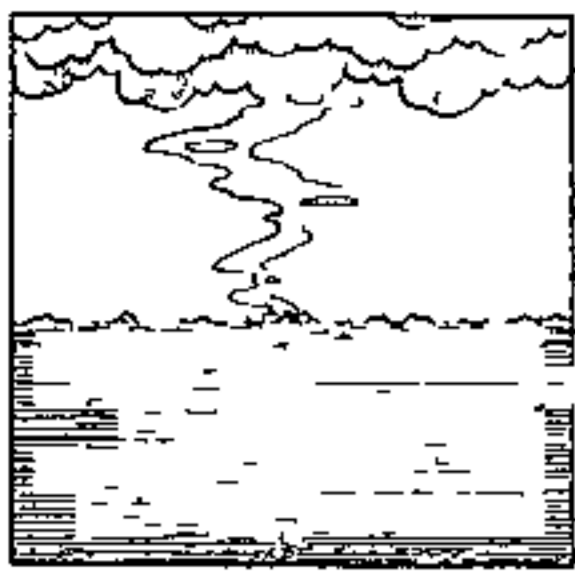
166

152

152

FM 20/8/82

Trying to defuse the strikes



Industrialists facing labour unrest must have perked up when details of proposed amendments to the Labour Relations Act were made public last week. They are fairly precisely aimed at

solve their differences

The Bill is government's response to a sharply rising level of labour conflict. The number of strikes and work stoppages has risen from about 100 a year between 1977 and 1979, to 207 in 1980, and 342 last year. Indications are that the figure will become even higher. In the first half of this year there were 182 strikes and stoppages involving 51 000 workers, compared with 111 involving about 30 000 workers during the same period in 1981.

in favour of employers and result in a highly bureaucratic and protracted grievance-settling process.

But the concession does offer advantages as well. Not only will it enable unregistered unions to hold legal strikes, but it can also force unwilling employers to negotiate.

An important proviso is that a union applying for a board will have to represent more than 50% of workers in the particular industry or concern where the dispute has occurred. Although this has been the practice in the past when registered unions have applied for a board, some observers question whether it is wise to set such a high figure. Unions representing only a small percentage of some companies' workers can be a potent force. Fortunately, senior officials in the Department of Manpower indicate they are willing to reconsider the figure, and say they look forward to comment from both unions and employers on the issue.

Government's desire to encourage the increasing use of mediation opens up interesting possibilities. Mediation is the process in which a trusted outsider, who cannot impose binding decisions, attempts to reconcile two warring parties. It has for long been part of official dispute-settling machinery.

However, at present, a mediator can only be appointed after a dispute has been considered by a conciliation board or an industrial council. Private mediation has been used successfully on a few occasions, but a mediation has generally been called for only after much harm has been done by strikes, firings and consumer boycotts.

Government's hope, therefore, is considerably to speed up the process of appointing a mediator. The Minister will be given authority to offer mediation to the parties in a dispute either before a strike has occurred, or very soon after workers have downed tools. Botha says many disputes result from relatively minor misunderstand-

taking the heat out of labour disputes. Even if the changes have only limited success in curbing the rapidly escalating number of strikes and work stoppages, they represent a significant shift in government's attitude towards the needs of unregistered unions. The necessity of accommodating those needs is, at the very least, symbolically affirmed.

The unregistered unions, representing mainly black workers, have emerged as a strong force in the wake of government's labour reforms. They have displayed a marked willingness to enter into damaging trials of strength with employers. The draft Bill, published for comment last Friday, contains measures which will open up dispute-settling machinery to these unions, and attempt to speed up conciliatory procedures to resolve or prevent strikes. Key proposals are:

- Unregistered unions in industries where there is no industrial council will be allowed to apply for a conciliation board. At present they are barred from doing this, although their members can make such applications in their own right.
- The Minister of Manpower will be empowered to act with great speed to offer the services of an independent mediator to management and unions involved in a dispute.
- The Minister will also be given the right to appoint a conciliation board on his own initiative if he believes circumstances warrant this, and
- Direct arbitration will be available if both parties in a dispute believe a conciliation board will not help them re-

Senior government men have been heartened by calculations which show that the average number of days of production lost by each worker taking part in a strike has declined — from about three days last year to 1.9 so far this year. This is attributed to the effective usage of official dispute-settling machinery and a further decline resulting from the proposed changes to the Labour Relations Act is predicted.

Will this hope be fulfilled? That remains to be seen. The decision to make conciliation boards available to unregistered unions is welcome. These boards are used to resolve disputes in industries and areas where no industrial council exists. Because only about 1.3m of SA's total workforce of 5.5m are covered by industrial council agreements, the concession is an important one for unregistered unions, long deprived of direct access to dispute-settling machinery.

As Manpower Minister Fanie Botha points out, because these unions are deprived of such machinery, there is the danger that the strike is the only weapon at their disposal when they enter a dispute.

Given many unregistered unions' deep distrust of official negotiating systems, it is understandable, if unfortunate, that this concession has received a cool reception from some — but by no means all — of them. The fear is that such boards operate

The striking paradox is that an effort by individuals to ~~earn~~ ^{earn} the maximum result in them all ending up in a position where they would all prefer. This is also known as the prisoner's dilemma. Each prisoner below, each prisoner has the option of admitting his guilt or not of confessing. They will each be better off.

3

ings between management and workers He believes that if he has the authority to act 'as fast as lightning' to offer the services of a mediator acceptable to both parties, it might be possible to defuse many strikes before they become major confrontations

Mediation services sponsored by some Western governments have a good track record American mediators, for example, are able to prevent nearly 90% of the disputes they deal with from ending in strikes By demonstrating the value of negotiation they have contributed to the decline of violent strikes in the US

But what about SA? The greatest impediment is probably the very nature of labour relations in SA — still in their infancy, with a sad lack of trust between employers and workers Some emerging unions are all too likely to be especially wary of an official mediation service Perhaps, in time, the system will generate mutual trust — but it could take some doing The people involved could be all-important

Right now, government does not yet possess a large panel of trained mediators Manpower Director General Dr Piet Van der Merwe indicates a willingness to pro-

vide financial incentives for mediator training, which could draw in the right people But at present there are few experienced mediators

Ultimately, the success of any mediation service provided by government or any private initiative (of which one is quietly gathering momentum) will depend on the credibility of the mediators

There are similar problems in the way of arbitration, with some emerging unions expressing reservations about the use of this mechanism in wage disputes

A proposal causing concern among some unionists is one which allows the Minister to appoint a conciliation board on his own initiative if he considers it necessary in the public or national interest that a dispute be resolved as quickly as possible The element of compulsion contained in this provision is being criticised by unionists and labour academics, who complain that it is contrary to government's stated objective of not interfering in relations between managements and employees

However, the practical effect of this measure might not be as dire as some fear The Minister can propel the parties in a

dispute towards a conciliation board, but he cannot force them to use the machinery it provides in the way in which he might want them to Procedural motions might simply be gone through with no agreement being reached There have, for example, been past cases when board hearings have lasted for only a few minutes

Obviously, there are drawbacks to the amendments But the most significant feature of the Bill is the thinking, even perhaps the goodwill, behind it It shows that government accepts that unregistered unions have become an important force in SA labour And, for the first time, government has displayed a willingness to allow them to use official dispute-settling machinery, a vital part of the whole official bargaining system The rights it proposes to grant them are limited, but an important precedent has been set by the acknowledgement that they deserve such rights

There is also the acceptance of the fact that strikes are an integral feature of labour relations Government has, therefore, acted wisely by trying to simplify dispute-settling machinery and to make it more acceptable to all concerned

Further changes to labour laws in 1983

FURTHER labour legislation changes were to be introduced during the 1983 Parliamentary session, the Minister of Manpower, Mr Fame Botha, said today.

Speaking at a meeting with Port Elizabeth business leaders, he said the most important of these were the Conditions of Employment Bill and the Machinery, Occupational Safety and Occupational Hygiene Bill

"These bills will lead to the repeal of two existing acts, namely the Shops and Offices Act, 1964 and the Factories, Machinery and Building Work Act, 1941," the Minister said

Draft legislation intended to regulate the activities of labour brokers was published for general information and comment on January 29 this year, and legislation to amend the Labour Relations Act, 1956, to provide for the regulation of the activities of labour brokers, was likely to be introduced during 1983

Referring to the decentralisation of the training advisory service of the Department of Manpower from January next year, he said the intention was to establish training sections in the office of each Divisional Inspector of Labour

The Government also intended to establish regional training committees in terms of the Manpower Training Act, 1981, said Mr Botha

Comparative advantage) — so this shows that through a protectionist policy you have gained in the long run for this reason the import industry agreement is valid as far as the protectionist is concerned.

Govt gears to face SA labour challenges

By GERALD REILLY
Pretoria Bureau

THE Government was planning further big changes to meet challenges in the labour field in South Africa, the Director-General of Manpower, Dr P J van der Merwe, said yesterday

Addressing the regional conference of the Afrikaanse-handelsinstituut at Allemanskraal in the Free State, Dr Van der Merwe said although much had so far been achieved there were a number of challenges and problems "staring us in the face"

Speaking on unemployment — he gave no estimates of the number of blacks out of work — he said South Africa was in an abnormal position where it had a shortage of skilled manpower and a surplus of unskilled workers

"The challenge is clear. We must try to create about 250 000 new jobs every year"

Dr Van der Merwe said the country had been struggling for some time with an unparalleled inflation problem which, besides other detrimental effects also affected labour relations

Unemployment, inflation, shortage of skilled labour and labour relations were the important problems

On the future challenges, Dr Van der Merwe said as far as the role of the Government and the Department of Manpower was concerned "I assure you adjustments and changes in the labour field will be continued on an ongoing basis for as long as this is necessary"

He said it was planned to introduce further legislation during the 1983 parliamentary session

One of the most important was a draft Bill on service conditions. This would lay

down the minimum daily hours of work, meal times, payment of overtime, annual and sick leave and other conditions

Further legislative changes would take place in 1984 and in the following years as a result of a number of important investigations being undertaken by the National Manpower Commission

These included the difficult and sensitive issue of registering trade unions and the functions of the Industrial Court

Over the past two years South Africa's labour legislation had been rationalised and modernised and although the process was not completed "we can say to the world, come and see for yourselves"

Sapa reports that the Minister of Manpower, Mr Fanie Botha, told businessmen in Port Elizabeth yesterday that in line with the decentralisation of the training advisory service of the Department of Manpower from January next year, the Government intended to establish training sections in the office of each Divisional Inspector of Labour

"These sections will be headed by senior training advisers who will be responsible for the promotion of training in the region, the maintenance and improvement of training standards, the coordination of training efforts, the payment of cash training grants to industrialists, and so forth

"We hope to involve experts in the field of training in the work of these committees in each region, so as to ensure maximum local involvement and participation on the part of employers, trade unions, employees and educational institutions," Mr Botha said

By MIKE PEIRSON
Finance Editor

SOUTH Africa has nothing to hide and much to be proud of in its industrial relations legislation, Minister of Manpower, Fanie Botha, told a gathering of Durban businessmen on Friday.

"I believe the time has come for us to face our critics," he said, "and to prove to them that our industrial relations system and the well known principles on which it is based, is a sound one and is producing results — despite the desperate attempts by some elements to abuse the system for political and personal gain."

In 1981 the country lost four-and-a-half days for every 100 workers employed in the modern sector of the economy. This compared with Sweden 105 days, Australia 51 UK 45 and the US 35.

The average duration of strikes was reduced to 1.9 days during the first half of this year compared with three days in the same period last year.

At the end of 1981 there were 200 registered trade unions

representing 1.1 million workers. A total of 260,000 black workers were represented by 61 of these unions compared with 100,000 at the end of 1980.

The Minister, however, sounded the same warning as he had to businessmen in Pretoria and Johannesburg early in the week. "Any employer who neglects the interest of the responsible and loyal part of his workforce is courting disaster and deserves little sympathy."

It is beyond apprehension that any employer can take the loyalty of that part of his workforce which acts reasonably and which still rejects the rule of law.

"The time has come for many employers in South Africa to practice the philosophy of

bowing backwards to the dictates of outsiders or militants. The choice is theirs.

"My message to them is stop hiding behind government, put your house in order and face up to your responsibilities. Stand on your own feet and be proud of it."

"To all trade union leaders I would say sort out the false from the truth. There are too many people feeding off your backs who have not spent a single day at the work bench. Ask them what they are doing with your membership fees, ask them to expose their books to public scrutiny as any respectable company is required to do, and ask them who they serve."

The Minister said it was intended to modernise and extend the vocational guidance and placement services

sponsored by his department

"It makes no economic sense to train our workers if we do not also ensure that their skills are applied effectively. Too little attention is often devoted to this and too few employers and employees are utilising the free service at their disposal."

He asked during question time for more co-operation between companies over training programmes to avoid expensive and unnecessary duplication of ideas.

On the unemployment front the Minister provided some devastating figures. At a growth rate of 3.6 per cent, unemployment can be expected to increase from 10.6 per cent of the labour force (900 000) in 1977 to 21.9

percent (2.4 million) in 1987.

At a "favourable" 5 percent the figure is expected to reach 1.3 million by 1987.

"Even this second figure is a dangerous one," he said. "The challenge is clear. We must create 250 000 new jobs every year. The way to do it is through a balanced regional development and growth in Natal and KwaZulu is of particular importance on account of the high rate of unemployment and fast population growth."

He added that the labour scene in this country was in a state of constant change and it was essential to ensure labour policies and legislation kept pace with labour practice.

There would be con-

tinued consultation with business in regard to legislative adjustment. The most important due in Parliament in the 1983 session were the Commission of employment Bill, and the Machinery, Occupational Safety and Occupational Hygiene Bill.

These Bills will lead to the repeal of the Shop and Offices' Act 1964 and the Factories and Building Work Act 1941 respectively.

Also in the pipeline are amendments to the Labour Relations Act 1956 and legislation aimed at drastically streamlining the machinery and procedures for settling disputes.

"Further changes are due to follow in 1984 on the difficult and sensitive issue of the

registration of trade unions, and the levels of collective bargaining, and the functions of the Industrial Court," he explained.

"Many employers in Durban are faced with demands for plant level bargaining and some of you have indeed negotiated such an agreement in accordance with the philosophy of self government and also because there are no legal restrictions on such bargaining. And the Industrial Council System which has served South Africa so well for so long is under attack from certain quarters."

The Minister said, in question time, that while it was necessary to protect existing legislation it was also necessary to adapt to changing circumstances.

Be proud of our industrial Relations laws, says Botha

5/9/82

S. Tribune

166

COMMENT

Never before in South Africa has the question of equality in education been before Government in the way it is now as a major political issue.

It indeed there is a firm intention to implement the principle of equal opportunities for every individual then it has to ask whether it has to accept it through the system with work how it should be clear by now separate systems not worked in the and hold no hope for the future.

A common educational system is necessary because No approach will be acceptable of the majority of people in South Africa.

No approach will be dangerous to the country with its deriving bitter common educational system will make contribution to the non sense of the and (commitment South Africa.

What then are essentials of a good education system envisaged in Lange report? For it to be representative

Black
union
stands
firmly
behind

SATS

Post Reporter

THE Black Staff Association (BSA) of the Cape Midland region of the SA Transport Services (SATS) stands firmly behind its management in SATS's refusal to hold talks with the rival General Workers Union (GWU)

This emerged yesterday in an interview with the BSA's secretary, Mr J Fonya, and the chairman Mr G Pemba

SATS's refusal to meet with GWU representatives led to the sacking of hundreds of Port Elizabeth dockworkers last week after a go-slow — a move which could prove to have international repercussions

SATS's stand is that it cannot deal with any worker representative body outside of its staff associations, which spokesmen refer to as "our own people"

The BSA represents 277 dockworkers in the harbour, the GWU more than 800

Mr Fonya rejected criticisms that workers found the BSA inadequate as a trade union and that it was merely a "puppet" organisation

In addition he felt SATS dealt adequately with all workers' grievances and said employees who were not members of the BSA also had easy access to officials

"It would not work for other organisations to attempt to represent groups of SATS workers. How would SATS negotiate with so many trade unions?" he said

New law could have averted PE dock dispute

Mr Pemba said the BSA could also not accept the International Transport Workers Federation's support for the GWU and its criticisms of the BSA

●The employers of more than 200 Port Elizabeth stevedores, SA Stevedores Ltd, have warned that their employees could embark on a sympathy strike with the dockworkers on Friday if the dispute is not resolved

After a meeting with the stevedore workers' committee and GWU officials yesterday, a SA Stevedores spokesman said unless SATS resolved the dispute, "which revolves around their refusal to acknowledge the basic right of workers to associate freely", the stevedores would embark on a sympathy strike

The company would attempt to resolve the issues through the Department of Manpower and senior SATS management, and would meet stevedore representatives again today, the spokesman said

And today another trade union, the National Union of Textile Workers, condemned SATS for refusing to negotiate with the GWU

The union said SATS's attitude "makes a mockery of the new labour dispensation", and was a serious violation of the internationally recognised principal of freedom of association

By JERRY McCABE

THE dockworker crisis in the Port Elizabeth harbour could have been averted had proposed changes to labour laws been passed, according to a Stellenbosch University industrial relations expert

The draft Labour Relations Amendment Bill 1983, recently published in the Government Gazette, makes it possible for unregistered trade unions to apply to the Department of Manpower for the establishment of a conciliation board

Here employees will meet employers to settle industrial disputes

Professor "Blackie" Swart of the Department of Industrial Relations at the University of Stellenbosch, said the proposed amendments could force employers to negotiate with their workers even if they did not want to do so

It would also be a forum for the settlement of disputes in areas where industrial councils had no jurisdiction and where one of the parties was a representative, unregistered trade union or employers' organisation

According to the head of the Department of Industrial Relations at the University of Port Elizabeth, Professor Roux van der Merwe, this could create a forum where the employer was compelled to listen to his employees — even if they belonged to an unregistered trade union

The dispute between dockworkers of the General Workers' Union (GWU) and the South African Transport Services (SATS) has been compounded by SATS refusal to negotiate with the unregistered GWU

About 400 dockers have been fired

"By refusing to talk to the union, SATS are short-circuiting the very principles of labour relations in this country," Prof Van der Merwe said

He predicted a "great deal of trouble" in the South African labour situation in the period prior to the amendments being passed by Parliament

"It is a significant move in the right direction, but it has unfortunately come a bit late," Prof van der Merwe said

Prof Swart said the success of the changes mooted in the labour laws assumed "that the union involved is prepared to make use of this facility"

Although he could only speculate about what action GWU would have taken, he assumed that "in this specific situation they might just have used the machinery available to them"

He said whereas the labour legislation amendments theoretically also applied to SATS, it depended on whether or not they could be classified as a public service body

The public service is exempt from labour legislation

"SATS are more of a State corporation than a State department. They are independent of taxes and have their own income. I would be inclined to put them in line with the private sector," Prof Swart said

SATS were bound to consider the consequences of any action they took

He said it could be expected that dockworker unions in other countries would sympathise with the GWU dockworkers and this could result in an international boycott on unloading South African ships and goods at foreign ports

-1979-1980-
Council Last month!

Union gets 166
Isced payout

The Black Allied Workers' Union in Natal recently won an out-of-court settlement against Iscor.

The union took legal action against the steel corporation because of deductions for a burial fund and a facilities fund from Bawu members' pay cheques. Iscor paid more than R27 000 back to Bawu.

- a) where.....
- b) to whom
- c) for what additional area.....
- d) has this been granted.....
- e) if so, when.....

5. In the light of the 1979 amendments to the Industrial Conciliation Act, could you please indicate if your union has made any application for extensions in scope. If so,

Federation of Salaried Staff Associations of South Africa	
Pulp and Paper Industry's Joint Committee	
Rand Water Board Unions Joint Committee	
South African Council of Mining Unions	
South African Federation of Leather Trade Unions	
South African Council of Transport Workers	
South African Federation of Chemical and Allied Workers Union	

4. AFFILIATIONS TO INDUSTRIAL FEDERATIONS CONTINUED:

CS 101123
766 3118
419
Star 10/9/82

Labour Act: Buti faces 5 charges

The Rev Sam Buti, chairman of the Alexandra Liaison Committee, appeared in the Johannesburg Magistrate's Court today on five charges under the Labour Relations Act.

He appeared in his capacity as a director of the Alexandra Community Corporation, a furniture company. The company is also charged.

The allegations are that the company failed to pay money in terms of Industrial Council regulations.

It is alleged that the company and Mr Buti failed to pay contributions to the provident fund, training funds, holiday fund, and trade union.

Mr Buti was not asked to plead. The hearing was adjourned to October 10.

INTIMIDATION ACT

Broad ambit

FM 24/9/82

Fears are growing among unionists and labour lawyers that frequent use will be made of the Intimidation Act to deter what the State deems to be "intimidation" during strikes

According to some estimates, at least four prosecutions of unionists have been initiated in terms of the Act since it was promulgated about four months ago. In one case, which involves a member of the Metal and Allied Workers' Union (Mawu), bail

of R1 000 has been set

What is causing concern is the extremely broad definition of intimidation given in the Act. The Act makes it an offence to kill, assault or injure someone. But it also stipulates that it is an offence for any person to "without lawful reason and with intent to compel or induce a particular person to do or to abstain from doing any act or to abandon a particular standpoint cause damage to that person or any other person."

Penalties are severe: a maximum fine of R20 000, or 10 years imprisonment, or both. Furthermore, the onus is on the accused to prove the existence of "a lawful reason."

"This is a most remarkable Act," says one respected labour lawyer. He points out that in any strike there is an element of intimidation in the sense that workers withdraw their labour to exert pressure on management. There is a fear that if the Act is interpreted in an even wider sense, it could be seen as a prohibition on almost all forms of boycotts.

There is great interest in how the courts will interpret the Act when the judgments in the four cases are given. Lawyers appearing for the unionists can be expected to press hard for a restrictive interpretation of the Act.

Room 30/9/82

Backyard industry moves to the front

THE Katlehong Industrial Association Complex was unique in that it was the first black-owned industrial park in South Africa. Mr Jan Steyn, executive director of the Urban Foundation (UF) said yesterday

Speaking at the opening by the UF of the Katlehong Industrial Association Complex on the East Rand Mr Steyn said each of the participants would acquire joint ownership through a share-block subsidiary. Each of the premises was designed to meet the particular participant's needs and each participant would be helped to license his own business.

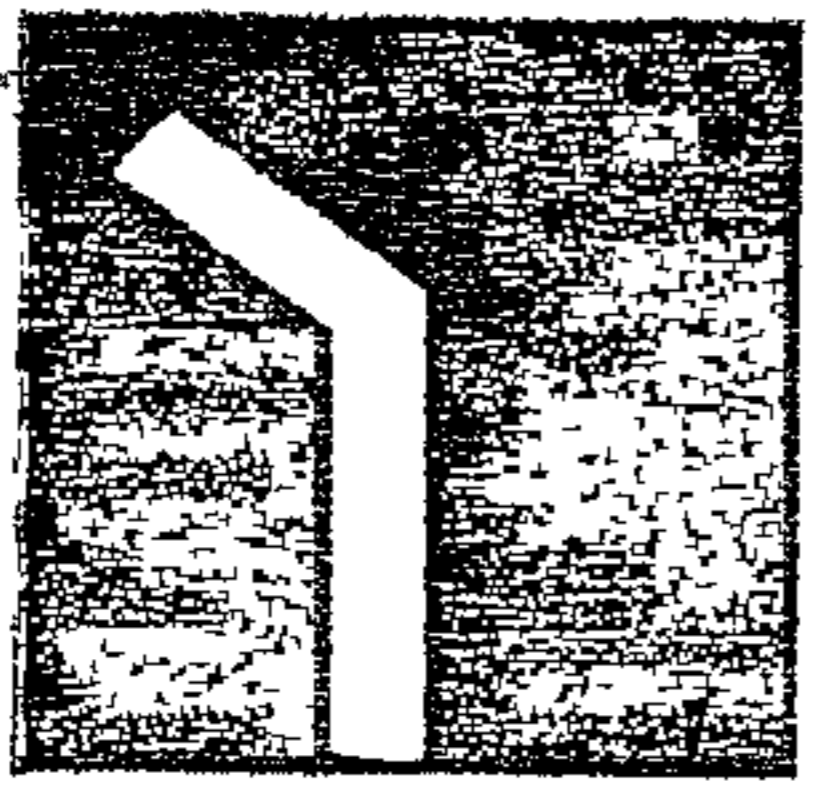
Adequate premises with sufficient power, water and telephone communication — as opposed to uncertain backyard working conditions — would improve output quality and marketing opportunities.

To provide access to more efficient business management for participants in the industrial park, the UF aimed to bring about changes in regulations and practices, Mr Steyn said. These would include

- involving the private sector directly in the stimulation of economic activity in the townships,
- amending the 99-year leasehold to make provision for manufacturing land use,
- amending the requirements of the Factories Act to recognise the characteristics of the informal sector "and make it affordable for emerging backyard entrepreneurs"

Mr Steyn said all community development including economic, had to be within the correct framework. This was where the role of the local authority became critical.

The foundation had studied the Black Communities Development Bill in detail and felt that, subject to amendment, the Bill could, together with the Black Local Authorities Act, become a constructive legal framework



The first black-owned industrial park in South Africa was opened by the Urban Foundation in Katlehong, on the East Rand, yesterday. Mr Jan Steyn, executive director of the UF, disclosed their plans for getting regulations changed to encourage black economic activity, and outlined the UF's attitude towards black local government.



Mr Jan Steyn: "Role of the local authority is critical"

for many aspects of black community development.

The UF welcomed the decision by the Government to consider the Orderly Movement and Settlement of Black Persons Bill only after it had considered the Black Community Development Bill and after black local authorities had been established in accordance with the Black Local Authorities Act.

"A reasonable inference is that this highly contentious issue will be negotiated with the black leadership that assumes the responsibility and accountability generated by a viable, truly representative system of local government," Mr Steyn said.

"Quite apart from the very extensive powers conferred by the Black Local Authorities Act on the elected repre-

sentatives of the people, the Government's decision to hold back any legislation controlling influx until after the election of local authorities, demonstrates the standing authority and real negotiating platform which these leaders may well have.

"This will be even more so if a real devolution of power is also to take place."

If the Government could provide a mechanism for generating the necessary financial resources, the way seemed to be clear for the "emergence of a cadre of black representative leadership" which could play a real role in the future constitutional and socio-economic development of South Africa, Mr Steyn said.

He said business development, housing and education

were the three most important areas of Urban Foundation activity. In housing the foundation had launched some 60 projects at a cost of R13-million, in education some 206 projects worth R14-million and in business some 25 projects worth R2 500 000.

The UF had also researched and worked for the removal of barriers which inhibited the growth of business in black communities and has tried to create channels of communication to increase black businessmen's access to finance and expertise in the private sector.

To this end the UF had worked with the various Chambers of Commerce, the National African Chamber of Commerce, the Small Business Development Corporation and the major banks.

Handwritten notes in circles: 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

experience as above

Chairman backs controversial 'closed shop'

Labour Reporter

166
5/10/82

THE chairman of the National Manpower Commission, Dr Henrie Reynders, has defended the controversial 'closed shop' principle, which forces workers to belong to a particular trade union.

The application of the 'closed shop' in this country has been attacked by the emerging trade unions, and a Natal company is to test a 'closed shop' agreement in the Industrial Court.

In the latest edition of the *Industrial Relations Journal* of SA, Dr Reynders said although there were strong objections to the closed shop, 'it is a long-established practice, the retention of which will probably have more advantages than disadvantages'.

He added that a prohibition on the closed shop 'will result in profound disruption of the large number of stable employer-employee relationships of which such agreements constitute a part'.

'However, it is equally clear that if closed-shop agreements are applied without restraint or control this may lead to a variety of malpractices or abuses,' he writes.

But, Dr Reynders said, 'no proven cases of abuse or malpractices have been officially reported'.

The emerging trade unions have argued that closed-shop agreements have been used by 'minority' registered trade unions to recruit thousands of black workers who would not have willingly joined those unions.

And the Natal furniture company, Grafton Everest, has brought a case to the Industrial Court charging that the closed shop has forced its workers to join a registered trade union.

Membership

In his article, Dr Reynders said 'It is clear that the closed shop, through the restrictions it places on the freedom of the individual, is in conflict with the fundamental principle of the free-market economy'.

But, he added, it helped unions by enabling them to 'acquire a large membership without having to put a disproportionate effort into recruiting'.

It also ensured that 'effective discipline' could be exercised over workers in any action intended by the union or to prevent any undesirable action.

The closed shop's advantage for employers, Dr Reynders said, had been that it had had 'a beneficial effect on labour peace and a steadying influence on sound labour relations over the years'.

But, he warned, there should be adequate measures to protect employers and employees against abuses and malpractices and urged that 'greater awareness' should be fostered among blacks.

Domestic workers' aid urged

Own Correspondent

JOHANNESBURG — Labour law-guaranteeing minimum working conditions unemployment pay and compensation for on-the-job accidents should be extended to domestic workers, the Government's National Manpower Commission has heard.

The NMC has also been urged to consider extending minimum wage laws to domestic workers and has been told that research claims that most domestics are not breadwinners for their families are false.

The statements are made in a memorandum to the NMC by the Domestic Worker and Employers' Protect (DWEPE) which is linked to the SA Institute of Race Relations.

The commission is probing the legal position of farm and domestic worker.

The DWEPE says in its memo that domestics are the most vulner-

able of all the country's workers.

It attacks the claim that because domestics are part of their employers' family their relations with employers should not be controlled by law. It says research has shown that they are subject to extreme exploitation. An analysis of 120 cases handled by DWEPE's legal clinic showed that domestics' average wage was R61.04 a month and that 73 percent of a sample of domestics who had come to DWEPE for help were breadwinners.

The DWEPE criticizes the exclusion of domestics from the protection of labour laws.

But it does not urge that they be included in the Labour Relations Act which governs trade union rights because it says this would offer no significant benefits to domestic workers.

The DWEPE suggests that the Wage Act which sets a minimum pay could be extended to domestics but adds that this may

arouse considerable opposition and be difficult to enforce.

As short-term measures the DWEPE recommends that domestics be included in both the Unemployment Insurance and Workmen's Compensation Acts.

It also urges the NMC to include domestics in the Conditions of Employment Bill which is expected to be enacted in the next session of Parliament.

The bill governs minimum working conditions such as leave and working hours and the DWEPE recommends specifically that it grant domestics 11 days off a week and three weeks paid leave a year.

It suggests that they be excluded from a clause setting a maximum work week of 46 hours because this too may be difficult to implement and may attract opposition.

It suggests that it be compulsory for officials to give domestics copies of their work contract.

DO YOU HAVE THE POTENTIAL TO BE WEALTHY?

TEST YOUR ABILITY BY COMPLETING QUESTIONNAIRE ON PAGE 4

KEVIN WILSON

JOHANNESBURG — killed in a handgrenade South African Defence Force of the soldiers killed — all aged between 19 and 20 — came from towns in the Free State and one 19-year-old vic-tim came from Maritzburg. Those killed were Can-didate Officer Casper de Geus, 20 of Barry de Kock Avenue Panorama, Bethlehem Lante-Cor-poral Edgar Wessels 19 of London.

shoulder in a boxing bout. His most recent operation was when I split a tendon in my foot. He won't name the operations in between, but says with a grin. When I applied for my pupil pilot crew licence there was not enough space on the form for all the operations. So I had to detail them in an annexure. Mr Levin has certainly won his wings for demonstrating Age

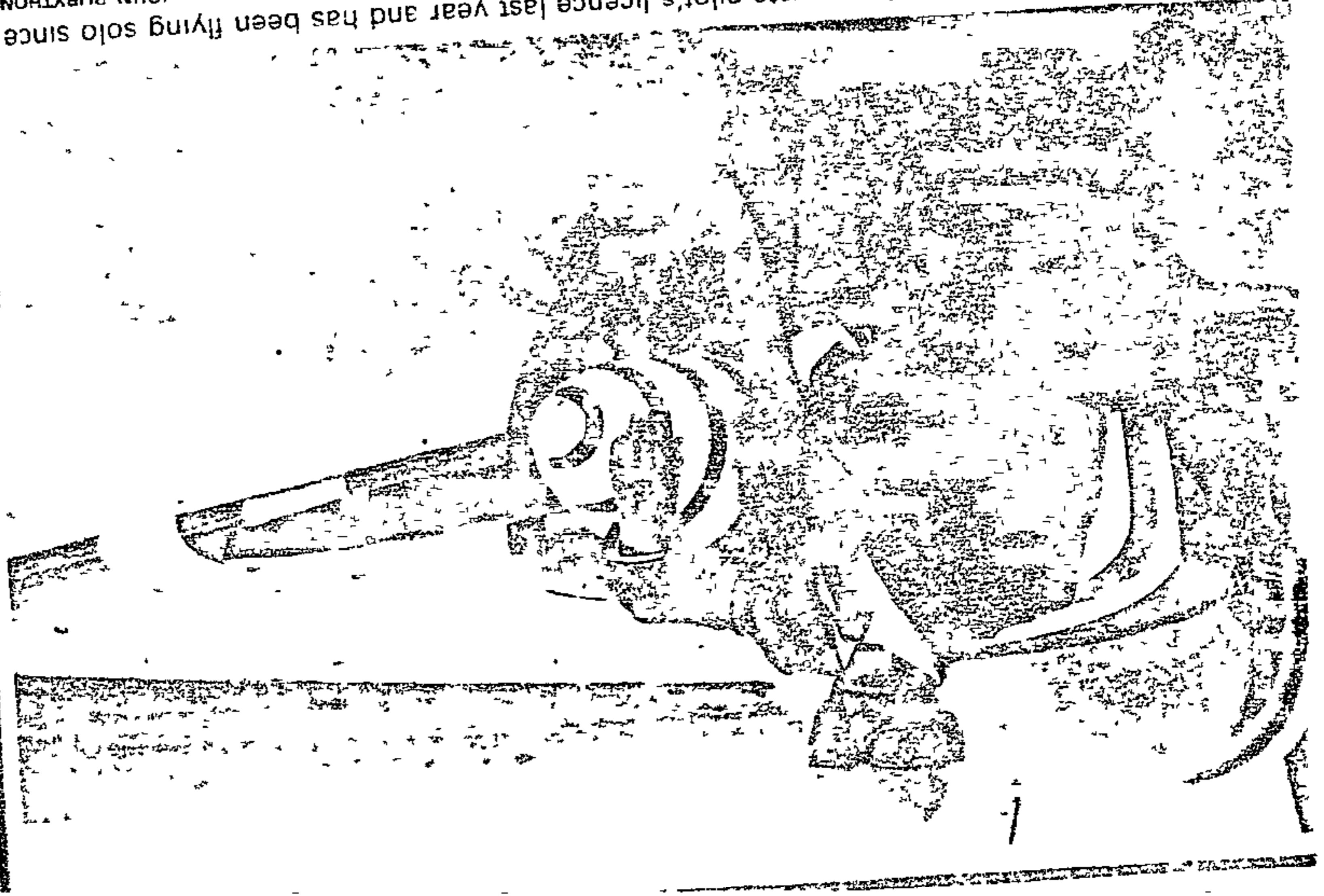
race to Rio in 1976. His other pastimes are pistol shooting and walking. He sailed in his own yacht, Salomander, skippered by his son John, in the third and last Born at Riebeeckskasteel near Malmesbury. Dom Steve's recipe for keeping fit is a simple one — don't over-eat, don't smoke and drink in moderation. If you need an operation, Yacht Elegance in the first Cape of the eight-man crew on the Yacht Club in 1927 and was part

Club, where he and four pilots share a light aircraft for leisure trips up the coast. When Dom Steve, a practising attorney, is not up in the clouds he immerses himself in his other great love — the sea. He has sailed consistently since he joined the Royal Cape Yacht Club in 1927 and was part of the eight-man crew on the Yacht Elegance in the first Cape

ear-olds embedded in Steve's wet or 1 hundred Stephen's licence

ars old — and still flying high

77, of Vredenburg, took out his private pilot's licence last year and has been flying solo since he was 70. Picture JOHN RUBYTHON



ARE BOILERS FIVE SOLIC

INDUSTRIAL RELATIONS

Flexibility now

166
Far-reaching proposals for changes to industrial relations legislation and practices have been made by Professor Blackie Swart of the University of Stellenbosch Graduate School of Business. Swart is also a member of the National Manpower Commission.

When he spoke at the Institute of Personnel Management conference last week Swart said the solution to industrial rela-

tions problems in SA does not lie in the creation of strict formal structures for collective bargaining. Instead sufficient flexibility is needed to enable collective bargaining to develop at its own pace and in its own directions.

To achieve this he suggested the following changes:

The State should give its "official" sanction to plant-level collective bargaining. "It may not be possible for all plant-level agreements to be promulgated as subordinate legislation but guidelines could be set as to the circumstances in which recognition should be granted and the substantive issues around which bargaining should take place," he said.

Although it has been contended that plant-level recognition and agreements constitute a voluntary relationship of trust, the situation in SA is such that some form of redress should be granted in cases where one party refuses to "co-operate" or reneges on the terms of an agreement.

Unions which prove representativeness and gain recognition from an employer should accept full responsibility for the workers represented by them. To this end provision should be made either in the recognition agreement or by law for action against or rejection of a union should it lose control over its members.

Strike clauses in legislation should be decriminalised. It should be left to employers and unions to agree on strike and lock-out procedures and

The industrial council system will have to be modified. Initial steps should include the cancellation of the power of existing party unions and employers to veto the entrance of new unions and cancellation of the Minister of Manpower's power to extend council agreements to non-parties.

16/ Mercury
10/82

Unions appeal over 'racial' registration

Labour Reporter

IN A key labour law action, four unions affiliated to the biggest independent union grouping, the Federation of South African Trade Unions, yesterday appealed against their 'racial' registration to the Pietermaritzburg Supreme Court

Fosatu was the first of the new union groupings to apply for registration on behalf of six of its affiliates shortly after South Africa's labour legisla-

tion was amended to include black employees

The application, for which Fosatu was severely criticised by the remainder of the independent unions, was made on condition that the unions were given non-racial registration

But the Metal and Allied Workers' Union, the Chemical Workers' Industrial Union, the Transport and General Workers' Union and the National Union of Textile Workers were granted registration certificates restricting them to certain race groups

This raised fears that the Fosatu unions would withdraw their registration applications which had given some credence to South Africa's new labour dispensation

Full Bench

The unions, though, appealed to the Minister of Manpower, Mr Fanie Botha, who after 15 months of deliberation upheld the racial registration. Fosatu then, using the last avenue open to it, decided to appeal to the Supreme Court

Yesterday's hearing took place before a full Bench consisting of Mr Justice Leon, Mr Justice Booysens and Mr Justice Law

After argument by Mr J van Rensburg, SC, counsel appearing for Mr Botha and the Industrial Registrar, and counter argument by Mr I Mohammed, SC, counsel for the unions, the Bench decided to adjourn 'to a date to be arranged' in order to allow the minister and the Registrar to furnish affidavits giving the reasons for their decisions

New deal for service objectors

Argus 19/10/82

Argus Correspondent

AN — A new deal for conscientious objectors could allow for national service to be performed within the Department of Manpower, according to a motion given to the general assembly of the Presbyterian Church of Southern Africa yesterday by the Rev Mr Binnie

stery ak-in city ding

Reporter

... in the Stan... Building in Street were into and ran... at the weekend... cause little was... ctives believe... may have been

... in the building... dentists in... agents and the... of Venda — ar... work yesterday... he doors of 14 of... ced open, and the... ransacked... believed a small... of cash was

... ives have been... e find a motive... eak-in

RANDOM

... ns that the cul... ted on the 10th... nd just worked... down breaking... dom and steal... bit from each... Detective War... cer W R Lieben... today

... l seems pointless... probably more... done than goods

... have been no

Mr Binnie is a member of the United Board of Free Churches a liaison body between the South African Defence Force and several Protestant churches

He told the assembly that the Chaplain General had given the board an outline of what was to be presented to the Government next year as a basis for new legislation

One of the main differences between the proposed new legislation and existing provisions he said was that the allowance would be made for conscientious objection based on the religious views of the individual rather than on the views of the church to which he belonged

SPECIAL BOARD

Any religious conscientious objector would have the right to apply for CO status Mr Binnie said The objector would have to prove his bona fides to a specially constituted board

It was proposed that there be three categories of objector non-combatants non-militarists within the SADF who would serve for 1-1 2 times as long as the 'normal' serviceman and non-militarists outside the SADF who would serve for twice as long

The third group would be provided for by the Department of Manpower

"Political conscientious objectors' said Mr Binnie, would fall outside the ambit of the proposed provisions They would be tried by civil authorities

Fosatu rejects 'divisive' Black Settlement Bill

Argus 19/10/82

Labour Reporter

THE central committee of the 100 000 strong Federation of South African Trade Unions (Fosatu) has condemned the Black Settlements of Black Persons Bill as further curtailing the rights of workers and weakening the worker movement in South Africa

In a statement after a central committee meeting in Johannesburg at the weekend Fosatu said the Bill was clearly aimed at dividing workers between those who live in the rural areas and those who live in the towns

'The influx control system must be condemned not only as a way of retrenching minority rule but also as a way of weakening the worker movement which aims at a better life for all South African citi-

zens the statement said "Fosatu is aware that many strikes have been broken by the use of influx control legislation to strip striking workers into homelands"

The central committee also passed a motion rejecting the President's Council proposals as being based on the divide and rule policy which has existed for generations in South Africa and which is

dedicated to oppression of the majority by the minority'

Fosatu re-affirmed its commitment to a non-racial South Africa controlled by the majority of its citizens the central committee said

It resolved to continue working towards building a non-racial democratic trade union movement as its contribution to a future South Africa

166
200
205
239

SA envoy injured in smash

Medical Reporter

THE first secretary of the South African embassy in Ciskei, Mr George Stroebel was flown to Cape Town in a Red Cross air ambulance yesterday after injuring his spine in a road accident

Mr Stroebel, who was accompanied by his wife, was taken to Conradie Hospital, Pinelands

Mr Stroebel and a Mrs van Greunen were admitted to the intensive care unit of Frere Hospital, East London, after the car in which they were travelling overturned in King William's Town on Sunday morning

SHIRT SPECIALS
 Monatic Consulate Jayson & Manhattan
 Lounge & Sports Plain & Fancy
 SIZES 37 cm to 46 cm

R9,95 & R12,95 Excl GST

ANDY'S
 MAN'S SHOP

282/4 VICTORIA RD WOODSTOCK. PH 47-4313

SONIC
STENCERS

59 1541
 94 1175
 71 7063
 55 9892/3
 43 3792, 22 2400

Goodwood
 Bellville
 Wynberg
 Salt River
 Cape Town

SNAPPY SERVICE!

VISA
 CREDIT CARDS WELCOME

Coloured labour policy causes Govt rift

ARGUS
25/10/82

166

Political Staff

AN ideological rift in the Government over its long-established coloured labour preference policy for the Western Cape is reflected in evidence to the economic affairs committee of the President's Council

The policy was criticised as a "discriminatory measure" in a memorandum submitted to the committee by the Department of Manpower

In a clear reference to restrictions on black employment the department said it was difficult to justify a system which allowed a person to live in an area but in effect prohibited him or her from working there

FREE MARKET

The memorandum, submitted as evidence by the Director-General of the Department of Manpower, Dr Piet van der Merwe, dealt with measures restricting the functioning of a free market economy

It stated "If labour preference control measures are dropped, this department can be freed from the administration of a discriminatory measure" This would contribute to a better attitude to the department and the State in general

Commenting today, an Opposition spokesman on Western Cape black affairs, Mr Tian van der Merwe, said the department's memorandum provided "final proof that in terms of labour considerations the Government's policy has no good potential whatsoever"

"RACIST OBSESSION"

It was clear that an inexplicable and unjustified attitude was being taken by the Government to the position of black people in the Western Cape

The labour preference policy has now finally been discredited as a mere racist obsession with no practical justification remaining

"If the Nationalist MPs particularly those of the Western Cape do not now reconsider their pig-headed attitude on this question they will stand exposed as racists," Mr van der Merwe said

KOORNHOF COMMITTEE

The Department of Manpower had now been added to an impressive list of institutions, individuals and experts who had condemned the coloured labour preference policy

A committee appointed by the Minister of Co-operation and Development, Dr Piet Koornhof, had recommended that the policy be continued

What was significant, Mr van der Merwe said, was that a minority recommendation to Dr Koornhof's committee that the policy be scrapped had been supported by one Nationalist MP and by the only black man who served on the committee

Report by F S Esterhuysen 122 St George's Street, Cape Town.)

Every year
ple fear most
number of
Argus looks

FIRE V A FIGHT

By Tim O'Hagan
Medical Reporter

MAGDA AFRIKANER, 27, sitting naked, apprehensive and burnt from her neck down to her waist in the bathroom of the Woodstock Hospital's Burns Unit, is not a pretty sight

With 25 percent of the surface skin of her body virtually erased by a fire which engulfed her bed, she is nevertheless, lucky to be alive

Magda was asleep in bed in her Caledon home, when a candle fell over and set fire to the sheets. She fled from her room, a flaming torch

CRACKLING

When the ambulance brought Magda from Caledon Hospital to Groote Schuur, she was grotesquely burnt, her skin was like crackling, and she was intensely dehydrated and in pain

After rapid assessment, she was injected with morphine and intravenously fed 13 litres of liquid in 24 hours to counter the effects of dehydration

She was then taken to Woodstock's Burns Unit, under the supervision and care of Dr Cecil Bloch, head of the Department of Plastic Surgery at Groote Schuur Hospital and Dr Bernard Price, registrar of the Burns Unit

DEDICATION

The fact that she survived is testimony to the dedication and efficiency of a small team of medical personnel who have turned this new Burns Unit into a lifejacket for people who, until a few years ago, had less than half a chance of coming through alive

Magda is one of 12 patients being treated



DR Cecil Bloch, head of the Department of Plastic Surgery at Groote Schuur Hospital, assists as Magda Afrikaner is bandaged after

at the unit, and when she leaves in a few months time, more than 200 patients will have been successfully treated since January for burns — ranging from superficial skin burns to full-thickness burns which take the skin away entirely

Another patient, Joseph Forbes, of Kraai-

fontein, was admitted recently with 50 percent of his body, his wife threw water on him when he was asleep in bed

FIVE DEATHS

Joseph says he's given his wife, a looking forward to being reunited with her again.

Sweetman
29/10/82

Union seeks court order

THE NATIONAL Union of Wine, Spirits and Allied Workers is to make an application in terms of Section 43 of the Labour Relations Act against a liquor manufacturing company in Wadeville, near Germiston

The application is to be made against Distillers Corporation as a result of the dismissal of a shop steward. The company is part of Cape Wine and Distillers

DISMISSED

The union claims that the shop steward was unfairly dismissed as laid down procedures relating to dismissals were not followed. The firm has refused to reinstate the worker, hence the union is seeking a reinstatement order.

This will test the effectiveness of Section 43 which in its new form has not yet been tried in court. Section 43 accepts the argument that workers are entitled to reinstatement if they are dismissed unfairly.

Fired workers demand relief

Major ruling awaited from labour court

By STEVEN FRIEDMAN
Labour Correspondent

A KEY case heard by the Industrial Court in Johannesburg yesterday will test the right of fired workers to demand temporary reinstatement from the court if they allege the sackings were unfair

Mr D R van Schalkwyk reserved judgment — but if he finds for the workers who brought it, many other employers who retrench or fire workers during a dispute may be faced with claims for interim reinstatement

The case has been brought by the Metal and Allied Workers' Union and 52 migrant members fired by an Ohlantsfontein company, Stocks and Stocks against the firm and its holding company, Stobar Reinforcing

The court yesterday heard arguments from both sides which, if upheld, would have crucial implications for labour relations

Mr M Brassey, for the companies, argued that Section 35 of the Metal Industrial Council agreement, which sets out procedures employers must observe before firing or retrenching workers, was "void for vagueness"

He said it had no legal force because it did not spell out what an employer had to do to fairly dismiss workers

Section 35 was hailed as a major breakthrough when it was introduced some years ago and this argument has major implications for the metal industries

The company also says it is not subject to the metal industrial council agreement

And Mr H Cheadle, for the union and the workers, submitted it was an "unfair labour practice" to "unilaterally" sack a whole work force to avoid retrenchment negotiations with a representative union

The case is one of the first to be brought to the court in terms of recent new powers

A change to Section 43 of the Labour Relations Act (LRA) allows the court to reinstate fired workers, while a dispute over an alleged "unfair labour practice" is being decided — a right once held by the Minister of Manpower

The union and workers allege they were fired without warning by the employer in an attempt to avoid negotiation over retrenchment so that the company could carry out a "disguised retrenchment" by sacking all the workers and re-hiring only some. They also say the company breached Section 35

The company denies this and alleges the workers broke their employment contract and were sacked after a go-slow action despite warnings to end it — which they deny

Mr Cheadle said the workers had a "clear right" to interim reinstatement

In terms of Section 43, an employer had to show a fired worker had been given a chance to put forward his view and, unless an employer could prove he had done this, the court should grant interim reinstatement

Mr Brassey argued that, to qualify for relief, the workers had to show that there was no other satisfactory remedy for them

They also had to establish a "clear right" to it and could not do so if there was a dispute of fact with the company, which there was

Gunman 'only wanted to frighten' his former wife

By JOUBERT MALHERBE
Pretoria Bureau

"I NEVER wanted to kill my former wife — I only wanted to frighten her," a Pretoria man told a magistrate this week when he appeared in court on a charge of attempting to murder her

Mr Abraham Joone, 28, of Zambesi Drive, Sinoville, choked with emotion when he told the magistrate he fired at his former wife last Saturday because he wanted her to experience the same anguish he suffered when she became involved with another man while he was doing operational service

Mr Joone is charged with attempting to murder his former wife, Mrs Petronella Joone

Mr Joone was granted bail of R1 000 after he told the court he would lose his job if he was detained until next week when the case is heard

The prosecutor, Mr T Dick-er, called Mrs Joone after opposing the bail application and she told the magistrate, Mr J Diener, that her ex-husband had threatened her twice since they were divorced on September 8 this year

Last Saturday he collected their child at Mrs Joone's flat to take him to a fireworks display at Loftus Versfeld that evening

That afternoon Mrs Joone went to a softball competition where she was later called and told her former husband was waiting for her in the parking lot

She was told he had fetched her because their child had been injured after falling off a pavilion

When Mrs Joone went to the car, Mr Joone allegedly threatened her with a fire-arm and told her to get into the car

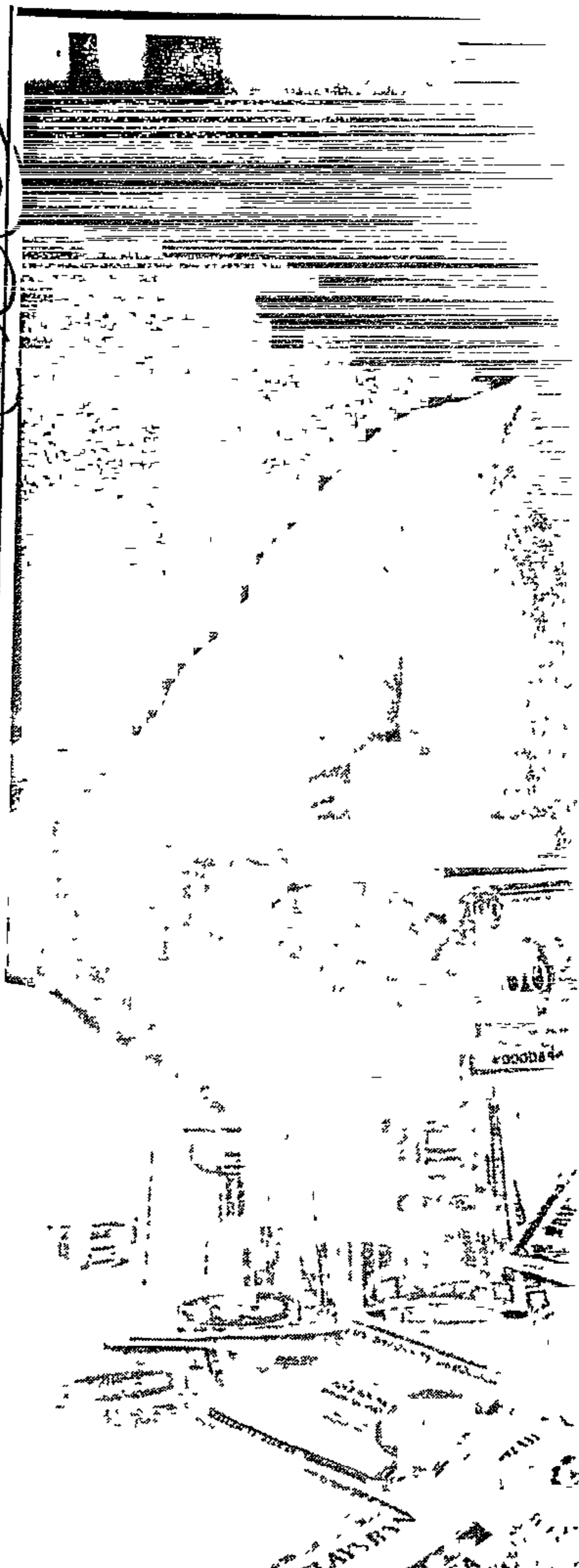
She refused and returned to the softball game, but Mr Joone allegedly followed her and fired a shot in her direction. Mrs Joone was not hit and Mr Joone was apprehended after allegedly firing another shot into the ground

He told the court he had been to the house of a relative before going to the softball competition. When he saw the pistol lying in a cupboard, he decided to use it to give his former wife "a fright"

"I did not want to kill her," Mr Joone said

His advocate, Mr B P Geach, said his client only realised the gravity of his conduct after having spent a few nights in police cells

Ball conditions were that Mr Joone refrains from interfering with State witnesses — including his former wife



Counterfeit travellers' cheques and \$100 notes
Sergeant J N Visser shows some examples and ad.



WHY don't South Africans muck in when it comes to recycling trash? Read EVE tomorrow and find out

Also in this issue is a look at a dangerous new drug, mothers and bonding, how to get your money's worth, hard sell in New York, recipes and fashion

Don't miss this exciting issue of EVE tomorrow



3 Nov 21/11/82

(166)

166

New look at pensions urged

The unexpected surge in industrial unrest which followed the proposed legislation on pension preservation in 1980 heralded a major change in employee benefits, Mr L D Lewis, director of Price Forbes Federale, said yesterday

Addressing a seminar on "Industrial unrest — a practical approach to employee - benefit planning," hhe said pension funds and general employee benefits had become irrevocably linked with industrial relations and underlving political implications

The proposed legislation had caused considerable black labour

unrest, industrial unrest and mass withdrawal from pension funds, and the proposals were eventually withdrawn

Legislation intending to preserve pensions resulted in blacks forgoing millions of rands in accrued pension benefits and thousands being without death and disability cover

The withdrawal of the proposals had been hailed as a great union victory, with the loss of benefits completely ignored

What was needed now was a reassessment of the basic fundamentals of employee-benefit planning — Sapa

KMC

Rbm 2/11/82 (166) 125

Contract bombshell for SA employers

By STEVEN FRIEDMAN
Labour Correspondent

BLACK contract workers who are retrenched before their contracts run out can sue their employers lawyers have told the Steel and Engineering Industries Federation

This news will come as a bombshell to scores of employers who have already retrenched contract workers this year. Trade unionists say thousands of contract workers have been laid off in the past few months.

And yesterday a spokesman for the Legal Resources Centre agreed with Seifsa's lawyers interpretation and said the LRC had a number of cases pending in which retrenched contract workers are demanding damages from employers.

This interpretation means employers who want to retrench contract workers must wait until the worker's contract runs out and then not renew it. If they do not wait they risk a damages action.

The advice to Seifsa is contained in redundancy guidelines it has circulated to member companies.

The guidelines point out that black migrant workers — any worker who does not qualify to live in the cities permanently according to influx control laws — work on fixed contracts

with their employers which last at most one year.

"Legal opinion given to Seifsa is that an employer may not unilaterally retrench an employee before the end of the contracted period and that if (he) does so the employee will in appropriate circumstances have the full range of remedies available for the breach of his contract. Seifsa says

It adds that workers retrenched in this way could demand reinstatement and wages for the period after they were retrenched until the contract was due to end or for his wages only.

A legal source pointed out that in terms of the Black Labour Act workers from the rural areas can only work in the cities if they sign a 12-month contract with an employer.

Regulations in terms of the Act laid down grounds on which a contract could be ended including the employer's failure or inability to provide regular employment.

No precedent suggested this referred to retrenchment he said adding "Even if it does this does not stop a worker suing. The employer has contracted to provide a job for a year. If he doesn't the worker has a claim."

● See Page 2

Probe into welfare of SA's farm workers

ARGUS
11/11/82

(166 for Supplied)

Labour Reporter

THE investigation by the National Manpower Commission (NMC) into the situation of farm workers would not concern itself with the working conditions of farm workers as such, but only with the question of whether structures could be created to determine these conditions. Dr H J Reynders, chairman of the NMC, said yesterday

Dr Reynders was addressing a symposium organised by the Cape Pomological Association on management practices in agriculture with specific reference to labour matters

Wide range

Part 5 of the Wiehahn Commission had recommended that provision be made for farm workers within labour legislation, said Dr Reynders

In the White Paper the Government pointed to a wide range of factors militating against the establishment of a formal system of labour relations in agriculture. Among these were the wide geographical distribution of the agricultural workforce, the absence of an effective communications medium and the problems of applying labour legislation to agriculture

New probe

However, the Minister of Manpower had announced earlier this year that the NMC would undertake investigations into possible mechanisms that could determine the working conditions of farm workers, because the Government would be neglecting its duty if it did not take into account the interests of such a large section of the South African workforce

Old links

The Minister had indicated that particular conditions affecting agriculture had to be taken into account in such an investigation, Dr Reynders said

"Among these are the intimate and longstanding personal relations between employers and farm workers, the wide geographical distribution of these workers, the seasonal nature of agricul-

tation

THE A

Get more efficient, farmers are urged

SOUTH AFRICAN farmers have been told to look at ways of managing their farms more efficiently

The Deputy Minister of Agriculture, Mr G J Kotze, this week urged farmers to apply the basic principles for successful business enterprise into farming

Opening the manpower symposium in Cape Town, he said the complexity and risk of modern farming were high and farmers could no longer use "hit-and-miss" methods of labour management

He said it was important to increase the productivity of farm workers and a programme to achieve this should be worked out

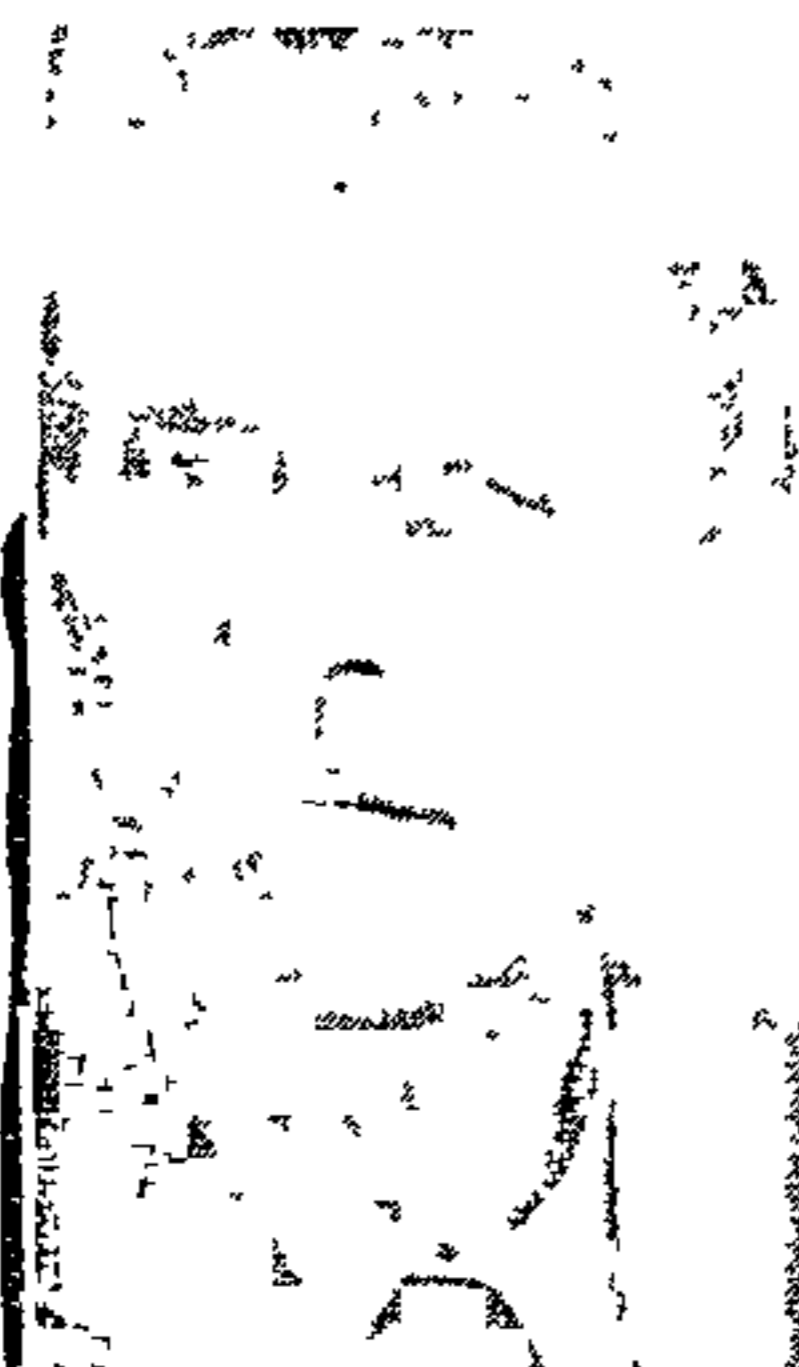
South African farmers would also have to ask themselves whether they were partly to blame for making farm work less popular for black and coloured workers

The NMC also emphasised the "total package" which farmworkers earned, which included free housing, medical services and free food

Stability

The NMC was aware of initiatives among farmers to further the spiritual and physical welfare of their workers

"A satisfied and happy workforce in agriculture is not only in the interests of the farmer himself, but also in the interests of the country as a whole. It brings stability, order and labour peace and has a noticeable influence on productivity," Dr Reynders said



Dr H J Reynders

ture and the influence of climatical factors on agriculture"



Not many families are lucky enough to be able to stay together.

Unite families is the cry from rural areas

Women fight for legal recognition

166

Sowetan

Sowetan 10/12/82

By SINNAH KUNENE

FINANCE institutions have been challenged as to whether they require a certificate of sterilisation before granting home loans on the basis of both the husband and wife's salary, and also about their attitude to granting black women loans.

In their latest newsletter the Women's Legal Status Committee states that it is awaiting replies from some institutions. The committee has also replied to a questionnaire from the National Manpower Commission asking about its activities in the labour field.

Included in the questionnaire are

- that the WLSC is compiling a memorandum to the Minister of Manpower in connection with equal pay for comparable work, easier access to the Industrial Court, rights for pregnant women to have their jobs kept open before and after confinement, an increase in Unemployment Insurance Fund benefits and action on discriminatory pension and medical benefits;
- that the WLSC appreciates the removal of "sex clauses" from the labour legislation but it contends that this is only the beginning of justice for women;

• that the co-convenors Ms Roberta Johnston and Ms Babette Kabak continue to sit on the Womanpower 2 000 committee which concerns itself with the training and retraining of women.

The WSLC has written to the Minister of Co-operation and Development, Dr Piet Koornhof, stating concern over the social consequences of separation of families where the breadwinner is forced to find a livelihood in an urban area

This follows the

minister's statement that he was likely to introduce legislation waving certain court decisions which permitted women to live in urban areas with their qualified husbands (The Khomani case)

"It is a recognised basic legal right of married people to live together and bring up their families together, and every population group other than the blacks have this unquestioned right taken for granted," the newsletter states

Other matters for

which the WLSC have made submissions to the relevant Government institutions include the Orderly Movement and Settlement of Black Persons Bill, the Matrimonial Property Legislation and Alcohol as a mitigating factor

In reply to the latter, the Department of Justice expressed the minister's concern and that he had already ordered an investigation into this

The founder member of the WLSC who gave the organisation its name, Dr Ellen Hellman, died recently

'Scrap Act ~~166~~
before it does
more damage
Merrim
union urges Govt *16/12/82*

Labour Reporter
FOSATU's Metal and Allied Workers' Union has called on the Government to scrap the new Intimidation Act before 'it does any more damage to industrial relations'.

Since the Act was introduced some months ago numerous strikers have been charged under it, but it is believed only one worker has been convicted.

In terms of the new Act, anyone who attacks somebody, or who threatens to kill, attack, or hurt somebody or who threatens to cause damage to somebody is liable for prosecution. The Act allows for a maximum fine of R20 000 or imprisonment not exceeding 10 years.

During the June strikes at Richards Bay, 22 members of Fosatu's Metal and

Allied Workers' Union (Mawu) and the Transport and General Workers' Union were charged with intimidation.

The charges against eight of them have been dropped and the rest are still pending.

A spokesman for the Legal Resources Centre said only a Uitenhage worker had so far been convicted under the new Act. He was fined R200 or four months' imprisonment.

Earlier this week Intimidation Act charges against two Mawu leaders were dropped at a Brits Regional Court when two State witnesses did not appear.

In the statement released yesterday, Mawu said the Act was 'clearly now being used by police in industrial unrest to curb the growing power of unions'.

derived some important advantages from registration

Innes argues that there is no truth to the charge that the requirements of registration presuppose that workers voluntarily relinquish control over their unions. Indeed, the unanimous message he has received in interviews with black members of unions affiliated to the Federation of SA Trade Unions (Fosatu), has been that registration has not diminished their control over their unions.

He says the controls which some unions fear registration will impose on them do not arise from registration itself. "Registration is nothing more than the formal channel through which the State seeks to draw the unions in order to lead them to the point at which the controls are really located — the present form of the industrial council system," he says.

However, as Innes points out, registration does not force unions into industrial councils, it only makes it possible for them to join the councils if they so wish. At the same time, unregistered unions have to comply with virtually all the requirements imposed on registered unions.

He also questions claims that unregistered unions are far more democratic than registered unions and that registered unions are necessarily bureaucratic and undemocratic.

Innes emphasises that registration has made recruitment and organisation easier for unions. "When the State conceded to the black unions the right to register, what it actually conceded was the statutory legal recognition of unions for black workers — a form of recognition which these unions had been denied for almost 60 years. The result of this *volte face* in State policy has been a virtual explosion in black union membership."

This recognition has, of course, not only benefited registered unions, some unregistered unions have also grown spectacularly. The reason for this, says Innes, is that once the State conceded, through recognition, the principle of statutory legal recognition of trade unions, it withdrew a powerful weapon from the hands of employers — the threat of sanctions against black employees for belonging to unions which employers claimed to be illegal.

This made it extremely difficult for employers to resist the rising tide of unionisation among black workers. A legal nicety, such as whether or not a particular union had yet applied for registration was obviously not a good plank to fight on when the principle of statutory recognition had already been conceded.

FM 31/12/82 166
LABOUR MATTERS
Controlling interests

Has the decision by some emerging unions to register with the Department of Manpower yielded more advantages than disadvantages to them? Given the fact that the issue of union registration is such a controversial one in SA, it is not surprising that there are strong differences over this question.

In a thoughtful article in the latest edition of the *SA Labour Bulletin*, University of the Witwatersrand sociologist Duncan Innes points out that emerging unions have

Japan; and worldwide, Japan exports 6m vehicles/year

What causes concern is that the SA government and the business sector are allowing the Japanese share of the market for products as strategic as commercial and heavy vehicles to grow unchecked, without insisting that Japan makes a local commitment in the form of capital investment.

Japan's diversified international trade relations give that country the flexibility to boycott SA without any disruption of its own economy

The time has come for an official SA strategy — we must either force Japan to invest here, or lessen our dependence

J F Smith, Krugersdorp

166 FM 31/12/82
Labour legislation

Sir — I refer to Roderick Harper's letter (FM November 5) in which he indirectly, and incorrectly, accuses Professor Blackie Swart of negating the legal enforceability of recognition agreements

Harper's misconstruction of the quotation attributed to Professor Swart is understandable. He obviously has not read the entire article, written by Professor Swart and myself, from which the quoted extracts were taken. A perusal of the article — "The Collective Bargaining Structure in SA: An Appraisal of the Present System" (*Industrial Relations Journal of South Africa* Vol II No 3) — will reveal that, although not unaware that a recognition agreement may be drawn up as a legally binding contract, we were of the opinion that, owing to inequities within the present system, additional and improved forms of redress might, indeed, be necessary.

The article points out that, whereas Industrial Council agreements, once published in the *Government Gazette*, are immediately delegated the status of law, with consequent criminal sanctions on transgressors, the re-recognition agreement enjoys no status whatsoever in terms of the Labour Relations Act. Employers and employees party to such agreements have recourse only to the civil process, which is both lengthy and costly. For this reason it was suggested that a speedier and less costly form of redress be instituted within the structure of existing labour legislation.

May I also remind Harper that in the US, where, he asserts, parties "regularly sue" each other for breach of an agreement, the employer is bound by law not only to recognise, but also to bargain "in good faith" with the most representative union. The SA situation is, therefore, not comparable.

The latest edition of my monthly service,

— The FM reserves the right to edit letters

Industrial Relations Trends, contains a more detailed analysis of recognition agreements, particularly pertaining to their legal enforceability.

I would be only too willing to furnish Harper with a copy of the relevant article
Soma Bendix, Roggebaai, Cape

The marque's mystique

Sir — I refer to your article "Car manufacturers" (FM November 19)

In the few years that Sigma has been building Peugeots, the make has 'acquired a poor reputation for reliability'. Automobiles Peugeot SA has, over a 90-year period, been famous for well engineered and reliable, if somewhat stodgy, cars.

Clearly, Sigma's "controversial management" understood nothing of the marque's mystique when it allowed this reputation to reverse itself so quickly.

I wonder what they think in Sochaux
N Zoomers, Wendywood

□ Sigma's public affairs department replies "Initial problems were experienced with the relocation of Peugeot manufacture at Sigma Park as result of volume increases. Inexperienced local labour needed to be recruited for Peugeot production and higher levels of technology were demanded in the new Peugeots.

"These problems have subsequently been overcome entirely to the satisfaction of Sigma and Peugeot in France. Because we actually do know the marque's mystique and have trained our labour to the high desired skills level, the enthusiastic co-operation between Sigma and Sochaux should eliminate all cause of wonder."

Who's guilty?

Sir — I do not recall seeing a response from Archbishop Hurley to my comment on his letter (August 6 1982).

Can we assume, therefore, that he has evidence to prove that all landmines in SWA are planted by the SADF, rather than Swapo with its "strong Christian influence"?

Can we assume that the Commandments are indeed negotiable in cases decreed "political" by the Catholic Bishops?

What about the thousands of (mostly black) innocents slaughtered by Swapo? They, presumably, in the eyes of the Catholic Bishops, had no rights. Not even the most basic right of all — to life.

P Darley, Brackendowns