

# 'Love thy neighbour'?

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*The Minister of Bantu Administration, Mr M. C. Botha, and the Minister of Justice, Mr Jimmy Kruger, said that employers who take on black work-seekers illegally would from now on be summarily prosecuted. Admission of guilt fines would be refused and the accused would, without exception, be compelled to appear in court. Rand Daily Mail, October 1, 1977.*

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• 'My pass is not right for Johannesburg and the inspectors came to where I work. Now I must leave the job. There is no work where I come from and I am a widow without a husband. I have three children at home with my mother who is old and they have nothing to eat unless I am working.'

• 'I have been waiting at home for a very long time but no one has come there to offer us jobs. Now my wife and my children are hungry and there is no money to pay the rent for the house. No, I have no cattle. The GG's made us give up our cows when they moved us to the new place. Our gardens are too small there and we cannot grow enough food. It is like a town except there is no work.'

• 'I want to work in Johannesburg but they have stamped my pass that I must work only on the farms. The money on the farms is not enough for my wife and my children. I was at school and I have a good job here, but now they say I must go because Albert Street will not register me.'

These are the 'illegals', the people who will now be thrown out of their jobs in their thousands because of the latest threat by Ministers M. C. Botha and Jimmy Kruger that their employers will be brought to court for summary trial.

There is no doubt that the Ministers mean what they say. It must be borne in mind that the government legislated this year to double the penalties which may be imposed on employers who give jobs to black people without permission from the Administration Board.

The Bantu Laws Amendment Act of 1977 says that such employers shall be 'liable on first conviction to a fine not exceeding one hundred rand or in default of payment to imprisonment for a period not exceeding three months and on a second or subsequent conviction for a like offence in the same prescribed area within a period of two years, to a fine of *not less than* one hundred rand or in default of payment to imprisonment for a period of *not less than* three months or to both such fine and such imprisonment *or to such imprisonment without the option of a fine*'.

Everyone knows that the towns are full of 'illegal' black workers. These men and women are often those with a high degree of initiative and independence, who refuse to accept the fact that the law forbids them to fulfil their responsibility to their families and their communities. In any other society their qualities of self-reliance and determination would be recognised and rewarded.

In this society they are regarded as criminals and are subjected to repeated arrests, the humiliations of investigative procedures, prosecution and punishment. They are denied the right to freedom of movement within the borders of their own country and are subjected to the inevitable exploitation in relation to their work conditions which goes hand in hand with their 'illegal' status.

There are a number of laws and regulations which lay down which African people may be registered to work in a town, but in brief only those who have permanent urban residence rights in terms of Section 10(1)(a) or (b) of the Urban Areas Consolidation Act have a legally enforceable right to be registered in employment.

They are the people who have lived in a town continuously since birth, those who have had a permit to live in one town for 15 continuous years and those who have worked 10 years without interruption in one town for one employer.

For all other black workseekers it lies in the discretion of the labour officer as to whether they will be registered or not. He will refuse permission to all men who come from the homelands without an attested contract, all men from rural areas who come to town without a contract, all men who are legally resident in another Administration Board Area (unless there are special circumstances but, if such men are registered in a new Board area, they may lose their Section 10 rights in the place where they belong) and all women who cannot prove that they have been in the area since the late 1950s or early 60s.

Men and women who have always lived in rural areas and have grown up on farms have no chance at all of being permitted to work in a town

if the farms in the place where they are deemed to belong are short of labour. Their reference books are stamped that they are registered as workseekers for 'farm labour only' and they have no legal means to resist such an order. They are, in fact, forced to spend their lives as ill-paid farm labourers or to seek such illegal work as they are able to find in the towns.

The creation of Administration Boards which control both urban and rural areas has greatly aggravated the position of such people and has enabled the authorities to manipulate the labour supply in the interests of white farmers at the expense of black workers.

In the homelands the regulations demand that every black male registers at his tribal labour bureau as a workseeker within one month of turning 15 years of age (unless he is a bonafide scholar) and that he goes on so registering within one month of becoming unemployed until he is 65 years old.

But the fact that he is registered as a workseeker does not mean that he is allowed to seek work. He may not leave the area of his labour bureau without permission and this permission is not granted until he has attested a contract of employment. He cannot obtain work unless he has been offered a job by a licensed recruiting agent.

These agents may be licensed to recruit for one company or for a group of companies in the same industry or for a number of independent employers. Each may only recruit at specified labour bureaux and any labour bureau may be closed for recruitment except for a specified industrial area or for a specified industry. For example, one bureau may be closed except for recruitment for a nearby border industrial area and another bureau may be closed to all recruitment but for farm labour.

Registered workseekers in the homelands have absolutely no choice as to where they will work, what type of work they will do, what conditions of work will be offered to them or indeed whether any work at all will be offered. They must depend on which agents are allowed to come, which industry they are recruiting for in which areas and, if the workseekers have the temerity to attempt to negotiate a better contract for themselves, they are likely to be rejected as being 'cheeky' and to end up with no job offered at all.

If a man is offered a job and accepts it he will be asked to put his thumbprint to a contract which is often not read to him and of which he is given no copy. He will be registered for one year only and his employer is compelled by law to discharge him and to return him to the homeland at the end of that year.

If a man is not offered a job because no recruiting agent comes or because he does come but is recruiting for jobs which are not suited to the workseeker's capabilities or to the work category in which he has been placed, or if the workseeker is merely one of the unlucky thou-

sands who do not get picked out of the line-up, he then has no choice but to remain hungry or to seek work for himself wherever he can find it.

Women in the homelands are in an even worse position. They are not compelled to register as workseekers but many do so if they wish to be employed. But there are few towns which will admit women to work on contract and, if they do not move illegally to the urban areas, they will remain unemployed and unable to survive.

There are many employers who, when face to face with another human being in this predicament, feel called upon to obey the biblical injunction to 'love thy neighbour' rather than to be responsible for turning another person out on to the streets in a state of desperation and utter hopelessness.

The Ministers said in their statement that 'should employers be allowed to carry on with this illegal practice, it would certainly be to the detriment of large numbers of black workers who already qualify to reside in white areas. The labour supply would exceed the demand to such an extent that it would result in lower wages, more unemployment, acute housing problems and other undesirable problems'.

The Ministers should be aware that South Africa's labour supply long ago exceeded the demand and that long before the current economic recession this fact has caused exploitative wages, unemployment, acute housing problems and many other undesirable social problems which their government has done nothing whatsoever to alleviate and has, in many respects, aggravated by its policies and discriminatory legislation.

If they should argue that race discrimination is not the foundation of influx control, then they must answer the question as to what would have happened to the ruling white minority had its members been prevented by law from moving from impoverished rural areas to expanding industrial towns and cities.

The pass law system is one of the cornerstones of government policy. Should it disintegrate then there will be nothing left of apartheid or separate development. By its very nature, it is particularly vulnerable to opposition by the black majority of South Africa's citizens. It has only been maintained with the unconscious cooperation of the black people it oppresses.

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**A**N ENQUIRY was made from NICRO regarding remuneration for prison labour, and we were told that the law requires that employers pay a 'per capita' rate to the prison. But the prisoner receives nothing, except in a few special cases, where skilled workers get some small payment on discharge from gaol. CAPE WESTERN