THE I.C. ACT—

What Should Be Done

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FROM the day its terms were announced in Bill form, in 1953, the Schoeman-de Klerk Industrial Conciliation Act of 1956 was recognised by every trade unionist in the country as a mortal threat to the structure of free trade unionism as we had known it in South Africa, and to the rights and living standards of the workers. The leaders of the big, old-established Unions announced that every sacrifice must be made, all differences must be sunk, in order to mobilise all registered trade unions against the Bill. They even scuttled the former Trades and Labour Council, with its long tradition of admitting all workers to membership, on the grounds that by conceding to the anti-African prejudices of Unions which had left the T.L.C. they would bring about a united front of all Europeans, Coloured and Indian organisations in the new Trade Union Council, which would be able to defeat the Bill.

Principled trad eunionists expressed the gravest doubts about the wisdom of this procedure. They warned that an organisation which had itself admitted a measure of apartheid, would be unable vigorously and successfully to contest a Bill which was intended to carry apartheid to its logical conclusion. Their fears proved well-justified. The T.U.C. proved utterly incapable of mobilising the workers against the Bill. In fact it did not even attempt to do so. Faced with a passive trade union movement, the Nationalist Government pushed the Bill through and promulgated it. Some of its worst apartheid provisions come into force in a few months time: at the beginning of 1958. By that time all unions which are at present registered in terms of the old I.C. Act, and which at present have a "mixed" membership — i.e. contain both European and Non-European members — have to decide what to do about it. Either they comply, in some way or another, with the apartheid principles of the Act, by modifying their present Constitutions to conform with the racialistic outlook of the Government, or else they lose their registration certificates and their present "recognised" status.

This is not a matter which conerns trade unionists only. For too long trade union matters have tended to be left to Union officials only. But the problem of the trade union movement is the concern of all politicaliy minded South Africans, for great democratic principles are involved.

WHAT THE NEW LAWS SAYS

The former I.C. Act was by no means a model of democratic industrial legislation. Its worst feature was that, by excluding Africans from its definition of employees, it made it impossible for African unions or multiracial Unions with African members to acquire the legal status and offi-

cial recognition that go along with registration. Without exception, Unions of European, Coloured and Indian workers reacted to this situation by agreeing to exclude from their Unions their African fellow-workers in their industry. A few tried to meet the difficulty by helping and co-operating with parallel, unregistered, African Unions in their industry and consulting with these unions before entering negotiations with employers. Most did not even bother to do that.

But at least, under the old Act, White, Coloured and Indian workers could form a single trade union, with the right of all members to meet together, to serve on all Union Committees and as Union delegates on Industrial Councils.

The new law takes away these rights. In future, as from January 1, 1958, registered trade unions must amend their constitutions. Their Constitutions must provide, either for the membership to consist exclusively of one racial category (White or Non-White), or if, they wish to retain a single organisation for both sections:

1. **Separation of members of different races into separate branches;**
2. **All-White Executive Committees;**
3. **All-White delegations to Industrial Councils.**

Mixed general meetings of all members will be prohibited. No Non-White worker may attend a meeting of the Union's executive, even as an observer. Penalties of imprisonment and fines can be imposed for the crime of infringing these regulations.

WHAT SHOULD BE DONE?

These threats have thrown many registered trade unions into confusion. Many of their leaders are floundering in panic, while the workers wait in alarm for a lead. On the whole they are prepared to struggle in defence of their Unions as they have always known them, which have won them higher wages and better conditions, yet they do not know how to face the situation as D-day comes closer and closer.

No common strategy has been worked out by the Trade Union movement to meet the threat of the I.C. Act. The Congress of Trade Unions has made repeated appeals to the T.U.C. and other co-ordinating bodies for an all-in conference to decide on a proper course of action, but these appeals have fallen on deaf ears.

The C.T.U. has called upon its affiliates not to co-operate in implementing the Act. But, unfortunately this — the only co-ordinating body which admits unions of all workers — does not have many registered unions affiliated to it, and even these few differ as to the best way of meeting the threat.

Still greater confusion prevails in the T.U.C. One of its biggest affiliates — the Garment Workers' Union — anticipated the Act by attempting to set up separate racial trade unions some time ago. At the national conference, the T.U.C. president, Mr. Rutherford, said publicly that he doubted whether this would be a good example for any union to follow. Other T.U.C. Unions are proposing that, in the interests of "unity" the Non-Europeans should accept Union segregation and domination of the organisations by White members.

A CRUEL CHOICE

There are many harmful and unjust clauses in the new I.C. Act. But these clauses demanding racial separation are the most immediately important. They are the ones that workers in both registered and unregistered Unions are debating and finding so much difficulty in overcoming at present.

On the face of it the mixed, registered union faces a cruel choice at the present time. Let us see exactly what compliance with these clauses would mean.

Some White trade unionists, as pointed out above, have appealed to the Non-Whites to accept the expedient of all-White leadership. Perhaps some of them may make this appeal in all sincerity, in the belief that they, as trade unionists, will conduct the Union in all fairness and impartiality, free of racial bias or favour. But whatever their subjective feelings, they definitely cannot expect Non-European workers to accept such assurances, particularly at the present period. When they have had proved for them beyond any doubt — if there ever was any doubt — the utter and criminal neglect of Non-White rights, interests and aspirations by all-White Parliament, Provincial and Municipal Councils and innumerable other bodies.

All-White executives have existed in certain "parallel" unions for many years. Without exception they have indulged in insulting segregation policies in the Union and in one way or another neglected the special interests of Non-White members.

The danger is even greater when the workers come to consider the implications of the vicious Section 77 of the present I.C. Act. For this section provides for the reservation of specified jobs for members of a particular race-group. What guarantee will Non-White members have that their all-White executive or Industrial council delegation will oppose the introduction of this sinister clause in their industry, or even that they will not use it to try and secure the best-paid and most pleasant jobs "slegs vir blankes?"

Today the Non-European worker is a politically-conscious man. He is fed up with White baasskap in the rununing of the country, and wants to put an end to it. He is certainly not prepared to tolerate the same sort of thing in the running of his own trade unuion.

SPLITTING THE UNIONS

The unpalatable prospect of White-dominated Unions has led many workers — some of them sincere opponents of apartheid, others perhaps opportunists seeking new positions in new unions — to plump for the alternative provided for in the Act. That alternative is the establishment of two completely separate trade unions in an industry: one for Whites, the other for Non-Whites. Those who favour such a course argue that it

is the only alternative for Coloured and Indian workers if they want to resist Section 77 and White baasskap; that at least it will enable Non-European workers to be represented on industrial councils and thus preserve a say in negotiation of wages and conditions.

Some unions have already decided in principle to follow this course, including those in the furniture and textile industries. The idea is gaining in popularity among sections of the Non-White workers, particularly in the Cape. According to the Act, where a Union is split in this way, the racial unions thus formed are each entitled to claim a pro-rata share of the funds and other assets of the previously united organisation. The possibility of forming exclusively Non-European unions, whose leaders would perhaps be more progressive than present union leaders, makes a strong appeal to many trade unionists who are not necessarily racialistic or "anti-White"

Nevertheless, the policy of introducing apartheid voluntarily into the trade union movement is fraught with grave dangers for the workers, and in the long run only the employers will benefit from such a policy.

It is true that splitting the unions this way would give the Non-White workers facilities to meet and negotiate with the employers at industrial councils. But they will be "three-cornered" negotiations, and the employers will be quick to seize upon and to use any divisions that may develop between the two unions.

The unions may try to counter such a danger by establishing a federation which could decide on a common policy. No doubt such a federation would help to preserve a united front. But in times of stress where differences develop, especially over matters affecting industrial colour bars, and the relative importance to be attached to demands on behalf of workers in diffrent wage-categories (which unfortunately so often correspond to different race-categories), the federation may easily be disrupted.

Experience has proved that racial divisions invariably harm the workers' interests — and never more so than in South Africa, where registered Unions, excluding Africans have not only callously disregarded the interests of their African fellow-workers, but also, rotten with internal chauvinism, have proved unable to resist Nationalist Party disruption from within and from above.

Moreover, will the all-Non-European union really be in a position to defeat Section 77 job-reservation proposals if they are introduced at industrial councils? We must not forget that the employers themselves are all Whites; if the White unions want to reserve jobs for themselves they will vote with the bosses on the councils, and the others will be in a minority. In any case the body to decide is not the industrial council, but the Industrial Tribunal, which is specifically set up to create White domination, appointed by the Minister and removed at his will. If the establishment of all-White unions is encouraged, and these unions then demand job-reservation, they are bound to get a sympathetic hearing from any tribunal set up by Mr. de Klerk or the Blankewerkersbeskermingsbond!

A THIRD ALTERNATIVE

Separate branches under all-White leadership are no solution for the workers; nor are separate trade unions. But there is a third line of action open to trade unions, which will enable mixed unions to preserve their unity and their democratic character. They can have trade unions of Europeans and Non-Europeans in which all members enjoy equal representation and equal rights. In fact such unions can even become genuine all-embracing industrial unions by enrolling African workers in the industry, as well as European, Coloured and Indian workers.

But such trade unions will not be eligible for registration under the present Industrial Conciliation Act. They will have to rely, not on Mr. de Klerk's Labour Department, but purely on their own strength and unity to bring about and enforce the implementation of agreements with the employers. It can be done. It was done in this country for many years, before the I.C. Act of 1924. It is done in many parts of the world where there are no legal provisions for industrial councils and other similar State machinery. In the last resort, all agreements depend not on the State and the I.C. Act, but on the organised strength of the workers.

It may, however, be difficult to persuade a generation of workers and trade unionists accustomed to the type of trade unionism which has been fostered by the I.C. Act to understand these facts of life. The I.C. Act of 1924, which gave trade union recognition to the Coloured, White and Indian workers, has served to blunt their class consciousness. The thirty-three years of the I.C. Act has witnessed the growth of a new generation of workers, unused to bitter struggles for the right to bargain collectively with employers for trade union recognition and better conditions. Thirty-three years of privileges at the expense of the African workers has reared a labour aristocracy, devoid of genuine trade union tradition and consciousness.

Yet, we should not underestimate the extent to which the harsh Nationalist rule has awakened thousands of South Africans, of all racial groups, and brought them to their senses. Are not those Church leaders who advocate militant defiance of Church apartheid more in step with progressive opinion than the timid trade union leaders who advocate voluntary segregation, or the feeble United Party echoing the stale slogan of White leadership? A vigorous campaign among the workers now, not only by a few advanced trade unionists but by the whole democratic liberation movement could lead to a big change in the situation. The advanced, class conscious workers should set the ball rolling at their places of work.

They should explain that the machinery of the I.C. Act in its old form may have been, to some extent, a useful instrument — but the new Act no longer serves the interests of the workers in any way. It acts as a brake on their progress. The planned disunity of the workers, the biassed Industrial Tribunal, the restriction of the strike weapon, the idea of reserving jobs for race-groups — all these are meant to be used and will be used by the employers to play off one section of workers against another — in the interests of higher profits and lower wages. They will try to get back concessions which, in the past, they have been compelled to yield to the workers.

The only way to prevent these disasters is to win the workers to boycott the Act and refuse to operate it. And where compliance with the Act would mean forfeiting the existing measure of unity gained by the workers, they should refuse to comply and operate unregistered.

Workers may fear that sick funds, provident schemes, industrial councils and many other fruits of past struggles would disappear as a result of deregistration. They should remember that all these benefits were gained not through Government benevolence but as a result of past struggles, often taking the form of protracted strikes.

They did not win these concessions easily but by forcing them out of the employers through their unity. They can maintain the benefits if they remain united — whether registered or not. And they will lose them if they are disunited, even if they have the registration certificate in the Union office. They can keep their sick funds and retain their past concessions. The employers (most of whom are not so fond of the Government anyway) will not dare to tamper with the workers' sick funds if the workers are prepared to act to defend them.

NO REAL PROTECTION

Even the industrial councils can be retained. They need not be "registered" councils, but they could serve exactly the same purpose as registered councils: a permanent machinery for collective bargaining. Private agreements — legally binding contracts — could be entered into the same as before. There is absolutely nothing to stop collective bargaining between employers and workers, outside of and ignoring the I.C. Act.

What we have to realise is that the new Act no longer provides any real protection for the workers — all it does is provide endless opportunities for Nationalist Government interference in the internal affairs of workers' organisations, whereby de Klerk's registrar can tell you how to frame your constitution, whom you must elect to office, and what you may or may not do with your own union funds. No-one should be deceived by the clauses which grant "recognition" — the Act is like a tempting fruit whose juice is poisonous and will kill at the first bite!

There is no reason for the atmosphere which exists in many registered trade unions: an atmosphere of suspicion, defeatism and inertia. There is no reason for passive acceptance of the I.C. Act. There is no reason to tamper with our constitutions, to set up racial unions, to amend our own rules to suit the Registrar of trade unions. The constitutions are made for the workers to run their unions democratically, in their member's interests. Coloured, Indian and White workers may well take an example from the Africans who have resisted and in fact made a dead letter of the Native Labour (Settlement of Disputes) Act. Without collaboration from the workers, industrial laws can't work.

The strength and effectiveness of a trade union does not depend on a scrap of paper, the registration, certificate, or the blessing, recognition and goodwill of the labour department and the employer. It depends on the unity and determination of its members to improve their conditions and standards. Trade Unions do not, or rather should not, write their constitutions in order to please an official of the race-crazed Nationalist Government, and if they do so, it is my belief that they will find they have sold their birthright for a mess of pottage.

It is a thousand pities that the trade union movement has not been sufficiently militant and united to appreciate the correctness of this point of view. A general decision of the unions to boycott the I.C. Act, to refuse to comply with its provisions, and to operate by direct negotiation with the employers, without the unwanted services of the labour department, would have made the whole Act unworkable and a dead letter. If

only our trade union leaders had shown the courage and clear-sightedness of the Roman and Anglican bishops, that is what they would have done.

But they have not done so — although the operation of the Act will sooner or later force them to take such a stand — and the problem now faces each individual union.

SPECIAL CIRCUMSTANCES

Of course, that problem presents itself in a different way to each union, according to the special circumstances that prevail in that industry. Where a Union already consists of only Non-Europeans, then the question does not really rise in this sharp form for it at the present time. There may be no immediate practical advantage to be derived from deregistration and constitutional amendment in such circumstances would be a mere formality. Ultimately, no doubt, all the Unions are going to learn the worthlessness and disadvantages of registration under this new I.C. Act, through their own bitter experiences. But, in the meantime, there cannot be a single simple rule for all Unions, whatever the circumstances and level of understanding. I would definitely advise deregistration in any Union immediately, sooner than split or submit to White domination. But where these immediate threats do not exist, it might be better for progressives in such unions to continue their registration now, meanwhile assisting to organise the Africans in the industry and building unity, in preparation for eventual deregistration.

Again, it may well be in certain Unions that while one section — probably the Non-Europeans who are generally more advanced — are prepared to retain the existing constitution of their existing mixed Union, defy the registrar, and tell him what to do with his registration certificate, the other section may be unwilling to agree. The Whites may insist on submitting to the Act, and demand an "all-White executive" clause in the constitution. The Non-Whites should try to convince their White fellow-workers that this course is wrong and harmful for all. But if the others will not agree it seems clear that the Non-Whites will have no alternative but to safeguard their democratic trade union rights and interests by establishing their own registered organisation separately, as a temporary measure. For otherwise they run the risk of seeing all Union assets and benefits pass into the hands of one section only.

In the long run the workers will realise that only united industrial trade unions, comprising all workers including Africans, can effectively serve their interests. What will most effectively bring this lesson home is the mass trade union organisation of the African workers — a job S.A.C.T.U. and its allies have begun to tackle in the course of the present nation-wide "asinamali" campaign for all-round wage increases and a £1-a-day minimum wage.

If the industrial legislation of the country does not provide for such *free, democratic unions, the unions will have to operate outside the frame*-work of such legislation — until they are strong enough and united enough to change the laws. That has been the course of trade union history in every country, including Britain — from the time when labourers were arrested and deported from Tolpuddle to Australia for daring to combine in a Union, to the present time when trade unionists take their places as honoured and respected members in Parliament and all the councils of the land.