

Value Your African Employee

By NOEL ROBB

(A talk given in Cape Town)

FOR YEARS the Black Sash has been trying to awaken the public to the hardships suffered by Africans under the Influx Control Laws, but this is the very first time we have had to warn White Employers that the time is coming, or has already come, when they too will suffer under these same laws. 'Liberty is Indivisible' and we privileged whites are now caught in the meshes of the fantastically difficult, intricate, cruel, Influx Control Regulations. In 1963 we warned employers how adversely affected they would be by the proposed Bantu Laws Amendment Bill — finally passed in 1964 and brought into effect from January last year. Six members of the Black Sash had an interview with the then Minister of Bantu Administration — Mr. de Wet Nel — in which we discussed the Bill in the greatest detail for nearly 3 hours. It is small consolation to see happening today so many of the things we forecast that day. We tried to interest employers in opposing the proposed new Bill — indeed the Minister invited the public to make representations concerning the Bill when it was tabled in 1963 — but they were convinced that they would get permits — blanket waivers etc. Now it is too late — Cape Town is being strangled by an artificial shortage of labour caused by the strict implementation of the Bantu Laws Amendment Act of 1964.

The papers are full of headlines:

"South African Labour Dilemma".

"Bantu Labour Curb hits the Cape."

"Many Bantu in Cape not Replaceable by Coloured Labour" all mixed up with:

Coetzee's Warning: "Depend less on Africans".

"Gradner Calls for More Hotels in City."

"Northern Areas Bantu Township?"

"Call to Speed Removal of Africans."

Farmers at Grabouw have formed a company to recruit African labourers from the Transkei and now the Government has placed a total ban on Recruitment of Contract Labour (African) since September 1st.

Is Cape Town going to allow itself to be strangled? More and more hotels are closing — firms are hampered by labour shortages — projects to build hotels and factories are abandoned because of the impossibility of being certain of getting the necessary labour. Last week the Cape Times quoted Mr. J. M. Earle, President of the Parow Chamber of Commerce and Industries as saying: "A very serious labour scarcity has developed in this area and during the past few years an increasing number of contract Africans have been admitted to the area to fill gaps where Coloured labour is not available. By August this year the influx had increased to such an extent that there were 26,000 single Bantu in Langa and only 20,000 beds. In Nyanga, where Parow obtains its labour, there are 6,000 Bantu and 3,000 beds. To reduce this serious overcrowding the Department of Bantu Administration stopped granting permits after September 1st. This has, however, created a serious situation in industries depending on Bantu labour and for which Coloureds are not procurable. Local brickworks, for example, have already had to close

down some the kilns while another large industrial organisation is faced with a labour shortage of 350—or 40%—by June, 1967, unless the position is materially relieved."

Meanwhile hundreds of Africans in the Transkei badly need work in order to feed their families. The drought has hit parts of the Transkei very seriously. The high percentage of deaths among African children under the age of 5 and the very low expectancy of life of the African — about 42 I am told — is a disgrace to the country.

The latest figures for incidence of T.B. among Africans in 1965 (Hansard 1966) is 55,972 of whom 11,726 are children up to 4 years compared with 1,260 whites of whom 239 are children up to 4 years; 9,068 coloured of whom 2,699 are children up to 4 years.

The excuse for refusing to allow Africans to seek work freely in the Western Cape is that this is the natural home of the Coloured people and that Africans have been taking away work from these people. The facts are that the official figures (Hansard 1966) for Coloured unemployed in the Western Cape are:

1964	1965	
81	74 Skilled
629	379 Unskilled

It is true to say that there is very little unemployment among Coloured people who want to work. There are a great many 'won't-works' and even more unemployable people and no amount of legislation will force an employer to employ these people. They would rather close down their businesses and start up again in another part of the country. And this is a tragedy for Cape Town.

How to obtain an employee

At the risk of boring those who know it only too well, I now want to detail exactly what a prospective employer has to do if he decides to take on more African labour. In most countries, if you wish to take on a new employee you advertise the vacant post, interview the applicants and choose the best available at the wage offered. In South Africa today you can do this if you wish to employ a White, Coloured or Asiatic but if you require African labour it is quite another story. No African male or female may come to the Cape in search of work nor can he or she come in answer to a request from a firm or individual who wishes to employ him — no African woman may come to this area for any reason except on a short visit and permission for this must be obtained from Cape Town as well as from her home district. Even if a woman from another area marries a man born in the area she is endorsed out. No more permission is being granted to women to join qualified husbands.

No, the African man who badly needs work in order to support his family must register in the local labour pool in his home district and try from there to get suitable work. Very often, not knowing the area or the conditions of employment there, he contracts to work for a wage and under conditions which he finds are very inferior to the average pertaining to the town to which he goes. But he cannot look for a better job — he must complete his contract, which is usually for one year and go home again then try all over again to get a more suitable, more congenial and better paid job.

But back to the employer. If you wish to employ an African male or female for any purpose whatsoever you must first apply to the Labour Department for a certificate stating that there is no Coloured person available for the job. This usually takes 14 days and is often only issued after several Coloured people have been sent to apply for the job and have been found unsuitable. Armed with this certificate you then apply to the local Labour Bureau — Langa if you live in the Municipal area — Nyanga if you live in the Divisional Council area — only to be told that there is no labour pool today and that they have a long-list of employers needing labour. If you take with you an African you have found for yourself whom you wish to employ, ten to one you will not be allowed to do so. Only Africans who qualify to live and work in the area may be recruited in this way. Either they must have been born in the area, lived there continuously ever since or they must have worked ten years for one employer or have worked and lived there continuously for 15 years, during which time and afterwards they must not have worked, even for a short time, in another area, or been convicted of an offence leading to a sentence of a fine of £50 or six months' imprisonment.

Please note the word area. The Municipal Area and the Divisional Council Area are two separate areas. If an African is born in the Municipal Area and works there for many years but then accepts a job in the Divisional Council Area, say Constantia, Belleville or Hout Bay, he will find when he applies to be allowed to accept work offered, that he has lost his right because he has worked in "another area" and is now no longer a qualified man and can be endorsed out. Again, if a man has lived and worked in Cape Town in one area for over 15 years but failed to register within 72 hours of June 24th, 1952 he does not qualify under Section 10(1)(b) of the Urban Areas Act.

In August 1965 Justice Corbett gave a judgement to this effect in the case of HOUGHTON HLALANE and since then we have lost several cases in which this judgement has been invoked. No women registered before 1954 — most in 1955, therefore very few women in Cape Town qualify unless they were born there and have lived here ever since. The onus is on them to prove this. Mrs. Dlakulo, whose husband was found to be not a qualified man because, although he had written evidence that he had worked continuously in Cape Town since 1951, with permission, he had not registered within 72 hours of June 24th, 1952, was endorsed out in spite of the fact that they were legally married in 1961 and that she had lived continuously in Cape Town since 1959.

If there is nobody available in the Labour Pool and you cannot get permission to employ somebody of your own choice, you could, until September 1st, apply in quintuplicate to the local Labour Bureau for the number and type of workers needed, stating the exact conditions of employment, wage offered, etc. (and deposit R15 per employee to cover cost of train fare, rations etc. Most employers deduct this money plus return fare from the employee's meagre wages). This application has to be approved by the Chief Bantu Affairs Commissioner at Observatory, who frequently turns down the request, particularly in the case of hotel staff and garage and office staff. Since March 31st, 1966, no new Africans may be employed by hotels without a permit — even local ones. However, if the application is approved, you then await the arrival of your batch of workers. There is no chance to choose the most suitable unless you go yourself or send somebody to the Transkei to do so. There is no chance for the African to choose his job or to bargain for better pay and conditions. A blind date on both sides in fact. These workers — contract workers — usually come down on a year's contract — renewable for one further year only, if notice is given well in advance of the termination of the contract. We have nearly 200 cases where the employer has broken his contract and dismissed the worker who has then had to return home to the Transkei. He is not allowed to accept other work offered. This is quite ille-

gal but the employer usually gets away with it. The employer then starts again and hopes for better luck next time. What an inefficient way to recruit labour — what a waste of time and money. What a waste to train an employee who leaves at the end of one year — or two at the most. How depressing and frustrating for the worker not to be able to improve his position, to be promoted, to find a better job — always an unskilled labourer — always a temporary worker with no incentive to work really hard.

Since September 1st no more Contract labourers have been recruited for Cape Town because already 26,000 so-called 'bachelors' inhabit 20,000 beds in Langa (see Cape Times report) and 6,000 inhabit 3,000 beds in Nyanga. Hence the suggestion by Mr. Malan, Secretary of the Divisional Council, that a new Township should be established in the vicinity of the Northern Municipality. He said that 296 married family units and 2,336 berths for single occupation are urgently needed in Nyanga alone.

So it can be seen that it pays to value your African employee since he is not easily replaceable and one of the surest ways of losing him is to make a mistake about granting him leave. Leave cannot be granted to contract workers other than statutory holidays. If he goes home on leave he will not be allowed to return. Other workers may be granted up to 6 months leave. The period must be written in his Reference book and he must not be signed off. Langa (or Nyanga) must be informed of the period of leave. He must not return one day late or he will be endorsed out. If he is granted more than 6 months leave he must be signed off and when he wishes to return he must be applied for on Form BA 403 as if he were a new contract worker. He will not be refused permission to return to his previous employer provided that he has not been away more than one year but he will now be a contract worker. He will have lost his right to live and work in the area permanently.

So I plead with you, if you employ a man who has lived and worked in Cape Town for many years, do see that he does not go on more than 6 months leave — don't sign him off and re-register him when he returns.

MR. NQWENISO was born in 1929. He first entered Cape Town in 1948 (No concrete evidence of being a qualified man) 1 year break in 1955.

On October 1st, 1965, he went home on six months leave with permission from his firm. He returned on 11th April, 1966, reported to Langa and returned to his previous employer. It was only when he went to Langa on 31st August 1966 to apply for his wife to visit him that he was told he was now a contract worker. Without his realising it his book had been stamped "12.4.66 service contract valid until 11.10.66". He had returned eleven days over his six months, unaware of the new regulation.

Mr. COKOVANA first entered Cape Town in 1954. This man was granted 11 months leave by his employer, which was endorsed in his book and dated 2nd September 1965. He returned to Cape Town with permission from Umtata dated 25.7.66. He reported to Langa on 11th August 1966 and was endorsed out. His employer appealed to Langa and the Department of Bantu Affairs on his behalf with no success. Mr. Cokovana has now been sent home by his former employer, who has filled in all the papers for him to come down on contract. Unfortunately it is now more than one year since he worked for this employer so he may well not be permitted to return.

Classic example of waste of time and money

MR. NTSHOBOLÉ came to Cape Town in 1948 from Encobo. He worked for a firm who gave him 8 months leave in December 1965. He returned 29.8.66 and was endorsed out because he had had more than 6 months leave. He returned to Encobo. The firm wired the magistrate there asking for him and wrote to Langa, guaranteeing him employment. The Magistrate at Encobo gave him permission to proceed to Cape Town in terms of Section 10(1) bis Urban Areas Act (Returning to previous employer within 12 months). B.A.D. sent him back to Encobo at Government expense with a letter to the Magistrate summarising the case. The employer has applied in quintuplicate for his worker and is still waiting for him.

Two successes due to Athlone Advice Office efforts

MR. MATOLO first entered the area in 1950 and had worked here continuously ever since, only leaving it for short periods of leave.

He was granted seven months leave late in 1965 and on returning within this period earlier this year he was refused permission to return to his job. Because the period of leave granted exceeded six months, he had lost the automatic right to return to his previous employer within one year — which right existed in 1965. His employers were most anxious to re-employ him and after enormous effort on their part the Bantu Affairs Department finally permitted him to return to his previous job because he was able to prove continuous residence in this area since 1950.

MR. THENI first entered Cape Town area in 1940 and has worked for the same employer ever since then, leaving the area for short periods of leave. On 14th September 1965 he was granted eight months leave and reported back on June 1st, 1966 — two weeks over his eight months. On reporting to the authorities he was endorsed out. While he was away new legislation had been enforced limiting leave to six months, and although he was qualified under Section 10(1)(b) he should have been applied for under a fresh contract. Permission to return would not have been refused because he had not been away for 12 months,

but he would have come back as a contract worker, and lost all his rights as a qualified man. Mr. Theni was therefore told by Bantu Affairs Department that he would have to go home and return on contract — if his firm still wished to re-employ him. He first approached us on 1st June 1966 and after 16 days involving telephone calls, many interviews and letters etc. and a great deal of help from his employer, he was allowed to return to his previous job and has not lost his precious qualification under Section 10(1)(b) of the Urban Areas Act.

As regards domestic workers, male or female, they may be granted paid leave and on their return their books must be signed up to date (males). It is unnecessary to report that workers are going away on paid leave.

Up to now I have dealt with the employer and his difficulties but now I should like to explain what happens to your employees when you discharge them. They must report within 3 days to the local Registering Officer and if they do not qualify to remain permanently in the area under Section 10(1) (a) (b) or (c) of the Urban Areas Act, they will be endorsed out. They will not be allowed to seek work. They will not be allowed to accept work offered. Many women who are the sole breadwinners in the family and who have lived and worked in Cape Town for very many years have been endorsed out.

MRS. SONGISHE was discharged from her job on 17th November 1965 having worked there since 24th January 1960 and on reporting the fact to Langa Registration Office was given R10.81 repatriation money and told to go home. She stated that she had lived here continuously since 1945, was married by tribal custom in 1949 to her husband who is a qualified man with a shop in Guguletu. He, however, left her in 1957 and took another wife whom he married by civil rites.

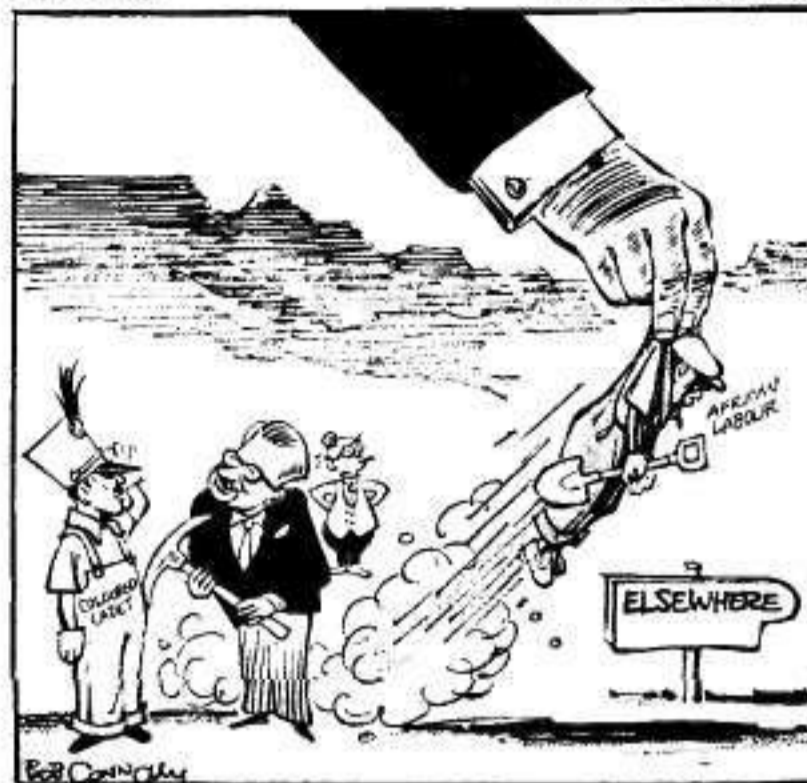
Through an attorney she appealed to the Chief Bantu Affairs Commissioner against her endorsement out on the grounds that she had lived in the area legally since 1945. She collected birth certificates of children born in Cape Town, Post Office Savings books containing evidence of deposits made in most of the years between 1947 and 1965, and a notification addressed to her by the District Registrar of Births requiring her to have a child vaccinated in November 1950. This appeal was not successful.

When she was later arrested and charged with being in the area illegally she was defended by an attorney who, with the aid of all these documents, was able to prove that she had resided legally in this area since 1950, and therefore qualifies under Section 10(1)(b) to remain here. She is now the proud possessor of a stamp to this effect in her reference book.

This case emphasises how important it is to produce documentary evidence in support of verbal evidence—in the end the case hinged on the

Uplifting

By Bob Connolly



production of the notice dated November 1950 requiring her child to be vaccinated.

Mrs. JARA first came to Cape Town in 1956 to join her husband in order to conceive. She worked for same employer (Mrs. D.) as he did and lived in. Took out Reference book in 1959 and employer was made to deposit repatriation money. Went to work for Mrs. S. 1.11.59 to 31.8.61 and while there divorced her husband. In 1961 went to work for Mrs. R. and by then had 7 children and was given temporary hutment. Left Mrs. R. on 30.9.66 because she moved to Constantia and Mrs. Jara thought she would lose her house if she worked in the Divisional Council area. Reported fact that she had left Mrs. R. on 30.9.66, and was immediately endorsed out. She supports 7 children — 3 boarding school, Transkei, one school here and 3 below school age and has very little hope of obtaining employment in the Transkei.

These women are sent back to the Transkei to the place from which they or their husbands originally came. There is no hope of earning a living there and very little hope of finding work in any other town. Many who have no home to which they can be sent land up in a "transit camp" like Sada. Sada is near Shiloh and about 14 miles from King Williams Town. There 2,685 people have been "re-settled" — 428 males over 18, 718 women and 1,485 children. There are 589 residential units made of corrugated iron — very cold in winter, very hot in summer. There are no trees, no fuel, very little chance of employment for men, no schools, although two are being built, no clinic, no doctor. 33 died in Sada during the first 6 months of this year, 2 of old age and 31 from different types of disease. So think twice before you discharge a female employee lest she be sent with her children to Sada, or a similar "transit camp" of which there are said to be 23.

There is another way in which you can help these unfortunate people. If you live in the Divisional Council area of Cape Town, say Constantia, please do not employ an African who qualifies to live and work in the Municipal Area. Yes, he may be able to get a transfer but when he leaves you, he will be endorsed out because he has now worked in another area, the Divisional Council area. Please be unselfish about this and do warn any African you know not to work in another area. If you have a large firm and employ Africans in one area please do not transfer them to another area. Although they have worked for one employer, you, throughout, they have not worked in one and on leaving your employ will have lost all their rights in the first area. (Ten years with one employer does not count unless the employment is in one area throughout.)

If two companies fuse or one takes over another, service with the first company is not counted when calculating the number of years worked for one employer.

Since January 1st, 1965, all African employees must be registered — even half-day chars or two-days-a-week gardeners. They will tell you they don't have to be registered but they do now. Not only is it illegal to employ an African without permission, both the employer and the employee being liable to a heavy fine, but it is very unkind to the African employee. Such a period of illegal employment will spoil his record — he will be considered to have been illegally in the area while so employed and if discovered may well be endorsed out. Remember that a permit to work is not necessarily issued to a person qualified to reside here.

Gradually, during the last two years, the African workers of Cape Town have changed from permanent workers, who, apart for a holiday of

three weeks every year or a few months every few years, have lived and worked here for very many years, to a vast force of Contract workers now said to be 131,414 in the Western Cape. The Labour Pool at Langa which used to stand at plus/minus 300 African males is quite empty and the supply of permanent workers is falling steadily.

So if you are one of the lucky employers who still have the permanent type of worker, please value him greatly and do all in your power to help him to retain the right to live and work in Cape Town. If he becomes ill or is injured while in your employ help him to receive compensation under the Workmen's Compensation Act. Do not do what a certain Dairy did when one of their milkmen was beaten up and permanently disabled by skollies while on duty at night. This firm signed the man off and made not the slightest attempt to compensate him, help him to apply for a permanent disability grant or workman's compensation until workers at the Athlone Advice Office literally forced them to do so. Thousands of rands of money owed to Africans is never claimed — one woman is owed R693 but the B.A.D. is unable to trace the widow to whom it was awarded. This could be avoided if employers took more trouble in recording details of their employees — home address of next of kin etc. and not just 'John'.

In case it would appear that I am too critical of employers I should like to end by paying a tribute to the majority of employers who take a great deal of trouble with regard to their employees. We have been staggered by the time and trouble some employers have taken over one employee in trouble with the Pass Laws. No, the purpose of this talk is to warn employers to value their African employees as never before — to point out some ways of helping them to retain their right to work.

We believe that the Churches are as distressed as we are about the way in which influx control laws are affecting the family life of Africans.

In the Advice Offices run by the Black Sash we continually meet heartbreaking cases that make a mockery of the value we place on the stability of marriage whether performed by Christian rites or tribal law and custom.

Influx control legislation means that in many cases married couples are denied the basic right to live together. It has reached the stage where a young man should examine a girl's reference book before allowing himself to fall in love with her. If she comes from a country area they will not be able to set up a home in an urban area.

As will be seen from the enclosure a minister of religion can be placed in the dilemma when celebrating the sacrament of marriage, of knowing that the vows taken, in many cases cannot be fulfilled because the laws make it impossible for the couple to live together. In these cases the marriage ceremony becomes a meaningless ritual.

White South Africans are solely responsible for these laws. White South Africans are responsible for the evils which stem from this legislation. White South Africans alone have the power to change the law.

We ask the Christian Church in South Africa to take action to ensure that the laws of the Church are not violated by the laws of the country.

(A letter sent to leaders of the Christian Church in South Africa by the Black Sash)