

# Effects of Migratory Labour

## Report of the committee on Social Responsibility

DIOCESE OF CAPE TOWN

### 1. Preamble

1.1.) The terms of reference to the members of the Committee of Social Responsibility reads as follows:—

"That Synod asks the Archbishop to consider the appointment of a Committee to investigate ways and means of enabling families to live together in the areas in which they work."

1.2.) By migratory labour is meant the system whereby men working in towns are prevented by law and policy from having their families with them or settling at their place of work.

1.3.) The Committee believes that under present legislation the Church can do little or nothing which will in fact give separated families the right to live together in the area in which the husband works.

1.4.) The legislation which results in the break-up of family life is immoral, unjust, and indefensible in the light of Christ's teachings. The Committee believes therefore that the Church has a responsibility to point out the evils inherent in present legislation, to state what it considers the rights of the individual to be in this respect, and to make known the facts of the matter with a view to creating a climate of public opinion which will insist on legislative measures to remove these evils in our society.

1.5.) This report is accordingly presented in the following manner:—

Section 2.) The responsibility of the Church for family life and for the rights of the individual.

Section 3.) An outline of the legislation which denies the above rights illustrated by case histories.

Section 4.) Recommendations for making known the facts of the matter.

Section 5.) Conclusions.

### 2. The responsibility of the Church

#### 2.1.) Introduction:

The family is the most basic and fundamental unit of any society and to Christians it is something sacred.

In particular, the Church has always taught that marriage is the closest of all bonds — "For this cause shall a man leave father and mother, and shall cleave to his wife: and they two shall be one flesh."

2.2.) The Church has a moral obligation to insist:—

(a) That a man should have the legal right to have his wife and family living with him at or near his normal place of work.

(b) That it is the duty of the State to assist financially and ensure that adequate accommodation for families can be made available by local authorities or employers wherever it is beyond the means of the individual to provide adequate accommodation for himself and his family.

At the present time, a man who has worked for 15 years in one area or for 10 years for one employer may be permitted (although he has no right to demand) to have his wife and family live with him if there is accommodation available. In fact he is generally refused this permission on the grounds that there is no suitable accommodation. Employers are usually prevented from providing such accommodation and local authorities in the Western Cape are circumscribed.

(d) That the children of parents living in town should have the right to join their families. Under present legislation, the children of parents qualified to reside in the Western Cape may lose their right to rejoin

their parents if they are sent to school in the Transkei or elsewhere.

- (d) That African residents in an urban area should be entitled to have kinsfolk who are dependent on them (e.g. an elderly grandmother, disabled brother, etc., to live with them).
- (e) That men and women should have the right to seek employment and sell their labour to the best advantage. Women are very often the breadwinners in African families since the life expectation of a man is lower than of a woman and the proportion of widows is exceptionally high. (A survey made in 1948-50 in Keiskamahoeek showed that in 40% of the homesteads the head was a woman).

2.3.) It is a cause for deep concern that with the recent extension of the system of contract labour the situation is steadily becoming worse instead of better. The development of a settled urban African population enjoying a normal family life has been deliberately reversed and the proportion of migrants is increasing. In November 1965, the Senior Assistant Director of the Bantu Administration in the Cape Town Municipality stated that "almost 40,000 out of the total of 87,000 natives in Cape Town are now migratory workers who come to the city under contract to a particular employer for a specified period."

(Cape Argus, 18th November, 1965)

The Church condemns the system of migratory labour and particularly the present increase due to legislation.

No African entering the Western Cape as a contract labourer can ever qualify to have his wife and family live with him. The figures presented recently to the N.G.K. Synod in Cape Town indicate that experts predict the total migratory labour force will grow from 533,000 in 1965 to 1,013,000 by 1990.

Not only is contract labour economically inefficient and therefore inclined to perpetuate poverty, but it also breeds irresponsibility. Neither employer nor employee is encouraged to develop a sense of moral obligation towards the other. Furthermore the system of contract labour tends to prevent the attainment and development of skills thus frustrating a man's efforts towards greater fulfilment and satisfaction in his work.

### 3. Outline of Legislation which denies Africans the right to live together in the area in which the husband works.

3.1.) No African may go to an Urban Area in the Western Cape in search of work. He must obtain permission from a Labour Bureau to go to a specific employer on a fixed time contract and become what is known as a Contract or Migratory Labourer. (Section 9 (o) of Act 42 of 1964). He cannot therefore take his family with him to the Urban Area or send for them later to join him at his place of work, nor can he ever qualify to do this under Section 47 of Act 42 of 1964. His family will have to remain in his home area and he will either have to be content to see them for a few weeks each year for the rest of his life, or, in order to have longer spells at home he must remain unemployed for a time and then seek a new job.

3.2.) Section 10 (1) of the Urban Areas Act states that: "No Bantu may remain for more than 72 hours in a prescribed area unless he can produce proof in the manner prescribed that:—

- (b) He has since birth resided continuously in such area;
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding one hundred rand or to imprisonment for a period exceeding six months; or
- (c) such Bantu is the wife, unmarried daughter or son under the age (18 years) at which he would become liable for payment of general tax under the Native Taxation and Development Act, 1925 (Act No. 41 of 1925), of any Bantu mentioned in paragraph (a) or (b) of this sub-section and after lawful entry into such prescribed area ordinarily resides with that Bantu in such area; or
- (d) in the case of any other Bantu, permission so to remain has been granted by an officer appointed to manage a labour bureau in terms of the provisions of paragraph (a) of sub-section (6) of section 21 of the Na-

tive Labour Regulation Act (Act 15 of 1911) due regard being had to the availability of accommodation in a Bantu residential area."

(Section 10 of the Urban Areas Act (Act 25 of 1945) as amended by (Section 41 (a) of Act 42 of 1964).

This means that an African man, woman or child who wishes to visit an urban area for more than 72 hours, must obtain prior permission which will only be given if there is available accommodation. This permission must be obtained before leaving the home area, not on arrival and may take weeks to arrange.

- 3.3.) If a man who was born in an area and has lived there continuously wishes to marry a woman from elsewhere he has to apply for permission for her to enter the area in order to marry her. This may be granted but permission for the bride to remain is usually refused on the grounds that there is no suitable accommodation available.

The following case illustrates this:

A.B. was born in Cape Town in 1947 and lived with her parents until 1957 when she went to school at Graaf Reinet and lived with an aunt. In 1964 when she left school and was 17 years old, she returned to live with her mother at Nyanga East.

According to the Divisional Council authorities she entered Nyanga East illegally and was marked in illegally by an employee of the Divisional Council who has since been arrested. She was endorsed out on 16th February but did not leave the area and married Q. in the Dutch Mission Church on 13th August 1965.

Q. is qualified under Section 10 (1) (a) of the Urban Areas Act to remain in Cape Town as he was born in Athlone in 1937 and has lived and worked in the area ever since. When he reported his marriage he was told he could no longer live in his parents' house in Nyanga East (his name was crossed off his parents' rent card) — but must ask Langa to house him and his wife as he works in the City Council area. A.B. was again told to leave Nyanga East.

They then appealed to Langa officials who were unable to give him a house as there is a long waiting list. An appeal was made to the Divisional Council which investigated the case and ruled that she entered the area illegally and she could not remain. It appears that this couple will never be able to live together in Cape Town. Q's family live in Nyanga East therefore he has no country home to which to send his wife.

A.B. has since been arrested for being illegally in the Cape Town area and as her book is out of order she may be re-arrested at any moment. Her husband can no longer live with his parents as he was only permitted to do so while he remained unmarried.

- 3.4.) If a married man has qualified under Section 10 (1) (b) of the Urban Areas Act by working ten years with one employer or fifteen years continuously in the area and applies to have his wife join him now that he is qualified he is told that there is no suitable accommodation and that she has not "ordinarily resided" with him (Section 47 (c) Act 12 of 1964). If he takes unpaid leave and goes home for a few months to see her he may lose his qualification and has to return to the urban area as a migrant labourer on contract.

C.D. worked in Cape Town from 1941 to October 1964 with short breaks to visit his wife and children in the King Williams Town District. At the end of October 1964 he was granted leave by the Cafe owner for whom he worked and proceeded to King Williams Town. He returned to Cape Town on 15th March 1965. He reported to the Registering Officer and was issued with a "yellow card" and a stamp in his book permitting him to return to work at the cafe. The cafe owner refused to re-employ him so he returned home and obtained a contract job. Up to October, 1964 he was a qualified man. Had he returned to Cape Town before 1st January, 1965 before Bantu Laws Amendment Act (1964) came into force he would have been allowed to seek other work, but in terms of the new act he was only allowed to return to Cape Town to work for his former employer. As this employer would not take him back he was told to return home. With the help of an attorney he lodged an appeal to the Chief Bantu Affairs Commissioner in April 1965. Six months later he was notified that his appeal had failed and he must return to his home district, register as a work-seeker and then endeavour to obtain a contract in Cape Town.

- 3.5.) A man who has not yet worked 10 years for one employer or resided continuously for 15 years in the area is not legally entitled to have his wife with him at his place of work, whether or not there is available accommodation.

- 3.6.) The child of a man who qualifies under Section 10 (1) (a) or (b) of the Urban Areas Act who has entered the area law-



fully or been born there and ordinarily resided with the father may remain in the area. But if this child goes away to boarding school he must apply for permission to return home for holidays, and at the end of his schooling permission to return to his parents permanently is frequently refused. The following cases illustrate this:

E.F. was born in Whittlesea in 1942. She went to school in Whittlesea and after her mother came to Cape Town she lived with her grandmother, coming to Cape Town for school holidays. Her father has worked for the same firm for 25 years and he and his wife rent a brick house at Guguletu. She is listed on their rent card and when she returned each year she reported at the Registration Office. In April 1963, when she returned from school she was given permission to reside with her parents until June 1963 in order to look after her mother who was ill. Early in August 1965 she was told to prepare to leave the area by the middle of the month. She appealed at Langa but was told to go "home." Her father then appealed to the Department of Bantu Affairs. He was told that she came to care for her mother, not to work. She was given six months extension and told that after this they did not want to see her again, and that she must go "home". Although both her parents lived in Cape Town she is required to go to her grandmother in the country.

G.H. was born in Elsies River in 1946 and was baptised at Nqamakwe as a small boy. He lived in Elsies River with his parents until he passed Standard I. He was then sent to Idutywa to live with his grandmother and to attend school there. His parents remained in Cape Town and have their own house in Guguletu, being qualified persons. His father has worked for S.A.R. and H. for 11 years. His brothers and sisters all reside with the parents. Early this year his grandmother died and as he had passed Standard 6 and had no other relatives to live with in the Transkei he returned to his parents. He has been informed that he cannot stay. He should have applied to his local magistrate for permission to proceed to his parents in Cape Town. He can now either return to the country and try to get a contract job through the local magistrate, or appeal to the Department of Bantu Affairs for permission to stay. Such an appeal is rarely successful.

- 3.7.) Africans resident in an urban area are not allowed to have relatives who are

disabled or otherwise dependent on them to live with them.

J.K. was born in Barkly East in 1918. He is completely disabled and quite unable to work or even to look after himself. He was looked after by a sister there and had a disability grant, but in 1962 the sister died and his younger sister who has a brick house in Guguletu agreed to look after him. His pension was transferred to the Bantu Affairs Department in Cape Town but they sent it back again as they do not wish him to be permanently established in Cape Town. Permission for him to remain with his sister was constantly refused and he was finally arbitrarily "re-settled" with a cousin in Springs with whom he had lived earlier a short time and where he was very unhappy.

- 3.8.) When a man who is a permanent resident of one of the Townships dies, his wife is often told a few days later that she will have to leave her house, and, worse still, the township, because her permission under Section 10 (1) (c) to be there depended on her husband's right to live there and he is now dead. Not only has she lost her husband and the family breadwinner, but at a stroke she has lost her home and the right to work to support her children, and they have to leave school and home to go to a "home" in the Transkei which they may never have seen and where neither they nor their mother will be able to earn a living.

L.M. came to Cape Town from Cala in December 1950, a year after she had married P. He had been in Cape Town for some years. She stayed with him until 1953 and then returned to Cala until 1959 when she came back to Cape Town. They lived in Guguletu in a brick house with their eight children. In January 1965, P. died. Mrs. L.M. does charring to support her family and her rent of R8.05 per month is paid up to date. On 26th May, 1965 she went to the Registering Officer to have her new reference book stamped. She had lost her book. Her book was stamped "Preparing to leave for Cala by 14.10.65." She was warned that she could not remain in her house.

She had the right to remain in Cape Town while her husband was alive, in terms of Section 10 (1) (c) of the Urban Areas Act. Now that he is dead she has lost the right and is required to return to Cala, where she has no relatives, and where she will be unable to earn a living.

3.9.) A wife who has the right to live with her husband in an urban area may lose this right if she leaves the area for any length of time. If for example, she goes to nurse a dying mother in the country her husband may be required to move to bachelor quarters and when she returns she may be endorsed out.

R.S. was born in Butterworth in 1921. She came to Cape Town in 1945 to join her husband who had been there since 1941. In November 1962 she went to Butterworth because her mother was ill. In March 1963 she returned to Cape Town with permission from the Employment Officer at Butterworth and from the Influx Control Officer at Langa. Her husband had been ill but as he seemed better she only stayed a week and then returned to nurse her mother — she did not report her arrival at Langa as her stay was so brief.

Her mother died in December 1963 and after settling her affairs she returned to her husband in Cape Town in July 1964. She reported to Langa and was told to prepare to leave the area by 8th August, 1964.

After representations had been made she was finally granted an exemption permit and her husband's name was placed on the waiting list for a house.

3.10.) There are, for example, approximately 19,000 "bachelors" living at Langa alone of whom 68% are married men living away from their wives, which means that somewhere in the country there are nearly 13,000 families living without a father. This pattern is repeated throughout the country. Not all the migrants support their families.

Mrs. T.V. came to Cape Town with five children in May 1961 to look for her husband who had ceased to support her. He qualified to remain in Cape Town but as she had not "ordinarily resided" with him during the ten years of their marriage, he will never be allowed to have his wife with him in Cape Town. She must return to Butterworth.

#### 4. Recommendations for making known the facts of the matter

4.1.) There is a tremendous need for all Christians to take up the problems of Africans with whom they come into contact and so become involved in their family difficulties, thereby learning at first hand their fears and frustrations, and sharing their troubles and endeavouring to solve them. It is the duty of the Church to encourage her members to do this.

4.2.) The Church should embark on a sustained educational programme through the organisation of talks, the circulation of

tape recordings, and publications. There is a need for church members to be fully cognizant with the facts.

4.3.) The Church should urge its members to make the problems of African family life the subject of regular prayer. Prayer cards have been printed and further quantities could easily be made available.

4.4.) An information service is suggested whereby clergy in the African reserves could tell Christians in the towns what happens to individual Africans or their families when they are endorsed out of the towns. Without such information it is too easy to wash one's hands of the matter once the individual concerned has left the town.

4.5.) The Church should send a deputation to the Bantu Affairs Department to point out the evils resulting from migratory labour and influx control regulations. Such representations should be backed by case records of disruption in family life due to migratory labour.

4.6.) Attention is drawn to the methods of propagating information to the Church and community which were outlined in the Interim Report submitted to your Grace in October 1965. They can be summarised as follows:

- (i) A school for clergy to be organised.
- (ii) Production of "fact sheets" for parish magazines and sermon material.
- (iii) A travelling exhibition.
- (iv) Practical field-work.
- (v) List of organisations able to give advice and help.

#### 5. Conclusions

5.1.) The Committee draws attention to the fact that since people of all races cooperate in agricultural and industrial productions, it is not possible to maintain both territorial separation of different colour groups and united families. There is scriptural warrant for cherishing family life but none requiring the separation of people of different races. The choice lies between following Christ's teaching: "Whom God hath joined together let no man put asunder", and making race the most important criterion.

5.2.) The Committee is greatly encouraged by the Resolutions regarding the Social Responsibility of the Church which were passed in 1965 by the Provincial Synod of our Church, and by the recent evidence of parallel thinking by the Dutch Reformed Church. We would welcome co-operation between the Church of the Province and other denominations on this matter.