

# 2 The problems of unemployment among African workers . . . .

(As experienced by the Black Sash Advice Office in Durban)

by Solveig Piper

The Unemployment Insurance Fund (UIF) (established by Act 30 of 1966) consists of the contributions of all contributors (irrespective of race), their employers and the State. However, vast numbers of people are excluded from enjoying the benefits of the Fund viz. Agricultural workers, casual and seasonal workers, foreign Africans, domestic servants in private households, African miners living in compounds, permanent public servants, provincial employees, SAR & H employees, Africans earning less than R10,50 per week and anyone earning more than R6,760 per annum. The fund offers the following benefits to those workers eligible:-

A. **ORDINARY BENEFITS** to contributors during periods of unemployment when suitable work is not available to them, though they are willing and able to work.

As already stated African workers only qualify for UIF benefits if they earn over R10.50 per week, whereas the other race groups do not have this minimum stipulation before being entitled to the benefits of the fund. Africans should be allowed to qualify as do other races. Regarding the "availability of suitable work", because of job reservation, Africans can in no way 'sell their labour' and have positively no choice as to whether a job offered to them is suitable or not. In fact an African workseeker has got to accept the employment offered regardless of its nature. This is especially the case with contract workers.

Workseekers on a 30 day limit permit do have much more of a choice, but they only have 30 days in which to make it and thus their choice is limited in terms of the availability of work. It goes without saying that job reservation should be scrapped both for economic and humane reasons, especially as the majority of African workseekers are both willing and able to work. However, in the present economic recession, even that occurrence will have little significance for black workers.

B. **ILLNESS ALLOWANCES** to contributors during periods in excess of three weeks when, by reason of a specified illness, they are unfit for work and have become unemployed or, though their contracts of employment have not been terminated, receive from their employers less than a third of their normal earnings.

The biggest problem affecting African contributors requiring illness allowances is the difficulty in obtaining their UIF cards in order that they may apply for these benefits. Invariably the employer has not applied for their UIF cards (this is usually done on termination of employment), and therefore they have little or no chance of receiving these allowances while they are unable to earn. The process of getting a card is tedious and decidedly long term. It offers extraordinary problems for the contract worker because he may only collect his UIF benefits in his Homeland area and not in his place of employment. It is

important to remember that contract workers make up the majority of the African labour force in South Africa.

C. **MATERNITY BENEFITS** to female contributors who are unemployed or who, though their contracts of employment have not been terminated, receive from their employers less than a third of their normal earnings during a period not exceeding 18 weeks prior to the expected date of their confinement and 8 weeks after the birth of a live child, or 4 weeks after the birth of a stillborn child.

In the case of African contributors, very seldom is their employment not terminated, and one of the main points of contention in this Act is that it does not cover domestic servants in private households.

D. **PAYMENTS TO DEPENDANTS OF DECEASED CONTRIBUTORS.** Dependant means the widow or invalid widower, dependant children under the age of 17 years, or any other person wholly or mainly dependant on the contributor for the necessities of life.

Here the biggest difficulties encountered by Africans are those of communication, distance and knowledge. In the case of the African widow/dependant of a contract worker, for example, she lives in the rural area, and only sees her husband once a year. More than likely she does not know anything about the UIF or that such a card exists and that she can claim death benefits. Enlightenment on this does not easily come her way.

The Act also specifically states that:

E. Employers are required to ensure that every contributor in their employ has a contributor's record card, which should be handed or delivered to the contributor without fail on the day that employment terminates, otherwise benefits from the fund cannot be paid.

In a large number of cases UIF cards are only applied for after employment has been terminated. Some companies employing large numbers of workers often use this fact as an excuse for their contravention of the Act.

F. **APPLICATION FOR UIF BENEFITS.** When an African contributor becomes unemployed he should register for work immediately at the nearest labour bureau or at a magistrate's office. He will not receive any money unless he is available for and capable of work, has contributed to the UIF for at least 13 weeks in the year before becoming unemployed and that it is at least one week since application was made for benefits and the contributor is still unemployed. There are 3 reasons for termination of service, viz. (1) Resignation, (2) Reduction in staff, and (3) Other. For reasons 1 and 3 a minimum penalty of 6 weeks could be imposed from the date of application for contributions. If the contributor is still unemployed after these 6 weeks then he will begin receiving benefits.

This is where the contract worker could well benefit from the UIF. He must go back to his Homeland area to register as a workseeker, and there he could remain unemployed for some months, as is the case in Natal. The problem arises if he has not got his record card. He still has to go home, as it is illegal for him to remain in a prescribed area while unemployed. Consequently he returns continuously hoping to get his card which may by then have been applied for by his previous employer. This can, however, take up to 3 months to arrive from Pretoria. Meanwhile he should have been able to register for UIF benefits on the strength of a letter from his previous employer, stating that his contributor's card has in fact been applied for. This is another thing the employer does not do automatically.

In the case of a bona fide workseeker, i.e. someone who qualified under Section 10 (1) a, b, c, or d of the Urban Areas Act of 1945, he only has to apply to his local Bantu Affairs Commissioner for Unemployment benefits.

Now, should the contributor have a 6 week penalty imposed on him he does have 21 days in which to appeal. But as the penalty notice served on him is incomprehensible taking into account that a large number of Africans are unable to read English or Afrikaans or are illiterate, the chances of his taking action within the stated period are extremely remote. If a 6 week penalty is imposed on an urban worker, as he has to find employment within 30 days or lose

his rights by endorsement out, he obviously cannot draw UIF benefits.

The U.I. Fund presently stands at over R190 million, and there are close on 2 million unemployed Africans in South Africa. 11 000 out of 39 000 employable in Edendale alone, and 7 000 a month in Durban. These figures are indicative of the critical unemployment situation facing South Africans, (the majority of whom are black workers) and employers should immediately take steps to openly recognize the needs of the majority of their labour force, as for example Black Trade Unions and equal pay for equal work etc. Like it or not we have an unemployment problem that is very definitely getting out of hand and unless we tackle it objectively and constructively, it can and will only worsen. Working conditions should improve in such circumstances and not stagnate or deteriorate in the knowledge that people will accept anything just to keep their jobs.

African contributors besides being subject to the UIF Act, are also subject to Influx Control, which makes the UIF Act inoperable. Furthermore there should be a nationwide campaign to educate both employers and employees regarding their rights and duties.

Failure to do this leaves the Act as it is now in practice, blatantly discriminatory on racial grounds. African Foreigners, Domestic and Farm Labourers especially, should be included. It is calculated, not to relieve pressure on unemployed Africans, but by its malfunctioning, precisely to maintain the pressure in order to maintain a vast reserve labour pool of Africans obliged to accept any job at all no matter how low the wage. The UIF Act, as it now operates is part and parcel of the low wages forced labour system peculiar to Africans in South Africa. □

### 3 Msinga

by Creina Alcock

It has been Christmas for eleven months now. Men along the footpaths. Men along the roads. Men in courtyards drinking beer. Men in circles under the trees. Men with a holiday look about them, with city shoes and bright shirts and expressions of nothing-to-do-all-day.

At Msinga men are strangers, Christmas visitors who once a year pour into the valleys in a flash flood of skidding taxis and buses that sway to the FM's jive. Overnight the men come in loaded with parcels and bags; presents and treats loaded with excitement. For a month thousands of happy parties chase the echoes from the hills. Then the drums are silent. The flood is over and the men are gone.

The seasons have always happened this way so nobody was prepared when last Christmas the flood fell away leaving men stranded at Msinga. Every month since there have been trickles towards the cities, but every month a stronger current brings streams of workless back to this arid, rocky country. "No work," say the homecomers. "There is no work anymore."

It is impossible to make a statement on unemployment at Msinga. It is an area out of sight of authority, out of reach of welfare agencies, too wild and inaccessible for census with its 1 847 km of broken cliffs and hidden valleys. There may

be more than 100 000 people at Msinga but they are swallowed in the rough, bushy spaces. Without a town, without a railway, who is to count the jobless coming in?

You can guess there is something wrong by all the men at all the beerdrinks, all the men along the roads, all the men that knock for work; slickmen, city men. "Anything baas," says one. "Any work as long as it's work." He has a reference to say he is a qualified chef from a five star hotel and was only retrenched because of falling custom. What on earth can a chef do at Msinga?

"Sididile" says a man with a suit. "We are desperate. Work is finished in Goli. I'll have to start a garden though I haven't had a garden before. I bought this seed in town before I came back . . ." and out of the briefcase spills expensive small packets. Most will be useless at Msinga – asparagus, brussel sprouts, celery, kale. "What must I do to make them grow?" asks the man in the suit.

What else is there to do at Msinga but try to grow things in among the rocks, in the hot stony fields far from water? Some black youths fool about as they plant a hedge of aloes to enclose a garden on a windy plateau. "Kom, kom, kom, kaffirs!" bellows the leader. ("We learnt something in town," he grins). "Kaffir wat maak jy daar? Kom, kaffir,