

SACTU and the Industrial Conciliation Act

Rob Lambert

1983 is a crucial year for the independent labour movement in South Africa as determined efforts are made to transcend the fractionalised nature of that movement. State repression of sectors of the movement during 81 and 82, culminating in the death in detention of Neil Aggett, gave unity talks a new impetus, while the work stoppage of 101 000 workers to protest Aggett's death expressed the potential of unity and laid the basis for further unity and co-operation of a more permanent kind in the future¹. With the rapid expansion of sections of the independent trade union movement since Wiehahn, the large permanently established unions had shifted the balance of forces, thereby bringing to the fore the possibility of further repressive intervention by the state and new initiatives by capital to limit union power. This new objective situation makes the forging of an organically united labour movement imperative. Nowhere was this more forcefully demonstrated during 1982 than in the General Workers' Union recognition dispute on the Port Elizabeth docks. Railway workers were harshly repressed and the union was forced to retreat, leaving the large state-run transport sector outside of the ambit of the independent unions. This is a setback as the establishment of an effective worker movement must extend beyond the manufacturing sector to state run transport, the mines and white capitalist agriculture. The Port Elizabeth dispute reveals that this can only be placed on the agenda once unity is firmly attained.

In the earlier unity discussions, differing positions regarding the proper relationship between the unions and the apartheid state served as one impediment to progress. On the one side it was argued that unions that register in terms of the Labour Relations Act and enter Industrial Councils compromise basic principles to such a degree that it is not possible even to discuss unity with them. Such discussions could only take place if these unions deregister and withdraw from the industrial council system. The Motor Assembly and Components Workers' Union of South Africa has articulated this position consistently. On the other hand it is argued that such issues

should be discussed tactically in terms of whether or not such decisions advance or inhibit the growth of an independent, democratic worker movement. At the most recent talks held in April this year, differing perspectives on this issue were secondary to the need for a new federation.

In this context it is constructive to examine the South African Congress of Trade Unions (SACTU's) response to the 1956 amendments to the Industrial Conciliation Act, amendments which attempted to impose rigid racial divisions on the trade union movement in keeping with Nationalist party ideology.

The amendments led to intense debate within the SACTU national congresses in which both positions were strongly articulated. On the one side it was argued that registration and industrial councils must be viewed tactically rather than in terms of principles. On the other it was argued that participation in the industrial relations system represents compromise with the apartheid state, the result of which is that political struggle is irretrievably dissipated, leaving in its wake emasculated weak unions.

This article details both positions, by outlining the debates within Sactu, and by presenting the participants' own evaluation of the consequent effects of decisions taken.²

The Apartheid State's Offensive

The rapid development of the manufacturing sector during the 1930's and 1940s was accompanied by a substantial increase in the size of the black proletariat with the African urban population trebling between 1921 and 1946 so that by 1946 almost one in four Africans were in the cities.³ The process of organising black workers into trade unions advanced through the formation of the Council of Non-European Trade Unions (CNETU) in 1942. By 1945 CNETU had some 158 000 members in 119 unions, representing 40% of the total African workforce employed in manufacturing and commerce. During the war years the bargaining position of organised workers strengthened with the exodus of white workers in support of the war effort, with the rationalisation of production processes, the breakdown of the artisanal-unskilled division of labour and the growth of semi skilled operatives.

This changing size and position of the black proletariat, together with organisation at the point of production generated a dramatic increase in the

level of strike action during the war years as black workers pushed for, and won, wage increases.

There were two dimensions to the strategy to contain this upsurge — repression and reform. War measure 145, introduced in December 1942, imposed severe sanctions on striking workers, while the United Party debated the most appropriate response to the increased worker militancy. The 1948 Native Laws commission (Fagan Commission) in recognising the permanent urbanisation of African workers in the manufacturing sector, attempted to formulate exploitation in class rather than racial terms. The national system of labour bureaux was to be established, and the pass system replaced by a simplified identification system. In 1947 legislation in the form of the Industrial Conciliation Bill was introduced which had as its intention the diffusion of the bargaining power of African unions through statutory recognition that included illegalizing all strikes, electing union officials under government supervision and approval, and the channelling of disputes through compulsory arbitration by mediation boards.

The Industrial Conciliation bill was finally not introduced into parliament when the Nationalist party came to power in 1948. The Nationalist Party initiated instead a more aggressive drive to extend and reform controls over the labour movement and denied any form of recognition to African unions, as this implied the recognition of urban rights which they rejected. When the Nationalist appointed Industrial Legislation (Botha) Commission argued that African unions should be recognised on a similar basis to that proposed in the earlier bill, minister of labour Schoeman responded:

If we give them that incentive to organise and should they become well organised — and again bearing in mind that there are almost 1 000 000 native workers in industry and commerce today — they can use their trade unions as a political weapon and they can create chaos in South Africa at any given time. I think that we would probably be committing race suicide, if we gave them that incentive.⁷

This speech was made in the context of the militant upsurge of the exploited classes. The repression of the mine strike in 1946 stimulated the coalescence of various opposition groupings around a programme of action in 1949 that gave impetus to organised resistance in the form of stay aways and passive resistance. Rather than recognise African unions in such a context, non—recognition was coupled with the repression of trade union leadership.

The drive to contain the militant upsurge extended beyond the continued non-recognition of African unions to the introduction of changes in the Industrial Conciliation Act so as to impose a restructuring of all existing unions along racial lines. The amended Act introduced provisions whereby no further 'mixed' unions would be registered; 'mixed' unions would have to separate into uniraical unions if more than half of either the white or coloured workers chose to break away; any 'mixed' union that did not divide voluntarily into separate racial unions would have separate racial branches of whites and coloureds. Meetings would be separate and only whites could serve on the executives of different branches. Mixed meetings of shop stewards and mixed Congresses were to be prohibited. The Act also introduced a statutory colour bar (clause 77).

In the post-war period a widespread reorganisation of the labour process was taking place, giving rise to the semi-skilled operative drawn largely from within the ranks of the growing African working class.⁹ This process of 'rationalisation' increasingly threatened many Trades and Labour Council (TLC) unions, comprising white, coloured and Indian workers. Differences over the most effective strategy to respond to this process was an element in the demise of the TLC and the formation of TUCSA in October 1954. TUCSA supported the recognition of African trade unions, and opposed the racial provisions outlined above, because it was held that the retention of mixed unions could more effectively prevent undercutting through closed shop agreements.

As regards the rise of the semi-skilled operatives and African unions, TUCSA leadership believed that recognition and registration under the Act would lead to a process of incorporation that would institutionalize conflict, thereby containing political struggle.⁶ While TUCSA called for recognition, it nevertheless excluded African unions, in deference to the position of the predominantly white artisan trade unions.

SACTU was formed in March 1955 as a non-racial co-ordinating body in response to TUCSA's rejection of the African Trade union membership on the one hand, and their explicit statement of the need to control these unions on the other.

Trade unions should be willing to guide the native along the path of responsible Trade unionism without endangering their own standards of leadership....Suppression will instill in workers the desire for political power to alleviate their lot. That is a possibility which we can-

not contemplate without grave misgivings if the European people wish to remain in Africa.⁷

Comprising former CNETU unions and the left wing of the TLC, the new leadership based itself firmly in the African working class, seeking essentially to respond to and articulate the heightening political struggle of that class as the ANC mobilized black workers in the face of the apartheid state's offensive outlined above.

In contrast to the TUCSA orientation, SACTU developed a defined political unionism.

You cannot separate politics and the way in which people are governed from their bread and butter, or their freedom to move to and from places where they can find the best employment, or the houses they live in, or type of education their children get... Trade unions must be active in the political sphere as they are in the economic....⁸

But as the following debates will show, SACTU opposed the Act on a basis that differed radically from TUCSA. While TUCSA unions were threatened by the reorganization of the labour process, deskilling and the rise of the semi-skilled operatives; such developments provided the material power base for SACTU unions. For the SACTU leadership, willing to link with the ANC programme of action through the Congress Alliance, this provided an opportunity, but also raised a difficult issue. How could the emergence of industrial unions play a role in furthering the political struggle against the apartheid state? It is within this problematic that the following debates should be situated.

SACTU Responds to the Act

From the outset, the leadership pushed the following question to the forefront: how could the new apartheid provisions be effectively opposed?

A policy document analysing the likely effects of the new provisions on the trade union movement and advancing a strategy to counter the state's offensive was presented at SACTU's first annual conference in March 1956. The new bill was part of a fascist onslaught designed to fundamentally weaken the trade union movement by dividing that movement along racial lines and depriving it not only of its right to strike, but also of its right to control its own funds and elect its own officials. Decades of compliance with the provisions of the IC Act had incapacitated the unions.

In the field of trade union organisation the emphasis had gradually

shifted from the shop and factory floor to the trade union office. It became a tendency to settle disputes by legal procedure rather than through militant struggles of the workers.⁹

This legalistic tendency even permeated the existing unregistered African unions, and while progressive unionists recognised the need to link militant struggle with legal procedure, difficulties were experienced in applying this. The established unions failed to mobilise all workers in the face of the Nationalist Party's new onslaught against the trade unions because they were bureaucratic, had disconnected themselves from the political struggle for the rights of the working class, and were infested by the 'scourge of racialism'. The task of rectifying the mistakes of the past rested on SACTU, a body which recognized no colour bars in the working class struggle!

For SACTU to fulfil this task adequately it must develop clarity in its future policy direction, and workers must be educated through the process of struggle. Such policy must recognise and develop the following orientation:

The highly centralised type of trade union machinery is at a great disadvantage in such a situation (i.e. developing a clearer political direction. R.L.), and although the necessity of it is recognized and must be maintained, it will be the militant factory unit which will be the most effective in the struggle. It is on these factory units that the organizational emphasis must be placed. Workers in the factory must receive the necessary theoretical education in working class struggle to equip them for independent struggle. The emphasis must, further, be on the development of leadership in the factories....SACTU must vigorously pursue a policy placing the interests of workers in the forefront of the struggle.¹⁰

Basic demands should be integrated into this programme of developing new factory structures and stimulating a self conscious leadership. These should include the demand for higher wages; better conditions of life and labour; elementary human rights in workshops and factories; full and equal rights for prospective working mothers; guaranteed annual leave on full pay for all workers; full equal workman's compensation, unemployment insurance and the right to engage in skilled occupations.

The conference considered the document and, with the failure to win TUCSA's support to counter the amendments, plans to organise a national petition, lobby parliament and make approaches to the minister failed to materialise. With the exception of regional conferences in the Transvaal, Port Elizabeth and Natal, organized during March, opposition remained

dormant during 1956. In contrast, 1957 was a year of intense debate within SACTU over the correct tactical responses to changes in the Act which became effective on January 1.

The Registration Debate

The issue at the forefront was the question of formal registration in terms of the Act. Just prior to the second annual conference held in April, Eli Weinberg, General Secretary of the National Union of Commercial Travellers, argued in the pages of *Truth*, the Laundry workers' paper, that SACTU unions should voluntarily deregister so that Africans could be equal members of mixed unions. In his view this would also strengthen democratic control within individual unions and widen the scope for strike action and political involvement. Underlying his argument was an optimism in the inherent power of the workers' movement.

The African workers are on the move again, and they, no doubt, will again prove to the members of registered unions that the most effective way to secure benefits is workers unity and not some kind of nebulous 'recognition' which is bound up precisely with the sacrifice of working class unity.¹¹

Any decision to deregister would affect SACTU's largest unions. At this point in time it comprised 26 affiliated unions, 5 of which were registered. These were the Textile Workers' Industrial Union (TWIU), the Food and Canning Workers' Union (FCWU), the National Union of Laundering, Cleaning and Dyeing Workers (NULCDW), the Metal Workers' Union (MWU) and the South African Tin Workers' Union (SATWU). While the majority of SACTU unions were unregistered, the registered unions in Textiles, Food and Laundering comprised the greater majority of SACTU's organised membership. The unregistered unions linked to the registered unions in these three sectors had a smaller but still substantial membership, and taken together these unions were the backbone of SACTU. The remaining 20 unions were extremely weak.

This issue was brought into sharp focus at the Second Annual Conference of April 1957 where the registration debate dominated, consuming a full two of the three available days. A resolution on the IC Act was submitted for debate. In essence it argued that the amendments would have a two fold effect on the trade union movement: firstly, they would 'deepen and perpetuate the disastrous racial divisions which had plagued the South

African trade union movement since its inception,¹² and secondly it challenged the independence of the progressive labour movement, for workers would no longer have the right to run their own organisations in their own manner. The very right to elect leaders of their own choice will be denied them'. Thus compliance would transform unions into nothing more than instruments of government policy and they would become 'trapped in a mesh of legislation designed to cripple them'. However tempting 'the fruits of legal recognition', 'capitulation' in the face of the new provisions would prove disastrous. Again the argument that working class strength is a surer basis for employer recognition was advanced. The preamble called for a 'vast counter offensive' based on a drive to organise African workers who were 'suffering under the double yoke of extreme class and national oppression'. A vote was called on the following resolution:

'This conference of SACTU conscious of the gravity of the situation facing the workers of our country:

- 1. Appeals to all registered trade unions to resist all efforts to split their organisations on racial grounds and if necessary to forgo registration under the Industrial Conciliation Act.**
- 2. Calls upon newly formed trade unions not to register under the Industrial Conciliation Act but to form broad, multi-racial trade unions.**
- 3. Calls on all trade unions, registered and unregistered; those affiliated to SACTU and the SA Trade Union Council to sink their differences and to build complete working class unity so that this Industrial Conciliation Act and all other anti working class legislation could be defeated.**
- 4. Instructs all its local committees and affiliated unions to embark on a campaign to organise the unorganised workers so that mass pressure can be brought to bear on the Nationalist Government to repeal all unjust anti trade union laws.**

Don Mateman, SACTU National Treasurer and National Secretary of TWIU, intervened immediately and proposed an amendment to the resolution's first proposition. The Mateman amendment read:

Registered trade unions should resist all efforts to split their organisations on racial grounds. Unions should devise ways and means, despite the Act, to maintain and strengthen the unity of all workers, and where possible to forego registration.¹³

When Moses Mabida, the Natal regional President, held that the original wording 'if necessary' covered the proposed amendment, Mateman clarified by saying that what he envisaged was registered unions devising ways and

means of maintaining the unity of workers, despite the Act, without deregistering. That is, means should be found for the unions to work outside the Act, despite their remaining registered. This pro-registration stance was vigorously attacked by Oscar Mpetha, organiser for the unregistered African FCWU in a speech stressing the innate strength of African working class.

The reason we are today faced with an IC Act of this nature is because workers had accepted previous IC Acts, which gained them temporary advantages. We need not find ways and means of working within the Act. We could not leave the onus to a few unions. SACTU as a progressive organisation had to reject the Act. If we accept the amendment we are going backwards. Why could we not negotiate from strength? Must we beg that a piece of paper will negotiate for us, that white workers should negotiate for us? Have we no confidence in our own workers that they will change the tide in South Africa? We must not underestimate their strength. I ask the conference not to accept the amendment.

Malika and January, both of NULCDW, intervened — rejection of the Act in the form of deregistration was a principled stand,

SACTU came into being on the basis of certain principles. These principles had to be adhered to.

To this Mateman retorted that he was not compromising principles. Conference must consider the effects that deregistration would have on the Textile Union in order to understand his argument for remaining registered. At this point he was supported by Turok of the MWU,

We should not run too far ahead. If we deregister we would lose many advantages under the Act, and some of the unions might leave SACTU.

The debate then shifted to Mpetha's contention regarding the strength of the African working class. This Marcus, of the Shops and Office Workers' Union (SOWU), challenged.

The conference should face facts and consider how many *organised* workers there were in South Africa, when they called for negotiations from strength.

At the end of the long, two day debate Mpetha again took the floor,

Working within the Act was to agree to baaskap ... SACTU must give a lead ... progressive unions will have to undergo deregistration ... we must reject the Act in toto for it is our doom to accept it.

Delegates were deeply divided on the issue and because of the lack of unanimity, a policy making vote was postponed. The question of registration was referred to the incoming National Executive Committee for further consideration. They decided to organise a special conference in December to canvas opinion on appropriate responses to the state's offensive once again.

This initiative was however rendered redundant as individual SACTU unions made decisions independently of the NEC. At the 16th Annual Conference of the 9 000 strong FCWU, held in September, the Union, while emphasising its total opposition to the IC Act, decided to comply with the Act, thereby altering its constitution so as to confine its membership to coloured workers. Following on the FCWU, the TWIU amended its membership to coloured workers only, while the NULCDW divided into separate uniraical unions, with the larger coloured union retaining the name and the new white union being known as the Laundry, Cleaning and Dyeing Workers' Union. Faced with this independent initiative on the part of the major unions the December special conference could do nothing other than endorse a de facto situation.

While it is clear at this point, that the major SACTU unions had undercut the deregistration thrust, this move should be situated in the context of the historical development of these unions. They would argue that drawing on economic gains that could be made through the IC Act, FCWU and TWIU were able to develop a base during the 1940's. Each established a linked but separate union for African workers. Organisationally the two worked together so that the gains that FCWU made through Conciliation Boards, also brought economic gains to AFCWU. In other words, the decision to comply with the Act was not a rupture at a union level, as structurally these unions were separate, despite their acting together. It was however a rupture in terms of the co-ordinating body. In the aftermath of these union decisions delegates pledged a continued campaign against the Act, while at the same time retracting and transforming the unambiguous April resolution calling on unions to forego registration into a vague and general appeal that:

... the present registered unions work towards greater unity and strength.¹⁴

Mpetha spoke. This move by the major unions was a temporary measure designed to 'safeguard' those unions. They were prepared to deregister, but

would do so gradually. The resolution was adopted unanimously and the conference endorsed the existing practice of splitting unions, arguing that this side-stepped the problem of 'white baaskap': subjecting 'non-whites' to the position of inferior members. Unions were called on to campaign for private agreements with employers outside the IC Act as a method of countering the effects of the Act. This was endorsed at the 1958 conference where the general secretary congratulated the registered trade unions for their 'heroic opposition to the Act, despite the fact that because of their small numbers they were unable to hold out against the overwhelming odds against them'.¹⁵ Despite a public statement at the conference that these unions were consistently working towards eventual deregistration no SACTU union adopted this strategy in practice.

Registration and the Issue of Democracy

Clearly, there is a fairly dramatic shift between the inconclusive debates of the 2nd Annual Conference, and the independent initiatives of certain SACTU unions six months later. Why was there this rupture, and the inescapable question: if individual unions act in this manner, can one still talk of a coordinating body capable of uniting and giving direction to the working class?

Internal democracy implies that coordinating body structures facilitate the participation of ordinary workers in open debate and decision making. This is not simply a question of the extent to which the SACTU constitution of 1955 corresponds with this model, for the attainment of internal democracy is a process of struggle waged during the growth and extension of member unions.

SACTU had been in existence for a mere 18 months when the congress debate took place, hence the disconnected nature of the decision making process and the consequent lack of organic unity. At this early stage SACTU annual conferences were little more than a platform for discussion between unions. As the 2nd Annual Conference could not reach consensus on the registration question the NEC could exert no direction other than asking member unions to delay a decision until after the December special conference. The unions did not delay, exposing the weaknesses of SACTU at this juncture.

Reflection on the 1957 debate further reveals the problems surrounding the question of internal democracy as a process of attaining organic unity.

Current research seems to suggest that individuals made interventions in the debate without any mandate from union membership. In the words of one delegate, the intervention on deregistration 'came out of the blue'. It had not been discussed with other union officials. Individuals therefore acted on their own. Nor was the conference resolution circulated to the individuals unions prior to the conference. Delegates received it on arrival and there was little opportunity to discuss responses within the crowded agenda. Leading proponents in the debate had no mandate from the union members and simply reacted to the resolution according to their own individual perceptions of the most effective response.

A complicating factor in this issue of a mandate was the fact that the leadership of both Textiles and Food and Canning did not want to open the registration issue out to general debate at the membership level, at this point in time. It was argued that the registration issue was never discussed with the general membership because it gave unnecessary emphasis to a sensitive issue in the Western Cape — the state's differential discrimination against coloured and African workers. 'Africans are very, very sensitive to discrimination and it is a point that can hurt a lot'.¹⁶ Mateman argued that only certain leadership decisions had to be referred to the membership. At certain points strategy needed to be discussed.

We used to sit down and get the wisdom of the workers. We would ask, what line should we take, then work out new strategies together. Rank and file members always had a lot of confidence in their leaders at that time.¹⁷

Only decisions that affected the real needs of workers were referred and it was felt that the registration issue did not fall into that category.

The decision to comply with the amendments was never canvassed in the factories for the reasons outlined above. The debate and the decisions that followed thus reveal SACTU's early stage of development so that while debate was open and democratic at the national conference level, organization and consciousness had not developed to the point where these debates could permeate amongst ordinary members, thus connecting individual unions in a more organic response. The rupture can thus be explained and it is naive to judge SACTU on this issue. It had not had the time to crystallize as a coordinating body. This should serve as a warning to all: an organically united movement capable of giving direction to the working class is not attained simply because union delegates meet at a conference. The achieve-

ment of internal democracy is a process of ongoing struggle requiring time to mature. On what basis, then, can the registration decision be evaluated?

Towards an Evaluation — Negative Compromise or Principled Strategy

SACTU's final response to the apartheid state's offensive could be evaluated as a negative compromise. A union grouping committed to a militant resistance campaign against the state at a political level had subordinated itself to apartheid to such an extent that its 'resistance' was limited to rhetoric only. Principled opposition had thus been emasculated. The official SACTU history views the decision of the various unions to comply with the Act as a negative compromise. In their terms, deregistration would have been the correct decision and the alternative reveals the divisions created even within the progressive trade unions by apartheid legislation. They interpret the outcome of the debate in racial categories, determined by existing social structures: militant African leaders favoured defying the Act and pushed for deregistration whereas registered unionists were reluctant. This arose out of differing social experiences. For African leaders defiance of the IC Act was simply an extension of their experience in resisting the 1953 Native Labour Act, whereas others were unwilling to forgo the benefits they derived under the IC Act. The latter feared that their largely coloured membership were unwilling to accept short term sacrifices associated with the loss of registered status, thereby failing to educate their memberships on the long term political advantage of deregistration.

Exponents of the deregistration position essentially argue that compliance plays into the hands of the state in that it divides the labour movement racially, weakens it and furthermore bureaucratises that movement. This runs counter to the gains made through struggle as the emphasis shifts from the factory floor to the trade union office and legal procedure. Underlying the position is a belief in the strength of the African working class, a closeness to the notion of the spontaneous movement of the class: 'The African workers are on the move again'.

During 1957, while these debates ran their course, African workers were on the move. At the beginning of the year SACTU members had participated in a spontaneous upsurge of mass action on an unprecedented scale, when an estimated 70 000 Africans from Johannesburg and Pretoria townships boycotted the PUTCO buses and walked 20 miles to and from work each day. The action was sustained for three months, spreading to Port

Elizabeth, Uitenhage, East London and Bloemfontein in the form of acts of solidarity. When the fares were forced back to their original levels, a new sense of optimism permeated the Congress alliance. During the course of the boycott SACTU organized a Worker's Conference which gave rise to a nationwide £1 a day campaign. Speaking from the floor, Leslie Massina, Secretary of SACTU, declared:

The bus boycotters have shown up, as never before, the terrible hardships of African families on their present wage scales ... Asinamali exactly states the position of the workers today. 18

The slogan 'Asinamali — Sifun'imali' — we have no money — we want money, took root in the factories and 1957 witnessed the highest level of factory strikes for the decade.

Confidence at this level translated into national campaigns and the June 26 national stay away call, 'stop work, stop the nationalists' linked to the £1 a day campaign and the rejection of passes and permits. Despite the considerable forces mobilized against the campaign by the state and capital, the strike was 70 — 80 percent effective in the Johannesburg, Vereeniging and Port Elizabeth areas, where the majority of workers ignored the threats. On other parts of the Reef, except the East Rand where the response was poor, there was a 50 percent stay away. The strike was most solid in unionised factories.

It was in this context of continuous, interlacing, militant struggle, that the deregistration position was advanced. Delegates had experienced and participated in the upsurge, and were in no mood for tactical compromises. The deregistration thrust can only be grasped in this wider context. The Act was being opposed so as to extend the political struggle against the State, in a phase of movement and increasing commitment by a substantial segment of the African working class to tackling the issue of the State directly. The official history is thus correct in pointing to social experience as determining positions vis-a-vis the Act, but it fails to understand the rationale of the alternative. The argument for registration cannot simply be explained by reference to the race of the exponents, but must be traced back to more substantive reasons.

The Case Against Registration

Those participants in the debate who expounded the alternative, argue that the decision to comply with the Act far from being a negative com-

promise actually embodied a defined and principled strategy. Such a strategy is based, they argue, on a knowledge of worker consciousness and the levels of union organisation during the 1950's; the internal situation and organisational problems of particular unions; the limits of law and the way in which it can be turned to the advantage for the working class.

Despite the revival of trade unionism amongst black workers during the 1940's, worker consciousness remained at an elemental level during the 1950's. Many ordinary members still viewed the trade union as an office, or a bureau that could offer legal advice on a variety of everyday problems or a group that was ready to take up individual grievances with particular employers. A trade union consciousness had not yet emerged, that is, they had to discover through experience that 'the work of a union is to fight, to go on fighting, and at no stage to give up. Unions are to change conditions. We had to make workers realise that it was they who had to come together to take a stand'.¹⁹ With class consciousness in embryonic form it was not possible to approach workers with 'fancy ideas' on the merits or otherwise of registration. The spadework had yet to be done. Furthermore, trade union organisation was at an early stage of development and needed to expand quite considerably so as to make tactical decisions from a position of relative strength. Arguments for deregistration rested on the assumption of the strength of the working class, despite the lack of organisation of that class and made no assessment of the balance of forces.

Unions such as Food and Canning, Textiles and others, were committed to the establishment of strong industrial unions, nationally. Deregistration was opposed because some of the exponents argued for large mass general unions, in opposition to strengthening the existing industrial unions within SACTU. It was felt that this position confused the specific role of the trade union within broader based political struggle.

Nor did the deregistration position take account of the internal situation and organisational problems of particular unions. During the period of the debate the TWIU faced the full power of the Frame company as managing director Philip Frame orchestrated Industrial Council proceedings through Alex Wanlass, an ex Labour Party MP who became secretary of the Industrial Council with Frame's assistance. A strike of almost 700 workers was broken at the giant Consolidated Textile Mill in Durban, with the Industrial Council forcing major concessions from TWIU members, while Wanlass, an energetic opponent from the outset of TWIU memberships of SACTU,

sought registration for his new union, the Fibers Spinners and Weavers Union. This took place during June 1957, the precise moment that the TWIU NEC were considering the deregistration issue. Executive members felt that deregistration would simply provide new avenues for the Frame group to attack TWIU, weakened as it was by the defeat at Consolidated. It was a time to consolidate on the factory floor, and deregistration would only complicate this endeavour.

Similarly Liz Abrahams, secretary of FCWU, said that at various points in its history FCWU had to face the challenge of opportunistic leadership who sought to establish an alternative union under cover of formal recognition, built upon attempts to create coloured worker antagonism towards black workers, something FCWU refused to tolerate.

Opportunistic leaders often argue that the government should not give Africans in the Western Cape rights to work there because they are taking bread from the Coloured people's mouth. We dismiss any leader who disorganises and speaks against the workers.²⁰

In the Textile industry the task of organising black workers was problematic because factories were being increasingly located in rural areas with sources of cheap labour. There industrialists obtained large tracts of land and union organisers found it impossible to establish contact with black workers without being charged for trespassing. Registration and thus recognition of the right to organise coloured workers in these factories facilitated contact with black workers, who were then organised into the unions. TWIU organised black workers at a Zwelitshwa cotton factory and at Fine Wools Uitenhage in this manner. Because unions within SACTU were weak, space had to be created to draw in new factories.

Those that argued for registration stressed the crucial importance of establishing legally binding agreements.

Workers must build themselves up on what they have achieved. They must maintain what they had won, and like soldiers, they need to dig trenches. What you have suffered and fought for, you must maintain. If you conquer one space, you can move onto other factories. Workers can only be strong in an *organised* fashion and they must preserve what they've got otherwise it becomes a very cheap struggle.²¹

Given the repressive context of the 1950's such agreements could only be established within IC Act structures such as Industrial Councils and conciliation boards. These created the right of access and enabled the union to

organise black workers, who were in a majority in textiles. Textiles strategy was to consolidate in one factory before extending to others thereby utilising leading workers in other areas. Leaders from the solidly organised Amato Mill in Benoni, for example, travelled to all the major Textile centres in South Africa to extend the union.

Matemen evidenced an awareness that involvement in IC Act structures could have the bureaucratizing effect that the SACTU conference resolutions spelt out.

In these days when bosses gave you recognition they were quite blatant about it. You wash our hands and we'll wash yours. They were determined to maintain the status quo by giving little sops, but not higher wages.

With the exception of the SACTU unions, the leadership of the registered unions failed to develop and struggle for working class demands, hiding instead behind weak agreements on management's terms that were negotiated without shop floor involvement. FCWU, TWIU and NULCDW stressed shop steward involvement and raised demands such as the £1-00 a day, often engaging in strike action to back the demands as in the case of Amato in 1958. This the employers vigorously resisted. What is being suggested is that bureaucratic practice is not a *necessary* consequence of entry in IC Act structure, but depends on the practice of the leadership and whether it is controlled by democratic and participatory structures.

Registered trade unions were making the workers unmilitant. We realised that we had to get the militancy of the workers. We made them feel that *they* could win small victories. They must be led to know that its through *their unity* that strength comes, and this strength must be seen in small victories.

The Practice of Union Organisation

Were one to accept that there were certain advantages at the level of organisation, how could exponents counter the central criticism that they compromised with apartheid by accepting racially defined union constitutions. SACTU's registered union ignored the amendments at the level of practice. There was no racial division in the work of Oscar Mpetha and Liz Abrahams, organisers of AFCWU and FCWU. They moved together to the same factories and organised all workers, regardless of race. According to Abrahams,

We just split the name, but everything remained the same. In those early days we did not even take notice of the race issue — our aim was to build up the workers, unite the workers and unite the unions. Ray Alexander and Oscar, then later myself and Oscar would never visit factories without each other. Canning factories mainly employ Coloured and African women and all departments are mixed. So there were only the two names, and separate books in case they came to check: 12

Mateman stressed that the priority was the unity of all workers — SACTU's bedrock principle. The registered unions therefore made organisational gains through their registered status, while simultaneously defying the amendments to the Act. All the amendments were 'ignored in fact' and the labour department never enforced the provisions. If there had been any attempt on the part of the state to enforce the racial provisions of the Act the registered unions would have deregistered. For Mateman,

Registration was not a holy cow. We decided to stay registered for as long as it suited the workers, but if they had tried to interfere we'd tell them to take their registration and go to hell. Amato proved this. Here we had an African majority, but the amendments didn't stop TWIU organisers working there.

The state never had the will to enforce the racial provisions on the progressive labour movement and so the leadership of SACTU's registered unions argued that because of the state's weakness in this regard, they were able to avoid any compromise of basic principle, while at the same time by responding tactically were able to extend and consolidate factory floor organisation, an urgent priority given the weakness of SACTU's industrial unions in the mid 50's.

Democratic Commitment and Unity

These debates and decisions of strategy throw into sharp relief a number of the tensions inherent in any progressive trade union organisation moving towards effective resistance against racial capitalism. There is the tension between the felt spontaneity of the class, and the need to consolidate organisation; between the need to make immediate economic gains, and broader political objectives; between a sense of the innate strength of the working class, and its weakness under the domination of capital. The decisions can only be fully understood within the context of SACTU's organisational 'immaturity' at this point in time. Various positions in the

debates had not been adequately discussed at a union level, hence the rupture is fully understandable. Evidence seems to indicate that the decision to comply with the Act, far from leaving in its wake weak emasculated unions, did not inhibit the continued growth during the 1950's of TWIU, FCWU and NULCDW. This still leaves open the question of whether the development of strong national unions advanced the political goals of SACTU, that is, liberation from all oppressive laws? Nor does this evidence automatically imply that there was no case for deregistration in the context of widespread worker participation in explicitly political campaigns. Could not consciousness at a factory level be further developed by exposing the nature and intentions of the Industrial Council Act, that is, the separation of economic from political struggle, ensuring a narrowly defined and economic trade unionism, as opposed to a working class movement, interconnecting different levels of struggle. It could be argued that the deregistration position linked more easily with the political campaigns.

Returning to the present, there is little doubt that debate over trade union tactics and strategy will continue to generate divergent viewpoints, as it did during the 1950's. There is however, one powerful lesson to be learned: SACTU leaders *practiced* democracy. When conference debates ended, those who had canvassed different opinions worked together to realise the goals of the workers' movement. This deeper sense of unity through shared commitment is what is sorely needed at this point, if the present unity talks are to realise a more organically united labour movement.

Footnotes

The comments of Eddie Webster, Doug Hindson and Ari Sitas on a draft of this paper were valuable. While I have the advantage of their insights, they have the advantage of not sharing responsibility for criticisms that may arise, political or academic.

1. SALB, Vol.7 No.6.
2. The article has its limits in that I was unable to speak to Oscar Mpetha. This trade unionist of stature continues to languish in the apartheid state jails. A deep sense of outrage is felt by all and this piece brings to the fore Mpetha's commitment to democratic practice. He debated the issue with vigour, challenging the position of other trade unionists, then once decisions were taken, worked with all to strengthen SACTU and thereby advance the worker struggle. Is there not an important lesson in this?
3. For a more detailed analysis of the political economy of the 1940's see Dan O'Meara, *The 1946 Mine Workers Strike and the Political Economy of South Africa*, *Journal of Commonwealth and Comparative Politics*.
4. See parliamentary debates on the report of the Industrial Legislative Commission.
5. D. Innes, *The State, Post-war manufacturing and Class struggle*, Mines, 1978.
6. L. Ensor, *TUCSA's relationship with African Trade Unions — an Attempt at Control — 1954-1962*, SALB, Vol.3 No.4.
7. Sunday Times, 29/5/55, statement by TUCSA, quoted in Ensor TUCSA.
8. Chairperson's Address, Inaugural Conference.
9. Policy document, submitted to the 1st Annual Conference, March 1956.
10. *Ibid.*

11. Truth, March 1957.
12. The quotes that follow, and the resolution are contained in the Minutes of the 2nd Annual Conference.
13. *Ibid.*
14. Minutes of the December special conference.
15. Minutes of the 3rd Annual Conference, March 1958.
16. Interview, 1/7/82.
17. Interview, 16/7/82.
18. New Age, 14/2/57.
19. Interview, 16/7/82.
20. Interview 1/7/82.
21. Mateman, *op cit.*
22. Abrahams, *op cit.*