RACE DISCRIMINATION

AND EMPLOYMENT PRACTICES

"There seems to be an impression in some quarters that the removal of the colour-bar would meet the natives' grievances, but it should be clearly understood that the removal of the colour-bar, even if it were possible in opposition to the wishes of the great bulk of the European population of the Witwatersrand, would advantage only the comparatively small number of skilled or semi-skilled natives, to the great mass it would make no difference whatsoever."
(Chamber of Mines Spokesman, 1905, Cited in F.A. Johnstone : Race, Class and Gold.)

On 27th January, a letter from the Department of Labour reminded the parties to the Industrial Council for the Transvaal Building Industry of the agreement which permits the employment of Africans as operatives (in Grade 1 jobs) *only so long as this does not lead to unemployment among White artisans.* This move was met by fierce opposition from employers in the building trade, opposition parties in parliament, the Trade Union Council of South Africa, and African trade unions in the Transvaal. "As always blacks are the last to be hired, and the first to be fired", said Mr. Shimone Khumalo, president of the Johannesburg branch of the S.A. Black Social Workers' Association; "This is plain discrimination".

The job colour bar in South Africa is unjust because it violates the notion of equal employment opportunities regardless of race. In so doing it denies "Coloured", Asian and, more particularly, African workers access to those jobs requiring greater skills which are more highly paid and often more fulfilling as well.

It is, however, incorrect to concentrate exclusively on the job colour bar. For this forms only one part of the mass of repressive legislation, administrative instruments and customary practices imposed especially on Africans and justified in terms of racist ideology. All these devices,

firmly rooted in our country's history, are designed to prevent the freedom of movement of African workers. At the same time containing their collective bargaining power. The system of migrant labour which denies contract labourers permanent residence at their place of work, as well as the denial of full, legal rights of association and negotiation to all African workers come immediately to mind. In this way the state, in containing the collective power of African labour, ensures a docile and pliable work force and serves the interests of employers.

Some earlier laws such as the Masters and Servants Acts (see SALB Vol 2 No 1) are now obsolete for they have been *surpassed* by the modern complex of laws that controls, directs and disciplines the African labour force. The Bantu Labour Act and the Bantu Labour Regulations in particular, which provide for the registration of African workers at labour bureaux, synchronize with the "modernized" pass laws in a huge administrative structure of surveillance, arrest and punishment that makes state control of African labour remarkably pervasive. The net effect of all this prevents the determination of wage rates through the internationally acknowledged process of collective bargaining. In sum this system of discriminatory secures the cheapness of African labour. These are the employers' colour bars and we shall call them exploitation colour bars. (F.A. Johnstone, Race, Class and Gold) to distinguish them from the job colour bars of the white workers.

It was - and still is - this cheap labour which made white workers insecure. For, so long as employers benefitted from the exploitation colour bar white workers had to protect themselves. This was especially the case in those categories of work in which Africans, with a minimum of training, could displace them. White workers tried, therefore, to set up job colour bars to protect themselves. The job colour bar, in South Africa, manifests itself in three ways: through statutory colour bars; protective trade union practices; and customary barriers.

The statutory job colour bar was first introduced on the gold mines in 1893 when the Z.A.R. ruled that blasting certificates were reserved exclusively for whites. This was later withdrawn but a number of other statutes were enacted reserving jobs for whites in the Z.A.R. The first statutory colour bar since the Union also affected mining being contained in the Mines and Works Act of 1911. After 1948 the Nationalist Government added the Native Building Workers Act of 1951, applying statutory job reservation to the building Industry. However, it was the 1956 Industrial Conciliation Act which contained the specific provision enabling the Minister of Labour, upon the recommendation of the Industrial Tribunal, to determine that work of any class should be reserved wholly or in part for persons of a particular race. Although it is often averred that only 2,3% of the total labour force is potentially affected by these determinations, they nevertheless effectively exclude African, and other black workers from occupational categories higher that those from which they are legally excluded. Of late, this legislation has not been energetically extended. In fact, only one determination, relaxing an earlier one, was made between 1972 and 1976.

A more common form of job reservation, to be explored in a future issue of this Bulletin, is the protection given to certain racial groups by Industrial Council Agreements negotiated between employers and trade unions. This protection is provided by one or more of the following methods: A ratio clause restricting the number of semi-skilled workers to be employed for each skilled worker; a closed shop agreement whereby certain classes of work are reserved for registered union members only; effective limitation on the acquisition of skills through apprenticeships where jobs are reserved for skilled trade union members. For example, the Industrial Council Agreement for the Transvaal Furniture Manufacturing Industry states: "no employee who is not eligible for membership of any of the trade union parties to the Agreement, shall be employed on work or in occupations classified in classes 3,4,7,11,14,22,23 and 24." In recent years many exemptions have been

given to permit African advancement into jobs from which they had previously been banned. However, with the serious recession coupled with rising unemployment, Africans are likely to lose ground they had gained as the Department of Labour's action in the Transvaal Building Industry indicates.

The final type of job colour bar is customary. Africans, and other black workers for that matter, are often excluded as a matter of course from certain occupations even when no legislation prevents their employment. The factors at play here are ignorance of the law, fear of customer reaction, and pure racial bigotry.

Our argument is, therefore, that the job colour bar of the white workers was in large part a response to the cheap African labour supply created by the exploitation colour bar. Thus, the removal of the job colour bar *alone*, now as in 1905, would not effect a dramatic change in the status of African workers. It might satisfy a minority of skilled and semi-skilled workers but not the mass of the labour force. Only freedom of movement and collective bargaining rights could do this. It would require the abolition of the whole discriminatory system including laws which enforce separate African worker representation through works and liaison committees and prohibit the registration of African unions. Those employers interested in improving race relations and promoting sound industrial relations would be well-advised to recognise African trade unions as well as resisting the job colour bar.