AFRICAN TRADE UNIONS AND THE NEW POWERS

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AFRICAN workers' organizations are already subject to so many restraints that it did not seem possible the Government would seek further curbs upon their development.

Yet they have now done so in Section 29 of the Native Laws Amendment Bill. This measure radically changes Clause 9 (7) of the Natives (Urban Areas) Act to give the Minister of Native Affairs, among other things, new powers to hinder the activities of African trade unions.

The significance of these new powers can be better appreciated if considered in the light of the present plight of African workers, and in relation to the many laws and regulations which hedge in African trade unions and stifle their natural development at all points. Official hostility, expressed through a persistent campaign of intimidation and persecution, adds to their difficulties. Employers are persuaded by the Government to refuse to have dealings with African trade unions and a general impression has been created that it is illegal to negotiate with such unions. Actually, these organizations are not prohibited, although they are denied legal recognition. This excludes them from the rights of the Industrial Conciliation Act, which registers non-African trade unions and gives official status to industrial councils, comprising representatives of registered unions and their employers, for the purposes of collective bargaining and the settlement of disputes.

THE MAZE OF NATIVE LAWS

This serious lack of rights discourages the formation of trade unions in the many industrial and commercial spheres where Africans are employed. Lacking legal authority, the unions are barred access to factories and workshops and find it almost impossible to carry on organizational work. Because African trade unions are frowned upon by the authorities, and because all strikes of Africans are illegal, employers give short shrift to trade union agents or shop stewards. The laws of trespass, as they affect Africans, are so wide that trade union officials

run the constant risk of arrest when they visit the workplaces of their members.

Membership of a trade union is difficult to maintain because of the maze of laws and regulations which govern the lives of Africans. When an African breaks a civil contract with his employer, he commits a criminal offence; his movements inside the urban areas are strictly controlled; he cannot leave one employer to accept better employment elsewhere without the authority of a Labour Bureau; he cannot leave one industrial area to work in another unless he obtains permission to enter the new area; once he leaves the town of his birth to work in another area, he forfeits the right to return and can do so only with official sanction; he must always carry his identity book and be sure that it is properly signed by his employer. These are but a few of many restraints upon an African worker's freedom.

Trade Union Problems

The African trade unions themselves have little security. They are fortunate if they can obtain office accommodation. Very few owners of buildings in the industrial towns will rent premises to African trade unions. It is, therefore, most difficult to maintain permanent administrative offices and to provide meeting places. This situation is aggravated by the application of the Group Areas Act, whereby racial zoning invariably defines central city areas as White areas, thus prohibiting African ownership or occupation. Consequently, even those African trade unions which now have premises stand in the shadow of eviction.

In the so-called "Native areas"—(the locations and townships)—there is no accommodation for African trade unions. Not only are these locations and townships situated long distances from the industrial areas and the towns; none of them provides offices, nor would any be made available to African organizations disapproved of by the Government. In any case, trade union headquarters in African townships would be quite impractical, because Africans residing in one township are not allowed to enter another without the special permission of the township superintendent, who inevitably would refuse such permission to visiting trade union members, in view of the official hostility towards such organizations. There are, too, other obstacles, such as transport and the nightly curfew.

To all these difficulties must be added the restraints placed upon trade union leaders through the Suppression of Communism Act and the Riotous Assemblies Act. These laws also give the Minister of Justice arbitrary power to ban meetings and prohibit persons from attending meetings, and have been applied to several trade union officials.

Meetings in urban areas are also subject to the bye-laws of the various municipalities. No meeting can be held in African townships without the permission of the superintendent, who must be given written notice (usually seven days) and informed of the purpose of the meeting, the subject to be discussed, and the names of the organizers and speakers. African trade unions, being considered "subversive" by the authorities, would not be granted such permission, even if they were lucky enough to secure a meeting place.

The New Powers

This brings us to the new powers sought by the Minister of Native Affairs. Not satisfied with the existing wide powers to prevent African meetings in African townships, the Minister now claims the further arbitrary right to ban mixed meetings of Whites and Africans in the urban (i.e., White) areas.

Section 29 (f) provides:

> "The Minister may:
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> (i) *prohibit the holding of any meeting . . . which is attended by a Native, in any urban areas outside a Native residential area, either generally . . . or in respect of specified premises or classes of premises;*
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> (ii) *prohibit any person . . . from holding, organizing or arranging any such meeting . . . if in the opinion of the Minister the holding of such meeting . . . is likely to cause a nuisance to persons resident in the vicinity . . . or in any area likely to be traversed by Natives proceeding to such meeting . . . or will be undesirable having regard to the locality in which the premises are situated or the number of Natives likely to attend such meeting. . . .*"

The Minister could apply these powers against African trade unions with the greatest of ease, and probably would do so. The result would be disastrous. Factory meetings, branch meetings, executive meetings, general meetings, all fall within the scope of these new powers and could be banned. Factories, workshops, offices and other places of employment are almost entirely concentrated in the urban areas. This, of necessity, likewise concentrates trade union activity in such areas. If prevented from carrying on their lawful business there, African trade unions will be virtually outlawed. That is bad enough. But it is not the only evil in this provision.

The Minister will also have the right to ban meetings between

White and African trade union leaders. Until now it has been possible for "registered" trade unions to maintain contact with African workers and their unions, and assist them in many ways. However, on the passing of the Native Laws Amendment Bill, the Minister will have power to put a stop to joint discussion between White and African trade union representatives; to forbid the holding of inter-racial trade union conferences, and to prevent the conduct of labour colleges, lectures and discussion clubs. In this way, the Minister can shut off all contact and communication between experienced White trade unionists and the new army of African industrial workers. It is becoming clear that what the Government has failed to achieve in one way it is determined to do in another.

Instead of encouraging White trade unionists to extend their knowledge and experience to the rising Black proletariat, and to teach them the civilized ways of industrial democracy and efficient, responsible trade unionism, the Government prefers to drop its iron curtain of complete racial separation.

Section 29 of this Bill illustrates again that freedom is indivisible. The denial of rights to the non-Whites must inevitably extend to the Whites and infringe their liberties too. Once again the White trade unions are victims of an apartheid law, as they were with the Industrial Conciliation Act. Wise White trade union leaders have recognized for a long time that African workers must be organized in trade unions if they are not to become an economic threat to White workers. This attitude is strengthened with the knowledge that African workers now constitute 54 per cent. of the industrial labour force of South Africa, while the Whites comprise a mere 28 per cent.

The arbitrary power of the Minister to prohibit mixed meetings of Whites and non-Whites can frustrate all efforts to build healthy trade unionism. It would be foolish to think that the Minister will not use his newly-acquired powers to that end, for his party is totally opposed to African trade unions.