

LABOUR DEPT.

1975 - 1977

HANSARD. 7 A. columns, 532.
18 March 1975.

1. 167

Bantu Labour officers in Natal

*35 Mr G B D MCINTOSH asked the
Minister of Labour

(a) How many posts were there in the
Natal Division for Bantu labour officers
as at 1 March 1975 (b) how many of
these posts are filled at present and (c)
how many of these labour officers are at
present working in Natal

The MINISTER OF LABOUR

- (a) 7
- (b) 6
- (c) 6

F.M 2/5/75

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The de jure minister

Will the real Minister of Labour please stand up?

Labour policy seems to be administered by a committee which, at any given time, could consist of Police Minister Jim Kruger, Mines Minister Piet Koornhof, Bantu Administration Minister Michiel Botha (plus two of his deputies Punt Janson and Willem Cruywagen), Agriculture Minister Hendrik Schoeman — and, of course, Labour's *de jure* Minister, Marais Viljoen.

This state of affairs could well be at the root of the country's labour problems, chief UP labour spokesman Jake Jacobs pointed out during the debate on Viljoen's Labour Vote.

It goes further than that, asserted Jacobs. SA is governed by a Cabinet of 18 Ministers and six Deputies, more than the US and France. Furthermore, its structure has not been altered in 50 years.

It's rather like the old Portuguese Navy more admirals than ratings. And, as preliminary results of the *Rand Daily Mail's* Cabinet survey show, probably only marginally more efficient.

How far does Viljoen's authority in fact extend? Jacobs confirmed the general impression that it goes no further than administering the Industrial Conciliation, Wage, Unemployment Insurance, and Workmen's Compensation Acts.

Why? While other governments seem to be moving towards centralisation of

labour administration, Viljoen's authority appears to be increasingly fragmented, he seems powerless to act unless a matter is covered by an industrial council or wage agreement. Earlier this year, for example, following widespread labour disturbances on the mines, it was Mines Minister Piet Koornhof who set up a committee to investigate the causes, not the Labour Minister.

Jacobs says another factor undermining sound labour policy is that, as soon as African labour is involved, "it provides a temptation for the Minister of Bantu Administration to interfere, a temptation he can never resist."

Why, for instance, is African industrial training administered by Bantu Education? And why did Punt Janson have to take the lead in setting up a charter for migrant workers?

It's an open secret in the corridors of power that there is little love lost between Labour and Bantu Administration. "The one never seems to know what the other is doing", a senior official admitted to the *FM*. "It's a miracle that some major gaffes have been discovered just in time."

Opposition politicians, including Jacobs, regard Viljoen as too doctrinaire, rigid and pedantic. This may account for the fact that he is often by-passed when employers seek relief from government's more impractical labour restrictions.

However, this may be an over-

simplification. The real problem is that government policy, as much as tradition, has tended to compartmentalise employees into Whites, Coloureds, Asians and Africans. And as the IC Act specifically excludes Africans from the definition of "workers", and denies them trade union recognition, it is perhaps as well that people like Punt Janson are around who at least *appear* to have Blacks' interests at heart.

Regrettably in the Labour Vote debate little emerged from the government benches by way of clarification of policy objectives.

"We seek light," cried Tony Hickman (UP Maitland). "The Minister must tell us how he is going to meet the shortfall of (60 000) skilled workers if we are to achieve the EDP's growth rate objective of 6.4%."

The Minister and his benchmates gave the stock replies: "Why don't you put up candidates in the workers' constituencies. Nowhere in the world is there a country with greater labour stability... Black unions are out... Job reservation will go over my dead body."

Black unions? The Minister quoted proudly from Kaiser Matanzima: "My government has consistently taken the stand that trade unions, with all their potential for disruption, are undesirable and even harmful in a developing country."

That's good enough for the Minister. But is it good enough for sound government?



Whose responsibility? Viljoen's? M C Botha's? Koornhof's? Kruger's? Janson's?

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MILITARY TRAINING Never too late

F.M.
16/5/75
162



Roos . get it over with!

Year in and year out, the Department of Labour's Exemption Board is inundated with applications for deferment of military service. These are frequently and readily granted on criteria applied by Labour (not the Defence Force) in assessing such factors as whether a man's studies or his job should be allowed to come before his military commitment at a particular time.

But like elephants the generals never forget. The provisions of the Defence Act, requiring 12 months' basic training in the first year and five 19-day camps in the following 10 years (or an optional single stretch of 18 or 24 months and no further camps), are uniformly enforced.

Though trainees' files at the Exemption Board may grow thicker with granted applications as the years pass, the fact which many fail to appreciate is that ultimately there is no escape.

Quite clearly, the sooner trainees and those liable for training complete their service, the less serious will be the eventual disruption for both them, their families and their employers. And the lower the cost in hard cash, too.

The consequence of continued delay has been forcefully brought home by a case in which Brigadier Helm Roos, Commander 7 Infantry Division, was involved.

The man liable for military training first applied for deferment of call-up in the early Sixties, when the national service system operated by ballot and required only three months of basics followed by two three week camps. On various grounds he was granted deferments until the present.

Meanwhile, the law was drastically changed. With compulsory conscription, there is now no possibility of his not being balloted. And, having read his applications for 15 years, the Exemption

Board has considered him a man who has too often cried wolf.

He has acquired a university degree, US business experience, a wife, two children and holds down a senior executive position. At the age of 34, he is now serving his first 12 months in the Army and will be able to complete his camps, at the earliest, by the age of 40.

The example is extreme but, as Roos points out, trainees are often doing camps in the last five years of their 10-year period, or even after the period has expired. At this stage they are likely to be married, have children and, being over 25 years old, are also of far greater value to their employers than they were in their younger years.

As their earnings increase, so is it more expensive for employers to have employees doing camps — to say nothing of the normal holiday which trainees still expect to take with their families.

So before employers complain of the cost and disruption caused by having trainees away, they should first consider whether they themselves are not largely responsible by having earlier supported deferment applications.

HANDBOOK 17

Q. 1089.

3 June 1975

(1) 162
(2) ~~325~~

Wages paid to Black employees of a private organization undertaking blasting operations

*19 Mr G B D McINTOSH asked the Minister of Labour

Whether the Divisional Inspectorate of his Department in Durban has received any representations in regard to the wages paid to the Black employees of a private organization undertaking blasting operations, if so, (a) what was the nature of the representations and (b) what was his Department's response to the representations

{The MINISTER OF LABOUR

Yes

- (a) Alleged underpayment of wages
- (b) As the firm's records are maintained at its head office in Johannesburg, my Department is at present ascertaining what the true facts are

10 June 1975.

(1162)
(2) 325

**Underpayment of wages to Bantu employees
of private organization undertaking
blasting operations**

*16 Mr G B D McINTOSH asked the
Minister of Labour

- (1) (a) When did the Divisional Inspectorate of his Department in Durban receive representations with regard to the underpayment of wages to the Bantu employees of a private organization undertaking blasting operations, (b) when did his Department request this private organization to supply it with information with regard to the payment of such wages and (c) how many Bantu employees are involved,
- (2) whether such employees are still employed by this organization

The MINISTER OF LABOUR

- (1) (a) No record was maintained of the date on which the employees first contacted the Bantu interpreter clerk. As a result of telephonic inquiries by the Black Sash on 18 March a copy of the written complaint of 5 March which could not be traced was, however, delivered to the Divisional Inspector's office.
 - (b) An inspector visited the site on 25 March but could not trace anybody in control of the workers. Subsequent endeavours to trace the person in control were also unsuccessful.
 - (c) This information is not available as no records could be obtained locally and the teams of workers are scattered over a wide area along the railway line.
- (2) Yes, to the best of the inspector's knowledge. As stated in my reply of 3 June 1975 the firm's records are maintained at its head office in Johannesburg and my Department is at present ascertaining what the true facts are.
- I may add that I am not satisfied as to the manner in which this complaint was handled and steps are

being taken to obviate a recurrence of this nature.

HANSDARD 19

Q. 1165 - ~~1165~~

17 June 1975.

(1) 162
(2) 180
(3) 137

Inspectors of machinery in Department of Labour

*3 Dr A I BORAINF asked the Minister of Labour

- (1) How many inspectors of machinery are there in the employ of his Department,
- (2) whether any posts for inspectors are vacant if so, how many

THE MINISTER OF LABOUR

117 Yes seven

HANSARD 19

Q. 1166-67

17 June 1975-

Bantu beer ✓

*5 Mr R J IORIMER asked the Minister of Bantu Administration and Development

- (1) What is the estimated number of bottles of Bantu beer sold annually in the areas of the Bantu Affairs Administration Boards.

The DEPUTY MINISTER OF BANTU ADMINISTRATION AND EDUCATION

- (1) No Bantu Affairs Administration Board sells Bantu beer in glass bottles but, the 22 Boards sold approximately 511 181 000 litres of Bantu beer packed in cartons and plastic containers, during 1974
- (2) (a) and (b) Representations by a Bantu Affairs Administration Board regarding the use of recyclable containers for the sale of Bantu beer are at present being investigated by my Department in collaboration with the Council for Scientific and Industrial Research as to practicability

① 167

② 319

14700 ARD 19

17 June 1975

Q. 1193-5

(1) ~~146~~

(2) 162

Regional Bantu Labour Committees

347 Dr A J BORVINE asked the Minister of Labour

- (1) (a) How many regional Bantu Labour Committees have been established and (b) in which areas are they located
- (2) (a) how many Bantu Labour officers have been appointed and (b) where are they located

The MINISTER OF LABOUR

(1) (a) 17

(b) Regional Bantu Labour Committees have been established in respect of the following areas

Johannesburg—Magisterial Districts of Johannesburg and Heidelberg
Benoni—Magisterial Districts of Boksburg, Benoni, Brakpan, Springs, Nigel and Delmas.
Vereniging—Magisterial Districts of Vereeniging, Sasolburg and Parys
Krugersdorp—Magisterial Districts of Roodepoort, Krugersdorp, Randfontein and Oberholzer
Germiston—Magisterial District of Germiston
Pretoria—Magisterial Districts of Pretoria and Brits
Durban—Magisterial Districts of Durban and Pinetown

East London—Magisterial Districts of East London and King Williams Town
Port Elizabeth—Magisterial Districts of Port Elizabeth, Uitenhage and Albany
Cape Town—Magisterial Districts of The Cape, Wynberg, Belville and Simonstown
Klerksdorp—Magisterial Districts of Klerksdorp and Potchefstroom
Pietermaritzburg—Magisterial Districts of Camperdown, Lions River and Pietermaritzburg
Bloemfontein—Magisterial District of Bloemfontein
OFS Goldfields—Magisterial Districts of Welkom, Virginia, Odendaalsrus and Kroonstad
Witbank—Magisterial Districts of Witbank and Middelburg (Transvaal)
Ladysmith—Magisterial Districts of Klip River, Estcourt and Mooi River
Newcastle—Magisterial Districts of Newcastle, Vryheid and Utrecht

(2) (a) 30

(b) Pretoria 1
Johannesburg—6
Bloemfontein—1
Durban—5
Pietermaritzburg—1
Cape Town—3
Port Elizabeth—2

East London—2
Kimberley—1
Ladysmith—1
Newcastle—1
Witbank—1
George—1

Temps and tenterhooks

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ms who hire out temporary office staff clients — Office Overload, Kelly Girl Manpower are regarded as the big — have been taken aback by Industrial Registrar Pierre de Villiers' assertion (to the *FM*) that they are registrable as private registry offices in terms of the Industrial Conciliation Act. It is so the temp agencies simply can carry on as at present.

The Act defines a private registry office as a business carried out for gain which procures employment "of any kind whatsoever" for Whites and Coloureds. It must be registered with the Department of Labour, and fees are prescribed by law. Various conditions must be met by labour firms if they are to obtain registration (see box).

On the basis on which they currently operate is that they claim to be the employers of the typists, bookkeepers, shorthand operators etc, who are attached to the aid of firms beset by shortages due to leave or sickness. Accordingly, they make themselves responsible for the wages, tax deductions, insurance and fringe benefits of their employees; and payment for temporary employment is made directly to the agencies by the clients. For running the show they take a profit — up to 50% in some cases — which net profits after deductions and running costs are claimed to be much higher, anywhere from 3%-10%. The Registrar is secretive about such matters, says De Villiers, "the question to be decided is whether an employer-employee relationship really exists between the tem-

porary staff and these agencies. Some of these people work for a number of agencies, are these then all their employers? And what remuneration or benefits does a temporary worker receive when there's no work and she's sitting at home?"

The true employers of the temps, argues De Villiers, are the agencies' clients, who actually use the labour. On them, therefore, should fall the onus of payment and administration.

All of which is not the view of the temporary help suppliers.

Ralph Parrott, director of Manpower, says "We have never moved without senior counsels' advice. And there has

THE LAW SAYS . . .

Industrial Registrar Pierre de Villiers gives the following conditions which must be complied with if a business which places people in employment is not to be regarded as a private registry office in terms of the Industrial Conciliation Act. It must

- Act as agent for an employer only,
- Not maintain a register of work-seekers,
- Not undertake to find jobs for work seekers, and
- Not charge a fee to work-seekers

been continuing consultation on the matter with our attorneys and senior counsel. Furthermore, when we started up in 1967, we had the Labour Department here to look at our set-up. We work strictly within their parameters."

Neville Mackay, of Kelly Girl, reports much the same. Indeed, he has shown the *FM* a letter from the Labour Department dating back to 1969 stating that his company is not a private registry office in terms of the IC Act.

De Villiers, however, maintains his standpoint, and there the situation uneasily rests. "We will react," he says "if a specific case is brought to our notice. The company will then have the choice of registering, or desisting."

And who is entitled to lodge a complaint? "Any member of the public can bring a case to our notice," he says.



Girl's Mackay . . . who
 why does employ whom?

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job after that job had been filled, this would constitute a register of work seekers and the company *ipso facto*, could be regarded as a private registry office -- hence registrable. The situation appears to vary from one company to another, which is usual

Another alternative is that consultants form a special group in the IPM -- the *Who's Who* involved, is designed to set the stage for a move. Jackson feels "there are a few good consultants, but not many and interests to be fattened with the same bribe as the fly by night people". The IPM, he argues has the resources to set up the proposed group which *ipso facto* will be concerned with ethical standards of conduct.

Aprosa chairman Morris Sewitz, however, does not regard Jackson's project with much favour. "What of those consultants who simply don't want to join the IPM because they don't believe it can be their proper representative? They will be sanctioned by the system. In point of fact we have our own code of ethics and professional conduct which does not require approval."

There are in these companies who will contribute to Aprosa not the IPM.

Dave Jackson, Aprosa's executive director, says that Aprosa's operations service is at Ralph Parrott & Associates, reflects the professional view when he says "The whole object of job placement is to get thoroughly screened reference checked and tested people for our clients. Not just to bang out the boiler, then bang out an invoice."

So is R432 too much to pay for a secretary? Those companies which specialise in executive placing charge even more -- from 8% up to 15% of annual salary -- and such charges would hardly be paid lightly.

Nevertheless, if an expanded Aprosa, or a grouping of consultants in the IPM, could establish among its members a standard of prescribed fees doubt in employers' mind should be cleared. Until this occurs, the public will continue to look askance at a disorganised industry upon which it is increasingly coming to rely.

LABOUR

F.M. 25/7/75

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Pricey personnel?

At the moment about 120 operate in Johannesburg alone and occupy 10 *Yellow Pages* between employers' organisations and enamelling. What are they?

Call them employment bureaux, placement services, personnel consultants -- the titles vary according to function, which can be all-embracing or extremely specialised. But all are in the business of providing clients with labour -- for a fee.

Which can be steep. The fee structure of one large consultancy, for example, shows the cost of providing an employer with a permanent staff member varies from 6% to 8% of the employee's annual salary. A top secretary earning R5 400 a year will cost R432, and the higher the salary the higher the fee. Other consultants have similar fee structures.

The consultants who place permanent personnel justify their fees on the grounds that they bear advertising, screening and testing costs. Matching the person to the job, they argue, is their special skill.

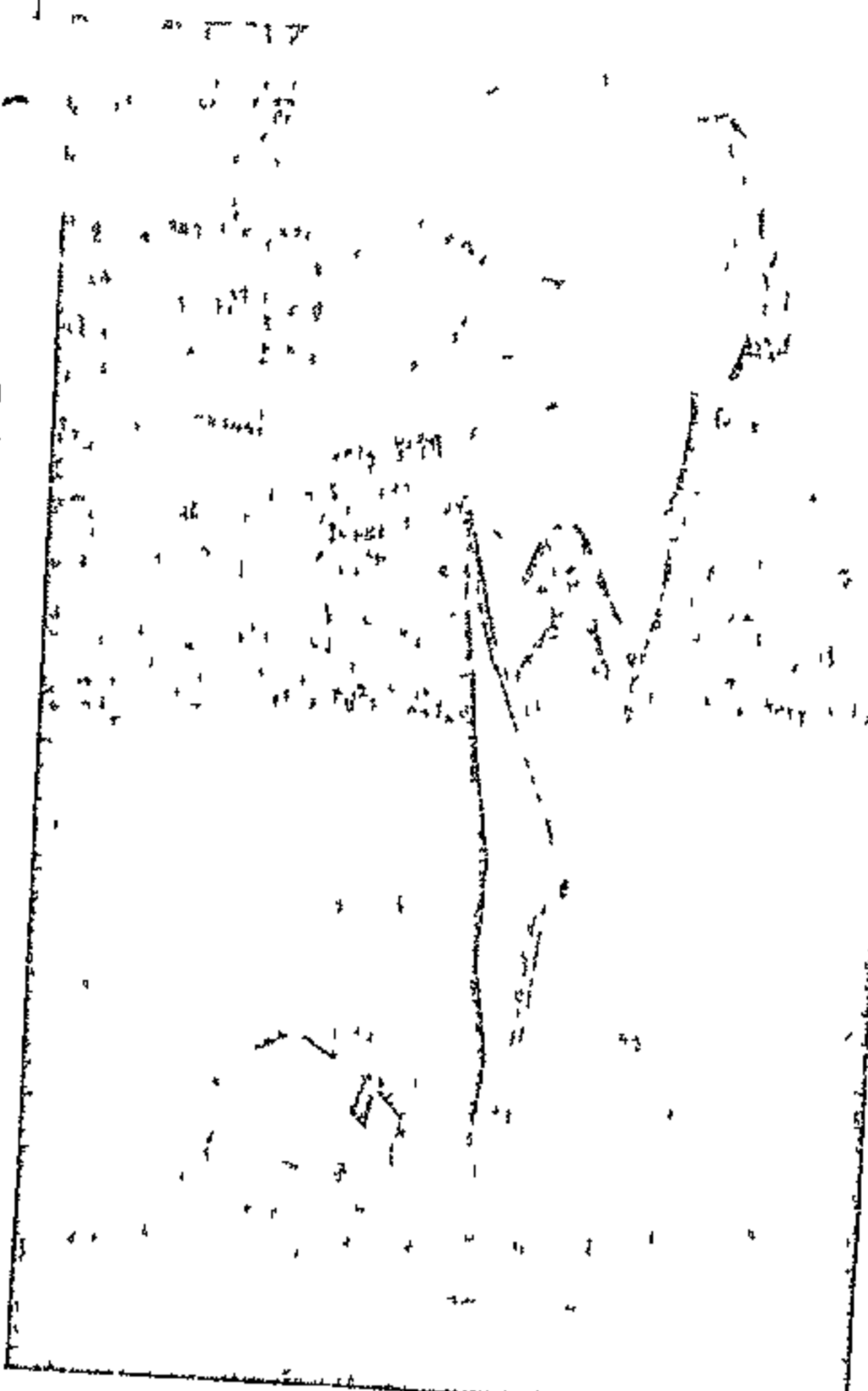
But as Dave Jackson, executive director of the Institute of Personnel Management, points out "The calibre and acceptability of the service varies enormously. In some cases it's well worth it, but you can end up with a bad secretary for far more than R400."

To bring some order to the situation, the IPM plans to publish a *Who's Who* of personnel consultants by the end of the year. To be listed, consultants must become corporate members of the IPM, and comply with its code of ethics.

Neville Mackay, MD of Kelly Girl, explains that the consultancies have grown most markedly over the past two years, replacing a situation where job-seeking was done predominantly through "private registry offices" controlled by the Department of Labour under the Industrial Conciliation Act.

The consultants state they are not private registry offices since they do not procure work for job seekers or charge them any fees, but act for firms needing permanent personnel. Fees are thus the business of the company. "It's all done under the free enterprise system," avers Mackay.

If, however, the consultants kept some form of record of applicants for a specific



Morris Sewitz . 'We have our own code'

Mackay is chairman of the employment and personnel consultants' committee of the Johannesburg Chamber of Commerce, and is pressing for greater association between consultants, "to establish and maintain ethical standards, and to improve the overall standards of the personnel service industry."

RD 18/11/75
Lay
Living
Africans

City 2315
3321 (207)

Correspondent
 DURBAN — Hundreds of Africans are being endorsed out of the Durban area because of references by industrialists who claim they are being forced to lay their workers off by the current economic situation, said Sash officials yesterday.

Mrs Solveig Piper, Sash advice office supervisor, said Africans are being sent back to their home districts every day.

There is a desperate need for work permits and with no jobs available, people are being endorsed out to their Bantustans, where the chance of earning a living is even more remote.

Sash workers had found many Africans were being threatened by Section 27 of the Urban Areas Act, an African can be declared "undesirable or idle".

Mrs Piper said this means that if these people lose their jobs they could be sent to a work colony.

Some management claim Sash officials are taking advantage of the situation to "dismiss workers on the slightest misdeed".

The advice office had found its role had changed during the past year. "Very seldom do people come to us with housing problems. Now we have endless complaints from African workers."

Some employers challenged the Sash's right to interfere in industrial matters. Mrs Piper pointed out that workers also had a right to be heard.

The Department of Labour did not perform satisfactorily in labour relations. This department should deal with complaints from workers who did not fall under specified industrial councils.

This year alone we have sent more than 70 cases with covering letters and have never had a reply.

"If we are worker-oriented, then the Department of Labour is most definitely management-oriented," said Mrs Piper.

Mrs Piper added that the aid centre, established to help Africans with pass and allied items, "generally acts as help in getting people escorted back to their Bantustans".

AFRICANS LOSE OUT, SAYS SASH

African Affairs Correspondent

HUNDREDS of Africans are being endorsed out of the Durban area because of retrenchments by industrialists who claim they are being forced to lay off their workers in the current economic situation, Black Sash officials said yesterday.

Mrs. Solveig Piper, the Sash's advice office supervisor, said the Africans were being sent back to their home areas every day.

"There is a desperate need for work permits and with no jobs available, people are being endorsed out to their Bantustans where the chance of earning a living is even more remote," she said.

Sash workers had found that many Africans were being threatened by Section 29. Under this section of the Urban Areas Act an African can be declared "undesirable or idle."

Mrs. Piper said: "This means that if these people lose their jobs they could be sent to a work colony."

Some managements, claim Sash officials, are taking advantage of the situation to dismiss workers for the "slightest misdemeanour."

The office had found that its role had changed during the past year. "Very seldom do people come to us with housing or Section 10 problems. Now we have endless complaints from African workers"

Some employers challenged the Sash's "right to interfere in industrial matters" Mrs Piper pointed out that workers also had a right to be heard.

The Department of Labour did not perform satisfactorily in the field of labour relations. This department should deal with complaints from workers who did not fall under specified industrial councils, she said

1. 315
2. 207
3. 321
4. 162

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AFTER VILJOEN F.M.

Hats in the ring 12/12/75

The departure of Marais Viljoen as Minister of Labour will be observed by the *FM* with our customary fortitude. But it does raise the question. Who next?

"I don't mind who it is," observes Seifsa's Errol Drummond, "as long as it's someone who doesn't vacillate. At least Viljoen never did that; in fact, I'm sorry he's going. With the kind of background he had to operate against he did quite a fine job. But cometh the hour cometh the man."

Túcsa's assistant general secretary, Robert Kraft, regards Marais Steyn as the front-runner. While in the UP he understudied Labour, had a long record of championing the rights of the powerful railway workers and maintained personal contact with labour leaders.

"Furthermore," says Kraft, "he has a thick skin. In the coming years the Labour Minister is going to have to be tough and assertive. Viljoen was competent but low-key — he had a defensive

attitude about government policy. Steyn might be prepared to bloody his nose, and since he can't have any ambitions to be PM, he needn't be 'precious' on labour matters."

Confederation of Labour chief Wallie Grobler also points to Steyn's strong labour background: "In opposition Steyn had a very balanced outlook on these issues"

So, if in a time of increasing change on the labour front, Steyn could retain his erstwhile liberal convictions on labour policy, he could make a valuable contribution.

However, he would inherit the whole apparatus of works/liaison/industry committees for Africans so tortuously assembled by Viljoen. Grobler feels any new Minister "will have to have guts to depart from the official stance. But at least the system is an improvement on what went before — it's better than stagnation"

Grobler argues that a major priority for the new Minister will be to "maintain industrial peace". If so, in so sensitive a post as Labour, Steyn's bull-in-the-china-shop handling of Indian Affairs must surely count against him.

Piet Koornhof — in White eyes at least — has the success story of the Sport portfolio adorning his record. While at Oxford some 20 years ago, he authored a penetrating PhD on migrant labour which must also count as a considerable asset.

Koornhof's skills, says Kraft, are "different" to those of Steyn. He is known for his skillful and sophisticated approach, and the PM might feel this is just what is needed for Labour.

What of Punt Janson's chances?

Janson certainly knows how to build a good *verligte* image in the Press, and how to raise hopes of change in the ponderous doings of Bantu Administration. But his critics feel that from promises and platitudes only half-measures have been achieved.

The next Labour Minister must squarely face the urgent need to:

- Create workable machinery to deal with growing Black aspirations, not merely apply oil to what already exists,
- Educate Whites to scrap job reservation and the "customary" industrial colour bar,
- Train Blacks to higher skills while taking into account sensitivities over White redundancies and retraining,
- Deal with complexities arising out of independence for Bantustans whose men remain enmeshed in the migrant system.

The PM may decide Punt is the man for the hour. If so, let's hope he has a freer hand than appears the case at BAD. Forceful pragmatism — and considerable courage — will be the *sine qua non* for the successful handling of labour affairs in the foreseeable future.

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15 - 1 - 1976

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Sir

BOOKLET ON LABOUR IN SOUTH AFRICA IN 1975

Your letter dated 26 November 1975 has reference.

This Department is unfortunately not in a position to furnish you with the names of Committee-, Sub-Committee- or Board members without their prior approval. With the constant change in membership, it would, in any event serve no useful purpose to supply such a list because it would in all probability be outdated before it could be put to print.

Following is a list of Apprenticeship Committees and Sub-Committees, indicating the location of each:-

1. The National Apprenticeship Committee for the Metal Industry, Private Bag X117, Pretoria.

The following Metal Sub-Committees have been established at the locations as indicated and fall under the aegis of the local representatives of the Department:

- Cape Town
- Johannesburg
- Pretoria
- Durban
- Port Elizabeth
- East London
- Welkom
- Kimberley

2. The National Apprenticeship Committee for the Building Industry, Private Bag X117, Pretoria.

The following Sub-Committees have been established at the locations indicated and fall under the aegis of the local representatives of the Department:

-Cape Town	-Pietermaritzburg
-Johannesburg	-Welkom
-Pretoria	-Kroonstad
-Durban	
-Port Elizabeth	
-East London	
-Bloemfontein	
-Kimberley	

3. The National Apprenticeship Committee for the Motor Industry, Private Bag X117, Pretoria.

The following Sub-Committees have been established at the locations indicated and fall under the aegis of the local representatives of the Department:

-Cape Town	-Port Elizabeth
-Johannesburg	-Pietermaritzburg
-Pretoria	-Kimberley
-Bloemfontein	-East London
-Durban	

4. The National Apprenticeship Committee for the Diamond Cutting Industry, P.O. Box 4560, Johannesburg.
5. The National Printing Apprenticeship Committee, P.O. Box 2775, Cape Town.
6. The Apprenticeship Committee for the Electricity Supply Undertaking, P.O. Box 4560, Johannesburg. This Committee has been introduced for the purpose of Escom only.
7. The Apprenticeship Committee for the Grain Milling Industry. The address is:-

P.O. Box 4560
Johannesburg
8. The Apprenticeship Committee for the Jewellers' and Goldsmiths Industry, Witwatersrand, P.O. Box 4560, Johannesburg.
9. The Apprenticeship Committee for the Jewellers' and Goldsmiths Industry, the Cape, P.O. Box 872, Cape Town.
10. The National Apprenticeship Committee for the Aerospace Industry, P.O. Box 393, Pretoria.

11. Apprenticeship Committee for the Building Mechanical Engineering and Electrical Industries (Mines), P.O. Box 4560, Johannesburg.
12. Apprenticeship Committee for the Automobile Manufacturing Industry (established in respect of the Magisterial Districts of Port Elizabeth and Uitenhage), Private Bag X3908, Port Elizabeth.
13. The Railway Apprenticeship Committee, P.O. Box 393, Pretoria.
14. Apprenticeship Committee for the Explosives and Allied Industries, P.O. Box 4560, Johannesburg. (This Committee operates on a national basis).
15. The Government Apprenticeship Committee, P.O. Box 393, Pretoria. (This Committee operates on a national basis).
16. The Apprenticeship Committee for the Coal Mining Industry, Natal, Private Bag X9048, Pietermaritzburg.
17. The Apprenticeship Committee for the Sugar Manufacturing and Refining Industry, P.O. Box 940, Durban.
18. Hairdressing Apprenticeship Committee, Bloemfontein, P.O. Box 522, Bloemfontein.
19. Durban Hairdressing Apprenticeship Committee, P.O. Box 940, Durban.
20. Cape Hairdressing Industry Apprenticeship Committee, P.O. Box 872, Cape Town.
21. East London Hairdressing Apprenticeship Committee, P.O. Box 312, East London.
22. Apprenticeship Committee for the Hairdressing Trade, Port Elizabeth and Uitenhage, Private Bag X3908, Port Elizabeth.
23. Pretoria Hairdressing Industry Apprenticeship Committee, P.O. Box 393, Pretoria.
24. Witwatersrand Hairdressing Industry Apprenticeship Committee, P.O. Box 4560, Johannesburg.
25. Apprenticeship Committee for the Furniture Industry, Orange Free State, P.O. Box 522, Bloemfontein.
26. Natal Furniture Apprenticeship Committee, P.O. Box 940, Durban.
27. Apprenticeship Committee for the Furniture Industry, Cape Division, P.O. Box 872, Cape Town.

28. East London Furniture Apprenticeship Committee, P.O. Box 312, East London.
29. Furniture Industry Apprenticeship Committee, Port Elizabeth, Private Bag X3908, Port Elizabeth.
30. Apprenticeship Committee for the Furniture Industry, Transvaal, P.O. Box 4560, Johannesburg.

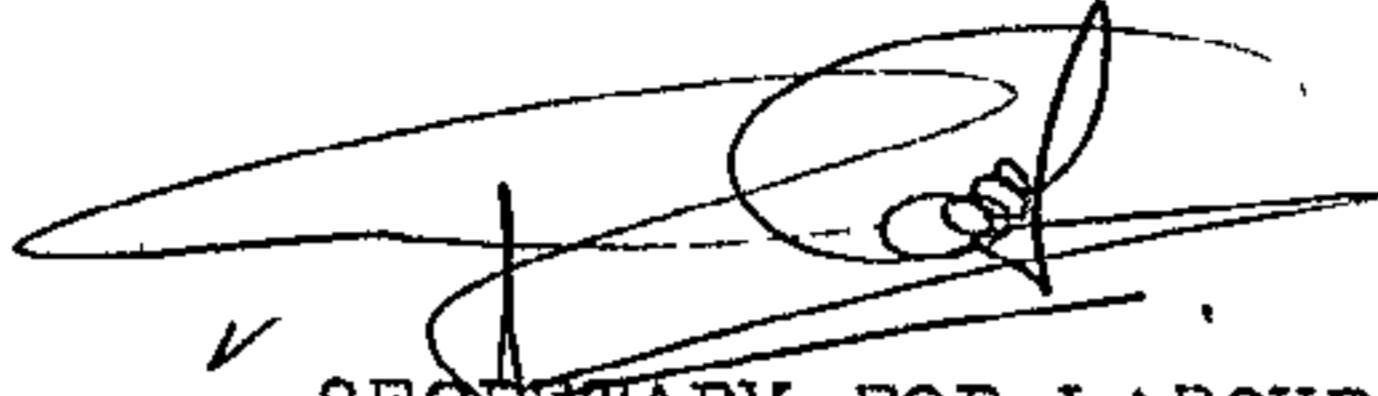
With regard to the number of inspectors appointed on the establishment of the various inspectorates I have to advise as follows:

<u>Inspectorate</u>	<u>Inspector</u>	<u>Number of Posts</u>
Divisional Inspector of Labour JOHANNESBURG	Chief Technician	1
	Senior Technician	3
	Technician	7
Divisional Inspector of Labour DURBAN	Senior Technician	1
	Technician	2
Divisional Inspector of Labour PORT ELIZABETH	Senior Technician	1
	Technician	1
Divisional Inspector of Labour EAST LONDON	Technician	1
Divisional Inspector of Labour BLOEMFONTEIN	Technician	2
Divisional Inspector of Labour WINDHOEK	Technician	1
Divisional Inspector of Labour PRETORIA	Chief Technician	1
	Senior Technician	1
	Technician	3
Divisional Inspector of Labour CAPE TOWN	Senior Technician	1
	Technician	2
Divisional Inspector of Labour KIMBERLEY	-	-
Divisional Inspector of Labour GEORGE	-	-

5/...

It is trusted that the aforementioned information would be of assistance to you.

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the typed name.

SECRETARY FOR LABOUR

Research

26th November, 1975.

The Secretary for Labour,
Private Bag X117,
PRETORIA.
0001.

Dear Sir,

We have recently established a Southern Africa Labour and Development Research Unit in the School of Economics at the University of Cape Town. We are putting together a booklet on Labour in South Africa in 1975 and are eager to include a short section on apprenticeship and training. We should be very grateful if you would assist us in this respect by supplying, if possible, the following information:-

National Apprenticeship Board

1. The names of the chairman and other members of the National Apprenticeship Board;

Apprenticeship Committees

2. The number of apprenticeship committees and subcommittees established in terms of the Apprenticeship Act, 1944;
3. The title, location and scope of each separate Apprenticeship Committee and subcommittee;
4. The names of the chairman and members of each separate Apprenticeship Committee and subcommittee, with, if possible, an indication of which member represents the employers' organisation and which the employees' organisation.

Inspectorate

5. The number of inspectors appointed in terms of the Act on the establishment of each inspectorate division.

Yours faithfully,

DUDLEY HORNER
RESEARCH OFFICER

LABOUR MAN FAAGES

PAY GLAM



THE Department of Labour was called in last week to help a matriculated Coloured man to get his leave pay and 14 months overtime pay from Mr Arthur Stanley, Labour Party CRC member for Liesbeek, secretary of the SA Woodworkers' Union and deputy speaker of the CRC.

By HOWARD LAWRENCE

'Held back employee's overtime'

Mr Arthur Stanley, Labour Party CRC member for Liesbeek and secretary of the SA Woodworkers' Union, faces exploitation claims. They are now working for to estimate how much Mr Stanley owes Mr Pedro in overtime — but it is estimated to be between R600 and R700.

The man, Mr Johannes Pedro, who was employed as a storeman but who also ran Mr Stanley's grocery store business as "part manager" claims he was made to work daily from 7am to 11pm with only an hour's break for lunch from 2pm to 3pm.

For not working out his three weeks' notice, he has been told by the Department of Labour he has to pay Mr Stanley R41,54.

Two months later, this was raised to R90 a month.

"What they were not told was that I wrote prices on the groceries which were given to me by Mr Stanley. I resigned and left the shop," Mr Pedro said.

Labour inspectors who are working on the amount owing to Mr Pedro for overtime estimate that it will be between R600 to R700.

Mr Johannes Pedro . . . claims he had to work 13 hours a day without overtime or annual leave at R90 per month.

Besides working as a storeman, Mr Pedro said, he was also required to "manage" the bazaar from 7am to 11am when Mr Stanley's family would arrive to work at the shop. He was not remunerated for this.

"Conditions got so bad that last week, when people stood in the shop and complained about the high charges being made for groceries, they were told that I was to blame because

'Important move' in labour plan

23/11/06 STAR
Own Correspondent

KIMBERLEY — The handing over of the Ipopeng village marked an important move away from the migrant labour system which existed in the South African mining industry for 100 years, Mr Harry Oppenheimer said in Kimberley yesterday.

Mr Oppenheimer, head of De Beers, said the Ipopeng village consisted of 110 houses which had been built by the De Beers company on land owned by the state.

At a ceremony yesterday they were handed over to the Diamond Fields Bantu Affairs Administration Board.

RESERVED

Although the houses now belonged to the State they were reserved solely for the use of employees of De Beers, Mr Oppenheimer said.

He said the entire Ipopeng scheme had cost about R2,5-million of which R1,5-million was spent on houses and the balance on services.

Mr Oppenheimer said the houses had been designed to "improve the quality of life" and marked a new relationship between the company and its employees.

This was the first phase of a scheme which would eventually provide 250 houses or more.

In accepting the houses on behalf of the board, the chairman, Mr G Venter,

commented on the co-operation that had existed throughout the planning and construction.

He said that the board would be happy to come to similar arrangements with other companies, especially in these times of economic stringency.

The houses have three bedrooms, a living room, kitchen and dining area and bathroom. They are fitted with stoves and have ample power points for electrical appliances.

20/1/77
Message to labour and management



By WELLS NTULI, managing director of Associated African Personnel Consultants

Right on

WHATEVER ROLE IS assigned to the personnel management specialist in his organisation his functions are directed, ultimately, at two goals. The maximisation of the effectiveness of labour as a factor of production and the satisfaction of the physical and socio-economic needs of labour.

Contrary to general belief, these two goals are not mutually exclusive but mutually dependent. The interdependence of these goals should not, however, be construed to mean that no conflict exists between management and labour, for this would be naive. Conflict, however, should not be allowed to develop into confrontation and in the difficult year that lies ahead, personnel specialists, will have to play their role more dynamically in the management of conflict against a very broad canvas of inhibitive factors.

During 1977, many will lose jobs; many more of the black race will lose their opportunities for earning a living, because of the state of the economy. There will be greater frustration as increases become manifest in the way of idleness, crime and poverty. It is hoped that, with the work that has been done in recent years since 1973, the situation will be kept within reasonable limits. It is sincerely hoped that labour will not over-react and that management will not use these depressed circumstances to hit back. If these two reactions are avoided on both sides, I do believe that we will be able to build on what has so far been accomplished.

Looking back from the wisdom of four years I am glad to have witnessed white South African management move from a posture of indifference to labour needs to that of concern; deliberation, action in the area of improving the quality of life of the black employee and even open advocacy of the need to grant the same basic and universal labour rights to black labour that are afforded other races in South Africa. In so doing they have often burnt their fingers but all the same it was a step in the right direction. So to those that have made these efforts we say "Right On".

The relatively peaceful labour situation that has prevailed since 1973 has confirmed my belief that when any people are offered hope for the redress of their grievances they react responsibly. I have always believed that we blacks as a race have no inclination to become a dead weight on any other community. Black labour has never asked for charity as such, but all that it has asked for, all that I ask, all that you ask, and all that all of us ought to ask is a chance — a fair chance to work out our destiny through industry, through business enterprise and through useful, upright living. A chance to work in the north and south, east and west of South Africa at any trade or vocation. An opportunity to be educated and trained for practical service. An opportunity to live in decent homes and communities; a chance to become home owners. That is all we ought to expect and that is just what we ask. All these are not in conflict with the needs and pursuits of management. They complement the pursuits of management and cannot be achieved to any significant extent without the help of industry and commerce. The sooner we realise that we are in it together the greater the chance that we shall make progress in 1977.

I want to suggest some of the things that management and labour should do in 1977 and here they are:
 Do not over-react: Economic pressures are continuing to grow for management. Before decisions are made to reduce labour, to curtail wage increases, to automate, to reject labour demands...

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in writing essays and reading for seminars. All students are
expected to obtain the following minimum:

and even to close factories and shops, it appears that
employers not to over-react but to exercise caution and
moderation for the situation cries for this.

Economic pressures will equally have a detrimental
effect on labour. Incomes will not stretch far enough,
and labour must, before making demands ensure that
such demands are not selfish and self-defeating.
Labour must seek to ensure that such demands are
legitimate and reasonable. It may well be that in some
sectors of commerce and industry many will be forced
to believe in small things as they realise that half-a-
loaf is better than no bread at all.

Develop programmes in the management of industrial
relations: Management will need to research the situa-
tion. To find out worker needs. To assess how far they
can go in satisfying these and to draw up blueprints
to meet the situation. Such blueprints should be made
known to employees.

They should be the product of consultation and
negotiation. On the basis of this process, outdated and
repugnant conditions of employment will need to be
thrown over-board, but in so doing labour must meet
employers half-way through rational participation and
commitment which the situation demands.

Develop integrated conditions of employment for
labour regardless of colour: It is a matter of extreme
urgency that industry and commerce should move
away from discrimination. Discrimination in the work
situation is not a rational part of change. Personnel
specialists, employees and all levels of management
must identify areas of discrimination and seek to
remove these as a corporate effort. This is the challenge
of 1977.

Develop all labour to take up meaningful jobs and
develop management skills in particular amongst
blacks: In general, it is unlikely that the number of
jobs will increase. However, with a little effort those
jobs that exist should be made meaningful to those
that have to perform them. Unless restricted by
specific laws, open up job opportunities to employees.
The sky must be the limit to every employee, for only
in this way shall industry and commerce meet the goal
of maximising the effectiveness of their work-force.

Management and labour must seek to develop skills
in the management of industrial relations: This is
indeed a cliché. Some work is being done in this area
and it is useful work.

What is needed, however, is an ambitious and
powerful programme that will provide the development
needed to large numbers in a short space of time.
Training in this area has benefits that extend beyond
the work situation. In this and other countries it has
led to the removal of racial prejudices and insecurities.
Organised labour and industry should endeavour to
bring such a programme to fruition within this year
1977.

Participate in the improvement of the quality of life
of all labour regardless of colour: Programmes esta-
blished in the latter part of 1976 need funds and not
lip-service from industrialists.

On an individual company basis much work, much,
much work needs to be done to assist all employees
and in particular black employees, in improving their
situation in their communities. Where legal restric-
tions make it impossible to invest in these develop-
ments, well co-ordinated representations, even on a
national basis, should be made to the authorities.

Chambers of Commerce and Industry must en-
deavour not to speak and act as municipal and provin-
cial entities but to speak with one voice and act on a
concerted basis. After all, they represent much in the
manner of hope for the black worker.

To these suggestions can be added numerous
others. Less talking and more action in 1977 and above
all fewer mistakes.

Yours sincerely,

Anthony de Crespigny

ANTHONY DE CRESPIGNY

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Labour Reporter

Job scarcity hits progress

3/11/77 5/2

Labour Reporter

The Confederation of Labour does not intend calling for an end to black advancement in view of the worsening unemployment situation

"We shall continue to look at this aspect and do what is possible," said Mr Wessel Bormman, vice president of the confederation.

"We do not begrudge any racial group its advancement"

However he did not know of any area in

which he considered black job advancement desirable or feasible at this stage.

Asked about the possibility that blacks in higher skilled jobs might be replaced by unemployed whites, Mr Bormman said this would be detrimental to labour peace

"I hope it will never come to that," he said

SHORTAGE

Mr Bormman, who is also general secretary of the Iron, Steel and Allied Industries Union, said

For the first time in many years we have train drivers, boilermakers, fit

ters and turners — not dropouts and won't-works — whom we cannot place

"The construction of Sasol 2 will provide relief but no solution. It can only provide work for certain categories of men.

"I have greater hope for relief by way of a slight economic revival which could result from the end of the wage and price restraints of the anti-inflation manifesto at the end of March"

UNREST?

He did not foresee labour unrest as a result of white unemployment and said a problem at

Labour stock goes up— then down

28/7/77
JOL

LONDON — Up went the Labour Government's stock on Monday, as the Prime Minister caught even his colleagues by surprise with his new Cabinet appointments. Down it plummeted on Tuesday, with the Government's deserved defeat on the guillotine motion for the Devolution Bill

By the spirited choice of Dr David Owen as Foreign Secretary, Mr Callaghan has, at a stroke, rejuvenated his team — in a way that Mr Attlee, in 1950-51, failed to do

But his rejuvenated team faces the old main problems, still handled by the old stalwart in Chancellor Denis Healey, and with its legislative programme horribly mauled after the blade of Tuesday's guillotine got stuck

LOSES VOTES

There may be an advantage in the hold-up in the legislative programme, because almost any legislation this Government passes now seems likely to damage the country slightly and also to lose its votes.

It is the state of Britain's economy, not Dr Owen's fresh young face, that will decide when Mr Callaghan goes to the country in a general election which, on current form, he would lose

If the election comes in

autumn, 1977, this will not be because there can be great improvement by then, but because the Treasury may by then be forecasting much worse to come next year — in that case, Mrs Thatcher will be Prime Minister by Christmas

If labour is to be re-elected, it will be during a temporary boomlet in spring or autumn of 1978, or after staggering on into a full five-year term ending in 1979.

GO FOR BUST

In keeping Mr Healey at the Treasury, Mr Callaghan has effectively declared that the Government intends to go for bust in seeking agreement with the unions on a Stage Three of the incomes policy — however loose, however much it then frays at the edges

A year ago, at the end of Stage One, Mr Healey was able to go to the unions and claim that the Government had virtually succeeded in halving the inflation rate in the preceding 12 months, as it had promised to do.

He reckoned the adoption of Stage Two would result in a further halving of inflation over the next year. This has not happened. Inflation is back up at over 15 percent — and rising, together with unemployment.

Through all this, the plinth of the Government's support will gradually be chipped away

In his present, now-not-to-be-ended, job, Mr Healey has waited for — and sometimes expected — an economic turning point for longer than Mr Callaghan has in his. Now each has elected the other as his companion as that long wait goes on.

KEY TO FUTURE

They are two lonely long-distance runners with much longer to go than either would have thought even a month ago.

On whether they win some kind of Stage Three during the next month, and on whether the economy then at last goes their way, rests the result of the next election and possibly the future of the Labour Party and its alliance with the trade unions as well — The Economist News Service.

92. South African Institute of Race Relations, Monograph no. 2, Farm Labour in the Orange Free State, 1939, p 14.
93. See, in particular, P. Rich "The Allocation of Labour and the Evolution of Apartheid Ideology", University of the Witwatersrand, 1976, mimeo; M. Morris "The Development of Capitalism in South African Agriculture", February 1976, mimeo.

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FIN MAIL 11/3/77
AFRICAN BARGAINING
Verkrampste victory

Government's on-off attempt to amend the Bantu Labour Relations Regulation Act is on again. But it appears that

721

Labour Minister Fanie Botha has caved in to Right-wing pressure and has watered the Bill down.

Botha has been holding meetings with employers to canvass their views on the Bill, which seeks to improve the works committee system. He is also due to see the SA Confederation of Labour.

It is perhaps significant that, while an earlier draft Bill (*FM* October 31 1975) was circulated for comment by interested parties and the public, the latest Bill is shrouded in secrecy. Few are prepared even to acknowledge that the meetings have taken place.

Department of Labour officials refuse to be drawn on the new Bill's contents. But Minister Botha tells the *FM* that he hopes to introduce it this Parliamentary session but adds he has not yet fully canvassed interested parties' views.

The last draft Bill was shelved after criticism from the Right, notably from the Handelsinstituut and groups within the Confederation. It was also attacked by Tuca and by African trade unions, but from a different angle -- for attempting to supplant African unions with plant-level bargaining.

Now the *FM* understands that even these proposals have been modified to accommodate Right-wing objections.

The original Bill's proposal that the works committee system be extended to allow for industry-wide committees which could enter into legally binding agreements with employers has now also been dropped and replaced, it seems, with mere cosmetic changes.

Some industry sources say the Bill falls far short of even the basic requirements for effective bargaining, yet even the minor tinkering now proposed is running into flak from Right-wing groups.

There's no doubt who has the decisive say in labour policy.

following day or whenever the time is ripe for settlement. On such rare occasions we call an emergency meeting of the committee who very efficiently deals with the problem in an understanding and just way. In our opinion it is of great value to them.

they are in many areas where they are involved in their own labour team is a serious problem. Regular informal sensing of any difficulty is a word moment or a word many a problem. at home when making arrangements for the future. A loyal family farm but feel an of a stable farm possibility.

home on your recursors today them we cannot believe this a place if the one husband and wife in the home, solves at the right momentous and happy r a chat and ne must know how from the city

The regulations also prohibit the payment of interest on these loans. According to a spokesman for the Department of Bantu Administration and Development (BAD), the reasoning behind this provision is to prevent employees from becoming heavily indebted to employers, some of whom could be unscrupulous. For example, farm workers are sometimes tied down until they have paid off their debts.

Last December, however, an amendment was gazetted, allowing employers to enter into legal agreements with their employees for loans exceeding R150 — but strictly for the acquisition of sites or the erection and improvement of dwellings — without first having to obtain official authority. Some firms approached by the FM, however, say they are not aware of any restrictions, and claim that they lend their workers up to R400.

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WHITE LENDERS, BLACK BORROWERS

Although many employers seem to be unaware of it, there are legal limitations on the amounts they can lend their African employees.

In terms of Section 7 (2) of the Bantu Labour Regulations of 1965, gazetted under the Bantu Labour Act, no employer can lend an African more than R20. However, Bantu Affairs Commissioners may, at the request of an employer and the presence of both the employer and the Bantu concerned, authorise in writing an advance of any amount not exceeding R50.

The Federated Chamber of Industries has evidently received "representations to the effect that the restrictions are unnecessary and possibly even harmful". Quite

FIN. MAIL 11/3/77

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State probes security guard firms

By CLIVE EMDON
Labour Correspondent

THE Department of Labour has launched an investigation into employment practices of security guard and nightwatch companies on the Reef following the Rand Daily Mail's exposé on conditions in the industry.

A senior inspector has sought cooperation from worker-service organisations handling grievances and inspectors have called on security guard firms to inspect books and check practices.

Rand Daily Mail labour reporters yesterday met managing directors and representatives of four companies employing a total of 1 500 guards and watchmen.

Fidelity Guards, Pritchard Security, Night Security Organisation and Securitas/Securipol, members of the SA Security Association (SASA), said they wanted to improve labour practices in the industry and were committed to draw up a code of employment practices.

They agreed that a starting point would be to ensure that all minimum wages and conditions laid down in the Government wage determination for the industry are adhered to.

They admitted that none of their companies could be exempt from investigation but the real focus should be on the more than 150 "backyard" security firms.

They said:

- The "Mail's" exposé had jolted the industry into new action for setting standards for employment practices.

- The industry needed some sort of enforcement to regulate standards.

- Many of the smaller firms were not registered as security organisations

wage determination, and undermined profitability and standards by undercutting rates.

- That though some SASA firms only maintained the minimum standard set out in the Government wage determination, this was much better than the standard of most firms.

- That the public and industry and commerce needed to be educated in the full meaning and value of security — the cheapest man available was not security.

The companies accepted the principles laid out in a suggested code of employment practices drawn up by the "Mail". These were:

- 1 To pay a living wage and proper overtime rates.

- 2 To ensure adequate leisure time — limiting hours of work

- 3 To provide meals, medical care and transport to men working long shifts

4. To ensure that sanctions in the form of fines don't infringe on basic rights of workers such as docking pay already earned

5. Develop a system of grievance handling in which justice is seen to be done and a system of worker representation and consultation which is acknowledged and honoured.

- 6 Ensure that loyal service is recognised by annual increments and provide job incentives and training to ensure job mobility and new opportunities.

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Labour—a warning but no remedy

6/6/77

The Star Bureau

LONDON — Time is running out for South Africa to make the changes in its labour legislation necessary to bring it into line with the demands of the modern world.

This theme has been repeatedly hammered home to Professor Nie Wiehahn, chairman of the Commission of Inquiry into South Africa's labour legislation, by scores of labour experts he has

seen during his tour of Europe and North America.

"This I have found everywhere," he said here yesterday. "Everybody is concerned about what is going to happen to us, and this question — 'do you still have time to make changes?' — invariably popped up every time."

But the experts — they included Cabinet Ministers, heads of government

departments, trade-union leaders, company directors and heads of research institutes — were wary of saying what South Africa should do.

PURPOSE

"Nowhere have I found any suggestion, or proposal, as to how we must solve our problem," he said.

Professor Wiehahn, who is labour adviser to Mr S P Botha, the Minister of

Labour, has so far visited West Germany, Holland, Britain, the US and Canada since leaving South Africa in May. He will go on to Sweden, Belgium, France and Switzerland before returning home on July 10.

His tour had a five-fold purpose, he said. The first was to make contact with leaders in the field and "find ways of keeping for communication going for the future."

The second was to give people abroad an idea of what was being done in South Africa. Thirdly, he wanted to examine the latest systems in the various countries. Fourthly, it was to see what research was being done, and finally to have a good look at training facilities.

Professor Wiehahn said he had had a "very good reception" during his tour, and had encountered no hostility.

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Labour strife to persist

Black labour disturbances could continue as white workers would find it difficult to find jobs in the new provinces. Southern Africa's Institute of Labour Research, Durban, said.

The speaker, Mr. P. J. ... executive director of the Institute of Personnel Management, said that opportunities in the new lands would be too few to absorb the surplus of labour in the area.

Mr. P. J. ... said that the unemployment problem of the next 10 years would be a serious one.

He said that the disturbance of sectors of production will continue and that African trade unions will grow in membership and importance. Employers will negotiate with them on a rapid basis.

The host of engineers, technicians and other skilled White workers, and particularly those who feel threatened, will fight to the last ditch to retain their privileges.

Mr. Berry said coloured and Indian workers would not support the white scale and would resist the intrusion

of Africans in their new preserves.

White homeland leaders would demand and be given a greater voice in deciding on the working conditions of their subjects in white areas, he said.

The supply of labour in the gold mines from other territories will be insufficient to maintain the mining industry and will face critical labour

shortages.

Black wages would increase more rapidly than white as blacks were up-graded in industry.

Mr. Berry said black personnel officials would be employed in increasing number.

They would become "the men in the middle," torn by conflicting loyalties to their employers and to black workers.

Labour — a warning but no remedy. Page 7

Labour leaders plan ⁽¹⁶⁵⁾ stand against PM ^{16/6/77} _{R.D.M}

By GERALD REILLY

THE PRIME Minister could expect a negative reaction from trade unions if he made his expected call for salary and wage curbs when he addresses labour leaders in Pretoria next week, Mr R C Webb, general secretary of the Motor Industry Combined Workers' Union, said in Pretoria yesterday.

Mr Webb, who is also senior vice-president of the Trade Union Council of South Africa, said the Government had no moral right to ask workers for sacrifices when it continually authorised price rises of key commodities.

During the anti-inflation campaign it was mainly trade union members who made sacrifices by foregoing large percentages of increases they were entitled to in terms of the Consumer Price Index.

This year so far had seen substantial increases in the prices of tinned and

other foods, including mealie meal and flour.

Prices of butter and cheese were increased this week for the absurd reason that there were big surpluses.

"Against this background it is patently laughable that the Government should ask us to exercise restraint — meaning to ask for less than we are entitled to — when no comparable restraint is being exercised by the Government."

In the pipeline, Mr Webb said, was an increase in the prices of margarine. The Price Controller is also vetting price increase submissions for bread, sugar and fresh milk.

"This has been a disaster year for thousands of families. Living standards have plummeted and many families are in danger of sinking below the poverty line."

It was therefore "unreal" to call for further sacrifices from people not able to make them, Mr Webb added.

SA labour reforms urged

PRETORIA — A leading labour expert has called for urgent reforms to South Africa's labour system.

Among them are scrapping discriminatory measures in labour legislation

The call comes from Prof N. Wiehahn, newly-appointed professor of the institute of labour relations at the University of South Africa

Prof Wiehahn is also adviser on labour affairs to the Minister of Labour and has just been appointed chairman of a commission of inquiry to investigate the South African system of labour relations.

In his inaugural address at the university last night, Prof Wiehahn said the opinions expressed by him were his personal views. "I dare not and cannot at this stage commit the commission or predetermine its course of action, deliberations or recommendations."

Applying certain yardsticks set out by him to determine the extent to which a particular country's labour system was democratic or not, he found that many countries, including South Africa, fell short of the ideal in various respects.

"It is not necessary here to detail the shortcomings of our system which are at present under the almost scorching concentration of world attention — perhaps to an unfortunate and unbalanced extent.

"However, an examination of the shortcomings reveals that they revolve around the one basic characteristic, namely that of discrimination," Prof Wiehahn said.

Analysis and criticism of South Africa's labour system was in abundance both in South Africa and abroad. The pressure on South Africa was to

change — not only in the political sphere — but also in the field of labour

"While on the one hand I believe that the word change has become a much exported commodity these days, at the same time I do believe that changes in our labour relations system are necessary

"The recent appointment of a commission of inquiry in my opinion "bulged an appropriate last post" to the era of the first hundred years of labour relations in South Africa"

Prof Wiehahn said the matters that needed urgent attention were firstly, that all discriminating measures in South Africa's labour legislation should be thoroughly investigated with a view to their disappearance

"I can quote no better authority than our Prime Minister, who on two occasions, has said that we must move towards the elimination of discrimination and I took him to mean that this should also apply to the field of labour relations."

"Secondly, serious attention should be given by the State and the employers to trade unions and particularly training in trade unionism

"Trade union training is not only no longer unavoidable, but it has indeed become essential and if we fail to take the initiative now as soon as possible on a dynamic and co-ordinated programme of such training, other countries will do it for us. In fact, this is already taking place from California in the far West to Moscow in the East bloc."

A co-ordinated

programme of trade union training under a national body had to be introduced, Prof Wiehahn said

Thirdly, research in the field of labour relations had to be expanded on a co-ordinated basis. Proliferation and duplication of research had to be avoided at all costs.

The fourth priority was the finding of a formula for the handling of conflict in the labour system. South Africa should move away from the philosophical basis of conflict-conciliation to conflict prevention

"Dispute settling machinery is necessary, but dispute preventive measures such as bargaining, consultation, dialogue and others will become of increasing importance and should form the basis of a new approach," he said

Prof Wiehahn suggested that an impartial labour court for the handling of conflict in the labour field should be seriously considered in the future.

"Finally, I need not elaborate on the necessity for South Africa to make and maintain the broadest possible contact with the international labour world," Prof Wiehahn said

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The new Secretary for Labour, Mr "Jaap" Cilliers, is ready to admit changes are coming in the field of labour relations in South Africa, writes JOHN PATTEN, The Star's Political Correspondent.

The wind of change is blowing through the Department of Labour. Last year it got a new Minister. Last month a commission into labour relations was appointed. Now it has a new Secretary for Labour.

He is silver-haired Mr E A "Jaap" Cilliers, a man not afraid to be "enlightened" (though a little afraid of the term) and very ready to admit changes are coming in the field of labour in South Africa.

"I am a realist. I believe we have to move with the times. But when we think about changes, we should not change just for the sake of changing. We must move forward to ensure peaceful co-existence," he said in an interview before taking up his key appointment.

The new man at the top of one of the most politically sensitive departments of government has a remarkable background. Late in his long career in the Department of Labour he has risen with a flourish to the top.

At the beginning of this year he was still Divisional Inspector of Labour in Port Elizabeth — a post he had held for 13 years. Then suddenly on March 1 this year he was promoted to deputy-secretary and moved to Pretoria.

Labour's man at top

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Star 2/8/77

Today he is the departmental boss.

Mr Cilliers was born a farmer's son in the Brandvlei area of Bushmanland in the north-west Cape. He did not go to school till the age of 11, and then started in Standard 1 because he was so much bigger than other boys in his class.

But in seven years flat he had completed his schooling right through to matric.

Interestingly enough he went to the Paarl Boys' High School, the same school as the Minister of Labour, Mr Fanie Botha, and the Minister of Finance, Senator Horwood, both of whom matriculated a little after him.

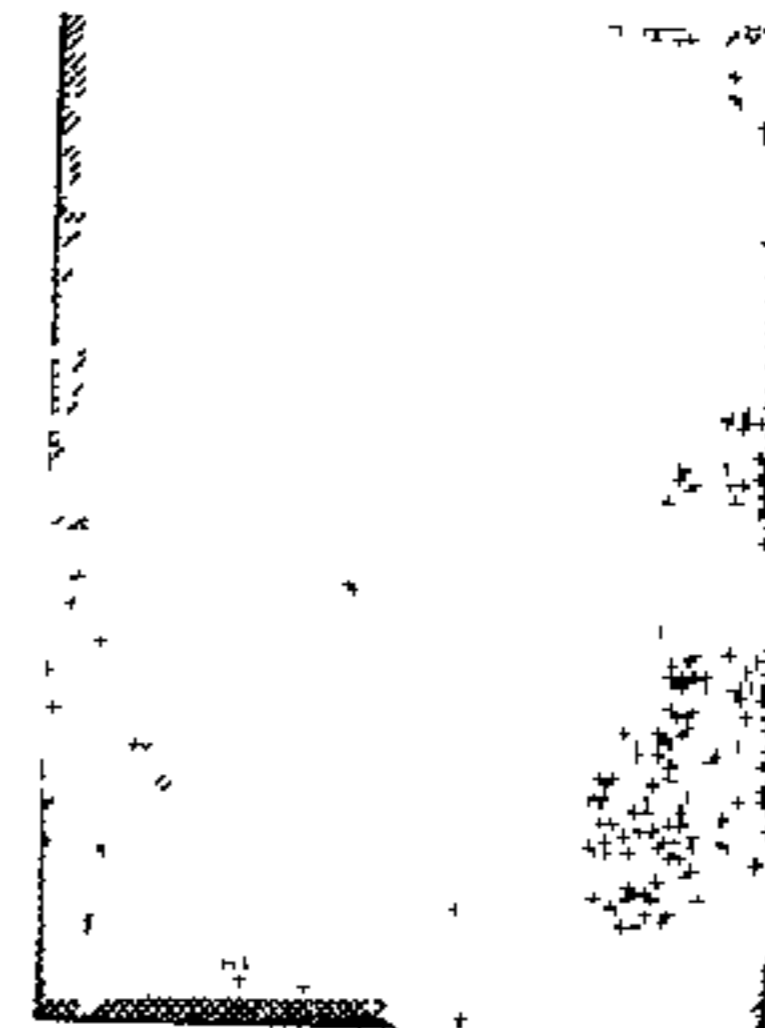
Except for a short break when he worked as a labour manager for a tyre factory from 1946 to 1950, Mr Cilliers has worked continuously for the Department of Labour since 1937 — a total of 36 years.

In that time he has worked in Port Elizabeth, Kimberley, Krugersdorp, Grahamstown, Kroonstad, Bloemfontein, East London, Port Elizabeth again and now in Pretoria.

Only at this stage in his seniority does he for the first time face the prospect of moving to Cape Town for parliamentary sessions.

"Parliamentary procedure is a new field for me but I look forward to going back to Cape Town," he said.

Questioned on his new job, Mr Cilliers said "Obviously it is a challenge, and obviously people expect changes. Every man kisses his wife a different way, and therefore there



Mr E A "Jaap" Cilliers... "I believe we have to move with the times."

will be new ways of doing things here."

In South Africa's multi-racial society with all its cultural and other inherent differences and peculiarities things were still relatively peaceful.

"With co-operation we can build on and improve existing conditions. If I can contribute to this improvement, specifically in the field of labour relations, I will certainly use all my energy to achieve that," he said.

Regarding existing labour practices, Mr Cilliers said changes would have to benefit the majority of our peoples. The whole subject should be considered against the background of the Wiehahn Commission, which was looking afresh at the whole subject.

On the question of the future of black works and liaison committees, he was reticent.

Mr Cilliers' wife died in 1968; he has two daughters teaching in Port Elizabeth.

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election news

**US wants
to destroy
SA whites
-Botha**

The Argus Correspondent
JOHANNESBURG. — The American Government was deliberately striving for the destruction of the whites in South Africa, the Minister of Foreign Affairs, Mr R F (Pik) Botha, said at Springs last night.

He told a well attended public meeting that the US Government's reason for wanting to get white South Africans out of the way was American relations with the Third World.

'In American foreign policy the existence of a white-controlled government in the southern part of Africa has become not only a nuisance, but a real obstacle for normalising relations between the United States and the Third World in the long run,' Mr Botha said

The Americans insisted on one-man, one-vote in a single political entity 'knowing exactly that we will be overwhelmed knowing therefore that that must inevitably lead to our destruction'

RIG CHALLENGE

**Bid to
restore
labour**

12/11/77 X 165

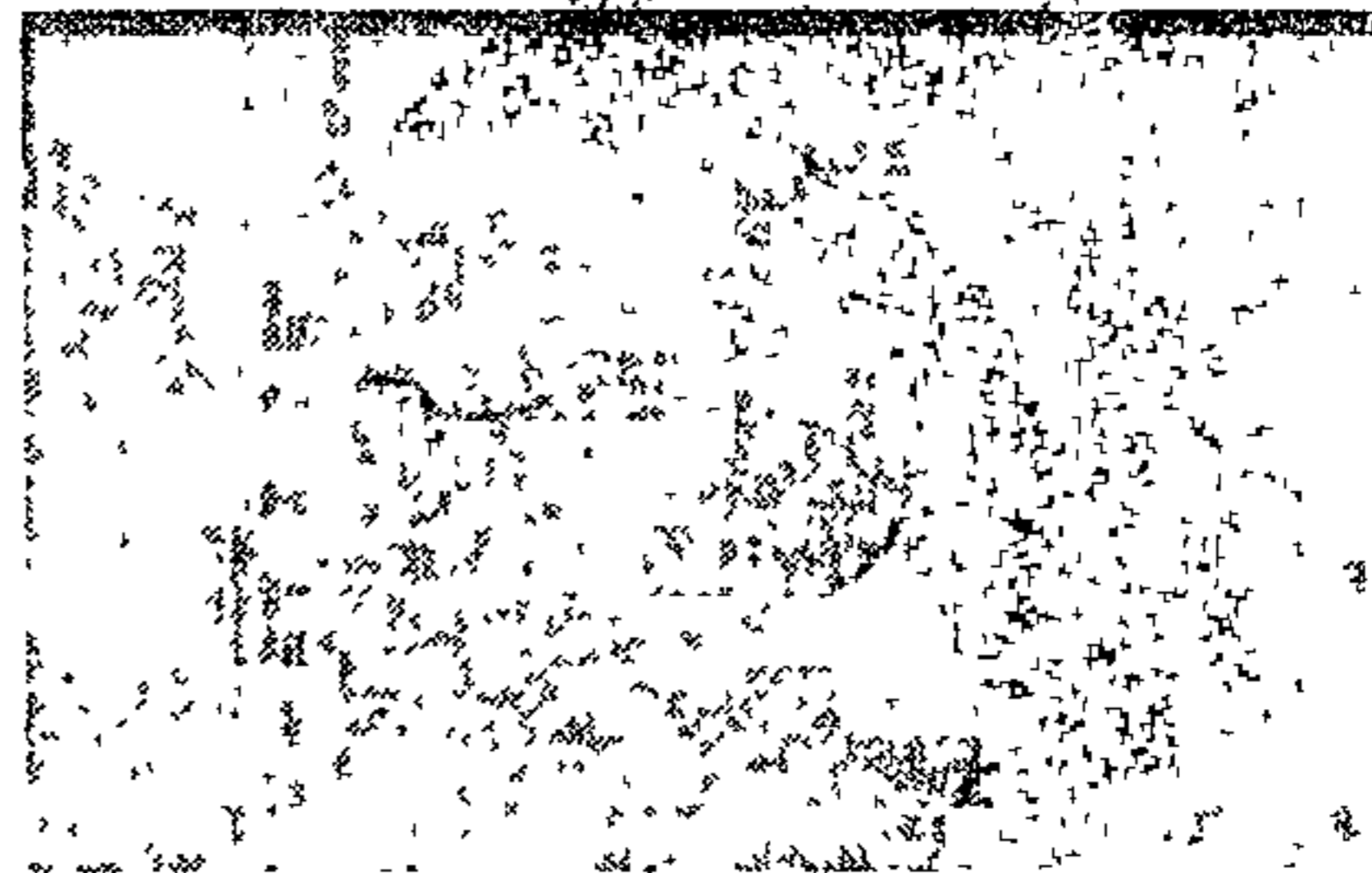
The Argus Correspondent
PRETORIA — A major campaign to get South Africa back into the international labour world has been announced by the Minister of Labour, Mr S P Botha

The international campaign would be directed by a special bureau attached to his department, he told a meeting in the predominantly workers' constituency of Pretoria West last night.

The bureau would be headed by Professor Nic Wichalun, who also is chairman of the recently instituted commission of inquiry into labour legislation.

'We cannot sit here far away and think matters will come right,' he said. 'The Department of Labour would in future have one leg for its internal affairs, but also a leg to fight the country's

I WANT to make every platform, at every occasion on which concerns our where it counts



MR S P Botha . . . Minister of Labour and Mines.

labour cause internationally.

'We'll in future fight back and talk on those platforms where we'll be heard

We'll fight

'I want to make the promise. We'll fight on every platform, at every congress, and on every occasion on each and every matter which concerns our interests in those places where it counts.'

Turning to the inquiry into labour legislation, he said cogitations had to be taken of the fact that millions of people were going to enter the great labour market.

But never before had there been a closer and more intimate relation between labour leaders and a Minister than now. Consultations were taking place between them almost weekly.

(Report by I. B. Marshall, 216 Vermeulen Street, Pretoria.)



MR FANIE BOTHA
... dropping barriers

More jobs open to all races

RDM

15/12/77

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THE MINISTER of labour, Mr Fanie Botha, announced in Pretoria yesterday the immediate withdrawal of 12 of the 25 existing work reservation determinations. A further six determinations have already been withdrawn.

The withdrawals affect the following trades: passenger lift attendants, the clothing industry, motor vehicle driving, the wholesale meat trade, certain work in the liquor and catering trade, the shoe industry and the furniture industry.

Notices with full details will soon be published in the Government Gazette.

Two further determinations affecting the iron and steel, engineering and metal industries were suspended on the recommendation of the industrial tribunal.

Mr Botha said it was his policy to consult the interested parties before taking action in labour matters. In this case he personally, or through the industrial tribunal, had

discussions with the trade unions directly concerned with each of the determinations.

The trade unions concerned, with a few exceptions, agreed with him that the determinations should be withdrawn.

Five work reservation determinations had not yet been finalised and were presently being investigated by the industrial tribunal to determine whether they were still justified, he said.

Mr Botha said the question now arose whether statutory work reservation was still the right mechanism for the protection of minority groups.

He said that a commission of inquiry into labour legislation would look at this question and make recommendations to ensure satisfaction and labour peace among all workers.

"I am thankful for the cooperation of the trade unions concerned which made this step possible," Mr Botha said.

LABOUR DEPT

MARCH 1978 - NOV. 1978

HANSARD 7 13 March 1978
Question 283 Col 393 - 394

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Hectorspruit

Rick Granville and his brother have a sugar cane farm near Hectorspruit.

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MONDAY, 13 MARCH 1978

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MONDAY, 13 MARCH 1978

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Vocational guidance officers of Department of Labour

283 Mr R B MILLER asked the Minister of Labour

(1) How many professional vocational guidance officers does his Department employ,

(2) how many of these officers are registered as counselling psychologists with the Professional Board for Psychology,

(3) whether his Department has investigated the effectiveness of its vocational guidance services, if so, with what result

The MINISTER OF LABOUR

(1) 69 However, 13 of the 82 existing posts are vacant

(2) Of the 69 persons, 12 are registered with the Professional Board for Psychology, viz: 9 as counselling psychologists, 2 as clinical psychologists and 1 in both categories. The remainder has been granted temporary exemption by the S.A. Medical and Dental Council to undertake vocational counselling until they have obtained the required qualifications.

(3) The effectiveness of the Department's vocational guidance services can to a certain extent be gauged by the after-care services rendered. During 1977, 1 622 juveniles and handicapped persons who had received vocational counselling or had been placed in employment, were visited with a view to assessing what progress had been made and of this number 1 278 were found to have adjusted themselves

satisfactorily. In addition, all sheltered employment factories are visited annually with a view to ensuring that sheltered employees are receiving after care. The success of the clinical-therapeutic counselling provided can be gauged from the fact that 90% of the persons interviewed showed improved adaptation. Research by various individual officers of the Department in regard to the validity and reliability of the test batteries has also been conducted with a view to substantiating the value of the test batteries.

100 more died than we thought.

all the stuff. Well we sold 300 about r. We sold them to local black people never done any travelling or sales

11 higher than Irvin and Johnson. They

. We sell fish at a rand a kilo which o us and we've been selling it at that

at is probably due to economics rather he Shangaans like fish, the Swazis can't buy 30c of red meat unless you go ay in this part of the world. You have you haven't got a refrigerator the

om Marble Hall we bought 20 000 and we for transport. So we've got to breed

Breeding Problems

We've tried some breeding. We had very poor results this year. In fact most of our fingerlings are from wild spawning. We have a problem down there in that the soil contained too much clay. If you want to have a breeding dam you must be able to grow grasses on it; and nothing but kikuyu or water grass will grow in these ponds. And you need a hairy grass



Journal to counter 'distorted' reports

THE Department of Labour has launched an international newsletter called "Empact" to counter distorted and inaccurate labour reports in the news media.

This was said by the Minister of Labour and Mines, Mr S P Botha, at the launching of "Empact" last night.

The publication is to be put out by the Department's Bureau of Research.

Mr Botha said he was approached on several occasions by persons in influential circles to initiate a source of information which would contain a factual exposition of labour matters in South Africa.

"It so often happens that the news media and other publications do not give accurate information to their readers on the highly sensitive subject of labour," he said.

"Sometimes their distortions of fact are deliberate but in most cases it is because they do not have all the information or the background perspectives of the information they publish.

"It is for this reason largely, namely to provide the world with objective and scientific information of labour matters in South Africa and what we are doing about it, that the idea to launch a periodical was born," he said.



DIE Minister van Arbeid, mnr. S. P. Botha, ontvang hier die belangrike nuwe publikasie Empact van prof. Nic Wiehahn, arbeidsraadgewer van die Minister en voorsitter van die kommissie wat ondersoek instel na arbeidswetgewing. Dit was gisteraand by 'n onthaal op Stellenbosch Empact word gepubliseer deur die navorsingsburo van die Departement van Arbeid en word in vier tale — Engels, Frans, Duits en Spaans — uitgegee. Dit maak 'n belangrike deel uit van die departement se groot internasionale veldtog om die verhaal van die Suid-Afrikaanse arbeidswese aan oningeligtes in die buitenland te vertel.

ook om ons eie stelsel te verbeter.

Hoewel Suid-Afrika se stelsel 'n voorbeeld aan baie ander lande is, kan dit verbeter word. Daarom is 'n kommissie van ondersoek aangewys. As dit nie was vir die goeie verhoudinge tussen werknemers en werkgewers in Suid-Afrika nie, sou dit nie so 'n gewilde werkplek vir honderduisende buitelandse werkers gewees het nie.

Empact sal gebruik word om navorsingsresultate en inligtinge van die Departement van Arbeid se Navorsingsburo na die buitewêreld uit te dra. „Empact kom op 'n besonder gelee tyd — 'n tyd waarin groot ontwikkelinge en vordering vir arbeid in Suid-Afrika voor die deur staan. Dinge is aan die beweeg in Suid-Afrika en Empact sal die wêreld daarvan op die hoogte hou,” het die Minister gesê.

ARBEID BAIE KWESBAAR

Van Ons Politieke Redaksie

STELLENBOSCH.

DIE Arbeidsfront het een van die belangrikste en moontlik kwesbaarste fronte geword waarop Suid-Afrika aangeval word, het die Minister van Arbeid, mnr. S. P. Botha, gisteraand hier gesê by die bekendstelling van Empact, 'n internasionale nuusbrieff van die Departement van Arbeid se Navorsingsburo.

Mnr. Botha het gesê Suid-Afrika bestudeer tans die vergelyking van sy stelsel van arbeidsverhoudinge met dié van ander lande. Dit is om tekortkominge in ons kritiese stelsel.

Cape Times 27/4/78

①165
@MBA

New labour laws next year — Botha

HOUSE OF ASSEMBLY — The Minister of Labour, Mr Fanie Botha, said yesterday that he hoped to introduce legislation during the next session of parliament stemming from the recommendations of the Wiehahn and Riekert labour commissions.

Replying to the debate on his budget vote, Mr Botha said, however, that he would not make changes in the present labour pattern that could threaten the peace and security of any groups, particularly minorities.

"It is necessary that everybody in this country, black, brown and white, has the chance to get work, but this must be within a pattern that provides security and peace for all."

It was obvious that in the future millions would be seeking jobs and it was equally obvious that there would not be enough whites to do certain jobs.

It was therefore necessary to determine how black and brown people could be brought into certain jobs without, at the same time, posing a threat to the security of the white worker.

"It is necessary that everybody be protected," he said.

This was the aim of the labour commissions and not, as had been suggested, to formulate a new labour policy for the government.

"The labour policy is designed to bring about peace and order in South Africa. Before changes can be made it is necessary that the Wiehahn commission and the Riekert commission thoroughly investigate the situation.

"You cannot run the economy in an undisciplined manner, and perhaps reach the point where the consumer cannot trust the quality of a product or service."

The government alone could not achieve labour discipline. The effort had to come from employers and employees.

South Africa's future development would rely heavily on her export capabilities, which,

in turn, depended on the quality of her products.

Mr Botha, disclosed that two labour boycotts which could have had serious repercussions for South Africa had been countered by action taken through his department.

Replying to the debate on the labour vote, Mr Botha revealed that Professor Nic Wiehahn, chairman of the commission of inquiry into labour matters, last year visited certain countries when attempts to organize a boycott against South Africa was at a critical stage.

Professor Wiehahn's visit was so successful that much of the passion and fervour left the sponsors and the action was unsuccessful.

When recently it seemed likely that another attempt would be made to organize a boycott against South Africa, Professor

Wiehahn again travelled abroad, visiting the United States and Europe. His visit was extremely successful and it would appear as if the proposed action was likely to fail.

These attempts had led to the idea to extend the labour discourse between South Africa and the rest of the labour world, and underlined the necessity for continual communication between organized labour in South Africa and the department, as well as between the department and the international labour world.

Whatever happened in the field of labour relations in South Africa was watched from outside, and people were always ready to see whether a boycott could be successfully launched against the country.

Greater contact and communication would force people to appraise the implications of boycotts on South African workers, on South Africa and on those countries sponsoring boycotts.

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Labour envoy

PROFESSOR Nic Wiehahn, chairman of the Wiehahn Commission of Inquiry into Labour Matters in South Africa, is to become the head of the Department of Labour's new research bureau, which will direct a stream of labour information abroad.

appointed

Wiehahn will head Dept's new research bureau

BY IVOR WILKINS

The Minister of Labour, Mr Fanie Botha, announced in Parliament this week that the bureau would become a fully-fledged foreign bureau. The new appointment means, in effect, that Prof Wiehahn will become a sort of roving labour ambassador for South Africa. He and the bureau will be based in Pretoria and will feed a constant stream of up-to-date labour information to selected Foreign Affairs staff in South Africa's embassies abroad. The bureau will also analyse, let

Prof Wiehahn will take over the position when the commission has reported its findings and recommendations to Parliament.

hour information from overseas. Prof Wiehahn will make regular visits abroad to consult labour leaders, economists, trade unionists, investors and governments. "My own philosophy is to talk to people and maintain dialogue. Labour dynamics change so rapidly that we must keep in constant touch with developments overseas," Prof Wiehahn said in an interview yesterday.

"Whatever happens in Europe and America eventually washes across to our shores. The whole idea is that, by orienting ourselves and keeping in contact with international labour leaders, we will be able to anticipate the problems they experience."
The concept will also have political spin-offs. Prof Wiehahn is on first-name terms with leading international labour people, which will enable him to keep contact with important policy-makers.
"It is not a question of being propagandistic — these people will definitely never approve of our ideology — but of giving people the correct information about how far we have progressed and giving them perspectives on what is going on here."
He said he was "carefully confident" that keeping

month's top-level trip to Europe, reported "enormous overseas interest" in the commission of inquiry he is heading.

Foreign governments, investors, labour leaders and trade unionists were awaiting the commissioner's report with keen interest, and decisions on questions like investment, policy and economic relations would be affected by the Government's reaction.



Mr Fanie Botha (left) and Professor Wiehahn...keeping open channels of communication

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Cape Times 2/5/78 ① 165
② 166

West must be informed about SA — Wiehahn

By GORDON KLING

SOUTH AFRICA'S new roving ambassador on the labour front, Professor Nic Wiehahn, yesterday accused the Western world of "incredible ignorance" on industrial relations in the Republic.

In an interview from Pretoria, he told the Cape Times that many foreign labour leaders were unaware that the country had its own labour codes which were similar to those adopted overseas to guide local subsidiaries of overseas companies. This highlighted the need for South Africa to counteract damaging misconceptions, he said.

Emphasizing the need to dismantle racial discrimination in work situations, he said world labour was highly critical of South Africa, but was receptive to discussion because it was anticipated that the Commission of Inquiry into Labour Matters, which he heads, would come up with meaningful recommendations for change.

He was satisfied that progress was being made in



Professor Nic Wiehahn

this direction, and it was intended to have legislation ready for the next session of Parliament, even if the commission's report had not been published

Professor Wiehahn confirmed that he would be heading the recently-established research bureau of the Department of Labour, and that it would concentrate on the international sphere.

"The whole idea," he said, "is not to be a propaganda organization, but to give the world a perspective of developments here and to orientate myself and the government on developments on the world labour front."

This would entail increased communication with labour leaders, industrialists and politicians overseas.

However, he refused to disclose details of successes in tempering foreign economic pressure on a recent overseas trip. The Minister of Labour, Mr S P Botha, attributed such successes to him in Parliament last week.

Western Europe

"Now you're asking me something," he said. "If I comment too much it might embarrass others, but I have succeeded in talking to important people and giving them an insight into what is happening here."

South African labour developments had been discussed with various cabinet ministers in Western Europe, but he rejected speculation that this included the West German Minister of Labour. He also dismissed the possibility of South Africa attempting to rejoin the International Labour Organization (ILO) — "I doubt they would have us."

Professor Wiehahn said the new bureau would work directly with international labour organizations through the Republic's embassies, but his base would continue to be Pretoria and he would retain his role of adviser to Mr

International trips would be arranged as developments dictated

Botha's labour court plan

Comp Times 17/5/78
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DURBAN — An industrial court to decide labour matters was forecast by the Minister of Labour, Mr Fanie Botha, when he opened the Afrikaanse Handelsinstituut's congress last night.

He said it was important that such a court should be free of any political influence. Another development, already announced, was the creation of a department in his portfolio which would deal with foreign matters.

Mr Botha said that up to now the labour legislation had been ideal but it was necessary to advance and this was why two commissions were looking for the practical answers.

He envisaged a permanent commission that would be able to change labour laws rapidly and keep pace with a rapidly changing situation.

Mr Botha said he did not like the idea of foreign companies laying down codes of conduct.

"We must take the initiative in this matter," he said.

He did not think that labour matters could be solved by government edicts — "I am thinking of job reservation" — but by all parties getting together to reach consensus.

Conditions had changed. He doubted whether it would have been possible, in the past, to set up a commission with members of opposing trade unions and people of different races serving on it and find them working harmoniously as the present commission was.

He called on members of the Instituut to build bridges between labour and employers, between organizations and with the government so that the labour pattern of the future could exploit the considerable potential of the country.

STAR 27/6/78

Labour 'desperate'

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Own Correspondent

Organised labour has reached the breaking point over rising food prices, the president of the SA Confederation of Labour said in Pretoria today

The executive of the 200 000-member confederation meets in Pretoria today to discuss possible action

With a new wave of price increases of all sugar-containing products expected, the president of

the confederation, Mr A I Nieuwoudt, expressed concern for the lower income groups.

"We as organised labour can bear it no longer. The breaking point, especially for the thousands of people earning less than R300 and R400 a month, has now been reached," he said.

"With these increases and with the general sales tax round the corner we do not know how large families are going to cope"

STAR

7/7/78

Artisan pay ⁽¹⁶⁵⁾

dispute still on

Labour Reporter

The pay increases for Johannesburg's municipal workers have been accepted by a two-thirds majority vote of the new industrial council for the municipality.

But there is now a dispute over whether the pay dispute declared by the artisan trade unions has been resolved by the vote.

The Confederation of Metal and Building Unions (CMBU) considers the dispute unresolved and is taking further action to fight for a better pay rise

or to take the dispute to arbitration.

If necessary the Minister of Labour would be asked to extend the period laid down for the settlement of a dispute for another 30 days, expiring on August 22, said Mr Frank Carroll, secretary of the industrial council.

"In our opinion, and in the opinion of an official of the Department of Labour who attended the meeting, the dispute has not been resolved," said Mr Ben Nicholson, secretary of the CMBU

OVERTIME FM 7/7/78
Anachronism? (165)

An absurd situation has developed around the question of overtime payment to shop and office workers. Overtime payments to workers earning not more than R300 a month are governed by a wage determination and are aimed at the protection of workers in the commercial distributive trade.

At the same time, a 1977 amendment to the Shops and Offices Act determines that overtime benefits (Sections 3 & 8) must be extended to workers earning not more than R600 a month (previously R500).

In a dispute with the Department of Labour, the Cape Town Chamber of Commerce argued successfully that employers in the commercial distributive trades were subject to the wage determination in matters concerning overtime payment (where a R800 ceiling applies), but that in all other matters they were subject to the provisions of the Shops and Offices Act. Employers not engaged in the commercial distributive trade had to comply with the overtime provisions (R600 ceiling) of the Shops and Offices Act.

The Secretary for Labour recently issued a contrary ruling, however, and forced a Cape Town company (engaged in the shop trade) to apply the overtime provisions of the Shops and Offices Act. The Cape Town chamber contested the ruling and was advised in April that the Minister had upheld its view.

At that time, the Minister instructed the Wage Board to investigate the advisability of lifting the ceiling to R600 a month in commercial distributive trades.

Last month, however, the Divisional Inspector of Labour in Cape Town advised employers that the Department of Labour had arrived at a fresh insight.

It now seems that Pretoria has a two-tier approach to overtime: employers in the commercial distributive trade earning up to R300/month are protected by the wage determination, those earning R300-R600/month are protected by section 4 of the Shops and Offices Act. Counsel's opinion taken in Cape Town confirms that Pretoria's interpretation of

the legal position is sound and that workers were adequately covered by both measures. Counsel added that he foresaw all kinds of anomalies and absurdities resulting from the situation which could only be remedied by an amendment to the wage determination.

According to Pick n Pay's Raymond Ackerman, there is a strong feeling among leading chain store operators that the concept of overtime for monthly paid workers is something of an anachronism.

At Pick n Pay, says Ackerman, monthly paid workers are considered part of management and overtime is part of management effort that is rewarded by generous bonus payments - usually far in excess of statutory minimum rates.

"We don't want to turn our management into clock watching functionaries, punching time cards and measuring their effort in terms of time. Our philosophy is to build them up into management executives with a sense of status," he told the *W* this week.

That is all very well as far as it goes, but will the unions buy it, and are the workers to be given the opportunity to choose between mandatory overtime payment, which is a right, or leave it to the good disposition of employers to pay them a bonus, which is voluntary?

Jobs outlook for all races the best in 2 years

By Michael Chester,
Financial Editor

The jobs outlook for the next three months has climbed to its most optimistic for two years, according to an employment survey released today.

Manpower, the worldwide service group, finds that 12 percent of the 1200 companies covered by its quarterly surveys have laid plans to increase their white staff and nearly 10 percent intend to recruit more black workers.

In Johannesburg as many as one in five companies are planning to hoist the number of white staffers.

Companies planning to reduce their white staff have shrunk to only 4.5 percent, the lowest level recorded in 30 months of recession, and under 7 percent — the fewest in two years — feel they need to trim on the black labour side.

Mr Ralph Parrott, managing director of Manpower South Africa, says there are still all the signs that the overall improvements will go on at least until the end of the year.

However, interpretation of the trends needs caution. It may well be that the number of new jobs coming along will still not manage to make much of a dent in the size of the national unemployment pool.

Yet to be seen is whether the flow of extra jobs will be able to match the flow of new work-seekers coming out of the schools.

Mr Parrott shares the caution. He sees little chance of a solution to the unemployment problem as a whole until the economic growth rate is prodded into faster pace.

"There's no doubt that business confidence is higher and economic activity has improved lately," he said today.

"However, it's unlikely to alleviate unemployment in general terms. Employers expecting economic improvement are also expecting labour productivity improvements and to be able to use surplus factory production capacity that has been idle too long."

The keys to a long-term solution remain more training programmes for black labour and a new round of non-inflationary stimulants to quicken the economy.

For the moment, the brightening in the jobs outlook is spread over most of the industrial and commercial categories — in particular in building and construction, the motor trade, and in the heavy engineering sector.

One notable exception is the timber industry, which plans to prune both its white and black workforce.

Prospects are brightest

of all in construction, base metal mining, computers, civil engineering and vehicle manufacture.

Region by region

● Transvaal — "a particularly optimistic situation"

● Orange Free State — "reasonably stable."

● Natal — "the most optimistic figures recorded for two years."

● Cape — "continues to show improvements," but in the Peninsula there are still more companies planning decreases rather than increases in staff.

Assocom urges big labour changes

Labour is a commercial commodity and all workers should be free to offer their labour in the best market. Prohibitions on the performance of work by blacks, coloureds and Asians should be repealed

These are two of a set of 40 principles adopted by the Association of Chambers of Commerce of South Africa and together constitute the official Assocom policy with regard to blacks, coloureds and Asians Chambers of Commerce throughout the country have been asked to bear these accepted principles in mind whenever dealing with this subject

The 40 principles are

(1) Assocom regards South Africa's human resources as its greatest natural asset. It believes that it is only possible to realise this human potential through close and concerted co-operation between all its peoples

(2) In order that this may be done it believes that the Bantu Labour Act as such, should be repealed and a unitary system for all labour introduced, to be consolidated under the control of the Department of Labour

(3) Trade unions should be free to represent all ethnic groups, subject to registration, and should represent the interests of all employees in a given industry

(4) Failing all race groups being represented in one trade union, then black trade unions should be registered and recognised

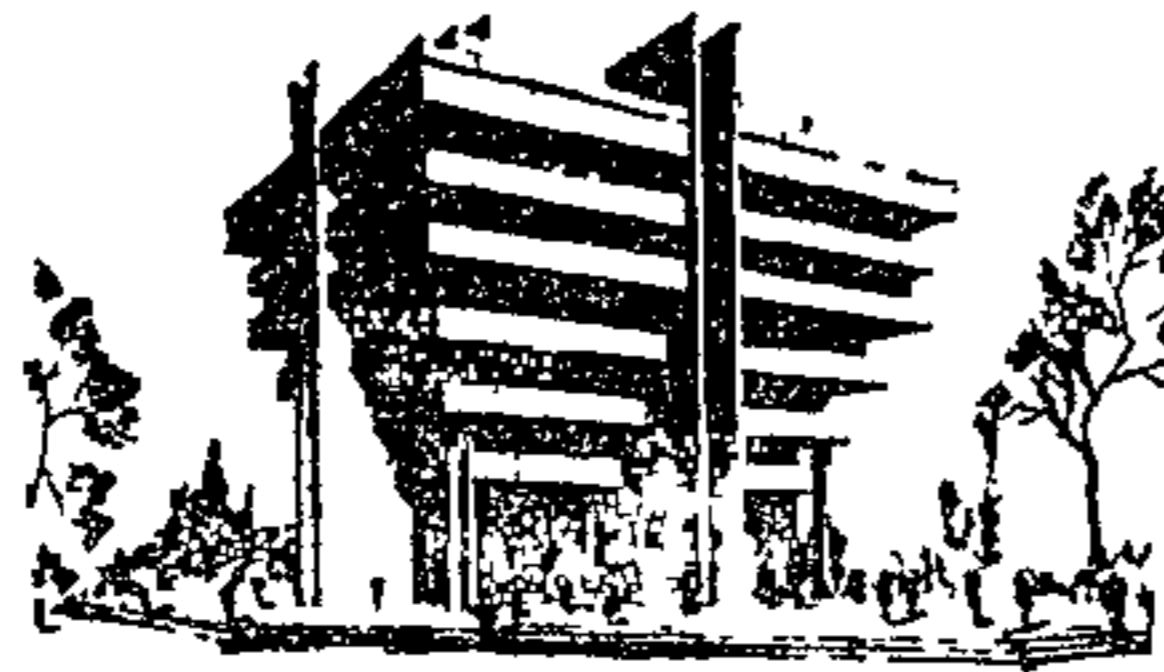
(5) Labour is a commercial commodity and all employees should be free to offer their labour in the best market

(6) Restrictions on the recruitment of labour in the homelands by private enterprise on a competitive basis, should be removed

(7) Private employment agencies should be permitted to undertake the placement and recruitment of all race groups

(8) Assocom is opposed to any system of compulsory deferment of wages as being contrary to the free decision of employees

(9) Prohibitions on the performance of work by blacks, coloureds and Asians should be repealed



Assocom HQ at Milner Park, Johannesburg.

(10) There should be no compulsion on employers to provide housing for their employees and compulsory subsidisation in any form should be phased out

(11) Assocom believes that the way of life of employees housed in compounds is unnatural and not conducive to good industrial relations. It should be avoided wherever practicable

(12) The provision of family accommodation should be undertaken wherever possible

(13) All employers should make every effort to implement the Urban Foundation / SACCOLA Code of Employment Practice

(14) Simplification and streamlining of procedures for registration and for employment should be introduced

(15) No action should be taken against blacks found to be "unlawfully employed"

(16) While a record of employment should be retained it should be in a separate document from any identity document

(17) The identity and employment records for all sections of the population should be on the same basis

(18) Industrial training of all races should be controlled by the Department of Labour

(19) All restrictions on employment as a result of the Environment Planning Act should be removed

(20) Simplification and unification of labour legislation affecting all population groups is essential. All racial groups in the Republic, other than the homelands, should be governed by the same legislation.

(21) Full rights of ownership and totally secured titles of occupation

should be provided for urban blacks

(22) The rights in land and fixed assets should be extended to full and unconditional ownership rights

(23) The financing of housing loans for blacks and others should be taken over by recognised financial institutions

(24) Priority should be given to new houses for blacks in urban areas and rentals should be at an economic rate and any shortfall in income to administering authorities should be paid from general revenue

(25) Assocom believes that increased wages and improved conditions of service should make it possible for services such as transport, welfare and housing to be provided on an economic basis

(26) Community councils should become civic institutions with decision making powers. The membership of these bodies should be entirely democratically elected representatives of the local population

(27) Townships should be made safer and the quality of town planning in the urban black townships should be upgraded.

(28) Electricity and adequate telephone services in the urban townships are imperative and the provision of increased recreational facilities highly desirable.

(29) Restrictions on entrepreneurs should be lifted to allow them to provide adequate cultural, recreational, educational and social facilities in these townships

(30) In order to assist with transport to and from urban residential areas, the system of transport licences should be reviewed to allow free competition between the

railways, various bus companies and taxis. The standard of transport services must be improved

(31) Proposed transport fare increases should be publicly considered before implementation and their consequences closely reviewed

(32) No decisions affecting the black coloured or Asian communities should be taken without full consultation with them

(33) Trading opportunities should be opened progressively for all races in all areas.

(34) With regard to traders all legislation restricting activities on racial grounds should be removed

(35) All professional persons should be allowed to practise without restriction to location

(36) Restrictions included in the Group Areas Act on the occupation of land or premises by lawful employees (in particular black managers) should be removed

(37) A programme to provide the same national syllabus and compulsory education for all race groups should be introduced. Education should be administered on a national basis irrespective of colour

(38) Further training colleges for teachers should be introduced in the urban areas

(39) The national system of education and subjects taught should be re-examined to equip students with suitable and useful knowledge to either embark on further training or start working in commerce and industry.

(40) Decisions regarding education should only be taken after the fullest consultation with the people concerned

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Jobs scene brighter

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11/10/78

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By TONY KOENDERMAN

EMPLOYMENT prospects throughout the country for the last three months of the year show a continuing upward trend according to the quarterly survey conducted by the Manpower group

Nearly 16 per cent of the 1 200 companies surveyed indicated their intention to increase both black and white labour. In the last survey, 12 per cent intended to increase white labour and 10 per cent to increase black labour.

The trend was evident in practically all of the 30 commercial and industrial sectors covered, but the biggest gains were in house building, hotels, tourism and catering, base metal mining and retailing.

Keper Heads 1987/4/18

Johannesburg leads

2/10/78

in providing

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more jobs

Labour Reporter

Johannesburg leads the country in a general upsurge of employment prospects which promises to put South Africa firmly on the road towards economic recovery

The latest quarterly survey of employment prospects, conducted by Manpower, is by far the most encouraging of the nine surveys published to date

Plans to increase white staff exceed plans to cut back in all but one of the 30 industrial and commercial sectors surveyed — timber manufacturer

The same applies to black staff, in all but two sectors — leisure products and coal mining

Countrywide, 15.8 percent of employers plan to take on whites during the next three months (12.1 the previous quarter) and 15.5 percent plan to take on blacks (9.7 percent previously)

Planned retrenchment has increased only slightly to 4.8 percent for whites and 7.5 for blacks

ALMOST DOUBLE

In Johannesburg the percentage of employers planning staff increases is almost double that of the rest of the country — 27.3 percent for whites and 30.2 percent for blacks

Particularly encouraging is the outlook for the housing sector which has a major economic impact on other sectors and has a high employment potential in its own right

In this sector, 35 percent of employers intend to increase white staff as well as black although 10 percent plan decreasing staff of both race groups

However, the bright employment prospects focus renewed attention on the shortage of skilled manpower required to boost economic growth

With the "already relatively critical position with skilled management," sufficient skilled people are unlikely to be available to meet the demand, says Manpower

N M 13/10/78

More found jobs

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Mercury Reporter

DEPARTMENT of Labour figures for September show a marked decrease in the number of unemployed in the White, Indian and Coloured groups over the past four months.

According to the total figures of the three groups from June to September there had been a drop of 643 in the number of jobless people.

The total number of people unemployed in June was 7,001, while the figure on

September 25 was 6,358

The number of White unemployed in September was 1,671; the number of Coloureds in September was 974, and the number of Indians unemployed that month was 3,713

Star
20/10/78

Change, but in SA way

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~~165~~

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Pretoria Bureau

The Minister of Labour, Mr Fanie Botha, has encouraged South African employers to resist foreign demands for changes in their labour relations that would jeopardise the economic security and stability of workers.

Addressing the annual banquet of the Steel and Engineering Industries Federation of South Africa in Johannesburg, Mr Botha said "We will find South African solutions for South African problems."

Orderly and evolutionary change in labour was a high priority but a good deal of the pressure exerted on employers came from well-meaning people and organisations who did not comprehend this country's situation and circumstances.

South Africa would make the necessary adjustments in its system subject to conditions — that the economic security of all the country's workers was not endangered, that South Africa was satisfied the need for adjustments was proven, and that labour peace was maintained.

Mr Botha said attention must be given to the utilisation, training and re-training of manpower for South Africa's future needs.

10 000 SHORT

Although there were about 277 000 trained artisans of both sexes and all race groups working in 320 trades, the shortage of artisans and apprentices in these trades was about 10 000 at present.

"Most of this shortage is felt in the metal and engineering industries," he said. "If the upswing in our economy gains momentum this shortage will increase rapidly and could, if not properly handled, seriously hamper our economic development."

Mr Botha appealed to the country's institutions for advanced learning to introduce or develop further courses in manpower development and management.

"What is needed at this time is a coordinated and rationalised move towards the introduction of a bachelor's degree or higher diploma course with subjects in manpower selection, control and utilisation, industrial relations, labour market analysis, labour law and many other related aspects."

Lesotho a magnet for scholars

The tiny kingdom of Lesotho, the roof of Africa, is surrounded by the Republic of South Africa and dependent on it for its communications, its economy and the remittances sent home by the 40 per cent of the male work force who constantly seek employment on the Rand.

Lesotho is trying hard to break at least some of this dependence pattern by a variety of development strategies, assisted by a huge input of foreign aid.

Even so, for a country among the world's poorest, the task is formidable and the statistics of education that must be the key to its future progress make shattering reading even for a public that has grown to accept the statistics of poverty.

And yet the greatest irony of the story is that, poor as it may be, Lesotho is making a substantial educational contribution to the black people of South Africa itself.

At present so vulnerable and inadequate is the system that for much of the time it produces only half-educated children so that when the luckier ones move on from primary to secondary school they are

often ill-equipped to cope with the next phase of their education.

Although between 40 000 and 45 000 children start in the primary school cycle, by the seventh grade only some 18 000 are left. The rest have dropped out.

For the last few years, moreover, the government has only been able to obtain replacements for teachers who drop out, it has not been able to get more and so improve the teacher-pupil ratio. The first restraint, as always in Lesotho, is that of finance.

Of the 18 000 children a year who complete primary school, about 5 000 will at least start secondary education. Of the primary school leavers and early dropouts, government aims to keep the youngest at school as long as possible so as to avoid having twelve-year-olds end up on the streets with no education and nothing to do.

The statistics of diminution, as they may be termed, continue through secondary

education. Of the 5 000 children from primary education, slightly above 4 000 get through the three years of the first phase, of these between 1 200-1 500 go on to the second phase, up to "O" level and possible university entrance.

Unhappily the number of 'O' level passes has been declining recently and during the last academic year, for example, only 10 per cent of those taking "O" levels reached the university entrance standard, another 15 to 20 per cent got some qualification though not enough for university.

Lesotho's University at Roma — formerly the joint university with Botswana and Swaziland — has a total of nearly 1 000 students, a considerable proportion of these come from South Africa, Rhodesia, other countries in southern Africa and as far afield as Kenya.

Many of the buildings and facilities are the result of British, Dutch, Scandinavian or other aid and one of the most recent.

donors, responsible for a new hall of residence now being built, is Nigeria. There is a polytechnic with about 350 students as well as an additional 150 in secretarial and commercial courses, and a National Teacher Training College with 700 students on campus with a

further 300 doing internships at schools. At the secondary level the system is heavily dependent on expatriate teachers who supply well over half the total of 700 secondary teachers. A large number of the secondary teachers are unqualified and the curriculum is too often incomplete.

The Ministry of Education wants to concentrate when finances are available, on establishing better secondary facilities and ensuring that a full curriculum can be taught.

Primary level statistics for 1977 reveal the dimensions of the general problem. First, classrooms of 1 063 primary schools with a total of 2 996 classrooms, 520 were rated in good condition, 1 598 were in need of light repairs, 555 needed heavy repairs and 314 needed to be rebuilt.

These figures are perhaps no worse than those prevailing in some other developing countries, but the table of teacher-pupil ratios in the

classes set out below especially when the low level of skills of some of the teachers is taken into account — makes the general picture far more daunting.

Number of classes	Number of pupils
622	25 to 34 pupils
893	35 to 44 pupils
948	45 to 54 pupils
610	55 to 64 pupils
405	65 to 74 pupils
434	75 to 99 pupils
140	100 to 149 pupils
11	150 and more pupils

At present there are plans for the establishment of self-help schools using materials provided by Britain or the EEC. Though there are no school fees at primary level pupils have to pay for books, uniforms and school maintenance.

The primary schools are all mission schools. There are three main missions in the country: the Catholics, the Lesotho Evangelical Church, and the Anglican Church of Lesotho. While the government pays teachers' salaries direct

the missions do the rest. Of 62 secondary schools only five are government.

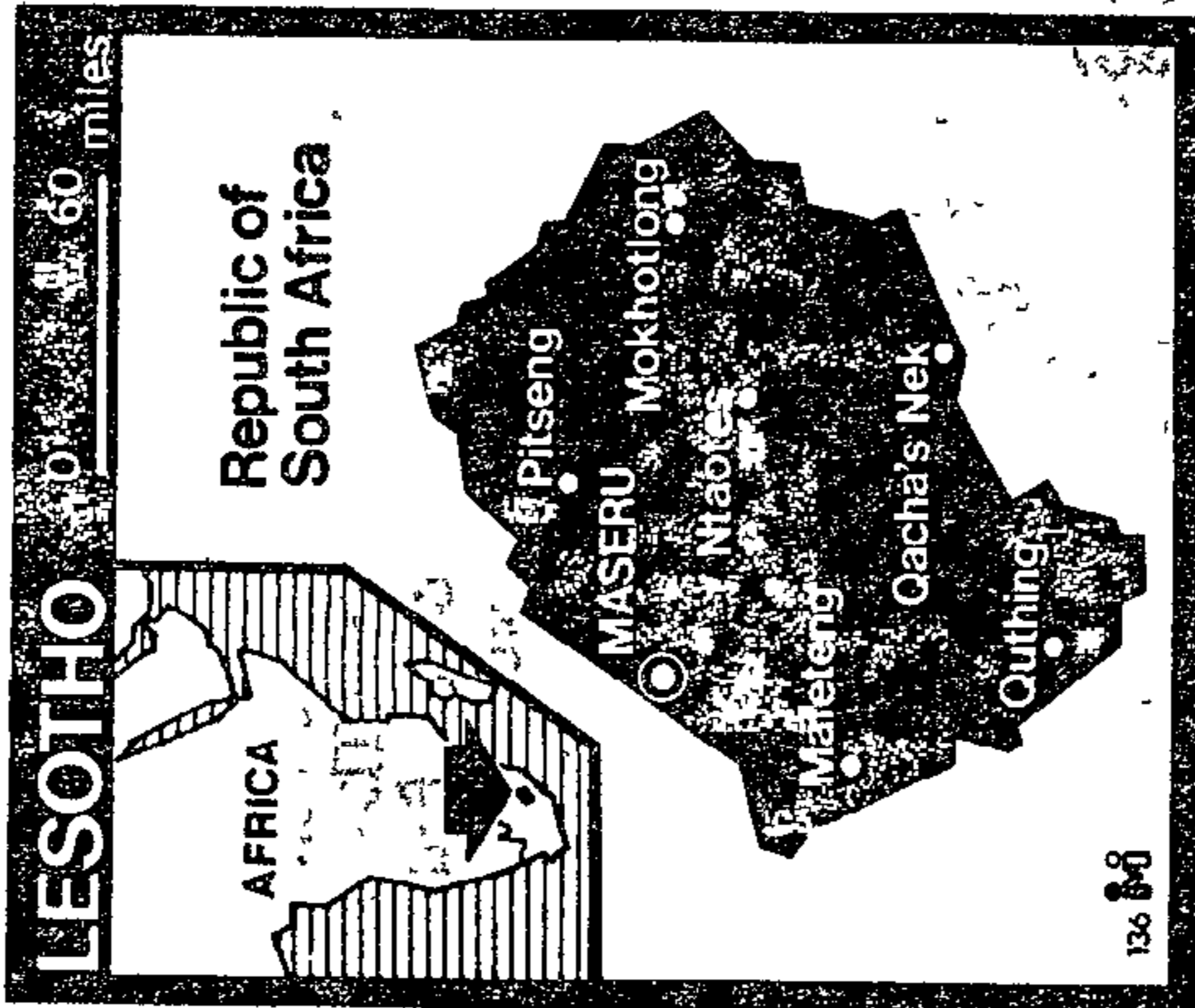
Despite this picture of intense dependence — on the work of the missions, on expatriate teachers and on aid inputs for capital developments — the Lesotho system, ironically, has something to offer to black Africans from South Africa.

In any case, Lesotho is surrounded by the black South African children have crossed into Lesotho to escape the education they are offered and benefit instead, from an open system.

One result is that in some age groups instead of the more average 80 per cent attendance there is 110 per cent attendance — the difference being made up by children who have come into the country from the Republic.

It will be a long time before the Lesotho system is adequate in terms of resources, teachers or capacity to cope with the educational needs of its own people, the fact that even now it acts as a magnet to children from across the borders gives some idea of the true educational picture in South Africa — GEMINI

— Guy Arnold



GENERAL

Labour laws come under heavy fire

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By RIAAN DE VILLIERS
Labour Correspondent

SOUTH AFRICA'S industrial relations system came under heavy fire yesterday for failing to provide adequate redress to black workers who want to take legal action against their employers.

The criticism came after a meat firm, SA Meat Supply (Pty) Ltd, paid admission of guilt fines in the Johannesburg Magistrate's Court on charges of illegally locking out 39 black workers after a wage dispute and making them work excessive overtime — 19 months after the complaints were lodged with the Department of Labour.

The Industrial Aid Society — a service organisation which helped the workers to further their complaints — charged that black workers were seriously discriminated against under the present industrial relations system.

A spokesman for the IAS said yesterday it was the first case it had succeeded in bringing to court through the Department of Labour since the organisation started in 1975.

In its statement, the IAS said that in terms of the law, legal action by blacks against employers had to be criminal prosecutions channelled through statutory bodies. Despite the large number of infringements committed by employers, this was one of very few cases ever to reach court. This indicated the inadequacy of the industrial relations system.

Referring to the fines paid, the statement said the "derisory" penalties served as incentives for employers to break the law and deterred workers from seeking redress.

The IAS was not suggesting that the bodies concerned were acting with de-

liberate intent or malice, but were incapable of performing their prescribed roles. The Department of Labour was "grossly undermanned".

With four inspectors in Johannesburg to handle more than 5,000 factories and over 250 000 workers, it could not cope with the demands on its time.

When the department eventually took the complaints in the case concerned, the complaints section was swamped for several days.

The statement urged that black workers should be allowed to take civil action

against employers.

The company paid admission of guilt fines of R100 and R50 on the two charges before the case started. Similar charges were withdrawn against the firm's managing director, Mr S J Katz.

A spokesman for the IAS said that of the 25 workers who turned up yesterday, eight have been unemployed since the lockout, seven for a year or more, and a further seven for six months to a year.

The IAS now plans to start civil action against the firm on behalf of the workers.

More ⁽¹⁶⁵⁾ jobs ^{Adm} for black youths

Labour Correspondent

EMPLOYERS in the Pretoria-Witwatersrand-Vaal area can now employ black youths aged between 16 and 20 in excess of their labour quotas until June 30 next year

The concession was originally granted for the six months from January to June this year only, but has been extended after representations by the Johannesburg Chamber of Commerce to the Department of Planning and the Environment

Notifying the chamber of the extension, the Secretary for Planning and the Environment explained that, though the scheme expired next year, the youths could be employed permanently and may be replaced by others

When the youths become 21 years old, however, they should be allocated to the ordinary labour quotas and other youths re-appointed in their place

Interested employers have to approach their local Administration Board to see what labour is available and then apply for the labour to the department.

Only youths who qualify for permanent residence in the area concerned are eligible under the scheme

A spokesman for the chamber said that up to the end of June this year only 780 black youths had been employed in terms of the scheme and it had been seen as a failure

The extension of the concession was as a promising beginning — but the Government should extend the concession

The chamber also felt that more employers would make use of the scheme if some uncertainties were cleared up

LABOUR - LEGISLATION

6 JAN. 1978 - 31 MAY 1979

Legislation due

The Wiehahn Commission will present a report to the session of Parliament which begins on January 27. It will only be an interim report, however, and is unlikely to deal with the broader industrial relations issues.

Commission chairman Professor Nic Wiehahn confirms that an interim report will go to Parliament, and that it will recommend new legislation.

The report will not appear before March or April, however, as the commission will be hearing oral evidence until the end of February. It goes to Cape Town shortly and then returns to Johannesburg for two weeks before moving down to the eastern Cape.

Wiehahn will not be drawn on the contents of the interim report, but most sources agree that it will deal with the more blatant aspects of race discrimination at the factory level. Substantial changes in the present statutory job reservation system will probably be proposed, though it is likely to be replaced by new measures protecting white incumbents of jobs closed to blacks.

Discriminatory measures in laws like the Shops and Offices Act, the Bantu Building Workers' Act, and the Factories Act (such as those which segregate factory facilities) will also almost certainly be affected by the report.

If, as seems likely, government does decide to act on the commission's recommendations, the amending legislation should be approved by Parliament during the session. The *FM* understands that the report will probably be drawn up in such a way as to make the drafting of legislation easy, and one member of the commission, Nic Hechter of the Department of Labour, is himself a legal draftsman. Legislation could thus be before Parliament shortly after the report's appearance.

The main stumbling block to the speedy implementation of the commission's recommendations could be the SA Confederation of Labour, which favours the retention of statutory job reservation. Government is expected to press ahead with legislation anyway, however.

The commission's final report is expected around the end of the year.

ARGUS 9/11/78

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SA labour law probe next week

THE Government commission of inquiry appointed to investigate labour legislation is to meet in Cape Town for a week from next Monday.

Chairman of the commission is Professor N E Wiehahn, director of the Institute for Labour Relations of the University of South Africa.

He holds a law doctorate and has written several books on law and labour, at the same time maintaining an interest in agriculture.

A leading expert on labour law, he is a Supreme Court advocate and an advocate of Lesotho's Higher Court. He is president of the Association of University Lecturers in Law.

When the commission was appointed in July, Professor Wiehahn said that labour discrimination, with its results of dualism and paternalism, required in-depth study with a view to its elimination.

'CHANGE OF HEART'

A second necessity was 'a change of heart' and the adoption of a new philosophy towards organised labour.

He emphasised then that he was speaking in his personal capacity and in no way committing the commission.

The commission will sit in Room 678 in the Provincial Council Building in Wale Street from Monday to Friday. Sitings are held in camera.

People or organisations wishing to give evidence should get in touch with the commission secretary Mr D van der Walt, Private Bag 316, Pretoria 0001, or telephone Pretoria (code 012) 29711.

From Cape Town the commission will move to Port Elizabeth.

Utilization of manpower. Report of the Commission
Hansard 1 (2) 112179
*3 Dr A. L. BORAINE asked the Prime Minister

When will the Commission of Inquiry into the Utilization of Manpower be laid upon the Table

The PRIME MINISTER
The report of the Commission of Inquiry into Labour Legislation, which has not yet been submitted, will be considered by the Government together with the report of the Commission of Inquiry into Legislation Affecting the Utilization of Manpower. Both reports will then be laid upon the Table

Ministers,

not halt till 10 p.m. and we saw the lights of Pretoria just below us. We must have come between 40 and 45 miles over a bad road.

As we had to march again at 4.30 a.m., we had some bread and jam for a drink of cold water and lay down without

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Report of commission of inquiry into labour legislation
Hansard (3) 1/2/37 166
"11 Dr A. I. BORAINÉ asked the Minister of Labour.

Whether the commission of inquiry into labour legislation has submitted its report, if so, when will the report be laid upon the Table, if not, when is it expected that the report will be submitted

†The MINISTER OF LABOUR
No, but the report is expected shortly after consideration thereof by the Government the report will be laid upon the Table //

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ere to drive a small

To our intense astonishment we found block-houses all over the place and a post of over 100 S.A.C. on the very ridge we were to hold. It was a perfect fiasco. Young Cadogan, a son of the Irish Lord-Lieutenant, was the police officer in charge and he said that for more than a week there had not been more than 17 Boers, with four rifles, in this laager and that they had cleared out some days before. General Barton confessed to Feilden afterwards that he did not know of this police post! Barton manages to muddle everything he takes up.

Towards the forenoon we thought it was time to get breakfast so we got some wood and made a good fire. My orderly lent

Wiehahn nearly ready

The first part of the Wiehahn Commission's report will definitely be ready for this year's parliamentary session, according to commission chairman Professor Nic Wiehahn.

Wiehahn tells the *FM* that he and his colleagues are "working as fast as possible" on the finishing touches to Part I of the report. He adds that draft legislation will also be ready during the session.

The draft of Part I has already been written, and the commission is now "polishing it up and deciding on the finer points," says Wiehahn. The document runs to well over 200 pages and is written in English, though Wiehahn hopes to have an Afrikaans version ready simultaneously. He adds that subsequent parts of the report may still take a number of years to bring out.

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Asked whether Part I was a unanimous report by all members of the commission, Wiehahn said that he could not comment as this was still being discussed.

Nor would Wiehahn comment on remarks made this week to the Mine Workers' Union by Attie Nieuwoudt, president of the SA Confederation of Labour and also a member of the commission.

Nieuwoudt said that if an onslaught was made on what belonged to the white worker, there would be a clash as never before in SA. Wiehahn pointed out that Nieuwoudt was speaking in his capacity as president of the Confederation, not as a member of the commission.

(11)
WIEHAHN COMMISSION

201-1012177
Dissent looms

The first section of the Wiehahn Commission report should be signed this week. The report is unlikely to be unanimous.

Commission chairman Nic Wiehahn tells the *FM* his commission will meet late this week to consider the report finally and will almost certainly sign it. 'This will be the first part of our report. Other parts will follow in due course. At this stage six more parts are probable.

Will it be unanimous? Wiehahn won't say, apart from pointing out that whatever the situation is now, it could change at the final meeting.

A fully fledged minority report is unlikely, but it is virtually certain that some sections of the report will contain dissenting views. If dissent does appear in the report, the *FM*'s guess is that it will express more conservative views than those contained in the report as a whole.

A conservative backlash against the report seems likely. It is no secret that debate within the commission has often been heated. But Wiehahn is unwilling to react to the conservative attacks on the commission which have been made over the last few months. 'We obviously can't please everybody,' he shrugs.

Falk has it that there will be no specific recommendations about the mining industry in part one of the report. This could lessen the problem of expected Mine Workers' Union resistance. But Wiehahn is not saying.

Protect white jobs . . . or else — labour chiefs

By RIAAN DE VILLIERS
Labour Correspondent

TWO Rightwing labour leaders yesterday warned that further inroads on the position of white workers in South Africa could result in serious conflict.

The warnings came at the opening of the annual congress of the Mineworkers' Union, seen as the most militant force opposing change on the South African labour front.

Mr At Nieuwoudt, president of the 200 000-strong all-white SA Confederation of Labour, said white workers were prepared to be

productive and serve their country.

"But if an onslaught is made on what belongs to the white worker there will be a clash as never before in our country," he said.

And Mr Cor de Jager, MWU president, said "If no assurance can now be given to white workers that they do not have to fear for their future in white South Africa, then conflict will follow."

Delivering his presidential address, Mr de Jager said there was a large degree of dissatisfaction among workers — mainly

about black infiltration, unemployment and price rises.

White workers felt threatened on several fronts and believed there was an unprecedented onslaught on their jobs by black workers.

He appealed to the Government to help them but to think of the future of the white worker.

Mr de Jager predicted that future agreements to the labour laws could result in the white worker again being at the short end of the stick.

He said the Minister of Labour had recently given an assurance that there would be no change without consultation. "Our promises have been broken so often in the past that we will have to wait and see whether this one won't be broken as well."

He also warned of the possibility of countrywide strikes if workers could not win sufficient pay rises this year.

Mr Nieuwoudt — a member of the Wiehahn Commission — told delegates the confederation was not opposed to the wellbeing of other race groups, but these rights had to be exercised in the homelands.

The white areas of SA belonged to the white worker. "The white must never be called a minority in his own fatherland," he said.

The confederation — to which the MWU is affiliated — was determined to defend the rights of whites in South Africa and would fight to the bitter end to said.

Sybrand lauds MWU for 'self-restraint'

Labour Correspondent

MR SYBRAND van Niekerk, Administrator of the Transvaal, yesterday appealed to the Mineworkers' Union to continue to exercise the "admirable self-restraint" it had shown for many years.

Delivering the opening address at the MWU's annual congress Mr Van Niekerk said group interests like pay and employment conditions were subject to the recovery and promotion of the economy.

Pleading for understanding of the Government's role as arbiter in disputes between the union and mine management, Mr Van Niekerk said any government had to promote the welfare of the country as a whole. It also had to ensure the

welfare of the mining industry, which included keeping both the mineworkers and mining companies happy.

"Your self-restraint has been admirable for many years and I seriously appeal to you to keep it that way," Mr Van Niekerk said.

"By damaging the mining industry you will not only damage the economy, but will also not serve your members in the long run."

Introducing Mr Van Niekerk, Mr Cor de Jager, president of the MWU, said the Administrator had had to be careful of the Press because he was labelled as a verkrampte.

"I hope they won't blame you again today for consenting to open the congress of the very important Mineworkers' Union," he said.

Wiehahn Commission

Political Correspondent

THE first report of the Wiehahn Commission into South Africa's labour legislation will be tabled in Parliament and legislation may flow from it.

This was said by the Minister of Labour, Mr S P Botha, after the chairman of the commission, Professor N Wiehahn, had handed copies of the report to the Minister and the Prime Minister, Mr P W Botha.

The Minister could not give any indication of when the report would be tabled. He said he would first have to study it.

Professor Wiehahn said yesterday that the 250-page report dealt with the basic principles of labour legislation. He foresaw six further reports. The commission was appointed in 1977. An in-depth study had been undertaken.

The commission had been divided into seven specialised sub-committees and 24 000 pages of evidence had been gathered.

Several members of the commission had studied conditions overseas and the commission had visited mines, factories, training centres, housing schemes and the headquarters of labour movements in South Africa.

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- (explain)
- (5) Other methods
 - (4) In town after working at the firm
 - (3) In town before starting work
 - (2) At the labour bureau in homeland after starting work
 - (1) At the labour bureau in homeland before starting work
- Three
- (explain)
- (6) Other means
 - (5) Recruited by firm in homeland
 - (4) Went to labour bureau in homeland
 - (3) Came to see firm in town
 - (2) Through family
 - (1) Through friends

- Eight
- Seven
- Five

11. How did you get your first contract with your present firm?

10. How did you know that there was a job for you at your present firm?

9. (Not for borers)
For how many years have you worked away from your home in the country?

8. Are you?

- (1) Contract worker with a contract (majorin)
- (2) Contract worker in the area illegally
- (3) Permanent resident by birth (borer)
- (4) Permanent resident through continuous employment for 10 years or 15 years legal residence in Cape Town, (10(1)b)
- (5) Intending to qualify for permanent residence through 10 years continuous employment.

LEGAL STATUS

LABOUR

(166) FM 2/3/79

Waiting for Wiehahn

What is in Part One of the Wiehahn Commission's report? Commission chairman Nic Wiehahn is keeping mum but there is no shortage of labour watchers prepared to hazard their own guesses.

According to one *FM* source, it would be wrong to assume that the commission will produce majority recommendations on all key issues. He says the commission decided to handle the problem of differing views by producing more than one recommendation on some vital issues, including trade union rights for Africans.

The source adds that where consensus could not be reached, two or more recommendations will appear in the report, each endorsed by a section of the commission. It would then be up to government to decide which of the various views to back or proposals to accept.

Some people believe that the chances of legislation this parliamentary session are remote. A report with divergent views would make rapid legislation even more unlikely.

On the African union issue, some of the *FM*'s sources are betting on this formula: Africans will be allowed to join registered trade unions, and non-Africans will be included in the existing works/liaison committee system.

However, there could be more than one basis on which Africans could get union rights. One view is that these rights will be acceded to all Africans working in SA, excluding migrants. The second option would be narrower: citizens of independent bantustans would be excluded from union rights.

One of the *FM*'s sources adds, however, that bantustan governments seeking independence would be allowed to ask the SA government for an accord granting union rights to their citizens.

Criteria for union registration could play an important part in the new system. According to a number of sources, the commission has proposed tough registration criteria, based on the representativeness of the applying union.

They add, however, that unions already registered would not have to re-register. Such a system could make it difficult for black unions, which are now unregistered, to gain registration, but would open the way for existing registered unions to enrol African workers.

Labour watchers are virtually unanimous in saying that the commission has recommended the end of statutory job reservation. Some sources believe the commission has recommended that the

"closed shop" colour bar go as well. It's unlikely, however, that the commission has recommended this without suggesting alternative protection for white, coloured and Asian workers.

As one step towards this, the commission may well have advised other industries to adopt Section 35 of the Seifsa agreement (which allows for African job advancement while protecting present non-African incumbents) or something similar. But the mining industry has almost certainly been left out.

Industrial relations training has also received attention from the commission. Here it is likely that Wiehahn has recom-



Wiehahn . . . what's up his sleeve?

mended that training be brought under government supervision in the sense that government will be entitled to vet all aspirant trainers and their curricula and refuse to register those who don't conform to its criteria.

Employment 'Trade hinges on code progress'

STAR
7/3/79

code progress

157
2 133
3 166

By Sieg Hannig,
Labour Reporter

A code of employment practice which had been accepted by commerce and industry was making an impact and creating new attitudes, the general manager of the Urban Foundation, Dr R Lee, said in Johannesburg today.

He was speaking at a seminar on implementing the practice

Dr Lee said the aim of the code was the removal of all discrimination based on race or colour

A warning of repercussions if the recommendations of the Wiehahn and Riekert Commissions do not produce significant changes in labour laws and practices was sounded today.

"If they do not come up with significant changes which have the support of the Government, our associates in the United States will find it extremely difficult to retain trade links with companies here," Mr P A C Markgraaff, personnel liaison manager of the Barlow Rand group, told a conference of the National Development and Management Foundation in Johannesburg

If South African companies were to retain their

present business links abroad, visible progress in adopting the employment codes was essential, Mr Markgraaff said

He gave striking examples of how seriously Barlow Rand takes this advice

● In its policy not to acquire any business that depends on wages and service conditions below group standards, Barlow Rand rejected a company with "very attractive features" which was offered to it

● "The group was striving towards integration of work areas and other facilities"

● Advertisements for staff should state that applicants of all races and both sexes would be considered for employment

The only way of ensuring compliance with codes of labour practice is to write them into industrial legislation, said Mr Arthur Grobbelaar, general secretary of the Trade Union Council of South Africa (Tucsa)

Intervention by foreign governments was unacceptable to Tucsa

"Where we find that all is not as it should be, our practice will be that of approaching local management for clarification and explanation," Mr Grobbelaar said

The next step, in the case of foreign-based firms, would be to submit Tucsa's views and findings to the overseas head office and to the originators of the respective code

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tion because they do not have the same legislative powers, need not be in the same geographic locality, have separate executive structures and unequal status"

Contrary to ministers' replies, says Du Preez, the draft bill provides for common interest legislation to be disposed of in one legislative body and, in extreme circumstances, the chairman of the council of cabinets could decide on behalf of all three parliaments.

LABOUR COMMISSIONS New deals for old?

The suspense of those eager hordes of labour commission watchers is almost at an end. Official sources tell the *FM* that the Wiehahn and Riekert reports should soon see the light of day. Translation of the Wiehahn report has been completed, and both reports will be released "within six weeks."



Nic Wiehahn . . . in the spotlight soon

Apart from anything else, according to one source, the Department of Labour fears that "reactionary forces" may be strengthened if publication is further delayed.

The Department of Labour is keen to see legislation on the two main issues dealt with by Wiehahn — African trade unions and job reservation — presented to Parliament this session.

However, this does not mean that a new labour dispensation will be introduced overnight. The new legislation will

be enabling legislation, to be followed by regulations drawn up "after full consultation with employers and employees" — inevitably a fairly lengthy process.

Meanwhile, speculation about the Wiehahn report continues. A new tip is that the multiracial works councils which the commission is expected to recommend will have representation on industrial councils — in addition to trade unions. Many labour-watchers believe that one of Wiehahn's key thrusts will be to strengthen plant-level committees (like African liaison committees) and extend them to other races.

There is also talk that presently registered trade unions which are not party to industrial council agreements will be compelled to apply for re-registration. Two examples would be the shopworker and mining unions.

Speculation originally had it that all presently registered unions would not have to re-register — but that African unions seeking registration for the first time would have to pass stringent tests (*FM* March 2).

Another source believes that there will be new restrictions on unions which fail to pass the tests. It will be an offence, the source says, for an employer to enter into a written agreement with an unregistered union or to deduct members' union dues on its behalf.

Agreements like the unique one reached between Pinetown firm Smith & Nephew and the (unregistered) National Union of Textile Workers would thus be illegal unless the union succeeded in passing the registration tests.

New deal for black workers expected

By GORDON KLING

BLACK LABOUR expectations for better employment conditions have risen to a new high with the accelerating economic recovery offering improved job opportunities and signs that the government will soon announce a new deal for workers

Representatives of organized commerce and industry believe these prospects are conducive to the growth of business codes intended to dismantle discrimination based on race in the workplace and plans are under way for a re-energized drive for equal opportunity

The drive is seen as a strong answer to the international campaign for disinvestment in South Africa which appears to have little support among the black business community

Confirming the drive yesterday the director of the Cape Town Chamber of Commerce, Mr Brian Macleod said job discrimination would be considerably eroded by the economic revival, which offered a golden opportunity for change

He admitted that only about half the Chamber's 1500 membership had signed its manifesto launched at the end of 1976 calling for "total and genuine non-discrimination" but maintained this was an indication that the implications of the code were taken seriously

"During the recession the main thing was to hang on to a job but employees will have far more leverage as the economy improves and it will become relatively easier to choose between places of work," he said

"At the same time, firms will be in a better position to accommodate the principles of the manifesto. There is no doubt that it can involve substantial additional costs, in new facilities and equal pension benefits for example, and the past few years have seen many firms hard-pressed"

The head of the National African Federated Chamber of Commerce in the Western Cape, Mr Lucas Phillips, agreed yesterday and said the improvement of employment conditions was taking place

"There is still discrimination in business and the workplace and there will be for a long

time to come. We are pinning our hopes on the Riekert and Wiehahn commissions, which we expect to bring about meaningful change"

But when it came to his reaction on the disinvestment campaign, a reticent Mr Lucas said "It is very sensitive and controversial and I'm not qualified to express an opinion"

Not so the Minister of Finance, Senator Owen Horwood, who pointed to the growing strength of the capital account of the balance of payments (indicative of an increased inflow of foreign capital) and termed the impact of the campaign 'absolutely minimal'

The official Opposition finance spokesman, Mr Harry Schwarz, believed the aims of the campaign were undesirable and accepted that little harm had been caused so far. Both felt it was a good thing to have employment conditions here come under the magnifying glass to bring about improvements

Mr Schwarz said disinvestment would hit hardest those who deserved to be affected the least. "It would also result in a change in the economic system away from free enterprise to a form of socialism"

He described the effectiveness of implementation of the various codes as 'a mixed bag', but believed the majority of firms were trying to comply

The chairman of the 2100-member Western Cape Traders' Association Mr Dawood Khan, was more sceptical. "The codes sound great," he said "but for many firms they are just pieces of paper"

"We've found the worst firms are so-called liberal businesses. I'd rate the Americans as best, followed by the South African Afrikaner firms. At least we get straight answers from them. The British and Continental firms are the worst followed by business operated by English-speaking South Africans"

"I don't think the codes have had much impact, but I'm against disinvestment," he said

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'Wiehahn report a vital test for Govt'

Pretoria Bureau

THE Wiehahn Commission report, which could drastically influence the country's future labour pattern, is to be tabled in the Assembly early next month, a Government source said in Pretoria yesterday.

It will be tabled with a White Paper setting out Government reaction to the report's recommendations.

The White Paper is expected to spell out how far the Government is prepared to go in lifting barriers standing in the way of black workers advancing into areas formerly protected and reserved for whites.

The head of the political science faculty at the University of South Africa, Professor Willem Kleynhans, said the Government's reaction to the report could trigger off a new and bitter phase in the conflict between right and left in the National Party.

"The Wiehahn and Riekerk Commissions' reports confront the Government with a vital test if, in the face of predictable opposition from its Rightwing, it will accept recommendations which could give more than a cosmetic content to its claim to be moving away from discrimination."

The professor emphasised that opposition from Rightwing trade union groups would be particularly fierce if the white man's privileged labour position as to any degree threatened.

166 27/4/79

The State to step in?

Andreas Wassenaar awake! The price SA may have to pay for a new labour dispensation is increased government involvement in the field

This is the view of SA Breweries' group personnel manager, Dick Sutton, who is also a member of the Wiehahn Commission.

Addressing a conference of the SA Institute of Chartered Secretaries and Administrators in Durban this week, Sutton argued that economic and other pressures (such as employment codes) have meant that job reservation and bars on African trade union membership were probably on the way out

Referring to white workers' fears of "swamping" by cheap black labour, Sutton suggested that a new dispensation could aim at "improved measures for the protection of minority rights." One way would be to "emphasise the rights of the individual employee," as against job reservation, which stresses group rights and "has been largely ineffective"

Less freedom

"In time," continued Sutton, "this will probably result in a more prominent role for official bodies" in labour relations, "notwithstanding an adherence to the concept of self-government" in these matters. He predicted "a reduction in the relative freedom of action of employers, more particularly in questions of engagements, dismissals and the composition of the labour force"

This would also mean "a diminished role for the trade unions in the resolution of grievances" Sutton added that "one is tempted to speculate" whether the strike and lock-out weapon "will be further neutralised, though not removed from the Statute Book."

And he went on "The imposition of conflict resolution mechanisms ahead of the strike and lock-out will confront employers and employees with the prospect of having to abide by solutions imposed by third parties, and this surely must provide an incentive to reaching agreement and the avoidance of deadlock in negotiations."

Sutton suggests that there is cause for concern about moves towards separate African unions and the "polarisation" among the white unions over job reservation (witness the miners' strike). He believes that these trends could be partly "contained" by "strict control over the registration of trade unions and, possibly, greater use of forced arbitration by the Minister"

Sutton argues that the Wiehahn and Riekert commissions are "not the cause of change" so much as reaction to changes already taking place. Their importance thus lies in their role in setting up official machinery "which will accommodate and guide the processes of change"

Some insiders have already speculated that Wiehahn's new dispensation will strengthen factory-floor committees at the expense of industry-wide unions. Sutton appears to agree "Important aspects of the prospect ahead," he says, will have to be "experimentation" with "more effective in-house communication and consultation machinery," such as works councils

This he thinks will be necessary because "the risk of alienation and hostility between management and employers will be enhanced as a result of the removal of racial discrimination in employment" Sutton is particularly worried about "militant sectors of organised labour — both rightwing and left-wing" He pleads for "effective management of the process" taking place on the factory floor

The business sector is forever bewailing what it regards as clumsy intervention in private enterprise by the State. How ironical it will be if the very report which businessmen are so eagerly awaiting gives the State an even bigger pair of boots!

Wiehahn report set for unveiling

RUM
28/11/77
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By RIAAN DE VILLIERS
Labour Correspondent

THE FIRST report of the Wiehahn Commission of Inquiry into South Africa's labour laws will be tabled in Parliament on Tuesday, it was reliably learnt yesterday.

A White Paper setting out the Government's attitude to the Wiehahn recommendations is expected to be tabled the week after next.

It is widely expected that the report will recommend far-reaching changes in South Africa's labour dispensation which could lead to a dramatic new deal for blacks in the economy.

The findings are being awaited with intense interest — not only in South Africa but also overseas, by the international trade union movement and foreign governments.

The 14-man commission, appointed in 1977 under the chairmanship of Professor Nic Wiehahn — who is adviser to the Minister of Labour, Mr Fanie Botha —

undertook the first thorough probe into SA's industrial relations system and other labour laws in about 30 years.

The report to be tabled on Tuesday is the first of six envisaged by the commission.

But it is expected to contain statements of principle and recommendations on the most important aspects under review, and legislation setting the expected new dispensation in motion is expected to be tabled later in the current session of Parliament.

Among the most important of the 13 laws reviewed by the commission are the Industrial Conciliation Act, the Bantu Labour Relations Regulation Act, the Wage Act, the Factories Act, the Shops and Offices Act, the Apprenticeship Act and the Mines and Works Act.

Meanwhile, Sapa reports that in the House of Assembly yesterday, Mr Botha, who is also Minister of Mines, warned the secretary of the Mine Workers Union, Mr Arrie Paulus, not to try to develop his own brand of "mine politics" and create situations in which he tried to manipulate the government.

"I want to say that if these illegal strikes become a pattern for the future in South Africa, I will see it as my duty to bring legislation to stop it," Mr Botha said.

Speaking on the mines vote in the Budget debate, he said the recent strikes had needed careful handling as they could easily have escalated into general strikes and a black-white confrontation.

Rapport 29/4/29

(27) (166)

Werkafbakening ná Wiehahn finaal geskrap

Deur JOHAN VOSLOO
ALLE statutêre vorme van werkafbakening wat sedert 1926 in die wetboek gekom het, gaan geskrap word. Swart vakbonde gaan bedingingsmag verkry.

Dit is twee van die belangrikste verwagte voortvloeiels uit die eerste deel van die Wiehahn-verslag, wat Dinsdag in die Parlement ter tafel gelê word. 'n Regeringswitskrif sal ook dié week uitgereik word.

Ingrypende arbeidswetgewing word binne enkele weke verwag. Dit sal 'n verdere bewys aan die buitewêreld wees van die Regering se erns om van rassediskriminasie weg te beweeg.

In die afgelope agttien maande is werkafbakening reeds op 23 van dié 28

betrokke terreine afgeskaf of opgeskort. Dit het elke keer gebeur ná deeglike oorleg tussen die Departement van Arbeid en die betrokkenes. Min Fanie Botha word alomheen groot lof toegeswaai vir sy benadering in hierdie delikate onderhandelinge.

Vyf terreine waar werkafbakening nog nie opgeskort of afgeskaf is nie, het oorgebly. Die mynbedryf (opmeting, ventilasie, montering ens), die motormonteerbedryf, die boubedryf, die Kaapse verkeersafdeling en die Kaapse brandweerafdeling. Daar kan verwag word dat werkafbakening ook hier sal verdwyn.

Daar word verwag dat die Minister van Arbeid, soos in die verlede, met vakunies oorleg sal pleeg, en dat bevredigende nie-statutêre meganismes uitgewerk sal word om onregverdige verdringing van minderheidsgroepe soos die blankes en die Kleurlinge te voorkom. Tradisionele arbeidsvelde, soos dié van die Kleurlinge in Wes-Kaapland, sal steeds erken word, maar dit sal nie in wetgewing bevestig word nie. Meganismes in dié verband is by reeds geskep.

Daar word beklemtoon dat

geen blanke sy werk sal verloor weens die finale afskaffing van werkafbakening nie. Aan die ander kant sal mense wat nie bereid is om te werk nie, ook nie kan terugleun op wette om hom te beskerm nie, word gesê.

Die vrees dat blankes deur goedkoper swart of bruin arbeid verdring sal word, is ongegrond. Die Regering het reeds hieroor standpunt ingeneem, en so 'n vorm van uitbuiting mag vandag nie meer voorkom nie.

* 'n Ander aanbeveling van die Wiehahn-kommissie, so word verneem, is dat dié bedingingsmag van die swart vakbonde deur die wet erken moet word. RAPPORT verneem dat die Regering nie onsimpatiek hierteenoor staan nie.

Swart vakbonde is nie onwettig nie, en daar bestaan tans meer as twintig met 'n ledetal van tussen sewentig en tachtigduisend. Tot nou toe is hulle nie deur die wet gemagtig om met die Regering en die ander werkersinstansies te onderhandel nie.

Daar kan verwag word dat daar nou geprobeer sal word om swart vakbonde op die een of ander wyse by die bestaande onderhandelingsmasjinerie in te skakel.

Radical labour report a political hot potato

166 29/4/79
Sunday Express

THE report of the Wiehahn Commission — which is expected to bring sweeping changes to South African labour relations — is to be tabled in Parliament next week after the Labour Vote has been debated.

The Wiehahn report is likely to be tabled along with that of the other commission dealing with labour and urban Black issues, the Rieckert commission

Together they are expected to open the way to large-scale changes in industrial relations.

Labour is potentially a hot-potato for the National Party — whose traditional support has come from the ranks of Afrikaner workers who have kept the party on a rightwing path.

This makes it an issue which the leader of the verkrampte wing of the National Party, Transvaal leader Dr Andries Treurnicht, could find it important to fight.

But predictions are that

By JOHN MATISONN
Political Correspondent

he will not choose this as the issue on which to make a stand against the Prime Minister and the Minister of Labour, Mr Fanie Botha — who was his rival for the Transvaal leadership.

“Dr Treurnicht is not really interested in White trade unionism,” one labour expert told the Sunday Express. “He is more involved with constitutional issues”

A major finding of the Wiehahn Commission is likely to be a call for the removal of statutory job reservation.

The other vital issue on which the Wiehahn Commission must make a recommendation is whether there should be Black trade unions. At present Black trade unions are not illegal, but they are barred from the protection of the Industrial Conciliation Act in bargaining with employers.

It is expected that the commission will propose that Black trade unions be given legal rights. But the nature of trade unions is likely to be changed.

Government controls of the unions could well become more rigid. And machinery could be changed so that bargaining is done by committees on the factory floor — not by unions on a nation-wide basis.

Registration of trade unions may also become much more difficult

A member of the Wiehahn Commission, Mr Dick Sutton, said in a speech in Durban this week that there was great potential for conflict inherent in the changing of union machinery.

“The potential already exists in the militant sectors of organised labour — both rightwing and leftwing, White as well as Black

“The answer must surely lie in the effective management of the process.”

● See page 32.

Sunday
EXPRESS

Business

West waiting for crucial reports

THE CRITICAL period for a new judgment of South Africa's progress towards a just society begins on Tuesday with the parliamentary tabling of two momentous documents — the Riekert and Wiehahn reports on Black labour legislation.

'NEW DEAL' FOR BLACK LABOUR

By DEREK TAYLOR

From these recommendations — and their accompanying White Paper of Government reaction to them — the world will decide on how sincere South Africa is in its promised new deal for Black labour and a fair shares future.

But the Government has restricted parliamentary debate on both reports and

the policies decided from them.

Although the reports have been ready for tabling for some time, MPs will only have access to them on the day after Monday's debate on the Minister of Labour's Vote.

The first opportunity to debate the epoch-making legislation stemming from the commissions of inquiry will only occur when the

Government introduces its new labour legislation, later in the session.

Western powers involved with the eventual question of international sanctions against South Africa — especially Britain, the USA, France and West Germany — are intensely interested in how far the anticipated legislation will go. They see it as a unique opportunity to demonstrate

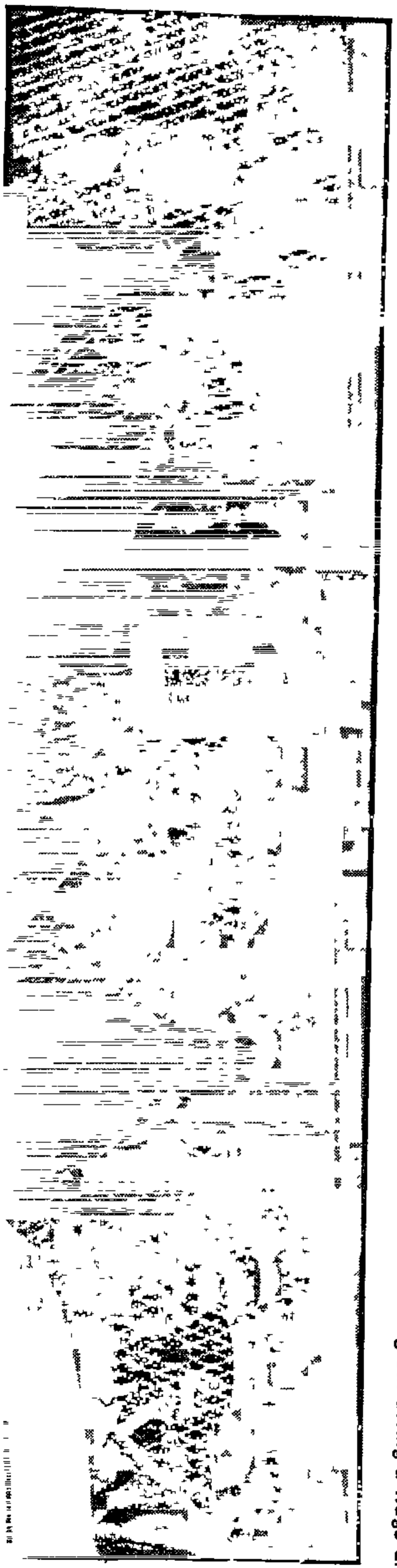
real progress towards racial justice — and reinforce the West's case against continuing pressure for punitive sanctions.

"This is the most important event of your political year to us," a senior US diplomat told the Sunday Express at the beginning of the parliamentary session.

"It may prove to be the most crucial point of this decade for South Africa.

"Balance all your Info scandals and all the other millions spent on improving South Africa's international acceptability against the decisions to come from Riekert and Wiehahn and the scale bangs down on the side of these reports," he said.

● Escom workers in the shadow of the cooling tower in Pinetown after walking out during a wage dispute



IT IS anticipated that the Riekert inquiry — which dealt with the jungle of accumulated laws and regulations governing the employment of Blacks — will tidy up the already conceded principle of eliminating job reservation.

Labour experts believe that instead of the old system of whole categories of jobs being reserved for Whites, new machinery will be introduced to supervise individual employers' re-placements of Whites with Blacks.

This would enable the Government to defend itself from attacks by its right-wing supporters — and militant White trade unions — by controlling phased Black takeovers to an acceptable pace in contentious sectors such as mining.

But the main question concerns the extent to which Blacks will be given trade union representation and powers of negotiation.

Senator Anna Scheepers, veteran trade unionist and president of the Garment

Stormy birth of first Black unions coming



Workers' Union, is optimistic
 "I think the results will be positive — full trade union rights for all races and the last dismantling of job reservation and discriminatory rates.
 "But there may timetable set out for the full achievement of these goals and a great deal of controversy can be expected."

Was she convinced that the Government's fear of Black trade unions combining to control overwhelming political leverage had been conquered to such a degree?

"Organised trade unions are a means of stability achieved through fair-bargaining — when the worker has access to proper negotiation for pay and conditions then that worker has a stake in the economy and a share in society worth defending," she said.

Mr Robert Kraft, a distinguished economist specialising in labour studies, agrees

"It's easy for critics to regard trade unionism in terms of irresponsibility, but it is only by fair negotiating machinery that Black workers can achieve a share of the economy worth defending and a stability which can insulate against violent political options," he said.

"A great deal must be expected from the new dispensation — it must be re-

— leaving the question of such integration to individual unions and federations to decide for or against

This would avoid, for example, confrontations with such militant White protectionist unions as the Mine Workers

□ □ □

● New and stricter regulations for compulsory arbitration which will further reduce the use of the strike or boycott weapons — with more severe penalties for unofficial strikes and greater powers of State intervention against unco-operative employers

● Later phases may include the compulsory affiliation of all unions to state-recognised confederations — such as the Trade Unions Congress of South Africa

With the exception of a small minority of enlightened employers, the present system of isolated works committees negotiating with individual management has failed to satisfy Black workers' interests

Demonstrated and concealed victimisation of "awkward" or "bolshie" workers' representatives is as prevalent as the corruption of "co-operative" representatives by promotion and other bribes

The ugly record of many employers' irresponsibility and dishonesty in dealing with Black labour is testified to by such conservative union authorities as Mr Ar-

thur Grobbelaar — who has committed Tucca to investigating as many instances as its limited resources can manage

Meanwhile, the implacable demands of the economy have provided the irresistible case for, at least, an immediately better deal for Black workers and the acknowledgement of rapid progress to full economic participation and equal rewards

But, while the economy demands another two million skilled workers — who can only come from the ranks of Black labour — within the next three years, State and private training programmes remain minuscule in proportion to the two million, mostly unskilled, Black unemployed of today

As SA Breweries' group personnel manager Mr Dick Sutton, a member of the Wiehahn Commission, said in a speech this week, the commissions are not the cause of change but the reaction to it which "will accommodate and guide the processes"

Mr Sutton is so worried by the risk of industrial hostility and alienation through the removal of racial discrimination in employment that he fears disruption from both left and right-wing militant, organised labour

He urges stricter controls over labour, but sees only the necessity for "experimentation" with better con-

sultation between management and workers

But while union representatives may continue to be prevented from joining works' committees in negotiation, their briefings and outside-the-gates direction of the works' committees can only serve to stiffen resistance to management attempts at victimisation and corruption

The present and potential political leverage of organised Black labour is exemplified by the development of South Africa's dependence on Sasol's liquid-fuel-from-coal development

As a diplomatic labour expert has pointed out, when Sasol III goes on stream in the early '80s, about half the country's liquid fuels will come from coal

□ □ □

In which case a withdrawal of Black coal-mining labour could achieve the effect of an international oil boycott of South Africa.

Experts such as Mr Kraft and Tucca's Mr Grobbelaar believe full Black trade unionism will provide a protection against such political manipulation of labour — instead of the weapon which the Government has feared for so long.

But the erection of toothless unionism which would perpetuate present managerial domination and manipulation of bargaining could only continue frustrations and bitterness which would eventually seek more violent political remedies

As Mr Kraft said of the 1976 Soweto youth generation, "If they don't feel they are getting a fair deal, it is only to be expected that they will look for remedies elsewhere"

Wiehahn — failure became success

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Political Staff

CAPE TOWN — He started as a labourer on the railways with only standard seven, returned to school several times before passing matric — then he was a failure at university. Now he is a respected academic and South Africa's top labour expert.

That is the story of Professor Nic Wiehahn, chairman of the commission on South Africa's labour legislation, whose first report was tabled in Parliament today.

Its findings are likely to have a profound effect on the future labour structure.

Born in Mafeking, the 50-year-old professor left school after standard seven to work on the railways as a learner stoker.

After a time he went back to school for stan-

dard eight. Then he was a postman, a shop assistant and a messenger on the railways.

During this time he took the National Senior Certificate but this did not give him university exemption.

He then went back to write matric at the age of nearly 21.

A FAILURE

Then, in the early 50s, he went to the University of the Free State in Bloemfontein where he started a BSc.

He was a failure and, after two years, left.

Then he worked for an oil company in Bloemfontein while he studied extramurally.

He was awarded a BA degree, majoring in English and Roman-Dutch law. Later he received an LLB and was admitted to the Bar.

Then he went to the University of Natal in Durban as a lecturer while he worked on a doctorate in law at the University of South Africa.

He wrote his doctoral thesis on "The Boycott Phenomenon in the Labour Field".

From 1966 to 1975 he was at the University of Port Elizabeth where he started the department of mercantile and labour law.

In 1975 he became director of the Institute of Labour Relations at Unisa.

In 1977 he was made the fulltime labour adviser to the Minister of Labour, the Director of the Bureau of International Labour Affairs.

The commission into labour legislation under his chairmanship was appointed in June 1977.

Wiehahn report out today

Labour Reporter

THE FIRST report of the Wiehahn Commission of Inquiry into South Africa's labour laws will be tabled in Parliament this afternoon

Seen as one of the most important reviews of legislation in recent times, the commission is expected to recommend far-reaching changes which could lead to a new dispensation for blacks in the economy

Among the major changes it is expected to recommend are the scrapping of job reservation and the extension of statutory trade union rights to blacks

The report is the first of six envisaged by the commission and it is understood the Government will table a White Paper next week setting out its response to the recommendations

● For an assessment of the report, see Page 15.

Gout to act

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on Wiehahn

Parliamentary Correspondent

CAPE TOWN — The first report of the Wiehahn Commission on labour affairs is to be published this afternoon and is expected to recommend the scrapping of job reservation.

The Minister of Labour, Mr Fanie Botha, said yesterday that the Government would be introducing legislation arising out of the report later this month.

Mr. Botha also said during the Budget debate on his vote that the Government would be issuing a White Paper on the commission's report.

This would be the first time that legislation had followed so soon after a commission had reported.

Criticism

He made this announcement after Opposition spokesmen on labour affairs had criticised the Government for publishing both the Wiehahn Commission and the Riekert Commission reports after the debate on the vote had taken place.

The Progressive Federal Party's Dr Alex Boraine, MP for Pinelands said he believed the minister was "making a farce of his own vote".

He expressed his party's strongest condemnation of the unavailability of the Wiehahn Commission report and the Government's White Paper.

He wanted to know when the report was placed before the Cabinet and the National Party caucus, as well as the reason for the Government's response not being available.

Decided

Dr Boraine wanted to know how there could be meaningful debate when everyone knew the report

about which of the recommendations it was going to accept.

The PFP hoped the report would establish

The right of the worker to seek work on the open market and for the highest reward.

The right of collective bargaining for all workers,

The protection of individual workers against exploitation,

The encouragement of training and retraining of workers and management; and

The provision of speedy, equitable and effective procedures for resolving labour disputes.

Repeal

Dr Boraine said the repeal of job reservation laws was not enough.

"What is required is a repeal of all legislation which places restrictions on competition for work between workers of different races," he said.

The New Republic Party spokesman on labour, Mr Ron Miller, MP for Durban North, also expressed disappointment that the labour vote was being held before the publication of the Wiehahn Report.

In his reply, Mr Botha said because the Government would be introducing legislation this year on the Wiehahn Report the opposition would have plenty of opportunity to debate labour matters later in the session.

(Report by Barry Streek, House of Assembly Cape Town)

Wiehahn report to be published today

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11/27/79 DD

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The long-awaited report was first presented to the government in February this year, 19 months after the commission was appointed.

Although there has been no official indication of what the report contains it has been speculated that it will recommend the scrapping of job reservation.

The government-supporting newspaper, Rapport, said emphatically on Sunday it would recommend the abolition of job reservation which already has been scrapped in 23 of its 28 original applications.

Rapport also confirmed other speculation that the commission would recommend the granting of legal recognition to black trade unions as well as introducing the right of bargaining power for black trade unions.

It also predicted that the Minister of Labour would plead with unions that non-statutory measures were sufficient to protect the position of minority groups such as the whites and Coloureds.

It would be emphasised that no white person would lose his or her job because of the abolition of job reservation — PC

What about the workers? — Wiehahn's Commission reports today

ADM
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RIAAN DE VILLIERS

TODAY is May Day. In Europe it heralds the arrival of spring. But it is also Labour Day, a traditional day of celebration when the labour movement throughout the world reaffirms itself to its ideals.

With the first report of the Wiehahn Commission of Inquiry into labour laws being tabled in Parliament at 2.15 this afternoon, it is certainly a red letter day for labour in South Africa.

But the significance of the report stretches much further than labour relations alone and its importance for South African society as a whole can hardly be overestimated.

The commission has mounted the first comprehensive investigation of SA's industrial relations system since the National Party came into power 30 years ago, and has been reviewing a dispensation which has remained basically unchanged since racial and class patterns were established in the SA economy at the beginning of the century.

In the process it has been looking at some of the most fundamental ways in which blacks are discriminated against in SA society.

Among the issues addressed by the commission are the industrial colour bar, job reservation, the various other means by which blacks are denied equal job and training opportunities, and most importantly, the denial of trade union rights afforded to workers of other race groups which has contributed more to the exploitation of black workers in SA industrial history than any other factor.

Together with the report of the Riekert Commission of inquiry into laws affecting manpower, also due to be tabled soon, the Wiehahn Commission could go a long way towards affording equal economic rights and economic power to blacks.

The implications are far-reaching. A transformation of the SA political economy could hardly fail to generate pressures which could ultimately transform SA society as a whole.

How far will the long-awaited thrust towards change on the labour front go? The answer will start this afternoon and continue next week when the Government is expected to table a White Paper with its response to the recommendations.

Central to the Government's initiative is Mr Fanie Botha, Minister of Labour. A low-profile man, he is seen as a capable administrator and a pragmatic politician with considerable

administration

He has brought a new style, new ideas and new men to his present portfolio. Among the latter has been Prof Nic Wiehahn, an academic who rocketed to prominence as special adviser to the Minister.

Among the laws the commission has been investigating are

● The Industrial Conciliation Act, the cornerstone of SA's labour relations system. By excluding blacks from the definition of "employee", the act excludes black workers from registered trade unions and the entire formal system of collective bargaining.

This monopoly of industrial power has led to the entrenchment of white workers in a position of privilege and joint exploitation of blacks by white unions and employers.

One of the major products of this imbalance has been the so-called "industrial colour bar", whereby top skilled and semi-skilled jobs have been reserved for members of registered unions only in industrial agreements negotiated with employers.

This has been a far more extensive bar to black job advancement than formal job reservation, also provided for in the act.

● The Bantu Labour Relations Regulation Act. Introduced in 1953 and amended several times since then, this act represents the unsuccessful attempts of the NP Government to substitute trade union rights for blacks with a plant-based committee system.

● The Apprenticeship Act. This act is framed in non-racial terms but has contributed to blacks being barred from artisan training by providing for apprenticeship boards and committees with employer and registered union representation only.

● The Factories Act and Shops and Offices Act, providing for segregation at the workplace.

Other laws under review have been the Bantu Building Workers' Act, the Wage Act, and the Workmen's Compensation Act and Unemployment Insurance Act.

Since the commission's appointment various pointers have led to expectations that it would recommend far-reaching changes.

In October 1977, Prof Wiehahn delivered an important inaugural lecture as professor extraordinary at the Unisa Institute of Labour Relations in

which he outlined six fundamental rights for all workers which should form the basis of a sound labour relations system.

They were the right to work, the right to associate, the right to bargain collectively, the right to withhold labour, or the right to strike, the right to protection against abuse and exploitation and the right to training.

Identifying the SA system of labour relations as discriminatory and rejecting its characteristics of dualism and paternalism, he said:

"The recent appointment of a commission of inquiry has bugled an appropriate last post to the era of the first hundred years of labour relations in SA."

"A new era is dawning upon us, caused by the realisation that our system of labour relations is very much like the patient whose sporadic and periodic pains in the last number of years has been stilled with painkillers, but who now requires major surgery."

Since then, commission proceedings, surrounded by intense pressures from divergent interest groups, must have been a hard and bruising affair.

Today's report will tell whether these values have emerged unscathed.

To what extent are circumstances favourable to the Government accepting its recommendations?

Changes in labour laws will give expression to changes in labour patterns which have rendered existing labour laws little more than an empty shell.

A major factor has been the growing failure of the white labour force to satisfy the skilled manpower needs of the economy, leading South Africa into an increasing manpower crisis.

The white labour movement, a traditional constraint on change, has been increasingly forced to cooperate with employers on black job advancement on an ad hoc basis, employing more sophisticated methods for the protection of white workers than rigid colour bars.

Under these modernising pressures the traditional attitudes of white unions have changed — a process which has been carefully fostered by Mr Fanie Botha.

There has been a growing acceptance of the inevitability of further black job advancement and the need to incorporate the overwhelming majority of black workers into the union movement to retain control of the job.

With single exceptions, the most important being the Mineworkers' Union, concerted

resistance against changes in labour laws from white unions must be seen as remote.

Rationalisation of labour laws will obviously suit employers who have long campaigned for less restricted access to the black labour force.

Most important, there are powerful forces inducing the Government to promote black job advancement, on which the interests of the state and employers are now virtually identical.

More important, both the for greater economic growth, which is being increasingly emphasised as part of the P W Botha administration's strategy for the viable defence of South Africa.

Another important inducement is the build-up of pressure on South Africa in the international labour movement, a process which appears to be taken very seriously by the Minister of Labour.

Since the appointment of the commission Prof Wiehahn has undertaken several extensive trips abroad to establish contact with the international labour movement, leading Mr Botha to claim in Parliament last year that he had staved off major labour offensives against South Africa.

The report is certainly being awaited with intense interest by the international labour community — as well as foreign governments who view it as an important indication of whether the Government is capable and willing to move away from discrimination.

There are even forces inducing the Government to accept the unionisation of blacks.

It needs to break the stranglehold of white unions on skilled jobs through one-sided collective bargaining.

More importantly, both the Government and employers must fear unstructured action by black workers if their aspirations are not accommodated.

The denial of trade union rights to blacks has meant that the black labour movement has operated outside the formal industrial relations framework — and also outside the restraints imposed by it.

Not surprisingly the main argument used for the incorporation of blacks in the system has been that black unionism should be brought under control.

It is around this point that the most crucial questions surrounding the impending changes revolve. The conditions and restraints unions will be subjected to will determine whether the new system will ultimately accommodate the black workers' search for economic power.

Schwarz calls for incentives on jobs created

HOUSE OF ASSEMBLY — The government had decreased the wage gap among government employees but had achieved this by employing less people, Mr Harry Schwarz (PFP Yeoville) said yesterday

He asked if it was not better to have more people with jobs than to have less people paid more?

Mr Schwarz was speaking in committee on the labour vote in the Budget debate

He said the total absolute increase in the public service sector was 10,4 percent but the actual increase per individual was 23 percent

"The fact is the government have employed more than 10 percent less people," said Mr Schwarz

Referring to black unemployment, Mr Schwarz said unemployment of young black men provided the most fertile ground for agitators and instability

This was the biggest threat to instability in the country

Mr Schwarz said it was someone's right to work should that person want to work That did not imply that the State should support people who did not want to work

Although he was against State interference in private enterprise, Mr Schwarz said it was not only the private sector which was affected by unemployment but the whole country

The government should therefore do what was necessary to ensure that the security of the State was not affected by unemployment

Mr Schwarz said the government was hoping for a four percent growth rate to help ease the unemployment situation

"There should be an incentive to create new jobs in the private sector"

New jobs could only be created if there was work for the people to do The government should consider creating incentives for every new job created in South Africa — Sapa

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Wiehahn report on labour to be released today

By GORDON KLING

THE FIRST report of the Wiehahn Commission into South Africa's labour legislation is to be released today amid widespread expectations that it will herald a new era of non-discrimination in the workplace

Speedy action on the commission's recommendations was yesterday promised by the Minister of Labour, Mr Fanie Botha, who told Parliament during the Budget debate on his vote that the government would issue a white paper on the report and introduce legislation based on its contents within the month

The long-awaited announcement came after angry complaints from Opposition labour spokesmen that the report and that of the Riekert Commission on manpower use would not be available during the debate on the labour vote

The official Opposition spokesman on labour, Dr Alex Boraine, Progressive Federal Party MP for Pinelands strongly condemned the unavailability of the reports and said the Minister was making a farce of his own vote

Dr Boraine said there could not be meaningful debate when it was known that the report was about to be tabled and that the government had already decided what recommendations would be accepted

The repeal of job reservation laws was not enough, he said "What is required is the repeal of all legislation which places restrictions on competition for work between workers of different races

The PFP hoped the report would establish the right of collective bargaining for all workers and the right of the worker to offer his labour on the open market at the highest reward. It should offer protection against exploitation, and encouragement of training of both workers and management. Provision should be made for speedy, equitable and effective procedures for resolving labour disputes



SA^{ca} fed up^{1/5/79} with firms'

HOUSE OF ASSEMBLY. — International corporations should stop complaining abroad that local laws here forced them not to introduce measures which improved the lot of their workers, the Minister of Labour, Mr Fanie Botha, said yesterday

"South Africa is fed up with these companies," he said in committee on the labour vote

"I want to address them and say this government has no laws which restrain the development of its people," he said

These companies should rather make their contribution towards the people they employed while they had the privilege of doing business in South Africa. There was nothing that hindered them from making the changes needed, Mr Botha said — Sapa

JOB BARRS TO GO

2/5/79

By RIAAN DE VILLIERS

THE WIEHAHN Commission on labour laws yesterday called for radical changes in South Africa's industrial relations system, opening the way to an entirely new dispensation for blacks in the economy.

The long-awaited report by the multi-racial commission, regarded as one of the most important reviews of legislation in many years, was tabled in Parliament yesterday, and widely welcomed last night.

Close national and international attention will now focus on the Government's reaction.

But it is believed that most of the commission's sweeping recommendations will be accepted by the Government in a matter of days.

Among the major recommendations were:

- Full trade union rights for workers of all races, including migrant workers and commuters from independent states who work in South Africa
- Freedom of association for individuals to join any trade union of their choice and unions to determine their own membership, whether segregated or multiracial
- The extension of the committee system to workers of all race groups.
- The opening up of apprenticeship training to workers of all races
- A new system of industrial courts to deal with labour matters.
- The creation of a permanent National Manpower Commission to review all labour matters, including labour policy
- The scrapping of statutory job reservation

The commission has recommended that five remaining job reservation determinations be retained.

But it has called for these to be rapidly phased out.

The commission made no recommendation on the explosive issue of job reservation contained in the Mines and Works Act.

The commission said it would deal with this in a later report and called on the parties in the mining industry to negotiate an accommodation of this "sensitive issue".

The recommendations were generally welcomed yesterday.

Wiehahn report is welcomed

Political Staff

The Wiehahn Commission recommendations were generally welcomed yesterday by labour unions, organised commerce and industry and politicians of all races.

However, a spokesman for the major body representing the black labour movement, the Federation of South African Trade Unions (Fosatu), expressed reservations about key issues which had not been clarified.

Mr Alec Erwin, general secretary of the new co-ordinating body representing 45 000 workers, said yesterday that the recommendations were generally welcomed, but that some issues were still being given priority.

Registration in practice would be of crucial importance. Reservations have also been

expressed — mostly by prominent blacks — over the Government's desire to implement the main recommendations, particularly in view of its "past record on accepting the findings of commissions of inquiry".

Opposition Parties last night called for speedy implementation of the recommendations of the Commission.

Dr Alex Boraine, PFP spokesman on labour, said the recommendations represented a dramatic shift from accepted National Party policy.

Ron Miller, NRP spokesman for labour, said if the recommendations were accepted by the Government, it would herald a new age of prosperity for all South Africa.

TO PAGE 2



Mr Jose Dos Santos and Mr Johannes Zulu will probably have to wait a long time before the recommendations of the Wiehahn Commission affect them. The recommendations said all statutory job discrimination should be scrapped, but existing legally-enforced job reservation in the mining and building industry should be retained because of white trade union resistance. However, the commission recommended that mining and building job reservation should be "phased out".

ists, spokesmen for organised industry and commerce, and political leaders of all races.

But spokesmen for the black labour movement expressed reservations about certain key issues involving the incorporation of black unions into the new system which had not been clarified.

Fears have also been expressed that resistance from Rightwing white unions could water down the Government's acceptance of the recommendations.

A key figure in this regard is Mr Attie Nieuwoudt, president of the Rightwing SA Confederation of Labour, representing about 200 000 workers, who has served on the commission.

In various minority reports, Mr Nieuwoudt rejected virtually any changes to the present dispensation, called for the retention of job reservation and the banning of all black trade unions in South Africa.

Mr Fanie Botha, Minister of Labour, starts a crucial round of talks with trade unions on Thursday and Friday to win their support for the new deal.

Call for

mixed

unions,

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end to

argued 2/5/79

job laws

Political Correspondent

SWEEPING labour reforms including the official recognition of black trade unions and the final scrapping of job reservation are contained in the main recommendations of the Wiehahn Commission's report which was tabled in Parliament yesterday.

The commission under the chairmanship of Professor N. Wiehahn, labour adviser to the Minister of Labour was appointed in 1977 to investigate all aspects of the country's existing labour legislation. This is its first report.

Apart from calling for the official registration of black trade unions the report also recommends that there should be mixed unions — and that members of such unions should decide on its management.

At present whites have to manage such trade unions.

Job laws

The report also emphasises the importance of the freedom of association and says trade unions should be allowed to decide on membership qualifications.

The report recommends that the principle of statutory job reservation be removed and that provision be made for the phasing out, as soon as possible, of the remaining five job reservation determinations.

The report says, contrary to the original intention of preventing friction between population groups job reservation has been and still is immensely injurious to sound race relations.

● The introduction of a national manpower commission on a tripartite basis — State, employers and employees.

● A personnel advisory body to advise on all aspects of labour in a South African and a Southern African context.

● That trade union management be left to trade unions themselves.

Industrial court

● The establishment of an industrial court with judicial powers to adjudicate labour disputes of a legal nature in addition to the present functions of the court.

● A apprenticeship training for all races and members of all race groups to be allowed to be indentured as apprentices.

● That the section of the Shops and Offices Act providing for separate facilities for different races be repealed.

The report says that the matter should be left to the decision of the proprietor, occupier or manager, where the provision of facilities for the general public is concerned and to consultation between the employer and employee parties in other instances.

The commission also recommends that section 51 of the Factories, Ma-

the closed shop practice be maintained and that the existing legal provision on the representative position before a closed shop can apply be retained and that provisions for exemption remain in force.

Among the commission's other main recommendations are:

● The strict application of the principle of equal pay for equal work.

● The acceleration of the introduction of training and retraining schemes; and

● The upgrading of semi-skilled workers by means of training and retraining within industry.

● A change in name of the Department of Labour to the Department of Manpower or of Manpower Development or of Manpower Utilisation and Development;

for separate facilities for different rates be repealed.

Main premises

The report is based on several main premises.

● That South Africa subscribes to a capitalist system with minimum State intervention in a free market economy, preservation of industrial peace, rapid phasing out of discrimination on the basis of colour.

● The maintenance and raising of standards of efficiency.

● Maximum employment opportunities in an economy which must grow and develop rapidly;

● A dynamic, scientific and analytic manpower development and planning programme.

Objections to some key aspects

Political Staff

IN a string of minority recommendations a member of the Wiehahn Commission, Mr A. I. Nieuwoudt of the right-wing Confederation of Labour, objects to key aspects of the commission's proposals.

Mr Nieuwoudt makes a lone stand against:

● Granting trade union rights to blacks, including migrant workers;

● The repeal of retraining job reservation;

His general premises were:

● The political and constitutional framework of the country was a given fact. Recommendations should be reconcilable with the framework;

● Within the framework changes should be orderly and evolutionary without infringement of existing vested interests;

● National Security should be of overriding importance in considering changes;

● Changes should be acceptable to all interested parties;

● The historical and traditional rights and interests of population groups in specific areas should be recognised and respected.

Dismissing from the majority view that black workers be admitted to trade unions, Mr Nieuwoudt says the admission of blacks to registered trade unions would result in the unions being swamped with erosion of vested rights of other groups.

The activities of black trade unions would inevitably extend beyond labour matters and would spill over into political and social spheres, leading to untenable pressures.

Black trade unions were more likely to make unreasonable demands that existing unions and their recognition would not lead to abatement of foreign criticism of South Africa.

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National manpower commission formation mooted

Policies on black training

HOUSE OF ASSEMBLY

HOUSE OF ASSEMBLY — The Wehahn Commission into labour legislation has recommended as a matter of priority that a national manpower commission be established by ministerial decision and that provision be made for its statutory basis in legislation.

In its report, tabled yesterday, the commission also recommends that the national manpower commission be constituted by the minister, of such persons as he may deem fit provided that representatives of the state employers and employees shall be included.

In this regard the commission further recommends

- The number of members of

the national manpower commission shall be in the discretion of the minister.

- The chairman of the national manpower commission shall be appointed on such basis and for such period as the minister may determine.

It shall continually evaluate the application and effectiveness of labour legislation and practice in the light of present and future developments and do designing planning and updating of manpower programmes.

A further function, the commission says will be to work in close collaboration with other bodies in matters relating to research, training, manpower, utilisation and other aspects of labour, as well as power utilisation.

It will also endeavour to obtain the information it requires through the appropriate channels with reference to the minister of labour if necessary.

“The national manpower commission shall appoint such sub-committees consisting of members of the commission and/or other persons, as it may deem fit to assist in its task.”

Close liaison is also envisaged between the national manpower commission and the Defence Manpower Board by means of cross-representation between the two

bodies.

Consideration will also have to be given to a clearer demarcation of the Defence Manpower Board's functions so as to prevent duplication and overlapping, the commission says.

It also recommends that the committee for the Better Utilisation of Manpower be dissolved with effect from the date upon which the national manpower commission is constituted.

The commission further recommends that in the interests of co-ordination and integration of labour policy and programmes with overall economic policies and programmes between the two

national manpower commission shall have a seat on the Economic Advisory Council and prepare reports on the labour situation for the Economic Advisory Council.

The commission also recommends

- The terms of office of ordinary members of the national manpower commission shall be in the discretion of the minister provided it shall not be less than two years and provided further that members shall be eligible for reappointment.
- The national manpower commission shall report regularly and shall submit an annual report to the minister of labour on the

commission's activities and the labour situation in the Republic.

The commission says it has taken note of the various foreign codes of conduct designed abroad for South African employment practices.

“The idea of guidelines for employers and their employees, along which industrial relations and other related matters may be conducted, is highly commendable provided that, first, such a code is indigenous and, secondly, it is the result of tripartite co-operation.”

The commission believes that far employment practices legislation should be developed for South Africa — Sapa

Wide recommendations by commission

Wiehahn Report

HOUSE OF ASSEMBLY — Trade unions and individuals should have full freedom of association and individuals should be free to join any trade union of their choice, the Wehahn Commission recommends in its report tabled here yesterday.

Trade unions meeting the requirements for registration should be eligible for registration irrespective of the colour, race or sex of its members, and have full participation in the statutory bargaining, dispute prevention and settlement machinery.

Trade unions would also be free to prescribe membership qualifications as they deemed fit, whether or not race, colour or sex was a consideration.

Trade unions meeting the requirements for registration should be eligible for registration irrespective of the colour, race or sex of its members, and have full participation in the statutory bargaining, dispute prevention and settlement machinery.

Trade unions would also be free to prescribe membership qualifications as they deemed fit, whether or not race, colour or sex was a consideration.

The report says in its recommendations on industrial relations that the underlying principles to all adjustments of South Africa's industrial relations legislation should be

- The preservation of industrial peace as a primary

objective.

- The establishment and growth of a unitary and integrated industrial relations system incorporating both the industrial council and committee systems.
- The fullest possible expression of the principle of self-governance.
- The simultaneous promotion of decentralized consultation at regional and enterprise levels.

The report further recommends that as far as the eligibility of persons for election as office bearers or executive members or officials of trade unions are concerned, qualifications and powers of such persons should be determined by the constitution of the trade union concerned.

The election and appointments of persons to responsible positions within unions would be kept under surveillance by the National Manpower Commission.

The commission says the premises underlying its recommendations in this regard are that South Africa should seek to establish a unitary industrial relations system, comprising both the industrial council and committee systems and operating under a single statute to be renamed the Industrial Relations Act.

The act would be aimed at providing for the fullest possible expression of the principle of self-governance and promote the practice of decentralized consultation and negotiation at regional and enterprise levels under the jurisdiction of industry-level organizations.

“The question of eligibility for election to positions of responsibility within trade unions was considered by the commission in the light of the international precept and practice and the evidence submitted to the commission.

“The commission does not, as a matter of principle, favour State regulation of eligibility for election to such positions since this would not

certain broad or principle criteria, the commission says.

The factors that had to be taken into account were

- The extent to which an organization represented its eligible membership within an undertaking, industry, trade or occupation.
- The degree of organization existing within these undertakings, industries, trades or occupations and the extent to which the various interest groups or population groups were adequately represented.
- Whether or not the organization was a bona fide union which in composition and objectives was relevant to the legitimate needs of the employer-employee relationship in the undertaking, industry, trade or occupation concerned.
- The balance of representation of the various population groups within a mixed organization.
- Economic activity and general conditions prevailing within the undertaking, industry, trade or occupation.

It recommends that the Department of Labour open a new register of trade unions, employers' organizations and industrial councils, as well as for works councils and committees, and that provision be made for works councils for workers of all population groups — Sapa

Commission has other workers' safeguards



Report: Separate race facilities 'repealed'

HOUSE OF ASSEMBLY — The Wehahn Commission says it is convinced that the principle of job reservation should be abolished.

It accordingly recommends that section 77 of the Industrial Conciliation Act, which makes statutory provision for it, should be repealed.

In its report (part one) tabled yesterday by the Minister of Labour, Mr Fanie Botha, the commission says it is,

question of statutory work reservation.

- The maintenance of the principle in legislation.
- The modification of the principle and the statutory provisions and
- Its complete abolition.

The commission says the principle itself cannot be justified in present times despite any validity which it may have had historically.

“Neither its maintenance nor its modification could

the strict application of the principle of “equal pay for work of equal value”.

- Training and retraining opportunities at the expense of the employer or, in certain instances, the state with a guaranteed income during such training.
- The introduction of the payment of relocation allowances to facilitate labour mobility of workers within industry.
- The acceleration of the in-

Member opposed

HOUSE OF ASSEMBLY — The Wehahn Commission has recommended that the section of the Shops and Office Act, providing for separate facilities for different races be repealed.

Section 51 of the Factories, Machinery and Building Work Act be repealed.

Section 51 provides for separate facilities for different

are submitted for approval.

“During the past few years new practices, particularly as regards the sharing of facilities by different population groups, have developed as a result of changing social and economic conditions.

“The department often receives application for a relaxation of the existing requirements, and substantial evidence in favour of a review has been submitted to the

commission relating to separate facilities at enterprise or plant level for workers of the various race groups, indicated that a number of employers had been moving in the direction of desegregating such facilities on their premises.

While these developments may be an expression of the general desire to move away from discrimination, and have taken place mostly in consultation with the parties

Changes

Political Staff

The commission is accordingly convinced that the principle of statutory work reservation should be abolished.

Wiehahn Report

The report says the evidence being applied to such a limited extent that its existence was no longer justified and that its retention did immeasurably more harm than good to the country's interests both locally and overseas.

The report says the evidence with which the commission associates itself suggests that the necessary safeguards for the interests of individuals and groups of workers could best be achieved as follows:

- Consultation between an employer and his employees before any changes in established labour practices are introduced, with recourse by any party who feels aggrieved, to an industrial court, which it recommends be established.
- A requirement of consensus on these matters within industrial councils.
- The adjudication of allegations of unfair dismissals by such an industrial court.

retraining schemes in terms of the Industrial Conciliation Act and the possible introduction of similar schemes for other sectors of commercial and industrial activity.

The upgrading of semi-skilled workers by means of training and retraining within industry.

The development of fair employment practices legislation.

As a last resort, the res-toration, or prevention, of a disturbance of industrial peace in an undertaking, industry, trade or occupation by industrial order, by reference to arbitration or by the application of other conciliation machinery.

The commission says it is convinced these measures, either individually or in combination, will provide better protection for employees against unfair displacement than the existing measure of statutory work reservation.

Commissioner Arthur Nieuwoudt dissented from the majority on the basis that statutory work reservation should not be repealed because it was merely the maintenance of the traditional work pattern which had gradually emerged and that it was necessary to ensure inter racial harmony in the work place — Sapa

HOUSE OF ASSEMBLY — Widespread recommendations by the Wiehahn Commission for changes in South Africa's labour policies were opposed on a variety of fronts by one of its members, Mr A I Nieuwoudt.

His approach, according to a special note by the chairman, Professor N E Wiehahn, was that because the political and constitutional framework was a fact, recommendations should be formulated accordingly so that they were fully politically and constitutionally reconcilable.

Mr Nieuwoudt is president of the Confederation of Labour, a strictly white trade union umbrella organization.

He opposed allowing blacks to join trade unions, allowing the registration of black trade unions, repealing statutory provision for job reservation, allowing blacks to be indentured as apprentices in white areas and repealing legislation providing for enforced separate facilities in factories, shops and offices.

Mr Nieuwoudt opposed changes that, in the opinion of the commission, were advantageous to industrial, social and racial harmony.

The commission, in its report tabled in the Assembly yesterday, recommended that employer and employee parties be encouraged to regulate the matter of providing facilities for persons of different sexes, races or classes at industry level or at the level of the enterprise through the machinery of a proposed Industrial Relations Act.

The commission also recommended that the provision of such facilities be expressed in a clause among the matters that may be regulated by an industrial Council agreement.

In the event of agreement not being reached in regard to such matters at industry or enterprise level, or through the industrial court, for adjudication.

A minority recommendation is that the status quo in regard to separate facilities in factories be maintained.

The commission found that among the matters requiring early attention were certain statutory requirements in regard to the provision of facilities for persons of different sexes, races and classes contained in the Factories Machinery and Building Work Act and the Shops and Offices Act and certain social security matters under the Unemployment Insurance Act.

Evidence received by the

The report said section 51 of the Factories, Machinery and Works Act provides for the making of regulations in regard to the accommodation facilities and conveniences for employees in or at factories, the separation in or at any factory of persons of different sexes, races or classes and the provision of separate sanitary, washing, rest-room, dining-room, change-room, and other facilities for persons of different sexes, races or classes.

The regulations were designed to protect the health and welfare of employees, to ensure peaceful relations between the various population groups, and to assist employers in maintaining sound industrial relations at plant level.

Over the years the Department of Labour has applied these regulations with circumspection, especially insofar as the separation of races is concerned. The department's requirements in this regard are usually imposed when plans for new factories or additions to existing factories

signed to protect the health and welfare of employees, to ensure peaceful relations between the various population groups, and to assist employers in maintaining sound industrial relations at plant level.

Over the years the Department of Labour has applied these regulations with circumspection, especially insofar as the separation of races is concerned. The department's requirements in this regard are usually imposed when plans for new factories or additions to existing factories

The commission agrees that modern social and technological developments, together with the consideration of minimal State intervention in what are essentially domestic matters, necessitate a revision of the present position.

Taking all the considerations into account the commission is of the opinion that certain matters with regard to the health and welfare facilities, and particularly the sharing of facilities in factories, should be left to employers and employees to be regulated at industry level or at enterprise level through the works committee and works council system.

In all cases where agreement cannot be reached through the existing conciliation machinery and where a dispute or labour unrest may result, the matter could be referred to the industrial court for adjudication.

In a minority view Mr Arthur Nieuwoudt said he is of the opinion that the question of separate facilities in factories is a very delicate issue and that changes in the established practices and traditions in this regard could have an adverse and detrimental effect on the maintenance of industrial peace and industrial relations — Sapa

Police chief tells of terrorist threat

HOUSE OF ASSEMBLY —

The return of trained terrorists from outside the country and the recruitment of young blacks for military training elsewhere in Africa and in communist countries still pose a threat which demands unceasing vigilance on the part of the police force, the Commissioner of the South African Police, General M C W Geldenhuys, says.

Commenting in the annual report of the South African Police for the year ended June 30 last year which was tabled yesterday, General Geldenhuys says he is however able to report

that the situation is completely under control.

"There has not been any alarming increase in crime in general and all necessary steps are being taken to combat and control crime.

"A matter which is receiving special attention is the increase in offences against public morals during the past few years, especially in the larger urban complexes, where it is particularly difficult to take effective counter measures.

"Amendments to the law to combat

this evil more effectively have already been proposed.

General Geldenhuys says the work in the various branches of the force was satisfactorily performed, and in spite of the long hours worked, often under trying conditions, the morale in the force remained high.

"A number of spectacular successes were achieved, but unfortunately a few serious crimes still remain unsolved.

A matter which is causing concern, he says, is the extent to which the publication of untruths or half truths regarding action taken by the force or members of the force in the execution of their duties has increased.

"This is not only detrimental to the good relations between the police and the public, but also fosters hostility towards the police, as the upholders of law and order, among certain sectors of the population. This could be dangerous.

"I wish to state unequivocally that objections are not being made now to fair and justified criticism, but to a calculated disregard of the facts," General Geldenhuys says — Sapa

166 C. Times 2/5/79

tions.

Dr A L Boraine, Progressive Federal Party chief spokesman on labour matters, said the recommendations represented a dramatic shift from National policy.

The burning question was whether or not the Government would accept the recommendations which would usher in a new era in management-labour relations.

He referred to the movement away from discriminatory laws.

CHALLENGE

This represents a major challenge to leaders in commerce and industry and especially to those who have not moved away from discrimination because they did not want to fall foul of the law

If this recommendation is accepted, the onus will fall squarely on the private sector to introduce an environment in the workplace free from discrimination on grounds of race or colour

Of special import is the strong encouragement given to employers and employees in the mining industry to introduce the industrial council system.

INSIGHT

Mr Ron Miller of the N R P said The commission has looked with great insight into the complex nature of South African society. It is evident it has tackled its job fearlessly, yet sensitively

It has dealt comprehensively with the major issues which have held back the full exploitation of South Africa's human and economic resources for so many years.

NEW ORDER

South African society will have to adjust to a new industrial order and the prejudices and group interests of certain sectors of our society who will resist the forthcoming changes will also have to be overcome without promoting industrial unrest

The lack of trained personnel in the implementation of the industrial relations and trade union recommendations will initially retard the process of change

I want to warn the Minister of Labour against raising hopes and expectations of the people of South Africa, and then not implementing the recommendations as was the case when the Government dealt with the recommendations of the Theron Commission, Mr Miller said

Labour report highly praised

Political Correspondent

OPPOSITION spokesman have welcomed the Wiehahn Commission's report but said the question now was whether the Government would implement the far-reaching recommenda-

'Permanent place' for blacks

Political Staff

THE Wiehahn Commission has put forward a series of strongly motivated reasons why full trade union rights should be extended to black workers.

Most prominent among these is that 'it has by now become an accepted fact' and 'officially recognised' that black workers are a permanent part of the South African economy.

The commission finds it clear that existing black trade unions have become part of South African industrial life and that their strength and position of influence can only become further entrenched

FOREIGNERS

It says that many of the arguments it heard against black trade union rights were the same as arguments before two former commissions of inquiry into labour legislation — the Van Reenen commission in 1935 and the Botha commission in 1948

Some of the arguments were that black workers were not developed and

sophisticated enough for trade unions and that they were foreigners and could therefore receive and exercise such rights in their own states.

In reply the commission expresses the belief that these fears and emotions are not only unlikely to materialise, 'but in fact pose a far lesser threat than would the continued denial of elementary rights and perpetuation of the existing uncontrolled situation of proliferation.'

The commission's main reasons recommending black trade union rights include.

● Authoritative evidence shows that by May 1978 an estimated 27 black trade unions representing 50 000 to 70 000 workers operated in various strategic industries, and doing so in good co-operation with registered unions,

● While blacks form a permanent part of the economy, the acknowledged virtues of the industrial council system cannot in the absence of black participation compensate for its incomplete representation of the total work force.

● Increasing opportunities for blacks to advance into job categories previously occupied by others will soon give rise to the anomalous situation where black workers working side by side with others in the same skilled occupations find themselves excluded from the trade union system purely on the grounds of their colour.

● Registered trade unions are under certain statutory restrictions and obligations designed to protect and nurture a system that has proved its success in practice. But black trade unions are subject neither to the protective and stabilising elements of the system nor to its essential discipline and control

● The commission finds that the present situation not only prejudices existing registered trade unions but deprives black trade unions of the protection and impetus for growth and stabilisation afforded by the Industrial Conciliation Act

Wiehahn:

End work

166
C. Times 2/5/79.

race bars

By GORDON KLING

ABOLITION of discrimination based on race in the workplace through an overhaul of South Africa's job laws has been recommended by the commission of inquiry into labour legislation headed by Professor Nic Wiehahn.

The first part of the two-year-old commission's report was tabled in Parliament yesterday by the Minister of Labour, Mr S P Botha, who is to announce in a White Paper next Tuesday how far the government will go towards implementing the new deal.

Reading like a pocket history of South African industrial relations, the 62-page report calls for sweeping changes in the laws governing organized labour, apprenticeship training, separate facilities and social security.

It proposes an industrial court to preside over the new dispensation and requests a change in the name and a broadening of the scope of the Department of Labour itself.

The key recommendations — almost all of which were rejected by one member of the commission, the president of the 200 000-member South African Confederation of Labour, Mr Attie Nieuwoudt, but welcomed by Opposition and business spokesmen — involve dismantling discrimination without forcing integration. They include calls for

• Legal recognition of black trade unions coupled with freedom of association for workers,

• Repeal of legislation demanding separate facilities for employees in shops, offices and factories, in favour of the matter being settled at the workplace,

• Scrapping job reservation in principle, but making provision for the temporary continuation of the remaining five determinations,

• The eligibility of all workers for indentureship as apprentices,

• Establishment of a national manpower commission to make recommendations on all labour matters, including labour policy,

• Consolidation of the basic labour legislation, the Black Labour Regulations Act and the Industrial Conciliation Act which pertains to other workers — into an Industrial Relations Act incorporating the innovations proposed by the commission,

• State encouragement of industrial relations training of employees by their own organizations,

• Amendment of the Unemployment Insurance Act to remove differentiation between population groups.

Although the Minister of Labour has promised legislative action within the month on some of the recommendations, he has given no indication of how many will be accepted by the government.

Labour policy is also certain to be affected by the report of the parallel Riekert Commission into the use of manpower,



Professor N E Wiehahn

→→→→
To page 2 **C**

Report welcomed by businessmen

Staff Reporter

LEADERS of commerce and industry have welcomed most of the recommendations of the Wiehahn Commission tabled in Parliament yesterday by the Minister of Labour, Mr S P Botha.

Although the spokesmen had

not seen the full report, they agreed that the main recommendations were positive and constructive.

The spokesmen were impressed by the Wiehahn

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To page 2

Continued **D**

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From page 1

proposals relating to the scrapping of job reservation the laws regarding separate facilities for workers of different race groups, allowing individuals of different race groups to join the trade unions of their choice, permitting black trade unions to be registered and thereby to take part in the bargaining process and the opening of apprenticeships to all, regardless of race.

The president of the Western Province African Chamber of Commerce and vice president of the National African Federated Chambers of Commerce, Mr Lucas Phillips, acclaimed the recommendations as a dream realized at long last.

He added: "Black people have expected these recommendations for a long time but as they are still just recommendations I hope the government will not disappoint the African people or the country and the business community as a whole."

"The Wiehahn recommendations are what the black people have been looking forward to for many years and it is hoped that the minister of Labour and his party will motivate their constituents and the white labour movement for the betterment of all concerned. The recommendations are particularly welcome as the National African Federated Chambers of Commerce made strong representations to the Wiehahn Commission in Pretoria last year."

The president of the Cape Town Chamber of Commerce, Mr R M Friedlander, said: "Prima facie, the recommendations sound first-rate, positive and constructive. They should go a long way to bringing about a better society and are certainly in the interests of the economy. Without having analysed the full report, it does seem as if the rec-

ommendations are fundamentally in line with the views of the Chamber of Commerce.

Mr K Albo, the general secretary of the Western Cape Traders Association which represents 2 300 black, coloured and Indian businessmen, said: "If Parliament agrees to the Wiehahn Commission's positive proposals it will be a great day in the lives of the working class people of South Africa because till now black workers have had no bargaining power."

The president of the Afrikaanse Handelsinstituut, Mr Jack van Wyk, last night acclaimed the Wiehahn Commission's investigations as very timely. He said: "Professor Wiehahn and his team had succeeded in producing a rational report which was mindful of the fears of white workers. He welcomed the 'manpower commission' proposed by the Wiehahn team."

Trade unions have a bad image because of the mischief they have caused in Britain but we must not lose sight of the positive benefits. A instrument for negotiation (the trade union) is essential for peace in labour. We wish to see it as a new safety valve so that we do not land in the minefields without warning."

The Cape Chamber of Industries took a more cautious attitude. Its deputy-director, Mr C E McCarthy, said his organization would examine the Wiehahn report and comment in due course.

Parliamentary
Correspondent

CAPE TOWN —
Dramatic changes to
South Africa's labour
laws, including the
scrapping of job
reservation, have
been recommended
by the multi-racial
Wiehahn Commis-
sion.

In its first report, which
was tabled in Parliament
yesterday, the Commission
urges the registration of
Black trade unions, the
removal of racial distinc-
tions in the Unemployment
Insurance Act, and the
removal of laws enforcing
segregation in shops and
factories.

These findings were im-
mediately welcomed by
the Opposition labour
spokesmen.

Dr. Alex Boraine, MP,
for the Progressive
Federal Party said the
proposals were "a
dramatic shift from
Nationalist policy"

Great insight

Mr Ron Miller, MP, for
the New Republic Party
said the Commission had
worked "with great in-
sight".

Both MPs urged the
Government to take action
immediately and Mr
Miller said the Minister of
Labour, Mr. Fanie Botha,
should not raise the hopes
of the people of South
Africa and then not imple-
ment the proposals as the
Government had done with
the Theron Commission
into the position of
Coloured people.

In its 62-page report, the

Commission has

Called for job reserva-
tion to be abolished.

Recommended that
Black trade unions be
registered for the first
time.

Proposed the abolition of
legislated apartheid in fac-
tories;

Urged that the law
providing for separation in

shops between different
races, sexes or classes are
repealed and that the mat-
ter be left to the decision of
the proprietor, occupier or
manager to decide.

Said the differentiation
in the Unemployment In-
surance Act between
Blacks and other races was
"not justified" and recom-
mended that the Act be
amended to include Black
workers on the same basis

as other population groups;

Called for the establish-
ment of an Industrial
Court, with the right of ap-
peal to the Supreme Court,
to replace the present In-
dustrial Tribunal,

And proposed that any
person, regardless of race,
be eligible to be indentured
as an apprentice

If the Commission's
proposals are accepted by
the Government — and a
White Paper is expected in
the near future — they will
result in far-reaching
changes in South Africa's
labour situation.

The first indication of the
Government's response to
the report could come this
afternoon when the
Minister of Labour faces a
Press conference

Backlash

Certainly, the Commis-
sion's emphasis on free
choice and free association
as well as its acceptance of
the power and influence of
unregistered Black unions
is almost certain to
provoke a right-wing
backlash

The conservative view-
point was underlined in the
report itself by the dissi-
dent views of one of its
Commissioners, Mr Attie
Nieuwoudt, the president
of the South African
Confederation of Labour,
who submitted a number of
minority reports

It is conceivable that Mr
Nieuwoudt's lone stand
will be seized upon by the
Nationalist right-wing as a
possible weapon to restrain
the Prime Minister from
allowing too many drastic
changes, but it is unlikely
that Mr P. W. Botha, who
has followed a pragmatic
line on racial issues since
taking office, will deviate
significantly from the
course that has already
been decided by the
Cabinet

● See also Pages 12, 13
and 14

Major labour change urged

NIM
215/179
100

Wiehahn recommendations: mixed unions, equal pay, apprenticeships for all, integrated facilities at work, closed shops

Justification for black union rights

Political Staff
CAPE TOWN — The Wiehahn Commission has put forward sound reasons why full trade-union rights should be extended to black workers.

Most prominent among these is that "it has by now become an accepted fact" and "officially recognised" that black workers are a permanent part of the South African economy.

The commission finds it abundantly clear that existing black trade unions have become part of the fabric of South African industrial life and that their strength and position of influence can become only further entrenched.

It says that many of the arguments it heard against black trade-union rights were the same as arguments before two former commissions of inquiry into labour legislation — the Van Reenen Commission in 1935 and the Botha Commission in 1948.

Some of the arguments were that black workers were not developed and sophisticated enough for trade unions, and that, because of their numbers, they would endanger the economic security and eventually the political security of other workers if granted trade-union rights.

In reply the commission expressed the belief that these fears and emotions were not only unlikely to materialise, "but in fact pose a lesser threat than would be continued denial of elementary rights and perpetuation of the existing uncontrolled situation of proliferation."

The commission's main reasons recommending black trade-union rights include:

● Authoritative evidence shows that by May 1978 an estimated 27 black trade unions representing 50 000 to 70 000 workers operated in various strategic industries, and were doing so in co-operation with registered unions.

● While blacks form a permanent part of the economy, the acknowledged virtues of the Industrial Council system cannot in the absence of black participation compete for its incomplete representation of the total work force, particularly since the existing black trade unions may and do make use of the country's legal system in other respects.

● Increasing opportunities for blacks to advance into job categories previously occupied by others will soon give rise to the anomalous situation where black workers working side by side with others in the same skilled occupations find themselves excluded from the trade-union system of their colour. It could place the statutory trade-unions system under extreme stress if the exclusion of the black worker is perpetuated.

● Registered trade unions are under certain statutory restrictions and obligations designed to protect and nurture a system that has proved its success in practice. But black trade unions are subject neither to the protective and stabilising elements of the system nor to its essential discipline and control. They enjoy much greater freedom, to the extent that they are free to participate in politics and to use their funds for whatever purposes they see fit.

● The commission finds that the present situation not only deprives existing registered trade unions but deprives black trade unions of the protection and impetus for growth and stabilisation afforded by the Industrial Conciliation Act.

● While black unions receive large sums of money from internal and overseas sources, they, unlike registered unions, are under no obligation to account for their income and expenditure — a situation which the commission regards as highly undesirable.

If allowed to register, it would encourage and better enable them to generate funds from their own sources.

● Black unions receive strong moral support from overseas unions and their leaders pay reciprocal visits to foreign union leaders, thereby being exposed to union philosophies and disciplines foreign to South Africa.

End to job bars and race friction

Political Staff

CAPE TOWN — Sweeping labour reforms including the official recognition of black trade unions and the final scrapping of job reservation are contained in the main recommendations of the Wiehahn Commission's report which was tabled in Parliament yesterday.

The commission, under the chairmanship of Professor N Wiehahn, labour adviser to the Minister of Labour, was appointed in 1977 to investigate all aspects of the country's existing labour legislation. His is its first report.

Apart from calling for the official registration of black trade unions the report also recommends that there should be mixed unions and that members of such unions should decide on management.

Freedom
At present whites have to manage such trade unions. The report also stresses

should be allowed to decide on membership qualifications.

The report recommends that the principle of status quo job reservation be removed and that provision be made for the phasing out, as soon as possible, of the remaining five job reservation determinations.

These are mainly in parts of the mining

Cape Town

The report says, contrary to the original intention of preventing friction between population groups, job reservation has been and still is immensely injurious to sound race relations.

The report does, however, recommend that the "closed shop" practice be maintained and that

Front page news in UK
The Star Bureau
LONDON — Two out of Fleet Street's three serious newspapers reported the Wiehahn Commission's recommendations on job desegregation on their front pages today.

The Daily Telegraph headlined "Job apartheid to end in South Africa" and The Guardian "Pretoria may ease employment race bars".

All the other London papers reported the Wiehahn recommendations with varying degrees of enthusiasm.

The Financial Times' account warns that there is no guarantee that the South African Government will enforce all the recommendations.

The introduction of a national manpower commission on a tripartite basis — State, employers and employees.

A personnel advisory body to advise on all aspects of labour in a South African context.

That trade union management be left to trade unions themselves.

Mr S P Botha . . . legislation in a month

apply, be retained and that provisions for exemption remain in force.

Among the commission's other main recommendations are:

● The strict application of the principle of equal pay for equal work.

● The acceleration of the introduction of training and retraining schemes.

● The upgrading of semi-skilled workers by means of training and retraining within industry.

● A change in name of the Department of Labour.

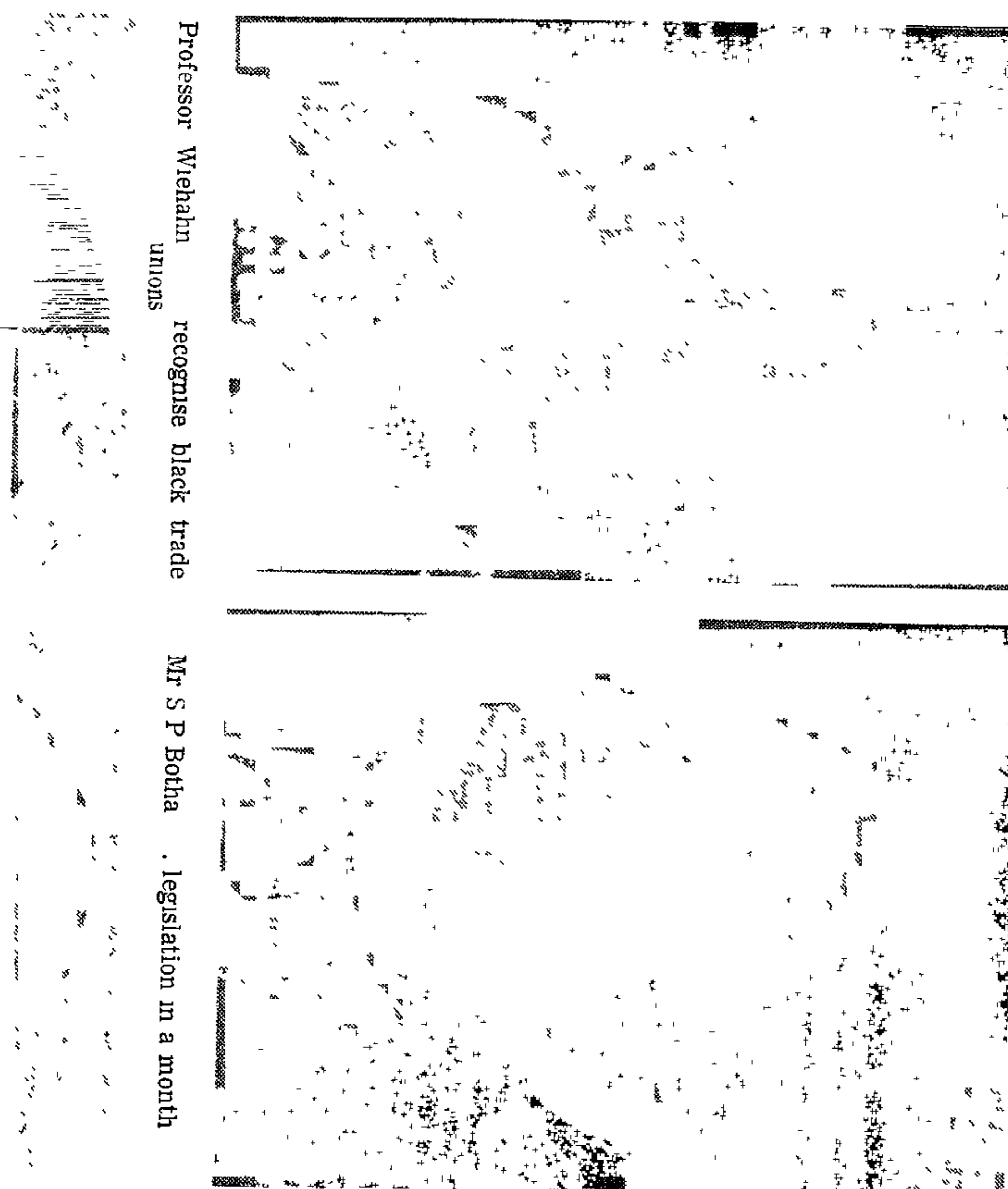
● The introduction of a national manpower commission on a tripartite basis — State, employers and employees.

● A personnel advisory body to advise on all aspects of labour in a South African context.

● That trade union management be left to trade unions themselves.

Professor Wiehahn . . . recognise black trade unions

Integration of workers on front page



Reservation of jobs 'impractical, inadequate'

Political Staff

CAPE TOWN — In calling for the scrapping of job reservation, the Wiehahn Commission says the measure can, in retrospect, be seen only as impractical and inadequate.

In the final analysis it failed to provide the desired protection, as can be seen from the small number of determinations made under the Act.

The commission says its existence is no longer tenable in view of the developments on the labour front affecting black workers — the provision of more training facilities for blacks, the improvement of their educational level, their increased vertical mobility in sectors not covered by work reservation de-

terminations of unfair dismissal by the industrial court.

An appropriate amendment to Section 43 of the Industrial Conciliation Act, extending the term "dispute" to include irregular or undesirable labour practices affecting employees as one of the matters on which the Minister may act to renstate employees or to restore their terms and conditions of employment.

The strict application of the principle of equal pay for equal work.

Training and retraining opportunities at the expense of the employer or, in certain instances, the State with a guaranteed income during such training.

The introduction of the

Watchdog's body needed to monitor manpower position

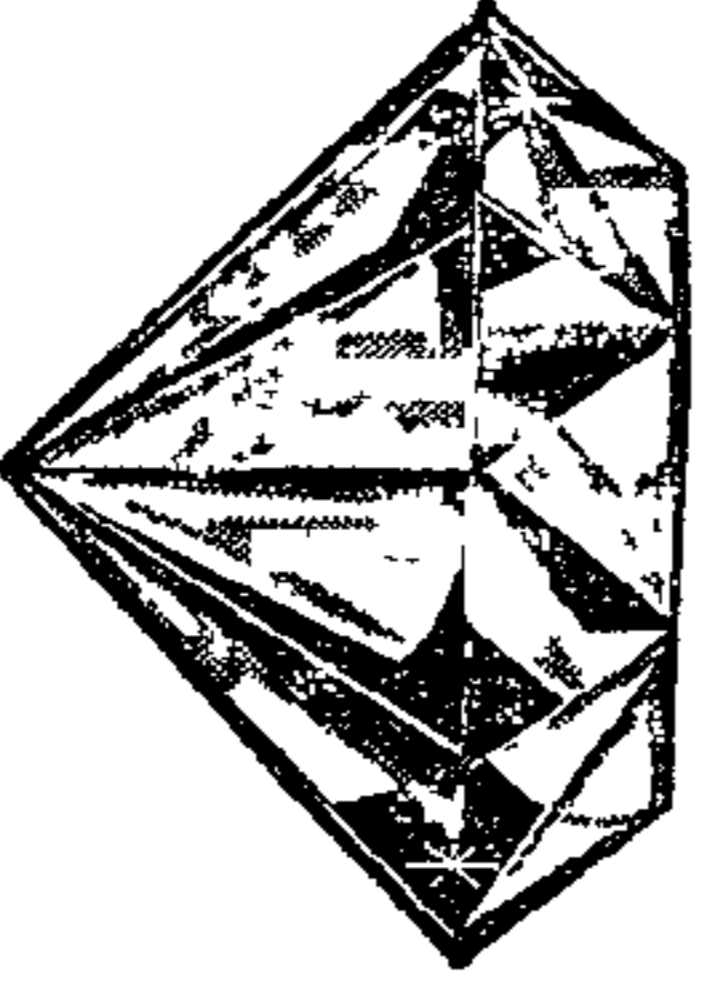
Political Reporter

CAPE TOWN — The White Commission recommended the appointment of a national manpower commission to continually survey and analyse the manpower situation in South Africa, and, if necessary, to submit recommendations to the Minister on all labour matters, including policy.

The commission considers the appointment of a manpower commission to be a matter of priority. It should include representatives of the State, employers and employees. Among its functions should be:

- To submit recommendations to the Minister on all labour matters, including policy.
- To keep abreast of developments and trends

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an hour a court... Apprenticeship training for all races and members of all race groups to be allowed to be indentured as apprentices.

That the section of the Shops and Offices Act, providing for separate facilities for different races, be repealed.

The report says that the matter should be left to the decision of the proprietor, occupier or manager where the provision of facilities for the general public is concerned, and to consultation between the employer and employee parties in other instances.

The commission also recommends that Section 51 of the Factories, Machinery and Building Work Act, which provides for separate facilities for different races, be repealed.

Premises

The report is based on several main premises:

- That South Africa subscribes to a capitalist system with minimum State intervention in a free market economy, preservation of industrial peace, rapid phasing out of discrimination on the basis of colour.
- The maintenance and raising of standards of efficiency.
- Maximum employment opportunities in an economy which must grow and develop rapidly.
- A dynamic, scientific and analytic manpower development and planning programme.

The Minister of Labour, Mr S P Botha, has indicated that legislation flowing from the report will be introduced within a month.

This afternoon, he will hold a Press conference and the Government will issue a White Paper giving its attitude to the report soon.

Right-wings union leader sees dangers in change

Correspondent

CAPE TOWN — In a string of minority recommendations a member of the Wehahn Commission, Mr A I Nieuwoudt of the right-wing Confederation of Labour, objects to key aspects of the commission's proposals.

Mr Nieuwoudt makes a lone stand against:

- Granting trade union rights to blacks including migrant workers.
- The repeal of remaining job reservation.

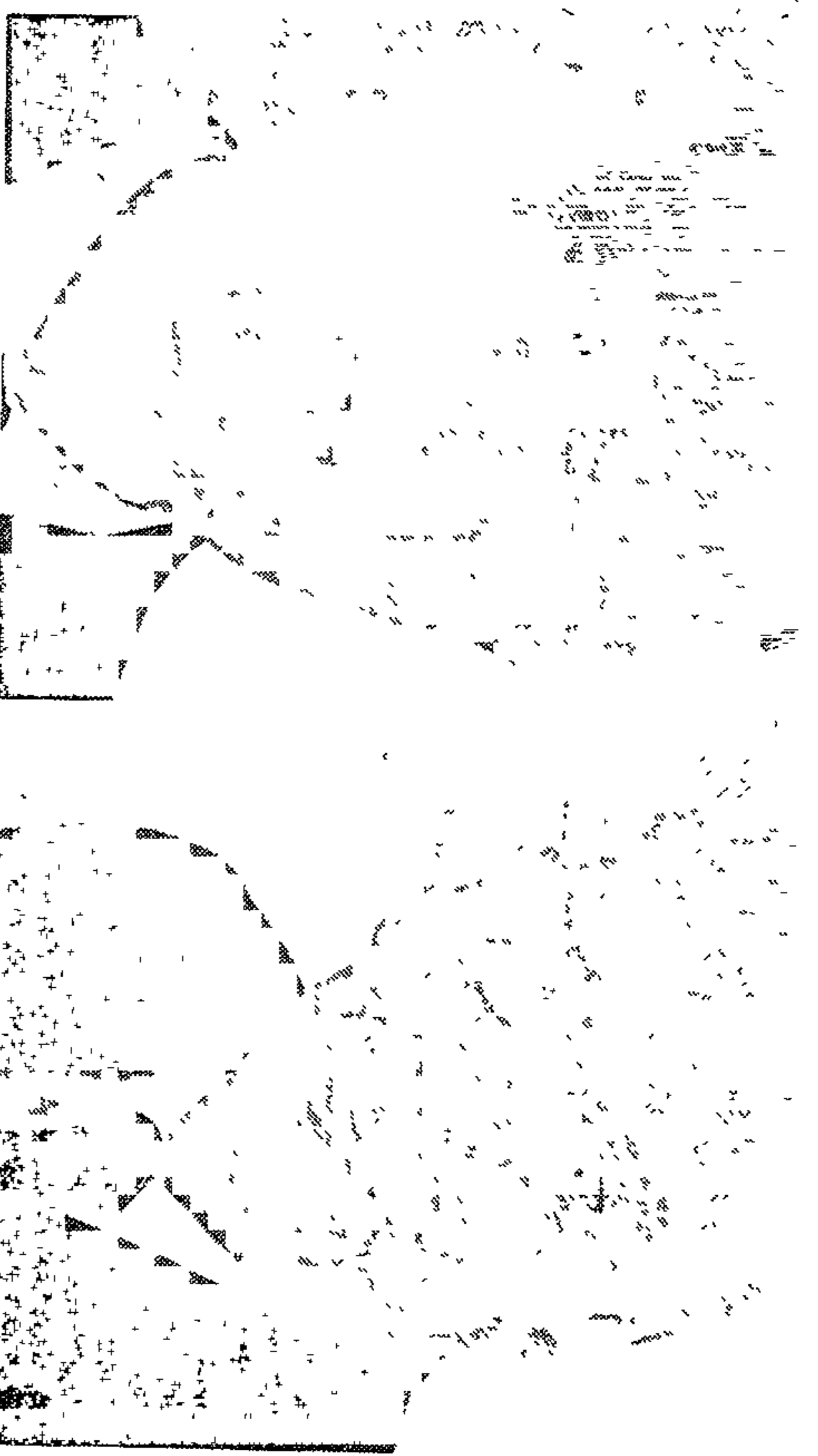
Black apprentices being indentured in white areas.

- Making possible the sharing of facilities in factories, offices and shops.

The introduction to the report records that Mr Nieuwoudt did not necessarily associate himself with all of the general and specific viewpoints or premises of the commission.

His general premises were:

- The political and



Mr A I Nieuwoudt

a lone stand

Dr Rieker

report on manpower needs

Court to ensure industrial peace

Political Correspondent

CAPE TOWN — An industrial court with control jurisdiction to control labour matters and disputes is one of the recommendations of the Wehahn Commission report tabled in Parliament yesterday.

The commission recommends that the present industrial tribunal consisting of a chairman and four other members be redesignated the industrial court with a president who will be a senior jurist and the only permanent member.

ANYWHERE

A senior official with a sound knowledge of labour law and administration should be appointed as registrar to take charge of the administrative functions of the industrial court.

In a dispute the president should appoint at least two suitably qualified assessors from among employers' and employees' representatives.

constitutional framework of the country was a given fact.

- Within the framework changes should be orderly and evolutionary without infringement of existing vested interests.
- National security should be of overriding importance in considering changes.
- Changes should be acceptable to all interested parties.
- The historical and traditional rights and

organisations who are parties to the dispute.

In the case of an individual complainant or defendant, the presiding officer may, if it is necessary, appoint assessors.

The industrial court should have countrywide jurisdiction enabling it to sit anywhere in the Republic. The president may also on an ad hoc basis establish local divisions of the court in major centres.

DUTIES

The presiding officer of a local division, whose qualifications should be at least equivalent to the minimum required for the office of the president, should be designated chairman of the local division of the industrial court and should be assisted by assessors.

The investigation and hearing of alleged cases of unfair dismissal, inequitable changes in conditions of employment, underpayment, unfair treatment and other grievances should be done by assessors.

A decision of the court should have the effect of a civil judgment by a general court.

Access to the court should be open to all persons and groups and costs of litigation should be kept as low as possible.

Mr Nieuwoudt says that the right of appeal to the court should lie with the appeal court of South Africa.

Access to the court should be open to all persons and groups and costs of litigation should be kept as low as possible.

Mr Nieuwoudt says that the right of appeal to the court should lie with the appeal court of South Africa.

growing unemployment amongst blacks.

HARM

Work reservation both in principle and in application continues to do tremendous harm to South Africa's international image.

The commission believes the necessary safeguards for the interests of individuals and of groups of workers could be achieved by:

- Consultation between an employer and his employees before any changes in the established labour practices are introduced with recourse by any party to the industrial court.
- A requirement of consensus on these matters within industrial councils.

allowances to facilitate labour mobility of workers within industry.

- The acceleration of the introduction of training and retraining with schemes in terms of the Industrial Conciliation Act and the possible introduction of similar schemes for other sectors of commercial and industrial activity.
- The upgrading of semi-skilled workers by training and retraining within industry.
- As a last resort, the restoration, or prevention of a disturbance of industrial peace in an undertaking, trade or occupation by Ministerial order, by reference to arbitration or by the application of other conciliation machinery.

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20/11/51
166
Big step forward

THE eagerly awaited Wiehahn Commission report is now with us. And initial study shows that in many ways it amply fulfills the hope that preceded it of a huge and exciting transformation of industrial relations in South Africa.

At the core of the report is its declared principle that trade unions and individuals should have full freedom of association and individuals should be free to join any trade union of their choice.

That, for South Africa, is a radical concept. Yet the commission has accepted it because it has faced up to the overwhelming need for a fresh accommodation to be made. It has recognised that industrial and commercial growth has been accompanied by ever-increasing numbers of black workers — and that the old way of denial of the most elementary rights to those workers cannot ensure peace and security.

Equally, the commission has come to terms with the fact that future growth will be stunted unless blacks are able to gain skills. And that the only way to maintain a system of private enterprise for the future is to include everyone in it, irrespective of colour.

The report repeatedly takes these factors into account, with majority recommendations urging the scrapping of official colour bars, whether in facilities provided for workers or in the indenturing of apprentices.

Wisely, it does not seek to have a uniform system of representation for workers. Instead, while still proposing a unitary system, it allows for both industrial councils (with direct trade union representation) and committees to operate at plant levels.

Thus there is allowance for varying needs and circumstances. But the overriding point again is that, whatever the mode of representation, it applies equally to everyone.

It is, of course, disappointing that existing job

reservation is to be left untouched, at least for the time being. That is an unhappy obedience to rightwingers.

This is, however, a small price to pay if the bulk of the recommendations are to be speedily implemented. Which, by all accounts, is what the Government intends to do.

Perhaps the real spirit of what the Wiehahn Commission intends lies in its call for a change in the name of the Department of Labour — to Department of Manpower or a similar alternative.

The name in effect would herald a new era of dynamism in the administration of labour affairs, says the commission.

We fully share in that great hope.

Sharing toilets is no problem

166 Sky 2/5/79

For many South Africans sharing toilets with other races won't pose a problem — they've been doing it for some time

Anticipating the recommendations of the Wiehahn Commission, several large South African and multinational companies and factories desegregated their toilet and canteen facilities some time ago

They either don't notice the colour of the people in the toilets or else don't expect any problems when all races share the same facilities

Welcoming the Wiehahn Commission recommendations on the desegregation of toilets and canteens, Johannesburg factories and companies predicted there would be no problems implementing them

Mr R J F Sanne, joint managing director of Siemens Ltd, said that the recommendations would make it possible for companies to treat all people

on the same basis. Siemens did not have segregation signs on toilet doors but there had been "a tacit understanding that some toilets were used predominantly by blacks," he said.

He thought the recommendations would have to be implemented gradually and carefully so that people get used to them

A spokesman for IBM said they had had no problem with whites and blacks using the same toilets. "We discussed it with our employees at the beginning and there have been no problems," he said.

Mr R T Hofmeyr, group personnel manager of Barlow Rand, said the company welcomed the news. The company's head office already had desegregated facilities and the recommendations would be welcomed as a step forward for the group factories. "Our policy is to move at a sensible pace towards desegregation," he said.

Nieuwoudt hammers far-ranging labour reforms

RNM 166 2/5/79

Own Correspondent

CAPE TOWN — Widespread recommendations by the Wiehahn Commission for dramatic changes in South Africa's labour policies were opposed yesterday on a variety of fronts by one of its members, Mr Attie Nieuwoudt

His approach, according to a special note by chairman Professor Nic Wiehahn, was that because the political and constitutional framework was a fact, proposals should be put together so they were full politically and constitutionally

reconcilable

Mr Nieuwoudt is president of the Confederation of Labour, a strictly white trade union umbrella organisation

He opposed

- Allowing blacks to join trade unions
- Allowing the registration of black trade unions
- Replacing statutory provision for job reservation
- Allowing blacks to be indentured as apprentices in white areas
- Repealing legislation providing for enforced separate facilities in factories shops

and offices

Although five other commissioners proposed slightly divergent recommendations on how blacks could be drawn into trade union membership and registration of black trade unions, another group of five commissioners had varying ideas on closed shop agreements

It was Mr Nieuwoudt who time and again opposed changes that, in the opinion of the commission, were to the advantage of industrial, social and racial harmony

His reason for opposing

relaxation over separate facilities in shops, factories and offices was that it would have an adverse effect on industrial peace and industrial relations

He was against greater freedom for the indenturing of black apprentices because it would "endanger the work security of skilled artisans in white areas and diminish the range and number of job opportunities for returning national servement"

Mr Nieuwoudt believed that training facilities should be provided for black apprentices in self-governing or independent states, or in black townships, and that their services be used only in those areas when they qualified

"In exceptional circumstances, the utilisation of black artisans in white areas on a contract basis could be authorised," he said

He also opposed allowing black workers to join any trade union, saying the Government should promote employment opportunities for blacks in or near their own states

Wiehahn report: ^{2/5/76} hope for women ^{166. Rom}



Val Mickleburgh

PAT SCHWARTZ

HOPES rose yesterday among some women that two recommendations in the Wiehahn Commission's report might spell an end to employment discrimination on the grounds of sex as well as on the grounds of race. But, in other quarters, the suggestion that the clauses referred to women was met with cynicism.

The two clauses recommend "the strict application of the principle popularly known as 'equal pay for work of equal value'" and "the development of fair employment practices legislation."

Val Mickleburgh, president of the Institute of Chartered Secretaries and Administrators, said that although there was no specific mention of women, they would, by implication, be included in any legislation on fair employment practices.

She felt it to be a welcome sign that women were not singled out, saying "It seems to be the implication that they regard women as part of the main-labour force."

But Christiane Duval, legal adviser to the Johannesburg Chamber of Commerce, took a more pessimistic view. It was clear, she said, that the section involved referred to job reservation on the grounds of colour.

"I don't know how far one could take it. There is no mention of sex and if, in another report the commission deals specifically with women in employment, it could come to quite another conclusion."

Mrs Duval conceded that "on the face of it"



Christiane Duval

the recommendations could be intended to include everybody "but I would not say that is what it says. From the whole tone of the section, they are looking at black-white job reservation, there never has been legislation regarding work reservation between women and men."

Truida Smit — lecturer at the School of Business Leadership at the University of South Africa warned that even if the clauses did include women, "you can possibly legislate about fair employment practises but you can't legislate about attitudes."

"No law is really going to change discrimination. Any effort in this regard will be welcomed but it is culturally very deeply embedded, not only in South Africa but in most countries."

There were, though, a few things a law could do — a few remnants of old legislation which condone or suggest discrimination, which could be removed. She gave as an example legislation regarding pregnant women who were forced to stop work after they reached a certain point in their pregnancy.

"A mature woman should be able to decide these things for herself. In the same way as firms give leave to men who have to go to the border, women interested in long-term careers should be given one or two years unpaid leave without losing their benefits and status. Such a move would serve the interests of long-term development."

Mrs Smit said there was still a large degree of pay



Babette Kakak

inequality — 90% of the difference in pay between men and women was purely based on discrimination on the grounds of sex, not on the basis of training or experience. A policy of equal pay for work of equal value could do nobody any harm.

Discrimination in job advertisements should also be stopped, Mrs Smit felt.

While it might be reasonable to advertise specifically for a man to work underground in a mine it was not reasonable to demand a male translator or marketing manager — "this is something which should be outlawed."

It was important, too, not to go overboard and end up with reverse discrimination — "This leads to women thinking that the law will look after them but real success still depends on you doing more than your bit. The law can get you your appointment but it can't ensure you promotion."

Mrs Babette Kabak, co-convenor of the Women's Legal Status Committee said she hoped "that, where they say there should be equal pay for work of equal value, it refers to women as much as to male workers in all race groups."

"We hope it will spell the end to discrimination in wages and salaries on the basis of sex."

"But without legislation and a firm commitment by the government to end discrimination against women we are not hopeful because prejudice is very strong. Only legislation will end prejudice."

THE WIEHANN REPORT

What's in 'Let all workers decide' (Vol) Kom 2/6/79

THE Department of Labour should change its name to the Department of Manpower or a similar alternative name, the commission says.

The report, tabled yesterday says it prefers the name Department of Manpower but accepts titles such as Department of Manpower Development or Department of Manpower Utilization and Development.

The commission says it wants the name to reflect more adequately the department's functions, and one more in keeping with modern trends.

The name would herald a new era of dynamism in the administration of labour

THE Wiehann Commission has recommended that Section 51 of the Factories, Machinery and Building Work Act which provides for separate facilities for different races, be repealed.

The commission, in its report tabled in the Assembly yesterday, recommends that employer and employee parties be encouraged to regulate the matter of providing facilities for persons of different sexes, races or classes at industry level or at the level of the enterprise through the machinery of a proposed Industrial Relations Act.

The commission also recom-

mends that the provision of such facilities be expressly included among the matters that may be regulated by an Industrial Council agreement.

The report says regulations made under Section 51 (1) (b) of the Factories, Machinery and Building Works Act should be reviewed and where necessary be made to conform with changes in social attitudes and practices.

In the event of agreement not being reached at industry or enterprise level, or through other conciliatory machinery, the issue should be referred to the industrial court, the commission recommends.

A minority recommendation is that the status quo in regard to separate facilities in factories be maintained.

The commission found that among the matters requiring early attention are certain statutory requirements in regard to the provision of facilities for persons of different sexes, races and classes contained in the Factories, Machinery and Building Work Act and the Shops and Offices Act and certain social security matters under the Unemployment Insurance Act.

Evidence received by the commission relating to separate facilities at enterprise or plant level for workers of the

various race groups indicated that a number of employers had been moving in the direction of desegregating such facilities on their premises.

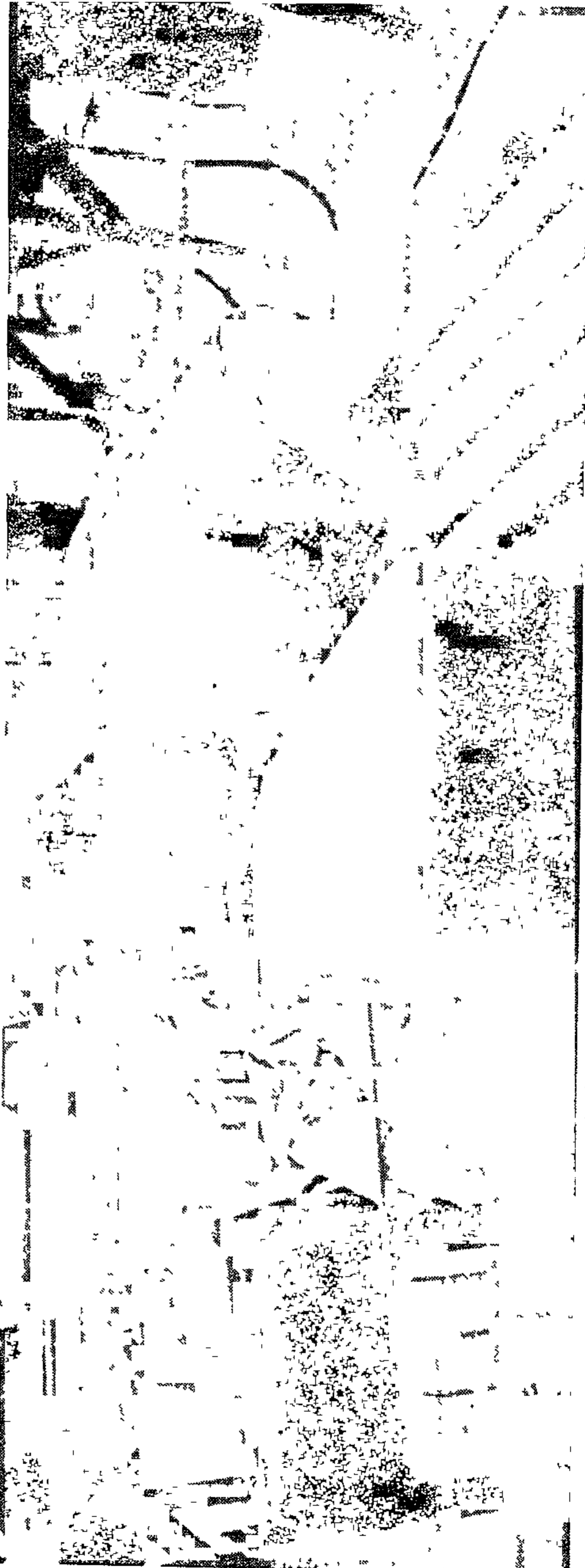
"While these developments may be an expression of the general desire to move away from discrimination and have taken place mostly in consultation with the parties concerned, they are sometimes in conflict with statutory provisions.

"In consequence, an uncoordinated development seems to be taking place which creates uncertainty and contains a potential danger to industrial peace."

The report says Section 51 of

the Factories, Machinery and Works Act provides for the making of regulations in regard to the accommodation, facilities and conveniences for employees in or at factories, the separation in or at any factor of persons of different sexes, races or classes and the provision of separate sanitary washing rest-room, dining room change room and other facilities for persons of different sexes, races or classes.

"The regulations were designed to protect the health and welfare of employees, to ensure peaceful relations between the various population groups and to assist employers in maintaining sound industrial



Black — white togetherness in industry and the dawn of a new era

166 RDM 2/5/79

on integration

Foreign pressure 'ignored'

relations at plant level

"Over the years, the Department of Labour has applied these regulations with circumspection, especially insofar as the separation of races is concerned. The department's requirements in this regard are usually imposed when plans for new factories or additions to existing factories are submitted for approval.

"During the past few years new practices, particularly as regards the siting of facilities by different population groups, have developed as a result of changing social and economic conditions.

"The department often receives application for a relax-

ation of the existing requirements, and substantial evidence in favour of a review has been submitted.

"The commission agrees that modern social and technological developments, together with the consideration of minimal state intervention in what are essentially domestic matters, necessitate a revision of the present position.

"Taking all the considerations into account the commission is of the opinion that certain matters with regard to the health and welfare facilities and particularly the sharing of facilities in factories should be left to employers and employ-

ees to be regulated at industry level or at enterprise level through the works committee and works council system.

"In all cases where agreement cannot be reached through the existing conciliation machinery, and where a dispute or labour unrest may result, the matter could be referred to the industrial court," says the report.

In a minority view, Commissioner Arthur Nieuwoudt says separate facilities in factories is a very delicate issue and that changes could have an adverse and detrimental effect on the maintenance of industrial peace and industrial relations.

FOREIGN influence, for instance through South African subsidiaries of large business concerns, were not allowed to influence the Wiehahn Commission recommendations.

The members admitted there were constant reminders about foreign opinion and external pressures, but the decisions the commission took were in the interests of South Africa, not foreign countries.

"On the other hand," the report tabled in Parliament yesterday said, "it would be naive to deny or ignore the effect of international attempts to influence labour and other policies in South Africa."

"The presence of subsidiaries of multinational enterprises within a country's borders creates a conduit through which strong influences and pressure can be exerted but any changes in labour patterns and practices must be kept within a South African context."

"The commission is aware that, while the State can readily withstand and curb foreign pressures and influences, this is much more difficult for subsidiaries of multinational enterprises."

The report also said recent local developments indicated an increasing interdependence of labour, business and political interests.

"This means that steps taken in the field of labour must have consequences, directly or indirectly, in commerce, politics and many others."

Integrate the shop toilets and canteens—commission

THE section of the Shops and Offices Act covering separate facilities for different races has been recommended for repeal.

The Wiehahn report says the relevant section of the Act should be repealed and that the matter be left to the proprietor, occupier or manager where the public was concerned, and to consultation in other instances.

"Disputes about such matters which cannot be resolved through the normal conciliation machinery should, in the last resort, be referred to the industrial court for action."

One of the 14 commission members, Mr Attie Nieuwoudt, submitted a minority recommendation that the situation should remain.

The report says regulations

providing for separate facilities for different sexes, races or classes gives rise to problems, particularly for employers.

"Its requirements result in large amounts of capital being put to unproductive use.

"In offices, employers and employees appear to be adapting themselves in various ways to the changing pattern of staff composition, either by express domestic rules or by tacit agreement.

"In this regard, the possibility exists for the two parties to regulate the matter by consultation.

"The position, however, becomes rather more difficult in the case of shops, where profound changes have occurred over the years in the structure, outlay and staffing of shops and

in the pattern of shopping.

"Self-service shops staffed largely or even completely by blacks have become common and, in addition, the shopping public is increasingly reflecting the growing purchasing power of blacks.

"The difficulty is compounded by the fact that the increasing number of foreign passport holders from black states cannot be treated differently from the holders of other foreign passports."

Mr Nieuwoudt said separate facilities in shops and offices were a delicate issue and that changes in established practices and traditions could have a detrimental effect on the maintenance of industrial peace.

Make the changes slowly . . .

OPPOSITION to changes in the labour field can be minimised if caution and circumspection are used during their introduction, according to the commission

The report says possible malpractices will largely be eliminated by the orderly and evolutionary development of the new system

"The commission is aware of the fact that a new dispensation or major changes are open to abuse or exploitation by those who are filled with zeal and are often well-meaning, but who lack understanding, or those with mischievous intent

"It is also accepted that the changes which the commission will recommend are bound to elicit opposition from certain quarters

"It is, however, the considered opinion of the commission that if changes are introduced with the necessary caution and circumspection, opposition will be minimised"

Three conditions for apprentices

THE commission has recommended that anybody should be eligible for indentureship, provided applications complied with the provisions of the Apprenticeship Act, 1944, and the conditions of apprenticeship.

Other conditions should be:

● The apprenticeship committee recommended the appren-

rice's application,
● The protection of group interests be achieved through negotiation and consultation

● Where possible, public centres established in terms of the Black Employees' In-service Training Act, 1976, be used for the practical and theoretical training of blacks. — Sana

2/5/78 Rom (166)

Unregistered unions

UNREGISTERED trade unions for black workers are becoming a prominent and permanent feature of the industrial relations scene, the Wiehahn Commission into labour legislation has found

In its report tabled yesterday, the commission says from the evidence it is clear that these unions are enjoying financial and moral support on a broad front

"The fact that their existence is not prohibited, while at

the same time they are not registered and are therefore excluded from the machinery of the Industrial Conciliation Act of 1956, serves as an incentive to foreign labour and political organisations to aid them overtly and covertly

"Added to this is the fact that other non-labour organisations regard these unions as vehicles for change, using them also in matters other than those of a purely labour character"

The commission also recommended that legislative provision be made to the effect that the Secretary for Labour may, approve the centre to which the application relates as a training centre

Legislative provision, the commission says, should also be made to prohibit any person or institution offering industrial relations training, except at a centre approved by the Secretary for Labour, provided that

- Such legislative provisions shall not apply to training given within the system of formal education or to training under the auspices of employers, registered employers' organisations and their federations, registered trade unions and trade union federations, industrial councils, registered works committees, and works councils

- The Secretary for Labour be empowered to grant exemptions from such legislative provision

Exceptions now, but job reservation should go

THE principle of job reservation should be abolished, the commission says

It accordingly recommends that Section 77 of the Industrial Conciliation Act, which makes statutory provision for it, should be repealed

The commission says it is, however, aware of the sensitivities involved in the issue, particularly in the five determinations which had remained until now

These five apply to the municipal services in Cape Town, the motor industry (two) and the mining and building industries

Their continued existence, says the report, is due to the reluctance of the trade unions concerned to dispense with them, and their summary removal would not only cause dissatisfaction and probably also industrial unrest, but would also be a negation of the tried and tested principle of prior consultation and consensus.

"This principle of co-operation with the interested parties should, in the commission's

view, be vigorously applied in a process of phasing out the remaining determinations in the shortest possible time

"For the interim, the determinations should continue to exist by virtue of a substantive provision in the new Act"

The commission saw three possibilities in relation to the question of statutory work reservation

- The maintenance of the principle in legislation,

- The modification of the principle and the statutory Provisions, and

- Its complete abolition

The commission says the principle itself cannot be justified in present times, despite any validity which it may have had historically

"Neither its maintenance nor its modification could therefore be tenable.

"The commission is accordingly convinced that the principle of statutory work reservation should be abolished

"In consequence, Section 77 of the Industrial Conciliation Act, 1956, should be repealed

"The commission is in com-

plete agreement with the large number of witnesses who argued that the provision was being applied to such a limited extent that its existence was no longer justified

The necessary safeguards for the interests of individuals and groups of workers could best be achieved as follows

- Consultation between an employer and his employees before any changes in established labour practices are introduced, with recourse by any party who feels aggrieved, to an industrial court, which it recommends be established,

- The adjudication of allegations of unfair dismissal by such an industrial court,

- Training and retraining opportunities at the expense of the employer or, in certain instances the State guarantee of income during such training,

- The development of fair employment practices legislation,

- As a last resort, the restoration, or prevention of a disturbance of industrial peace by reference to arbitration or by the application of other conciliation machinery

'Fair employment practices and SA's own code' backed

(166) KDM
2/5/73

THE Wiehahn Commission has recommended as a matter of priority that a national manpower commission be established by ministerial decision and that provision be made for its statutory basis in legislation

In its report the commission also recommends that the manpower commission be constituted by the Minister of such persons as he may deem fit, provided that representatives of the State, employers and employees shall be included

The commission further recommends that

- The number of members of the national manpower commission shall be at the discretion of the Minister

- The chairman of the national manpower commission shall be appointed on such basis and for such period as the Minister may determine.

- The proposed commission

shall be assisted by a strong professional secretariat

According to further recommendations, the functions of the manpower commission will be to submit recommendations to the Minister on all labour matters, including labour policy and to submit recommendations on any matters of administrative routine referred to it by the Minister

For this purpose the commission shall continually survey and analyse the overall manpower situation, particularly in South Africa and, if necessary elsewhere

It will also have to keep abreast of developments and trends on the international labour front particularly in regard to those that relate to South Africa the commission says

"It shall continually evaluate the application and effective-

ness of labour legislation and practice, in the light of present and future developments and do designing, planning and updating of manpower programmes"

A further function, the commission says, will be to work in close collaboration with other bodies in matters relating to research, training manpower utilisation and other aspects of labour as well as power utilisation

It will also endeavour to obtain the information it requires through the appropriate channels with recourse to the Minister of Labour if necessary

The manpower commission shall appoint such subcommittees consisting of members of the commission and/or other persons as it may deem fit to assist in its task

Close liaison is also envisaged between the national manpower commission and the De-

fence Manpower Board by means of cross-representation between the two bodies

Consideration will also have to be given to a clearer demarcation of the Defence Manpower Board's functions so as to prevent duplication and overlapping, the commission says

It also recommends that the Committee for the Better Utilisation of Manpower be dissolved with effect from the date upon which the national manpower commission is constituted

The commission further recommends that, in the interests of the co-ordination and integration of labour policy and programmes with overall economic policies and programmes, the chairman of the national manpower commission shall have a seat on the Economic Advisory Council and prepare reports on the labour situation for the Economic Advisory Council

The commission also recommends that

- The terms of office of ordinary members of the national manpower commission shall be at the discretion of the Minister, provided it shall not be less than two years and provided further that members shall be eligible for re-appointment

- The national manpower commission shall report regularly and shall submit an annual report to the Minister of Labour on the commission's activities and the labour situation in the Republic.

The commission says it has taken note of the various foreign codes of conduct designed abroad for South African Employment practices

"The idea of guidelines for employers and their employees along which industrial relations and other related matters may be conducted is highly commendable provided that, first, such a code is indigenous and, secondly, it is the result of tripartite co-operation"

The commission believes that fair employment practice legislation should be developed for South Africa

at or job reservation. Mr. Botha said that the Government had accepted the recommendation that the remaining five determinations should be phased out in consultation with the parties concerned.

The Government was of the opinion that the protection of workers in their employment in a modern South Africa should be conducted by new and internationally accepted methods.

The Government also accepts the commission's recommendation on the establishment of a new industrial court under the presidency of a senior lawyer with powers, including judicial powers, to adjudicate in and settle disputes and matters arising from the relationship between employers and their employees.

Court

The Government, the Minister said, was of the opinion that this court could play an important role, not only in protecting people but also creatively, particularly in the development of fair employment practices and guidelines for South Africa.

The recommendation that the Department of Labour's name should be changed was accepted and in future it will be known as the Department of Manpower Development.

This name was not only modern, but was also indicative of the new and more encompassing role which the department would have to play in the new dispensation.

Manpower

A national manpower commission will be appointed as a permanent body consisting of knowledgeable representatives from the department, employers and employees.

It will continually survey labour practice and the legislation and will advise the Government on policy matter and necessary modifications to the system.

To Page 3, Col 5

Job bars

to go — *Continued*
Minister

▶ From page 1

Referring to the concept of freedom of association, the Minister said the manpower commission would play an important role in this regard and will advise the Government on the method and rate of the implementation of the principle.

As regards the other recommendations of the report, the Minister said the Government also accepted them in principle but he stressed that it believed that many of these would have to be implemented with caution and care either in the short, medium or long term.

In all or most of these cases the Government would rely heavily on the advice it would receive on such matters.

By the acceptance of these principles, the Government had launched a new dispensation in the labour history of South Africa, the most important characteristics being those of dynamism, development and progress, he said.

● See also Page 21.

Main. Wiehahn recommendations accepted Minister confirms: Job bars to go

See 2/5/79

166

Political Correspondent

Cape Town

The Government has accepted all the main recommendations of the Wiehahn Commission on labour legislation, including the final scrapping of job reservation, the Minister of Labour, Mr S P Botha, announced this afternoon.

Although the Minister did not say so directly, it is understood the Government is also prepared to accept the recommendation that black trade unions should be officially recognised.

Today's announcement followed a meeting this morning of the National Party's Labour Study Group where the attitude of the Government to the far-reaching recommendations of the commission, which will change South Africa's whole labour structure, was finally hammered out.

One of the most important aspects of the Minister's announcement was that the Government accepts the commission's recommendation that the concept of freedom of association should be extended for all in the South African economy.

Unions

Although he did not make it clear in his statement, it appears as if black trade unions can be accommodated under this.

BY GEORGE



"See you at the trade union meeting, then."

THE WIEHAHN REPORT

THE ASSEMBLY — Trade unions and individuals should have full freedom of association and be free to join any trade union of their choice, the commission recommends

Trade unions meeting the requirements of registration should be eligible for registration, irrespective of the colour, race or sex of their members, and have full participation in the statutory bargaining, dispute prevention and settlement machinery. Trade unions would also be free to prescribe membership qualifications as they deemed it, whether or not race, colour or sex was a consideration

The report says in its recommendation on industrial relations the underlying principles to all adjustments of South Africa's industrial relations legislation should be

The preservation of industrial peace as a primary objective

The establishment and growth of a unitary and integrated industrial relations system, incorporating both the industrial council and committee systems

The fullest possible expression of the principle of self governance, and

The simultaneous promotion of decentralised consultation at regional and enterprise levels

The report further recommends that as far as the eligibility of persons for election as office bearers or executive members or officials of trade unions are concerned, qualifications and powers of such persons should be determined by the constitution of the trade union concerned

The election and appointments of persons to responsible positions within unions would be kept under surveillance by the national manpower commission

Call for free trade unions

The commission says the premises underlying its recommendations in this regard are that South Africa should seek to establish a unitary industrial relations system, comprising both the industrial council and committee systems and operating under a single statute to be renamed the Industrial Relations Act

The Act would be aimed at providing for the fullest possible expression of the principle of self-governance and promote the practice of decentralised consultation and negotiation at regional and enterprise levels under the jurisdiction of industry-level organisations

The question of eligibility for election to positions of responsibility within trade unions was considered by the commission in the light of the international precept and practice and the evidence submitted to the commission

The commission does not, as a matter of principle, favour state regulation of eligibility for election to such positions since this would not be in harmony with the principle of maximum self-governance by employees' and employers organisations

The factors that had to be taken into account

were

The extent to which an organisation represented its eligible membership within an undertaking, industry, trade or occupation

The degree of organisation existing within these undertakings, industries, trades or occupations and the extent to which the various interest groups or population groups were adequately represented.

Whether or not the organisation was a bona fide union which in composition and objectives was relevant to the legitimate needs of the employer-employee relationship in the undertaking, industry, trade or occupation concerned

The balance of representation of the various population groups within a mixed organisation.

Economic activity and general conditions prevailing within the undertaking, industry, trade or occupation

The viability, financial and otherwise, of the organisation seeking registration

Any other factor which would serve to maintain peace and harmony within the undertaking, industry, trade or occupation represented, and the national interest in general — SAPA

PROF NIC WIEHAHN, chairman of the Wiehahn Commission inquiring into labour legislation. The first part of the commission's report was tabled in the House of Assembly yesterday by the Minister of Labour, Mr Fanie Botha. Prof Wiehahn is Professor of the Institute of Labour Relations at the University of South Africa. He was formerly Professor of Mercantile Law at the University of Port Elizabeth.

Review black training'

FDM 9/5/79 (166)

THERE ARE a number of factors which make it imperative to review the existing policies and practices insofar as the indenturing and training of black apprentices in particular are concerned, the Wiehahn Commission says

The Commission says one is

the existing need for various types of skilled artisans in certain regions and sectors of the South African economy in general, and the danger of serious shortages in the event of a significant upswing in the economy in the near future

Other factors are

- The need for skilled artisans in the black townships in the light of present and expected efforts to improve the quality of life in such townships,

- The present and future needs for skilled artisans in the black states to sustain and promote their economic development

HOUSE OF ASSEMBLY — The commission says it is convinced the principle of job reservation should be abolished and recommends Section 77 of the Industrial Conciliation Act, which enforces job reservation should be repealed.

The commission adds, however, that it is aware of the sensitivities involved in the issue, particularly in the five determinations which had remained until now.

These apply to the municipal services in Cape Town, two in the motor industry and the mining and building industries

Their continued existence, says the report, is due to the reluctance of the trade unions concerned to dispense with them and their summary removal would not only cause dissatisfaction and probably also industrial unrest, but would also be a negation of the tried and tested principle of prior consultation and consensus

"This principle of co-operation with the interested parties should, in the commission's view, be vigorously applied in a process of phasing out the remaining determinations in the shortest possible time.

"In the interim, the determinations should continue to exist by virtue of a substantive provision in the new act "

The report says evidence presented to it strongly emphasised that safeguards to protect the interests of individual workers or groups of workers should no longer be based on colour or sex, but on a different basis such as skill or permanency of residence

The emphasis should, as far as possible, be on individuals rather than groups

The commission saw three possibilities in relation to the question of statutory work reservation

Commission urges: scrap job reservation

The maintenance of the principle in legislation,

The modification of the principle and the statutory provisions, and

Its complete abolition

The commission says the principle itself cannot be justified in present times, despite any validity which it may have had historically

"Neither its maintenance nor its modification could therefore be tenable

"The commission is accordingly convinced that the principle of statutory work reservation should be abolished

"Consequently, Section 77 of the Industrial Conciliation Act, 1956, should be repealed.

"The commission agrees completely with the large number of witnesses who argued that the provision was being applied to such a limited extent that its existence was no longer justified and that its retention did immeasurably more harm than good to the country's interests, both locally and

overseas "

The report says the evidence which the commission associates itself with suggests that the necessary safeguards for the interest of individuals and groups of workers could best be achieved in this way

Consultation between an employer and his employees before any changes in established labour practices are introduced, with recourse by any party who feels aggrieved to an industrial court, which it recommends be established,

A requirement of consensus on these matters within industrial councils,

The adjudication of allegations of unfair dismissals by such an industrial court,

The strict application of the principle of "equal pay for work of equal value,"

The introduction of the payment of relocation allowances to facilitate labour mobility of workers within industry,

Accelerating the introduction of training and retraining schemes in terms of the Industrial Conciliation Act and the possible introduction of similar schemes for other sectors of commercial and industrial

Upgrading semi-skilled workers by means of training and retraining within industry

The development of fair employment practices legislation, and

As a last resort, the restoration or prevention of a disturbance of industrial peace in an undertaking, industry, trade or occupation by ministerial order, by reference to arbitration or by the application of other conciliation machinery

The commission says it is convinced these measures, either individually or in combination, will provide better protection for employees against unfair displacement than the existing measure of statutory work reservation — SAPA

Call to change conditions of black jobless insurance

RDM 2/5/7
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THE Wiehahn Commission has recommended that the Unemployment Insurance Act be amended to eliminate differences between races

It also recommends that consideration be given to revision of other legislative measures outside its terms of reference, but which also provide for separate facilities

The commission's report, tabled in the Assembly yesterday, says the unemployment insurance commissioner submitted a memorandum to the commission with a number of suggestions for amendments to the Act

The suggestions were recommended by the Unemployment Insurance Board, an organisation established in terms of the Act and composed of employ-

ers' and employees' representatives

"Among the various suggestions two are, in the commission's view, of sufficient urgency to merit attention in this part of the report

"They are the principle suggestions which related to the procedure for raising the maximum amount of earnings below which an employee has to make contributions, and the exclusion of black workers earning less than R546 a year from the scope of the Act

"The present method of raising the maximum involves lengthy delays before the recommended new figure becomes applicable

"This often reduces the effectiveness of the amendment,

and a quicker and less cumbersome method should be found

"This could be done by proclamation, which would eliminate the delay occasioned by the introduction of legislation every time the ceiling is raised"

The commission agreed with this submission and recommended accordingly

Insofar as the exclusion relating to black workers is concerned, the commission believes that such differentiation between blacks and members of other population groups — who are not subject to this limitation — is not justified and will recommend that the Act be amended to include black workers on the same basis as other population groups

Repeal of 'toilet law' is urged

CAPE TOWN — The Wichahn Commission has recommended that the section of the Shops and Offices Act, providing for separate facilities for different races, be repealed.

'Dramatic shift' says Opposition

CAPE TOWN — The Wichahn Commission's recommendations represented a dramatic shift from National Party policy, the Opposition's chief spokesman on labour, Dr Alex Boraine, said last night

In a statement to Sapa, Dr Boraine called on the Government to make available the White Paper setting out its response to the commission's recommendations

"I hope the many positive recommendations contained in the report will issue forth into legislation in this session of Parliament"

Dr. Boraine said the burning question was whether or not the Government would accept those recommendations which were far-reaching and ushered in a new era in labour relations

These included trade union rights for Blacks, the scrapping of job reservation and the strict application of the principle "equal pay for work of equal value"

Miller, last night welcomed the recommendations

He welcomed it especially in respect of equal pay for equal responsibility and the phasing out of job reservation

The commission has worked with great insight into the complex nature of South African society.

A Mercury reporter writes that trade union organisers and academics said there were still questions to be answered

According to two spokesmen the questions revolved around the required criteria for the registration of trade unions

Mr Alec Irwin, general secretary of the Federation of South African Trade Unions, comprising 12 unions, registered and unregistered, said their in-

The commission, in its report tabled in the Assembly yesterday, says that the matter be left to the decision of the proprietor, occupier or manager where the provision of facilities for the public is concerned, and to consultation between the employer and the employee parties in other instances

The commission also recommends that insofar as the public is concerned it be left to proprietors, occupiers or managers of premises to determine admission to facilities as they may deem fit

Status quo

Only one of the 14 members of the commission, Mr Arthur Nieuwoudt, submitted a minority recommendation that the status quo be maintained. The report says regulations providing for separate facilities for different sexes, races or classes — to the extent that it is applied — gives rise to various problems, particularly for employers

"In offices, employers and employees appear to be adapting themselves in various ways to the changing pattern of staff composition either by express domestic rules or by tacit agreement

"Taking all the considerations into account the commission is of the opinion that certain mat-

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The New Republic Party's chief spokesman on labour matters, Mr Ron
that response was cautious
• See Page 14

ters with regard to the health and welfare facilities and particularly the sharing of facilities in factories should be left to employers and employees to be regulated at industry level or at enterprise level through the works committee and works council system "

Black unions

CAPE TOWN — Unregistered trade unions for Black workers were becoming a prominent and permanent feature of the industrial relations scene, says the commission

It was clear that these unions were enjoying financial and moral support on a broad front

"The fact that their existence is not prohibited while at the same time they are not registrable and are therefore excluded from the machinery of the Industrial Conciliation Act of 1956, serves as an incentive to foreign labour and political organisations to aid them overtly and covertly

"Other non-labour organisations regard these unions as vehicles for change using them also in matters other than those of a purely labour character," the report says
— (Sapa)

Factorios

The commission has also recommended that Section 51 of the Factories and Machinery and Building Works Act be repealed
Section 51 provides for separate facilities for different races

Open to all, plea

CAPE TOWN — The commission recommends that any person should be eligible for indentureship in the Republic

This should be permitted provided that a person's application complies with the provisions of the Apprenticeship Act 1944, and the prescribed conditions of apprenticeship

Other prescribed conditions for indentureship should be that

The apprenticeship committee, concerned recom-

mended the application

The protection of group interests in regard to the indenturing of apprentices be achieved through the process of negotiation, consultation and consensus between the parties concerned, and

Where possible, public centres established in terms of the Black Employers' In-Service Training Act, 1976, be utilised for the practical and theoretical training of Black apprentices —
(Sapa)

Evidence received by the commission relating to separate facilities at enterprise or plant level for workers of the various race groups, indicated that a number of employers had been moving in the direction of desegregating such facilities on their premises

"While these developments may be an expression of the general desire to move away from discrimination, and have taken place mostly in consultation with the parties concerned, they are sometimes in conflict with existing statutory provisions "

THE ASSEMBLY — The multiracial Wiehahn Commission has recommended that black trade unions be registered because they have become part of the fabric of South Africa's industrial life — a position which "can only become further entrenched"

This proposal, if accepted by the government, will reverse its trade union policies adopted when it came to power in 1948 and will bring black trade unions under legal restraints for the first time.

The commission said in its report that black trade unions were not subject to "the protective and stabilising elements of the system" which applied to registered trade unions.

Nor were these unions under any obligation to account for their income and expenditure as were registered unions, it said.

The commission opposed an outright ban on foreign financial aid to unions in South Africa.

It pointed out that in one year black unions received more than R300 000 and in June last year two black trade union federations received R77 000 from overseas.

But the commission felt the right to register "would encourage and enable black unions to generate their finances from their own sources."

While its recommendation would bring the black unions within the scope of the Industrial Conciliation Act, the commission also recognised the position these unions had won for

Register black unions call

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themselves

Evidence submitted to it showed a number of companies had recognised black unions and negotiated with them. Most of these companies were foreign but the practice was "increasing apace."

There was evidence also that black unions were receiving increasing support from "certain locally registered trade unions white, coloured and mixed."

It had been brought to the commission's notice that "certain registered trade unions are being urged from overseas (and are in fact considering the possibility) to terminate their registration under the Industrial Conciliation Act, 1956, with a view to opening their ranks to black workers or joining forces with existing black trade unions."

The commission also said that if black trade unions were not registered — "and therefore being outside the statutory industrial relations system" — it could bring extreme stress to bear on the existing statutory system, a

development which could pose a grave danger to industrial pace

It also came to the conclusion that the present process was creating, by precedent, an informal system which could in the long run be impossible to dismantle or restructure.

"It is abundantly clear to the commission that black trade unions have become part of the fabric of South Africa's industrial life and that their strength and position of influence can only become further entrenched.

"Obviously they can no longer be ignored — the commission therefore cannot recommend the maintenance of the status quo."

Black trade unions, although unregistered, enjoyed full freedom of law.

"A prohibition would undoubtedly have the effect of driving black trade unionism underground and uniting black workers not only against the authorities but, more important, also against the system of free enterprise in South Africa." — PC

At last—a fair deal for everyone

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THE Wiehahn Commission's report is a reasonable and a realistic document—even if it is twenty years overdue. It has lived up to most expectations and, if the Government accepts its recommendations, will have a far-reaching, positive effect on labour relations. For practical purposes, the commission has eliminated job reservation, one of the most racist pieces of legislation on the South African statute books. It calls for an integrated trade union system for all races, equal pay for equal work and a dramatic improvement in training facilities.

Over the years job reservation has slowly been whittled away until its practical effects have been minimal. But its elimination from the statute book will do a world of good, even if certain existing determinations remain in force until they are slowly phased out. Much more important is the call for a unitary trade union movement. This will not be without its problems because there are a number of areas in which multi-racial trade unions will not be acceptable. Some exclusive and aggressive black trade unions may begin throwing their weight around. However, the trade unions, black and white, multi-

racial and uniracial, moderate and militant, will have to work within the framework of South Africa's existing industrial conciliation system which, except for its present exclusion of blacks, is recognised as one of the best in the world. Pressures, even disruptive and potentially dangerous pressures, there will certainly be. But they will be pressures within the system, encouraging change by negotiation rather than violence, and thus to be welcomed in place of the far more dangerous pressures outside the system.

It seems that the Government is committed to accepting the major recommendations of the Wiehahn Commission. We hope the huge majority ruling party will not allow a few extremists to water down the proposed manpower reforms. Apart from the deleterious effect a pull-back would have on an expectant labour force, such action would bode ill for the even more important changes which the Riekert Commission may recommend—changes in influx control, black housing policy and black security.

The Wiehahn Commission report signals a move forward. It is now up to the Government to provide the momentum.

Prisoners' Court

Prisoners' Court

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CAPE TOWN — Dramatic changes to South Africa's labour laws, in- cluding the scrapp- ing of job reser- vation, have been recommended by the multi-racial Wie- hahn Commission.

In its first report, tabled in Parliament yesterday, the commission called for registration of black trade unions, removal of racial distinctions in the Unemployment Insurance Act and removal of laws enforcing segregation in shops and factories.

These findings were welcomed by the Opposition labour spokesmen.

Dr Alex Boraine said the proposals were "a dramatic shift from National Party policy" and Mr Ron Miller said the commission had worked "with great insight".

Both MPs urged the

government to take action immediately, and Mr Miller said the Minister of Labour, Mr Fanie Botha, should not raise the hopes of the people of South Africa and then not implement the proposals as the government had done with the Theron Commission into the position of Coloured people.

In its report, the commission

- Called for job reservation to be abolished because "in practice it has been and still is immensely injurious to sound race relations in South Africa."
- Recommended that black trade unions be registered for the first time, having accepted that as part of the fabric of South Africa's industrial life their position of influence "can only become further entrenched."

- Proposed the abolition of legislated apartheid in factories because it believed there should be minimal state intervention "in what are

- Urged that the law providing for separation in shops between different races, sexes or classes be repealed and the matter be left to the decision of the proprietor, occupier or manager.
- Said the differentiation between races in the

From BARRY STREEK

to the Supreme Court, to replace the Industrial Tribunal

- Proposed that any person, regardless of race, be eligible to be indentured as an apprentice.

The commission also wanted the Department of Labour's name changed to the Department of Man-

Report in full, page 6

Unemployment Insurance Act was not justified and recommended that the Act be amended to include black workers on the same basis as other population groups

- Called for the establish-

will result in far-reaching changes in South Africa's labour situation

The first indication of the government's response to the report could come this afternoon when the Minister of Labour, the man who lost the Transvaal leadership race in the National Party to Di Andries Treurnicht, faces a press conference.

The commission's emphasis on free choice and free association as well as its acceptance of the power and influence of unregistered black unions is likely to provoke a right-wing backlash.

The conservative viewpoint was underlined in the report itself by the dissent views of one of its commissioners, Mr Attie Nieuwoudt, president of the South African Confederation of Labour, who submitted a number of minority reports. Echoing the verkrampte

views of the Mine Workers' Union which called its members out on strike earlier this year against the scrapping of job reservation, Mr Nieuwoudt said: "The admission of blacks to registered trade unions will result in their being swamped, with concomitant erosion of the vested rights of other groups who at present enjoy registered-trade union rights."

It is conceivable that Mr Nieuwoudt's lone stand will be seized upon by the Nationalist right-wing as a possible election weapon to restrain the Prime Minister from allowing too many drastic changes.

But it is unlikely that Mr P W Botha, who has followed a pragmatic line of racial issues since taking office, will deviate significantly from the course that has been decided already by the Cabinet.

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Open unions to migrants call

From BARRY STREEK

THE ASSEMBLY — The Wiehahn Commission has recommended that migrant workers from both self-governing States, like the Ciskei, and from independent countries, like Transkei, be allowed to join trade unions in South Africa.

It had considered whether migrant and commuter workers were a threat to security inside South Africa and potentially a danger to the stability of the trade union movement, but it rejected this view.

"The commission does not believe these fears to be realistic and feels itself unable to compromise its credibility for the sake of circumventing what may be a sensitive and emotional issue," it said.

However, five commissioners tabled a minority report in which they said the role of migrants and "frontier commuters" should rather be pursued through negotiation and consultation with neighbouring states.

The majority of the commissioners rejected this view and argued that the involvement of foreign governments in labour affairs inside South Africa "would have the effect of thrusting governments virtually into the role of trade unions".

The commission added: "This would be in total conflict with the accepted principles of minimal state involvement in the employer - employee relationship and maximal self-governance by the parties".

Barring migrants and commuters from trade unions would also revoke a freedom that already ex-

isted because at present "all black workers are free to join unions, whether they be migrants, commuters or permanent residents".

The commission pointed out there were differences of opinions among the leaders of black states on the desirability of trade unions. Some of them were opposed to the idea while others were strongly in favour. This could mean that some labour agreements with South Africa could permit membership while others not, but the commission felt the Republic should have the power to decide.

"It also considered whether or not to phase in the membership of migrants and commuters into trade unions but it rejected this view.

Another problem was whether minority groups in a union would be "swamped" by members of another group.

Evidence presented overwhelmingly supported the view that membership should be decided primarily by the unions themselves and "the principle should be accepted that this choice cannot be dictated by the state or the employer".

It therefore recommended that unions and individuals should have the "full freedom of association" so that individuals could join any union of their choice and that unions should be free to admit or bar anyone "whether or not race, colour or sex is a consideration".

There was no dispute in commission, except for one member, about the desirability of membership of unions by black people permanently resident inside South Africa.

JOHANNESBURG — Commerce and industry and a large section of the trade union movement has welcomed the recommendations in the Wiehahn Commission's first interim report.

The director of the African National Chamber of Commerce, Mr M. M. Mabuza, said on the face of it, it appeared that if the Government accepted the recommendations all barriers to advancement which had stood in the way of blacks would be removed.

The lack of advancement opportunities was a major frustration among blacks and if the Government acted on the recommendations they would be able to make a far greater contribution to the economy.

Black industrial workers by far outnumbered and Indian workers and the recommendations could go a long way to ensuring labour peace and stability.

"This is something which has been a long time in coming. The proposals may look drastic to the Government from our point of view they merely recommend rights the black workers should always have had," Mr Mabuza said.

The head of the Graduate School of Business Administration at the University of the Witwatersrand, Prof Jake Jacobs, said: "This is a great chance for the Government to make good a quarter of a century of lost opportunities."

The recommendations cleared the way for a completely new approach in labour relations.

"This is what the outside world had hoped for — equality in the labour field. The Government must grasp this opportunity with both hands by an unqualified acceptance of the major recommendations."

The senior vice-president of the Trade Union Council of South Africa, Mr Andre Matherbe, said: "Jusca has been fighting for 25 years for the changes recommended by the commission."

Some questions need answers say academics

"If you preclude a section of workers, especially the largest section, from the industrial process then you lay the foundations for subversion and unrest."

Mr Matherbe said he hoped the changes — "if indeed they are accepted by the Government" — had not come too late to avoid industrial unrest among black workers with the disturbing possibility that that unrest could rub off onto Coloured and Indian workers.

The chief economist of the Economic Research Bureau at Stellenbosch University, Mr W. Kilham, said: "Of course the recommendations are to be welcomed."

But he cautioned, they must not be looked on as a panacea for all the country's potential labour troubles.

"We must not be too sanguine about labour relations. There could be opposition from the lower levels of white labour — from those people who possibly quite naturally feel their position on the labour market is threatened."

Other trade union organisers and academics said there were still questions to be answered following the tabling of the report.

According to two spokesmen, questions hang over the required criteria for the registration of trade unions.

Mr Alec Irwin, general secretary of the Federation of South African Trade Unions, comprising 12 unions, registered and un-registered, said their initial response was curious.

He said obviously contemplated amendments to labour legislation would be important in determining conditions under which existing un-registered unions would achieve recognition.

Prof Lawrence Schlemmer, head of the Centre for Applied Social Sciences at the University of Natal said: "It is a very fine statement of principle, but the question arises, what will be the criteria for the registration of unions?"

"Also, what will be the standards for the future of present unregistered trade unions would be determined by the answers to those questions."

Prof Schlemmer said while the report, published suspiciously on International Labour Day, has drawn largely favourable reaction from commerce and industry, as well as black trade unionists, one dissenting voice among several experts is that of Mr Attie Neuwoudt of the grant Confederation of Labour in South Africa, a minority member of the 14-man commission.

"I would like to warn the Minister of Labour to be very careful before he decides to take the rights away from our white labour organisations in South Africa," Mr Neuwoudt said.

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DA

commission. This will be a very valuable instrument for South Africa to do its forward planning. This is going to be very important in the years ahead.

"The second aspect will be the fact that our apprenticeship is now going to be thrown open to all races. If South Africa wants to grow in the years ahead and up to the year 2000 we're going to have to harness the total human resources of South Africa. Apprenticeship is a key instrument in trying to do that."

"The third aspect is that the black trade unions are going to be brought fully into the collective bargaining process. All this, I think adds up to a very positive picture on the labour relations front in South Africa in the years ahead," Mr Parsons said.

Mr Jack van Wyk, president of the Afrikaanse Handelssentrum, said a point of major importance to the public and to labour in the report was job reservation, "which is a statutory fact, but a practical fiction."

The fact that job reservation was "now off our back" as far as overseas was concerned was a good thing, Mr Van Wyk said.

Although the Minister of Labour has promised legislative action within the month on some of the recommendations, he has given no indication of how many will be accepted by the Government.

Labour policy is also certain to be affected by the report of the parallel Rieker Commission into manpower utilisation, presented to the then Prime Minister, Mr Vorster, last September, and speculation that it could serve to temper the more controversial recommendations of the Wiehahn Commission. — SAPA/DDC

WIEHAHN REPORT

External pressures can't be ignored

THE ASSEMBLY — It would be naive to deny the fact or ignore the effect of international attempts to influence labour and other policies in South Africa, the commission says.

It adds that despite constant reminders from many quarters regarding critical foreign opinion and external pressures being exerted against South Africa, the commission can certainly not be influenced from sources emanating from South Africa's borders.

"The commission's recommendations must be made in the interests of South Africa and its people and not to suit foreign countries or organisations."

"On the other hand, it would be naive to deny the fact or ignore the effect of international attempts to influence labour and other policies in South Africa."

"The presence of subsidiaries of multinational enterprises within in a country's borders creates a conduit through which strong influences and pressures can be exerted on that country's policies and practices."

"South Africa is no exception and the persistent

growth of multinational influence, particularly in the field of labour, is bound to lead to a peculiar proliferation in our labour system — alien labour practices of multinational enterprises (developing from the different foreign labour codes of conduct) being pursued, alongside local practices," the report says.

The commission says the simultaneous existence of a foreign and a local system within the same economy could create extreme stresses within the industrial relations system — a development which is taking place already.

"Any changes in labour patterns and practices must, therefore, be kept within a South African context."

"The commission is aware that while the State can readily withstand and

curb foreign pressures and influences, this is much more difficult for subsidiaries of multinational enterprises."

Recent developments in South Africa clearly indicated an increasing interdependence of the labour, business and political interests in the country.

"It is a truism that the social dimensions of industrial relations have waxed to the extent that they at present include many more disciplines than before."

"In practice this means that steps or measures taken in the field of labour must have consequences either directly or indirectly in the fields of commerce, politics and many others."

"Recommendations made by the commission, therefore, have to take into account the fact that their influence would extend to areas outside the ambit of purely labour issues," the commission says. — SAPA.

Make all eligible call

HOUSE OF ASSEMBLY — The commission has recommended that anybody should be eligible for indenture in South Africa.

The commission says this should be allowed, provided a person's

South African economy in general, and the danger of serious shortages in the event of a significant upswing in the economy in the near future.

Other factors were the need for skilled artisans in black townships in the light of present and expected efforts to improve the quality of life in such townships.

And the limited number of artisans in black townships who are qualified to train black apprentices in various trades in these townships. — SAPA.

Review call on black apries

HOUSE OF ASSEMBLY — There are a number of factors which make it imperative to review the existing policies and practices as far as indenturing and training black apprentices in particular are concerned, the commission said.

One was the existing need for various types of skilled artisans in certain regions and sectors of the

The present and future needs for skilled artisans in black states to sustain and promote the economic development of these states.

Where possible, public centres established in terms of the 1976 Black Employment Act be used for training and theoretical and practical training of black apprentices. — SAPA.

Industrial training urged

THE ASSEMBLY — The commission has recommended the State encourage and facilitate the industrial relations training of employees by registered trade union federations.

The Commission recommends that in addition to registered trade union federations, industrial relations training should also be undertaken by employers and registered employers' organisations and their federations, industrial councils, works committees and works councils in these ways.

Forming broad guidelines for such training.

By ongoing research into industrial relations training in South Africa and in other parts of the world by the national manpower commission and disseminating information in this regard.

And by expanding adult education programmes to improve the functional competence level of employees, particularly in regards to literacy and numeracy as a prerequisite for the effectiveness of industrial relations training. — SAPA.

Black unions a fact

HOUSE OF ASSEMBLY — Unregistered trade unions for black workers were becoming a prominent and permanent feature of the industrial relations scene, the commission found.

The commission says it is clear from the evidence that these unions are enjoying financial and moral support on a broad front.

"The fact that their existence is not prohibited, while at the same time they cannot register and are therefore excluded from the machinery of the Industrial Conciliation Act, serves as an incentive to foreign labour and to political organisations to aid them overtly and covertly."

"Added to this is the fact that other non-labour organisations regard these unions as vehicles for change, using them also in matters other than those of a purely labour character," the report says. — SAPA.

Wiehahn report 'accepted'

By GORDON KLING 3/5/79

THE government yesterday claimed to have accepted in principle all recommendations of the Wiehahn Commission on labour legislation, but with evident concern for conservative influences it refused to give an indication of a timetable for implementation of major proposals, and side-stepped other issues.

The Minister of Labour, Mr S P Botha, told a press conference in Cape Town that acceptance of the principles meant the government had launched a whole new dispensation in the labour history of South Africa, but it became apparent that only a cautious declaration of intent applied to several key areas.

Professor Nick Wiehahn, who headed the commission, sat at Mr Botha's right hand throughout the conference but refused to answer questions.

Mr Botha said legislation permitting registered black trade unions was now being prepared. But in a significant departure from the commission's recommendations and in apparent contradiction with the avowed acceptance of the principle of freedom of association, he made it clear that registration in terms of the labour laws was not intended to be extended to mixed unions for the time being.

A reliable source in the Department of Labour last night told the Cape Times that concern over a conservative backlash had prompted the government to tread very warily on this matter.

In what could be regarded as another rejection of the commission's proposals although possibly only in the short term, Mr Botha maintained it was not currently necessary to repeal sections of the Shops and Offices Act and the Factories and Building Work Act which demand separate facilities for workers. He also poured cold water on the commission's plea for migrant workers to be allowed registered union rights, and said this was not anticipated in the short or long term.

The minister accepted the commission's recommendation for a change of his department's name, and said it had been decided to call it the

Department of Manpower Development. A new industrial

court would be established to deal with matters arising from the relationship between employers and employees.

The recommendation that a permanent national manpower commission be appointed was also accepted. The new body comprising representatives from the department, employers and employees, would have the task of surveying labour practice and legislation, and would advise the government on policy.

The principle of the removal of statutory job reservation from the law books was accepted, but even the commission's recommendations make provision for at least the short-term retention of the existing five determinations.

Regarding the vast body of other recommendations Mr Botha said these had been accepted in principle, "but as the commission states in its reports, and with which the government agrees, many of these recommendations will have to be implemented with caution and care in either the short, medium, or long term".

"You must appreciate that by the acceptance of these principles the government has launched a new dispensation in the labour history of South Africa, the most important characteristic of which is that of dynamism, development and progress."

Mr Botha said industrial relations on the mines, recently racked by illegal strikes in support of job reservation, were particularly sensitive and this situation would be the subject of further recommendations in subsequent reports of the commission.

But he had sufficient trust that the changes envisaged were correct in the first legislative moves and therefore felt confident that they would carry the majority of workers. He believed any major objections from unions could be resolved through negotiation.

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Union man criticizes report 166

THE REPORT of the Wiehahn Commission was the greatest embarrassment and slap in the face ever administered to the white trade unions the chief secretary of the SA Iron, Steel and Allied Industries Union, Mr Wessel Burman said in a statement yesterday

It always said and warned that racial friction must be

avoided at all costs, but apparently this is not applicable as far as the white workers are concerned,' the statement said

'The publicity given to this report cannot be regarded as anything but shocking and provocative Fortunately it is not yet law and we can only hope that the minister con-

cerned and the government will use their discretion and honour their responsibility to the workers who built the country

'We also look forward to the white paper of the government which will hopefully be issued in this regard In my opinion the report advocates total labour integration which

in turn amounts to social integration of all the races

'If this report is accepted as it stands, which we hope will not happen, and the labour peace which has existed for many years should disappear then, the fault should not be laid at the door of the white workers and their trade unions' the statement said

Labour leader warns govt on unrest over jobs

By NEWLLE FRANSMAN 3/5/79.

IF LABOUR unrest occurred in South Africa the responsibility would rest squarely on the shoulders of the Minister of Labour, Mr Fanie Botha.

This was the warning given last night by Mr Attie Nieuwoudt, chairman of the Confederation of Labour, following the press conference announcement by Mr Botha that the government had accepted in principle all the main recommendations of the Wiehahn Commission.

Following this warning Mr Botha faces one of the toughest tasks of his career when he meets the right-wing Confederation of Labour in Pretoria tomorrow to discuss the recommendations of the Wiehahn Commission.

Mr Nieuwoudt, speaking from his Pretoria office yesterday, said "The Minister had promised that he would consult with organized labour before changing the labour laws of this country. In fact,

the minister had promised us this in writing as there was great concern and anxiety among white workers, not knowing what to expect.

Now the minister has gone ahead and announced that the government has accepted the main recommendations of the Wiehahn Commission including the principle of scrapping job reservation, without having consulted us first.

I therefore want to give a serious warning to the Minister of Labour that if there is labour unrest in this country — and this is possible — the responsibility will rest squarely on the shoulders of the minister."

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From page 1

Mr Nieuwoudt, who is also a member of the Wiehahn Commission was the only member to oppose, in a minority report all the radical changes proposed and tabled in Parliament this week. Yesterday he reiterated his stand on the commission.

From Pretoria our correspondent reports that Mr Nieuwoudt had said earlier yesterday that if a referendum were held there would be an overwhelming support for maintaining the status quo.

The changes are too drastic. They could have a backlash. If the government accepts them overnight the whole pattern of our labour system will change. We are not ready for that yet.

The white worker, he said, should not be exposed to a situation where his way of life and standards of living were threatened and protective legislation should remain on the statute book. Whites, he claimed, had worked and suffered for the privileges they now enjoyed and it would be morally wrong summarily to destroy these with one blow.

"I don't want to be an alarmist but to be realistic to face the facts and strong opposition must be expected if the government accepts these revolutionary proposals," Mr Nieuwoudt said.

Mr Arrie Paulus, general secretary of the Mineworkers Union and recently involved in an unsuccessful strike which had its beginnings in white miners' objections against coloured mineworkers, said from his Johannesburg office yesterday that he would always be opposed to the scrapping of job reservation.

He said "Job reservation is not there to protect white workers but to protect the minority against the majority."

Meanwhile Professor Willem Kleynhans, head of the Department of Political Science at the University of South Africa (Unisa), said in an interview yesterday that the Wiehahn report had confronted the government "with its most harrowing decision in 31 years of office."

He said "When the National Party was launched in 1934 one of its major platforms was job reservation to protect white workers from non-white intrusion and to attract the white vote. This was one of the most attractive aspects of the party's policies."

"If the government has now genuinely accepted the recommendations of the Wiehahn Commission and not introduced through the back door under different names measures which have the same effect as laws such as job reservation, it will mean that this is the first major verligte measure since Mr Vorster became prime minister. All the other changes have been cosmetic and nonsensical."

● The United States Government yesterday welcomed the report.

State Department spokesman, Mr Hodding Carter, said in Washington the Carter administration had not seen the full report but it welcomed any lessening of restrictions over the rights of various people in South Africa in the labour field.

The lifting of any restrictions based on race was also welcomed.

TWO SETBACKS for Willie Tharm

rdm
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By HELEN ZILLE and RIAAN DE VILLIERS
THE Government yesterday cautiously accepted major labour reforms in the teeth of growing white union resistance to the Wiehahn Commission's report calling for an end to job discrimination.

But while accepting in principle the right of blacks to form unions, the Government had a shock for hundreds of thousands of migrant workers as it shelved a decision on their position. It also moved cautiously on the issue of mixed unions as the Minister of Labour, Mr. Fanie Botha, prepared for his confrontation with fighting white unions in Pretoria on Friday.

Iron Lady vs Gentle Jim

... and Maggie hopes for a convincing win

Own Correspondent

LONDON — Mrs Margaret Thatcher's Conservative Party was confident last night that it was running ahead of the Labour Party and that, barring upsets, it would win today's general election by a reasonable majority. Privately, Conservative Party leaders are worried that an upset will occur — that a silent Liberal revival has been taking place in Britain, and that this will draw support away from Conservative candidates.

If that happens, Britain will have another "hung" Parliament — in which neither the Conservatives nor Labour will have a working majority, and Mr David Steel's Liberal Party will step in and hold the balance of power.

This is what Mr Steel is hoping for and he is already playing hard to get. He has said he will not go scurrying to London to discuss Lib-Lab or Lib-Con pacts if the election results are inconclusive.

Another Liberal leader, Mr John Pardoe, has said the Lib-Lab pact should not enter into a parliamentary pact until the Lib-Lab pact is not entered into by the Lib-Lab pact.

James Callaghan yesterday's picture

Dr. H. P. ...

President, the Director attorney that a group ...

EDITORIAL OPINION

Positive labour plan

In what is undoubtedly the most significant development in South African labour affairs during the 31 years the National Party has ruled this country, the Wiehahn Commission has presented highly positive recommendations. We unreservedly congratulate Professor Nic Wiehahn and his team of 13 commissioners — the dissenters excepted

The Minister of Labour's announcement that the plan has been accepted by the government is exciting. His decision to go ahead immediately with part of the proposals shows that it will not mark time on this plan as it did with the Erika Theron Commission which reported on matters relating to the Coloured population in 1976

Our euphoria and the euphoria of commerce and industry and the thinking public in general is tempered only by the intransigence already being shown by Mr Attie Nieuwoudt, leader of the powerful ultra-Right wing Confederation of Labour

Prof Wiehahn anticipated that kind of intransigence. He noted in his report. "The commission is aware that a new dispensation or major changes are open to abuse or exploitation by those who are filled with zeal and are often well-meaning, but who lack understanding, or those

with mischievous intent."

Even more pertinent was this comment from the chairman of the commission: "It is the considered opinion of this commission that if changes are introduced with the necessary caution and circumspection, opposition will be minimised."

Mr Fanie Botha is wisely responding to this note of caution

By ignoring the Attie Nieuwoudts of South African labour relations through acting on the Wiehahn recommendations, the government is providing the biggest economical shot in the arm South African industry has had in a long time. At the same time it will effectively spike the guns of many of South Africa's most vociferous critics overseas.

The recommendations could transform the country's growth potential and ensure industrial peace and stability. That is highly desirable in a country which, under present conditions, has a disturbingly high potential for labour unrest, particularly among the blacks.

The Government must not ignore the strong undercurrent of unrest among black workers and the threat to industrial peace this constitutes. The Wiehahn report has provided the Government with the means to avoid such a confrontation

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3/5/74 DD

There'll be a backlash warns union

PRETORIA — The conservative wing of the South African trade union movement was seriously disturbed at the majority recommendations in the Wiehahn Commission report, the president of the 220 000-strong South African Confederation of labour Mr Attie Nieuwoudt, said here yesterday

Mr Nieuwoudt, a member of the commission and who filed a dissident minority report, estimated that a majority of the country's white trade union members would reject what had been termed the commission's key recommendations.

"We believe that if a referendum were held there would be an overwhelming support for

maintaining the status quo

When he opposed recommendations allowing blacks to join trade unions, the registration of black trade unions, the scrapping of job reservation, allowing blacks to be indentured as apprentices in white areas, and the repeal of legislation enforcing separate facilities in factories, shops and offices, he was speaking on behalf of the majority of white workers

"The changes are too drastic They could have a backlash If the government accepts them overnight the whole pattern of our labour system will change. We are not ready for that yet"

He said the white

worker should not be exposed to a situation where way of life and standards of living were threatened Protective legislation should remain on the statute book

Whites had worked and suffered for the privileges they now enjoyed and it would be morally wrong summarily to destroy these with one blow

"I don't want to be an alarmist, but to be realistic, to face the facts, strong opposition must be expected if the government accepts these revolutionary proposals," Mr Nieuwoudt said

The secretary of the South African Iron, Steel and Allied Industries Union, Mr W Borman, said the report was the greatest embarrassment

and slap in the face to white trade unions and white workers in the history of South Africa

"It is always said and warned that racial friction must be avoided at all costs, but apparently this is not applicable as far as the white workers are concerned," he said

"The publicity given to this report cannot be regarded as anything but shocking and provocative Fortunately, it is not yet law and we can only hope that the Minister concerned and the government will use their discretion and honour their responsibility to the workers who built the country

"We will also look forward to the white paper of the government which will hopefully be

issued in this regard," he said

He said the report advocated total labour integration, which in turn amounted to social integration of all the races

"If this is accepted by the government, one wonders how long it will take before other legislation very near and dear to the heart of the whites will also disappear

"If this report is accepted as it stands, which we hope will not happen and the labour peace which has existed for many years should disappear, then the fault should not be laid at the door of the white workers and their trade unions

— SAPA.

White unions may unite against report

By Sieg Hannig, Labour Reporter

A leading white trade unionist's condemnation of the Wiehahn Commission's recommendations as "a slap in the face for the white trade unions" has united two warring factions within the 200 000-strong Confederation of Labour against the recommendations.

Now hopes for voices in favour of the recommendations from within this all-white organisation rest mainly on the 60 000-strong group of Railway trade unionists

The "slap in the face" came from Mr Wessel Bornman, general secretary of the biggest metal trade union, which came into conflict with the ultra-conservative Mineworkers' Union over its acceptance of non racial employment security in the metal industry.

The Mineworkers' Union, which has been fiercely opposed to trade union rights for blacks and the removal of job reservation, has yet to comment on the recommendations.

PROBLEMS

The attitude of the Railway unions — which have admitted more than 20 000 blacks into jobs previously held by whites — is unclear so far.

Mr Johann Benade, a leading Railway unionist, said merely that "while business leaders are hailing the recommendations from the rooftops, this has landed us with shocking domestic problems."

Observers hoped that the Railway unionists might still sway the tide of anti-Wiehahn sentiment within the confederation — or precipitate a split in confederation's ranks

But there is also hope that Mr Bornman's bark is worse than his bite

NOT STUDIED

He described the Wiehahn Report as "the biggest embarrassment and slap in the face to white trade unions and white workers inflicted on them in the country's history"

However, he admitted

Many will
be affected
by decision
on migrants

By Sieg Hannig
Labour Reporter

The Government's decision to exclude black migrant workers from trade union membership and to confine this right to permanent residents affects a large proportion of the labour force

It is in conflict with international labour standards although "only one country, Sweden, appears to have succeeded in achieving a level of organisation among migrants," according to the Wiehahn Commission

But, the commission pointed out in its report, "migrants are unlikely to participate in trade union activities on a significant scale" in any event.

That is why the commission felt there was no significant advantage to be gained from excluding migrants, although it left room for considerations of practical politics.

"In many industries the bulk of the work force comprises migrants," the commission pointed out.

It said estimates based on the 1970 population census suggested that male migrants in 1970 exceeded 1.3-million

The observation of international standards regarding migrants "and their integration into trade unionism still presented problems in many parts of the world, the commission said

New job
laws 'the
real test'

CAPE TOWN — The Government had cleared the way for an end to discrimination in the economic field by accepting the Wiehahn Commission proposals, Opposition spokesmen said today

But the real test of the Government's intentions would come only when legislation detailing the proposed changes was put before Parliament

Government sources said reaction from overseas labour people had been favourable. The Government mounted a special campaign to give the Wiehahn recommendations and the government's acceptance of them wide publicity overseas.

The PFP spokesman on Labour, Dr Alex Boraine, said today a White paper had to be published and legislation had to be introduced before the world knew whether the Government was serious

He was however delighted that the principles had been accepted.

The NRP spokesman on labour, Mr Ron Miller, said the decision was highly acceptable to commerce and industry and would create inter-racial goodwill

The Minister had made a commitment which would make it extremely difficult not to go ahead with legislation, Mr Miller said

today - that he had not studied, in detail, the safeguards for employment security which the Wiehahn Commission recommended as well

This could leave scope for the Minister of Labour, Mr Fanie Botha, to win some support for the Government's point of view at his meeting with confederation leaders in Pretoria tomorrow

'Full rights' for black trade unions

Argus 3/5/79

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Political Staff

REGISTERED black trade unions would get all the rights now enjoyed by white unions including the right to strike, the Minister of Labour, Mr S P Botha, said yesterday.

Addressing a Press conference at which he announced the Government's acceptance in principle of all the recommendations of the Wiehahn Commission, Mr Botha said there would be no difference between the rights of black and white unions.

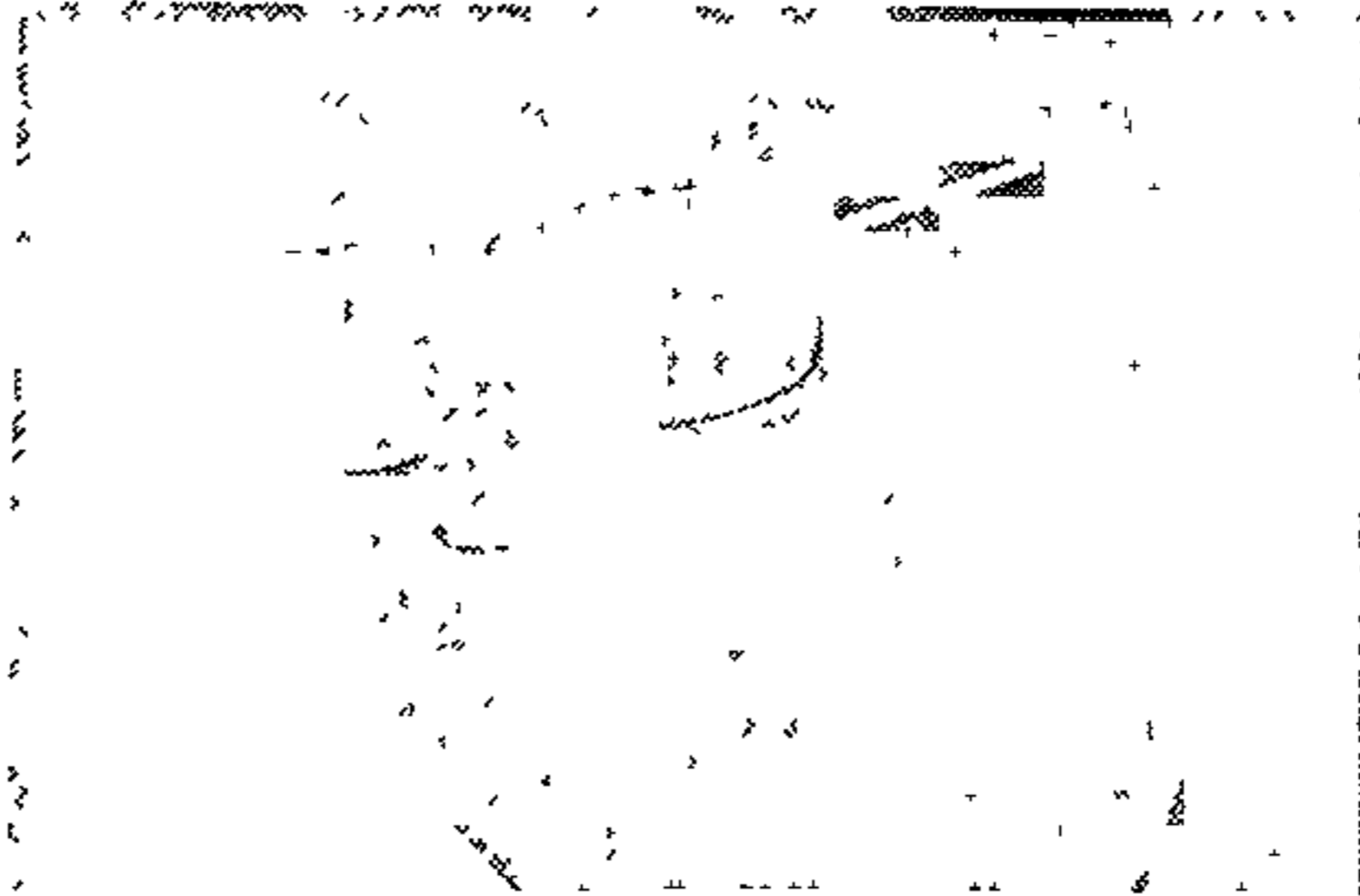
The Government had accepted the commission's recommendation that the concept of freedom of association in unions be extended to all workers in the South African economy.

Migrants

The Minister qualified this under questioning by saying that labour rights were not being extended to migrant labourers from neighbouring States.

Union rights were intended for blacks with permanent residence and permanent jobs such as the 'Soweto people'.

This formula could however be changed in



MR S P Botha — How many weeks?

the future to extend labour rights to migrant workers. The manpower commission which would be created in response to the Wiehahn report would go into the matter thoroughly and the Government may have a change of mind.

Asked about fears of political disruption and strikes by black unions, the Minister said the principle of prohibition of political involvement by unions would be extended by legislation to the black unions.

Unlawful

'One would not want to see the abuse of labour organisations for political purposes. We will enact legislation making it un-

lawful for black unions to move on to the political scene,' he said.

The Government would be in a position to guide and consult unions in their problems and he could not see the Government being put in a position that it could not contain problems.

No powers

On the contrary it would be much more difficult to contain matters if there were unregistered unions which would be more free to abuse their position and move into politics.

Unregistered unions would not be outlawed. But unions that were not registered would have no powers because they

would not have the benefit of the law.

Asked how long it would take to phase out job reservation, whether it would be a matter of years, the Minister replied: 'I would have thought you would have asked me how many weeks'.

Mr Botha said the Government would retain the present closed shop agreements but there would be an embargo on the extension of agreements. He would leave it to the manpower commission to determine what the future position should be.

Accepted

In his announcement the Minister said the Department of Labour would be renamed the Department of Manpower Development and the Government accepted that:

- A permanent national manpower commission be set up,
- The principle of freedom of association be applied in labour unions;
- Job reservation be removed from the statute book,
- That protection of workers be conducted by new and internationally accepted methods; and
- An industrial court be set up.

Talks with unions soon

Political Staff

THE Minister of Labour, Mr Fanie Botha, is fully confident of getting labour unions' support for the Wiehahn recommendations which the Government has accepted.

He has already received the support of the Nationalist parliamentary caucus for the proposals which the Government has accepted in the form of guidelines. The caucus considered the proposals at their weekly meeting yesterday.

At a Press conference in Cape Town yesterday where he announced that the Government was accepting the major Wiehahn proposals, Mr Botha said he would hold full consultations on the broadest basis possible before introducing legisla-

tion to put the recommendations into effect.

The consultations would be with trade unions and with black organisations, and the legislation would be introduced within a few weeks.

He said the legislation would be drawn up with the labour unions.

'I have the feeling we'll get their support. The labour unions submitted their views to the commission, and on the basis of those views I am confident,' said Mr Botha.

CAUTION

Asked whether the Government would favour or support mixed trade unions, now that these were to be opened to blacks, Mr Botha said the Government had to approach these

matters with caution. A sound basis had been laid and he was 'glad that we are on the move now.'

He rejected suggestions by questioners at the Press conference that the developments envisaged in the labour field would affect other fields, saying he was not one of those who believed that this was a logical consequence.

Asked about the reasons for the changes in the labour system, he said when he took over as Minister he decided it was time for a thorough review. The last investigation the country had in this regard was as long ago as 1948, and what might have been considered to be good then might not be good for the present and the future.

at Randfontein. Sixty percent of the voters in the constituency work on the mines, many of them underground. And what's under the surface in this mining world is more than gold.

It is the repressed race hatred which years of Government-backed white-worker privilege have kept under control. Now, as the Government moves cautiously towards a better deal for black workers, it is threatening to bubble to the surface.

Never have I heard the word "kaffir" banded about so freely, so publicly and so viciously as in Randfontein this week as the constituency prepared to vote for a successor to Dr Connie Mulder.

Here is an example from one of this West Rand town's pubs. Asked who he is going to vote for in the four-cornered fight this week, a thick-set mechanic spits out "I'll never vote for the Nationalist again" and gives me a look so full of hatred that I fear he thinks I am a National Party worker.

In Randfontein now, that is much worse than being a member of the English-language Press.

When I ask the mechanic why he would not vote Nationalist, the silly question so annoys him that he mutters darkly "Uit my pad" (out of my way) and makes as if to brush me off the bar-stool as he storms out.

"If my dog can't stand a kaffir, why should I put up with him?" he asks. "When the kaffir comes into my yard, my dog bites him. Why must I live with him?"

One cannot put the HNP candidate on this level. He is not far off. He publicly calls the National Party "kaffirboete party" and can barely conceal his delight at the outbursts of racialism in his own office.

"Hell, they're getting vicious in there," the candidate says as he escorts me out of his office after some particularly virulent expressions of racialism by the HNP men.

Mr Tester, a railway materials inspector, says: "I'm not interested in voting. If I voted for the HNP and they came into power, they would do just as the Nats are doing."

Randfontein is unpredictable. "It's fluid," says Mr John Fabre, the businessman standing for the PFP.

Mr Rupert Lorimer discovered while canvassing just how erratic the fluid Randfontein voter can be.

"I won over one woman who spent the whole time I was in the house complaining about how the 'kaffirs' caught all over her in queues and telling me how she once shot a 'kaffir' who was stealing laundry from the washing line."

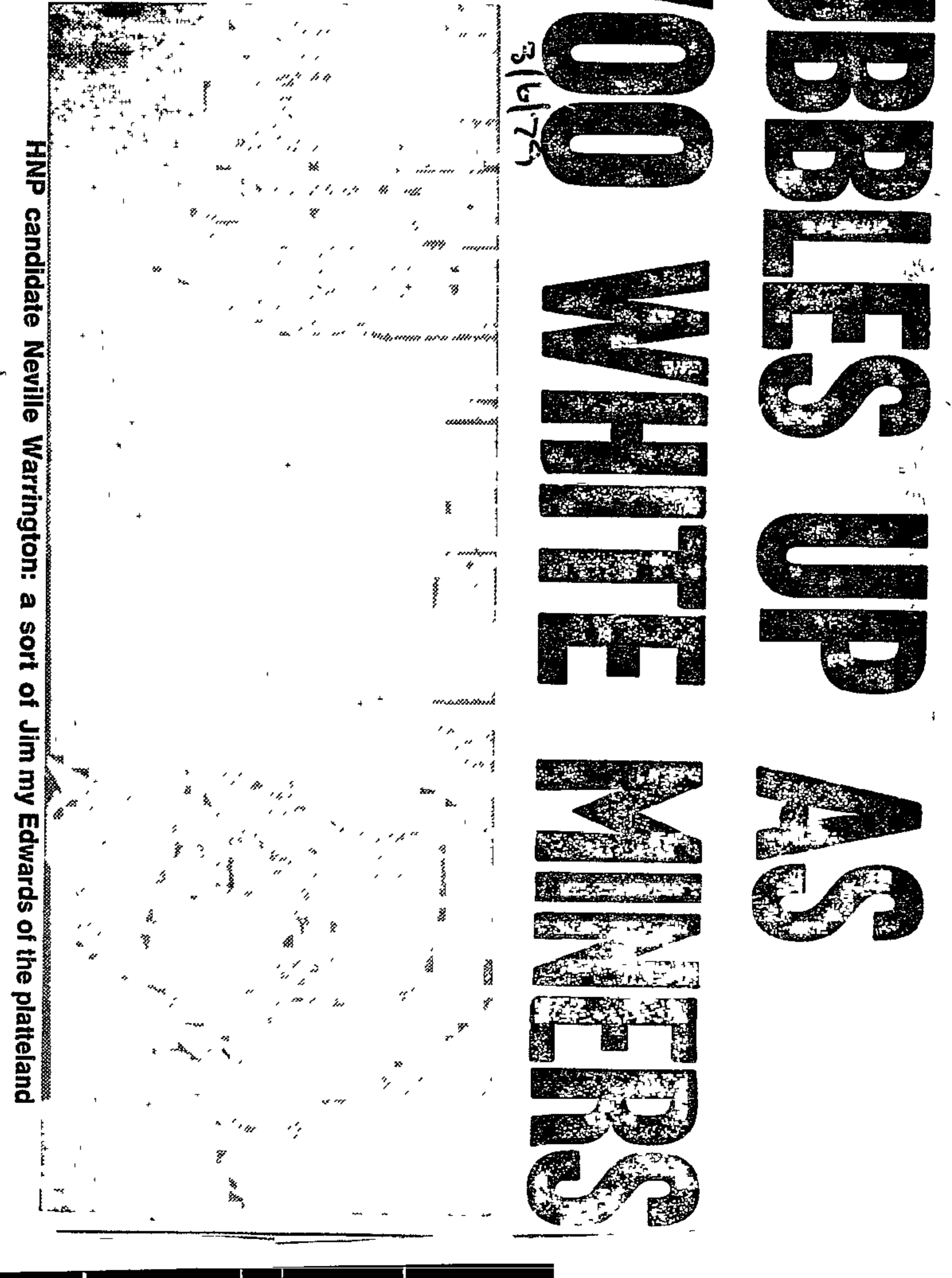
HATED BUBBLES UP AS PARTIES WOOD WHITE MINERS

1166 Sun, Tribune 3/6/79

Happy HNP latches on

PFP candidate John Fabre to Wiehahn unrest

By PETER FABRICIUS



HNP candidate Neville Warrington: a sort of Jim my Edwards of the platteland

plans with some concern that he drowned at the wheel of his car the other day and burnt one side of the moustache — "so I had to cut the other side shorter as well."

He enunciates his English carefully to erase any trace of an Afrikaans accent a sort of Jimmy Edwards of the platteland.

He could be the successor to Dr Connie Mulder. For once political observers believe the HNP — which has rarely retained its deposits — has a real chance and Mr Warrington believes Dr Mulder is telling his friends to vote HNP.

All the parties — except the South African Party — are represented. The Nat has as good a chance as any Nat Dr Boy Geldenhuys was an NGK minister in his constituency until he resigned to accept nomination as a past president of the Afrikaner Studentebond. These are top credentials.

In addition, until the Government's qualified acceptance of the recommendations of the Warrington Commission report on labour legislation, Dr Geldenhuys sounded sufficiently confident.

He says the PFP strategy of heavily emphasising that it is the official Opposition, and that an opposition is needed to check the Government is working.

But the PFP, sensing no doubt that it is among political strangers in this white workers' stronghold, is fighting the election purely on national issues.

servative to net a large majority in this conservative constituency. Now he has had to veer a little to the left, losing a lot of support. But with a solid religious image to counter the HNP's "Kommuniste" smear, Dr Geldenhuys will probably do better than any other Nat.

It was perhaps to counter his religious image that the New Republic Party candidate told a political meeting last week that she felt she had been called by God to fight the election.

Mrs Gloria Slater, wife of a mine manager, said this while sharing a plat-form with her party leader Mr Vaase Rav.

Perhaps she had her tongue in cheek, for when a questioner asked her whose side God was on in the election, she could only laugh in reply.

Mrs Slater is perhaps the least-known quantity in this race as she chooses to keep a low profile. She would not be interviewed.

The NRP seems to be founding its strategy firmly on the "NRP" for a clean administration" is its poster slogan. And it has a chance of making a good show. Randfontein was once a United Party seat and there is still a reservoir of old SAP support which it can tap.

The PFP knows this too. "The old Sappe will just automatically come out and vote for the NRP unless we can get to them first and persuade them we are the real opposition," says Mr Rupert Lorimer, MP for Orange Grove, who has been canvassing in the constituency. "Not many people in this young miners' constituency remember Randfontein's record as an opposition seat. But one old boy in the Central Hotel pub tells a story which — true or not — illustrates succinctly what Randfontein is all about. Why is it no longer an opposition seat and why it could again become one.

And that old workers' struggle terminology, — does not want to be suppressed for so long by the Government's entrenchment of white workers privilege, emerges in conversation, with another miner, Mr Johan du Toit, 53.

"Since 1948 it's been a mess-up," he says. "The Nats don't support us anymore. They support the capitalists. Those who have, they give to, those who have not, they take away from."

His son-in-law, Mr Arthur Tester, says "The Nats have got too powerful. They think they can do anything they like." He is referring to the Advocate-General Bill.

"The Nats are so strong we must divide them," says Mr du Toit, who says that he is not voting Nat but "I'm not saying where by vote is going."

Mr Warrington is probably not far off. He has voted enil bulgys.

But Mr du Toit shows himself to be an old SAP man. He says he would really like to see Jan Smuts in the saddle today.

P. W. Botha is a good man but Jan Smuts had more brains. Not that I'm insulting anyone," he quickly adds.

The worker influence is strong here and it has been taken strange

in Randfontein, not incognito. This is because as Minister of Labour he has had to satisfy the Wiehahn Commission changes.

The HNP men say that a porter from the verlig Afrikaans newspaper Beeld to be escorted from a new workers' union meeting in Randfontein last week.

Beeld has been attacking Dr Paulus, the conservative union's outspoken anti-Government boss.

But there is a more mellow kind of miner, one who was perhaps a hot-head in his youth but has grown wiser. Mr Henrie Toit (58) retired two years ago.

"It is nonsense to call a black bastard," he says. "From Malan's time Nats have tried to bring up the blacks — building schools and everything — and they must carry on doing this."

"You get a good class of blacks and a bad class — like everyone else. You must have a few black boys to speak for their people."

"I grew up on the farm, where we lived together with blacks. It's different in the towns."

"I'll vote for Geldenhuys. He's a man with brains."

But Mr du Toit shows himself to be an old SAP man. He says he would really like to see Jan Smuts in the saddle today.

P. W. Botha is a good man but Jan Smuts had more brains. Not that I'm insulting anyone," he quickly adds.

The worker influence is strong here and it has been taken strange

Govt Yes to Labour report

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4/5/79

CAPE TOWN — The government has accepted the Wiehahn Commission's recommendations in principle.

But it has avoided committing itself to a time scale for implementing some of the most important proposed changes.

The most important of the recommendations that will remain on ice is that migrant workers will be granted trade union rights.

This was made clear by the Minister of Labour, Mr. Fanie Botha, at a press conference yesterday. His stand reflected the tremendous pressure being exerted on the government by the right-wing of the National Party and by white trade unions.

Mr Botha faced the press shortly after trying to sell the sweeping changes recommended by the commission to the National Party caucus in Cape Town—a day before his crucial round of talks with the trade unions.

He faced questioning on the government's attitude to the recommendation that individuals be allowed to join any trade union of their choice and that unions be allowed to decide whether they want to be segregated or multi-racial.

He stated the position thus:

- Black trade unions will be permitted and will be eligible for registration if their members have a right to permanent residence and have fixed employment in South Africa.

- There will be no change in the status quo regarding mixed trade unions already in existence, but they will be eligible for registration.
- New mixed trade unions will be allowed to register only subject to the advice of the manpower commission and at the discretion of the Minister of Labour.

The government's attitude to the Wiehahn recommendations will be spelled out in a white paper to be tabled on Tuesday, and legislation will follow during this session.

Although Mr Botha avoided answering questions on whether legislation providing for separate facilities would be scrapped, it was reliably learnt yesterday that this would be the case.

But Mr Botha said yesterday the wishes of those who preferred to retain separate facilities would have to be respected.

Although the principle of scrapping job reservation had been accepted, the explosive issue of job reservation contained in the Mines and Works Act would be dealt with in a later report of the commission, he said. He expected two more to be tabled this year and the final report in 1981.

Mr Botha said many of the Wiehahn recommendations would have to be implemented "with caution and care in either the short, medium or long term."

He gave the following list of recommendations that could be accepted immediately:

- A change of name from the Department of Labour to the Department of Manpower Development
- Creation of a national manpower commission consisting of representatives from the department, employers and employees to continue a review of labour practice and legislation and to advise the government
- The principle of free association together with "intention that the system be allowed to develop in an evolutionary manner towards full attainment of that ideal"
- An industrial court to settle labour disputes
- The principle of removing job reservation from the statute book
- Questioned about union rights for migrant workers, Mr Botha said: "For the present, I think it would make sense only to give trade union rights to people with permanent residence rights and fixed employment"

Informed government sources said this meant migrant labourers would not be granted trade union rights, but non-union members would be accommodated by the Black Labour Regulations Act which provides for representatives of black workers to attend Industrial Council meetings and participate in the proceedings.

It was reliably learnt yesterday that there is strong opposition within the ranks of the National Party to the Wiehahn recommendations.

Asked to comment after the caucus meeting yesterday, Dr. Andries Treurnicht, spiritual leader of the party's right-wing, said "I have not yet fully studied the report and I therefore cannot comment on it at this stage."

"I listened to Minister Botha's explanation of it and it was good on certain points, but I have yet to study it fully."

The chairman of the Confederation of Labour, Mr Attie Nieuwoudt, warned Mr Botha last night that if labour unrest occurred the responsibility would "rest squarely on the shoulders of the Minister."

He said Mr Botha had promised to consult with organised labour before changing labour laws but had gone ahead and announced the government's acceptance of the commission's main recommendations "without consulting us first" — PS

More on Wiehahn report, pages 5 and 7.
Editorial opinion, page 10

'Enforce the Wiehahn proposals'

RDM
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3/15/74

By AMEEN AKHALWAYA
Political Reporter

TRADE union and black political leaders have called for legislation to ensure the enforcement of fair employment practices in accordance with the Wiehahn Commission proposals.

Legislation enshrining a statutory code is seen as the key to ensuring the elimination of discrimination from labour practices and to the advancement of black workers.

"Without a statutory code, the Wiehahn proposals, even if accepted by the Government, would be meaningless," the chairman of the Soweto Committee of Ten, Dr Nthato Motlana, said yesterday.

A statutory code would also eliminate the necessity for codes formulated abroad for

foreign firms operating in South Africa. These include the Sullivan and EEC codes.

The president of the Trade Union Council of South Africa (Tucsa), Mr Ronnie Webb, said that while such codes played an important role, they had no real teeth.

"Despite the monitoring of the codes, their value has been diminished because they serve only as guidelines and have no power of legal enforcement," he said.

The introduction of fair employment standards legislation was among the major proposals submitted by Tucsa, representing more than 200 000 workers, in its evidence to the Wiehahn Commission.

Dr Motlana pointed out that in countries such as the United States and Britain, discrimina-

tion was outlawed, but that legislation and complementary machinery had been introduced to ensure that the rights of every worker were protected and implemented.

The principle underlying the Wiehahn proposals was commendable, Dr Motlana added, but the report had "ducked" the issue of meeting right wing white trade unionists head-on.

"I said before the report was tabled that it would stand or fall on how it tackled rightwingers such as Arrie Paulus, Gert Beetge and Attie Nieuwoudt. The fact that discrimination has not been outlawed in the mining, building and motor industries, shows the commission has ducked this crucial issue," he said.

"That is why a statutory code is absolutely essential, otherwise all the fine intentions and principles will mean nothing."

Dr Motlana said the success of the Wiehahn proposals depended far too much on the goodwill of employers and white employees. "The white worker has all the advantages written into his contract, and he will not want to lose them in the face of black advancement."

In its report, the commission believed that fair employment practices legislation should be developed for South Africa. It had taken note of the various foreign code of conducts designed abroad for South African employment practices.

The commission said "The idea that guidelines for employers and their employees, along with industrial relations and other related matters, may be conducted, is highly commendable, provided that, first, such a code is indigenous and, secondly, it is the result of tripartite co-operation, that is, between Government, employer and organised labour."

'Treason' claim as Paulus and Minister clash

Labour Reporter *Star 4/5/79*
Mr Arrie Paulus, leader of the Mineworkers Union, today stormed out of the meeting between the white Confederation of Labour and the Minister of Labour, Mr S P Botha in Pretoria after accusing the Minister of "treason" against the white workers and of lying

All-race unions are unlikely at present stage

Labour Reporter

There are clear indications that though trade union rights will be extended to black unions, no unions of other races will be able to admit blacks at this stage.

Mr Ronnie Webb, president of the multiracial Trade Union Council of South Africa (Tucsa) named this as one of the major problems likely to arise from the Govern-

ment's response to the Wleahahn Report

He was speaking after Tucsa's meeting with the Minister of Labour, Mr Fanie Botha, in Pretoria today.

"The Government's apparent intention to confine trade union rights to fixed residents in permanent jobs in metropolitan areas could create considerable problems for trade unions as well," Mr Webb said.

The National Manpower Commission, which will play a key role in labour matters, in his opinion, said Mr Webb

"The appointment of this commission, and the establishment of an industrial court, will evidently receive priority attention"

He was disappointed, particularly about the apparent temporary bar to mixed unions.

"But a start has been made in the right direction, and hopefully the ideal of full freedom of association will be realised eventually"

Yesterday Mr Webb said Tucsa unions would probably opt in large numbers for the opening of ranks to all races. Many of the unions were already mixed — though excluding blacks — because of past legislation.

Informed sources predict that an extended period of lobbying and negotiating will determine the practical effects of the scrapping of discriminatory labour laws.

Another conservative member of the Confederation, Mr Gert Beetge, of the white Building Workers Union, walked out at the same time in apparent sympathy.

In a statement issued after the walk-out Mr Paulus said the Minister had repeatedly assured the Confederation and him personally that no changes would be made in labour legislation before prior consultation of white unions.

This morning Mr Paulus learnt that it would be a matter of days before legislation would be submitted to Parliament

Referring to the intended scrapping of job reservation, Mr Paulus said this would leave whites at the mercy of employers who certainly would replace them with cheaper black labour.

"According to what Minister Botha said on television he wants us to accept his word. How can the white worker accept the word of the Minister if on two previous occasions he could not keep his word to us?"

"When the Minister was confronted with the fact that the Government had committed treason against the white worker and that the Minister lied on two previous occasions, he became extremely angry and summarily adjourned the meeting and walked to the door," Mr Paulus said with the reference to the walk-out.

"Minister Botha then said he would return only if I apologise"

"I refused and left the meeting myself," Mr Paulus said.

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FM 4/5/79 (166)

WIEHAHN REPORT

Positive, but no Utopia yet

There is obviously a great deal of truth in the cliché that the first Wiehahn report takes SA into a "new labour era". But the commission's report raises tantalising questions about how that "new era" will look.

There are important strides forward in the report, chief among them the recognition that racial discrimination in employment is untenable. Many myths which have long guided SA labour policy, particularly those affecting job reservation and trade union rights, are effectively demolished.

This is nowhere more evident than in the discussion of trade union rights of migrant workers. The majority (albeit a slender one) advance well-reasoned and lucid arguments which destroy the shibboleth that migrants are not entitled to trade union rights.

Not surprisingly, little of this went down well with the Confederation of Labour's Attie Nieuwoudt, whose only suggested change to labour law was the total prohibition of black union membership. Nieuwoudt's resistance could spark off a right-wing backlash, although union sources say that his views have little support even within his own Confederation, and Minister of Labour Fanie Botha is confident of the support of most registered unions.

But how justified are Nieuwoudt's fears? How "new" will the "new era" be? Many passages in the commission's report suggest that the euphoria which has greeted it is premature.

Minister Botha's announcement that government has accepted the report obviously strengthens the optimists' view. He announced that government would

soon introduce legislation to abolish statutory job reservation and extend union rights to Africans. The proposed National Manpower Commission will also be introduced, as will the labour court. African artisans will be indentured and workplace discrimination will be dismantled, said Botha. The other recommendations are accepted in principle, he says.

But he also told pressmen that "at this stage" union rights would not, after all, be extended to migrants. They will be confined to settled Africans in the urban

WELCOMING WIEHAHN

Reaction from non-African employer and worker bodies has been unanimously favourable — except, of course, from the Confederation of Labour. But black union reaction is more sceptical.

On the employer front, the FCI, Assocom and the Afrikaanse Handelsinstituut have endorsed the report unreservedly. The FCI believes the commission has "welded together a coherent approach permitting a new integrity to SA's system of labour relations." The AHI describes it as a "rational report", and particularly welcomes the National Manpower Commission and the industrial court. Assocom is also enthusiastic and calls for speedy implementation of major points.

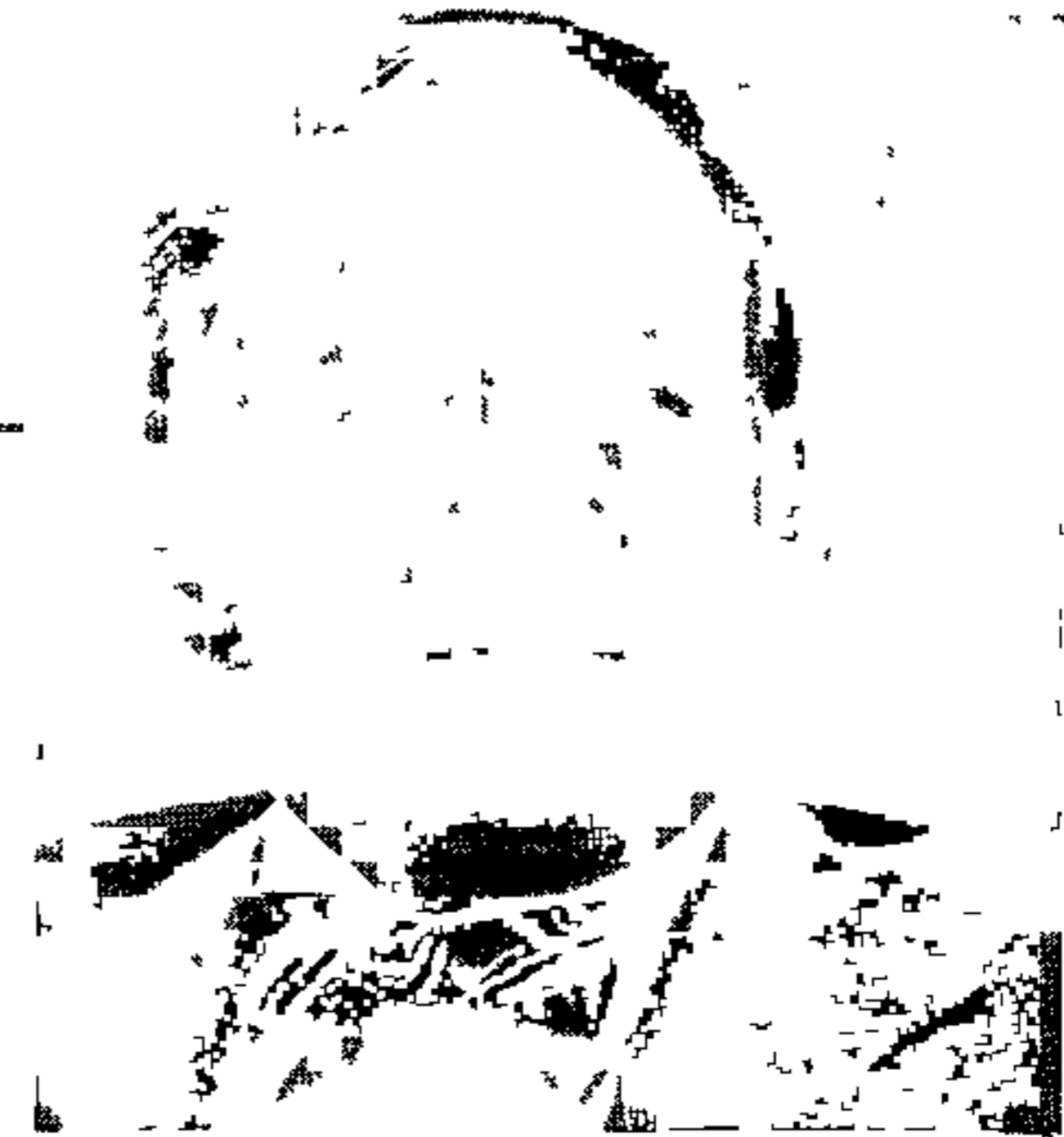
Unisa's Institute of Labour Relations welcomes the majority report, pointing out that it bears a close resemblance to the Institute's own submissions. The Institute's Prof Blackie Swart does, however, reject the majority report on the closed shop. The

Institute of Personnel Management has a similar view, also expressing reservations about the closed shop, while pointing out that the commission recommends "checks and balances" to cope with this problem.

The Institute of Industrial Relations welcomes the extension of union rights to Africans and the abolition of statutory job reservation. It argues that the report gives companies "the green light" to integrate work facilities and welcomes the commission's recognition of industrial relations training.

Registered unions outside the Confederation of Labour are also happy. Unionist Ben Nicholson tells the *FM* the report incorporates most of the proposals of a joint labour delegation which presented evidence to the commission. He adds, however, that outstanding areas where the unions may have problems will be discussed with Minister Botha.

Unregistered — largely African — unions are more cautious, however. Alec Erwin, general secretary of the



**Prof Nic Wiehahn
demolishing the myths**

Federation of SA Trade Unions, welcomes the extension of union rights but says he is worried about "which unions will be registered and how this will be done." He fears that "many of the recommendations may limit the freedom of association the commission advocates." A member of the Consultative Committee of Black Trade Unions, Skakes Sikhakahne, welcomes the report but fears its provisions "may control rather than strengthen black unions."

areas presumably only those with Section 10(D)(a) and (b) rights black miners will certainly be excluded.

There are other reasons for postponing abolition. On job reservation, for example, the commission does not go nearly as far as critics of the system would like. Section 77 of the Industrial Conciliation Act, which allows the Minister to reserve jobs by decree, has got the thumbs down. But the commission recommends that the five job reservation orders still on the statute book remain.

Botha has now announced that his department (to be known as the Department of Manpower Development) is committed to phasing them out, but the commission's caution on this point says a great deal about its reluctance to confront the right wing union.

More important, however, is the commission's majority vote to retain the 'closed shop' the principal instrument used to enforce job bars. According to the report there are closed shop clauses in 49 industrial agreements covering 346 000 workers (although not all of these necessarily have racial implications).

The commission clearly hopes that the closed shop will not be used to entrench

job bars and suggests certain safeguards such as setting down a proportion of workers who must be members of a trade union before it can ask for a closed shop.

But when the closed shop is seen in conjunction with the recommendation that unions may be unracial if they wish, it is difficult to see how its use to bar Africans from skilled jobs can be stopped.

As the hard hitting minority report on this point (signed, interestingly by two of the three black members and three of the four employer representatives) says "It is unacceptable that it should be recommended on the one hand that work reservation be abolished and on the other that its commonest form be perpetuated and statutorily sanctioned."

The minority believes that the 'safeguard' against abuse of the closed shop is unworkable where separate or integrated unions, overlapping the same eligible membership, may be established. It argues that the clause could be used by racially segregated unions to 'freeze out' others. Botha doesn't believe the closed shop will entrench job bars, but says that there will be an 'embargo' on new closed shop agreements. The

existing ones will remain however.

It remains to be seen whether other aspects of the colour bar will go. Artisan training for Africans in "white areas" has been sanctioned, but white unions will still have a say in where these artisans may work. And the Mines & Works Act and Bantu Building Workers Act, which also limit job access, have been deferred to a later commission report.

The safeguards which the commission proposes for non-African workers against "undercutting" are obviously vital. How these safeguards will be applied will depend largely on the industrial court.

An equally large question mark hangs over the question of African trade union rights. The commission was expected to recommend African incorporation into registered trade unions, but a lot depends on how this is done.

It is an open secret that many in authority believe that the relatively conservative 'parallel' unions, which operate under the wing — and at times the supervision — of non-African unions are no threat, whereas independent unions are. The latter fear that the new dispensation will make it extremely difficult for them to operate.

WHAT'S IN THE REPORT

Main recommendations of Part One of the Wiehahn Commission report are:

- The registration of trade unions with African members including migrant workers. A minority of five members recommended the exclusion of migrants and frontier (homeland) commuters.
- The abolition of statutory job reservation but the retention of the five remaining job reservation orders which it hopes will be 'phased out' in consultation with the union concerned.
- The retention of the "closed shop". A minority of five recommended the retention of existing "closed shops" but a bar on new ones.
- The racial composition of trade unions to be left to the unions concerned.
- The appointment of a National Manpower Commission appointed by the Minister of Labour. This will consist of equal numbers of employer, worker and state representatives and will report to the Minister, not only on manpower needs but on the workings of the new system generally.
- An industrial court to be presided over by a senior judge which will decide on disputes arising out of the new system. The court will only be able to decide on civil cases and will have the power to build up a body of case law on, among other things, fair

employment practices as they affect racial job changes.

- A series of safeguards to protect groups previously protected by job bars, including tougher unfair dismissal laws, the strict application of the "equal pay for work of equal value" principle, training and re-training, relocation allowances for transferred workers, the development of 'fair employment practices' legislation and, in the last resort, arbitration and the industrial court.
- The extension of plant level committees to non-Africans. These committees which will take the place of liaison committees will be called 'works councils'. In some cases, works committees (of workers only) may be formed.
- In industries where there are no industrial councils, works committees will be allowed to bargain binding wage agreements. Where there is an industrial council, works committees and councils will have no statutory wage bargaining rights.
- The indenturing of Africans as apprentices in white areas. The protection of non-African interests in this area by 'negotiation, consultation and consensus'.
- Concessions for apprentices who undergo military training.
- Industrial relations training offered by bodies who are not registered

workers or employers bodies will have to be approved by the Minister. The State will "encourage and facilitate" industrial relations training.

- Statutory bars on separate facilities in the work place will go. They will be negotiated between employers and the workers concerned.
- Unregistered trade unions will not be allowed to conclude agreements with employers or have union dues automatically deducted by employers.
- No bars will be placed on eligibility for trade union office, but the proposed National Manpower Commission will keep a watch on this aspect.
- A dual system of registration for trade unions involving provisional registration with limited rights leading up to full registration.
- Stricter criteria to be applied in granting registration to trade unions.
- Existing registered trade unions will not have to re-register.
- A veto right for all parties to an industrial council on a number of matters including new applications for membership.
- Both the Mines & Works Act and the Black Building Workers Act, which entrench job bars, have not been dealt with and will be discussed in subsequent reports.
- The Department of Labour's name should be changed to the Department of Manpower Development.

WHO IS THE WIEHAHN COMMISSION?

- Nic Wiehahn, chairman, adviser to the Minister of Labour and former academic
- P J van der Merwe, University of Pretoria.
- Errol Drummond, director, Seifsa
- Chris du Toit, Anglo industrial relations adviser, chairman of Saccola
- Naas Steenkamp, General Mining industrial relations man, Afrikaanse Handelsinstituut labour committee
- Dick Sutton, group personnel manager, SA Breweries and Assocom labour committee
- Attie Nieuwoudt, president, SA Confederation of Labour
- Arthur Grobbelaar, general secretary, Tucsas
- Walhe Grobler, general secretary Railways Artisan Staff Association, and former secretary of the Confederation (his union is no longer affiliated to that body)
- Tom Neethling, general secretary, Amalgamated Engineering Union
- Nic Hechter, Department of Labour undersecretary
- Gopie Munsook, Tucsas-affiliated trade unionist and SA Indian Council member
- Chris Botes, former trade unionist
- Ben Mokoatle, Unisa

Some of the small print confirms these fears. For example, the commission suggests much more stringent criteria for union registration than have existed up to now. The industrial registrar should be satisfied, among other things, that a union is "a bona fide union" and must take into account "any other factor which would serve to maintain peace and harmony . . . and the national interest in general".

Much will depend on how these terms are applied, and on how another recommendation, giving all existing parties to an industrial council the right to veto a range of changes, including new admissions to the council, is applied. There is a danger that a small, hostile, registered union could block a large, independent, black or mixed union — or, indeed, any job changes at all.

The commission has also recommended a crackdown on unions which are not registered. They will not be

allowed to sign agreements with employers or have union dues deducted by employers. Up to now no such restrictions have been placed on unregistered unions. Asked about the future of unions who are not registered, Botha said "it will not be worth their while" to exist.

These provisions are likely to spark apprehension among unions who fear they may not be allowed to register. Even more peculiar is a clause that unions who are not granted full registration may be granted provisional registration. The clause suggests that "organisational activity" by a union should only be allowed if it has provisional registration. Unions would not be allowed to recruit members until they were provisionally registered, yet provisional registration does not appear to be automatic. Without any idea, then, of a union's potential appeal among workers, how can the registrar decide on its application?

The report is at pains to stress its

objection to excessive State interference in labour relations. But the proposed Manpower Commission could substantially increase the role of an official body, albeit one with employer and worker representatives, although Botha stresses that its function is to "provide a framework," rather than to "dictate".

It is clear that the Manpower Commission will not only plan labour needs and solutions to manpower problems. It will play a much more activist role, including advising on trade union registration and keeping under "surveillance" elections to union executives. It remains to be seen whether independent African worker representatives, such as those in the Federation of SA Trade Unions and the Reef African unions, will be appointed.

The recommendation that industrial relations training — other than that by registered employers and union bodies — be brought under government regulation may simply be an attempt to control standards. But here, too, **GOVERNMENT**

control may be strengthened

It also remains to be seen what effect the industrial court will have on labour relations. Certainly, the more vague the legislation, the more important the role of the court will be. To minimise official involvement it will be necessary for the court to apply very specific legislation. Nevertheless, allowing workers cheap access to the law is vital.

The report is littered with pitfalls. Much will depend on how much of the small print appears in government's White Paper and in legislation. Detail will be as important as broad principle. Nevertheless, the report — and the government's rapid broad acceptance of it — does represent a major step forward.

Mercury Reporter

SOUTH Africa could become a leading economic nation — although it would take time — and the Wiehahn Commission's report was a significant step towards this goal, according to the British Ambassador to South Africa.

Speaking in Durban yesterday, Sir David Scott said there was a tremendous field for expansion of the national economy if everybody encouraged Black trade.

"If the Government ac-

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Black trade 'key to S.A. expansion'

cepts the Wiehahn Commission's report it will help put more money into the pockets of Blacks and this will add a new dimension to the economy."

He saw the electrification of Soweto as a tremendous boost to the national economy.

"Once Soweto becomes electrified there will be a great demand for

electrical equipment."

Sir David said the British Government's reaction to the Wiehahn report would depend on how much of it the South African Government would accept. "But it is definitely a big step forward."

Sir David is visiting Natal for the last time in his official capacity, since he is due to retire as Ambassador later this year.

All-race union plans shelved

By RIAAN DE VILLIERS
Labour Correspondent

Breakfast Quip



"The Wiehahn Commission recommendations have caused a flutter of the right wing"

BLACK trade unions are to be allowed to continue organising black workers — but mixed unions including blacks will not be permitted for the time being.

This was reliably learnt yesterday after the Minister of Labour, Mr Fanie Botha, met trade unionists in Pretoria on the Wiehahn Commission report on labour laws tabled in Parliament earlier this week.

A leading white unionist said he and other trade unionists had been told that black unions would be granted provisional registration to continue organising workers.

But registered white and coloured unions would not be permitted to open their ranks to black workers for the time being.

This position would eventually have to be reviewed by the proposed National Manpower Commission which would monitor implementation of the report.

The unionist, who did not

□ To Page 2

Drive against illegal 'bosses'

□ From Page 1

want to be named, said this would create tremendous problems and had far-reaching implications for registered unions who wished to open their ranks to blacks.

"We will have to seriously review our position," he said.

The only possible way out could be to form parallel black unions — which could lead to friction with existing black unions.

This latest indication that the Government may deviate from the commission's recommendations has come amid growing confusion and controversy about the implementation of the report.

The Government has accepted the report in principle, but indications are that its implementation may be significantly watered down in the face of Rightwing union pressures.

Mr Ben Nicholson, another leading unionist who met the Minister yesterday, said Mr Botha had been very open and frank about the Government's views on certain matters and the reasons for those views.

The Minister had sought

the unions' support and had listened very carefully to their views.

He had indicated that the Government would not fully implement the commission's recommendations immediately and that many issues would be left up to the proposed National Manpower Commission, which will monitor the report's implementation.

"But he assured us that the Government would move as fast as it possibly can," Mr Nicholson said.

The back down on mixed unions follows statements by Mr Botha that union rights for migrant workers, strongly advocated in the Wiehahn commission report, will be shelved for the mean time.

Questioned on this issue at a Press conference in Cape Town earlier this week, Mr Botha said the Government intended giving union rights to blacks with permanent accommodation and permanent jobs in South Africa.

This stance by the Minister has opened the possibility that the Government may refuse union rights to the vast majority of the 500 000 black workers in the mining industry.

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**SA's
NEWEST
STRIKE,
DESTROY
CRAFT**

South Africa's newest warship slices through the waves at False Bay Its speed and most modern weapons, including electronic back-up system to track and identify enemy targets and to defend the craft against missile attack, give it a strike capability of ships many times its size

LABOUR LAWS: BIG CHANGES PROPOSED

Sweeping changes in South Africa's labour laws are recommended in the long-awaited Wiehahn Commission report which was tabled in Parliament on Tuesday. Among the recommendations is the scrapping of statutory job reservation.

- Other recommendations are
- Full trade union rights for workers of all races, including migrant workers and commuters from independent states who work in South Africa,
- Freedom of association for individuals to join any trade union of their choice and unions to determine their own membership, whether segregated or multiracial,
- The extension of the committee system to workers of all race groups,
- The opening up of apprentice training to workers of all races,

- A new system of industrial courts to deal with labour matters, and
 - The creation of a permanent national manpower commission to review all labour matters, including labour policy.
- The commission has recommended that five remaining job reservation determinations be retained, but has urged that they rapidly be phased out.
- The commission made no recommendation on the contentious issue of job reservation contained in the Mines and Works Act. It said it would deal with this in a later report and called on the parties in the mining industry to negotiate on this "sensitive issue".
- Mr Attie Niewoudt, president of the rightwing South African Confederation of Labour, representing about 200 000 workers, who served on the commission, submitted various minority reports. He rejected virtually any changes in the present dispensation, called for the re-

tention of job reservation and the banning of all Black trade unions in South Africa

The recommendations were generally welcomed by trade unionists, spokesmen for organised commerce and industry, and political leaders

The official Opposition's chief spokesman on labour, Dr Alex Boraine, said the recommendations were a dramatic shift from National Party policy. He said the burning question was whether or not the Government would accept the recommendations which were far-reaching and would usher in a new era in labour/management relations

The New Republic Party's chief spokesman on labour matters, Mr Ron Miller, said the commission had tackled its job fearlessly and worked with great

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THE PROS AND CONS OF SA'S NEW ASSAULT RIFLE

JOHN ROLT reports on the R-4

This article appeared in the April 27 edition of the *Pretoria News*

South Africa's new R-4 assault rifle, firing a light 5,56 mm bullet, has been greeted with acclaim by the Defence Force, but some unease still exists in foreign circles about the stopping power of the cartridge

There can be little doubt that the R-4, a new generation weapon incorporating the finest qualities of the best assault rifles in the world today, stands out as a thoroughbred and is a vast improvement on the R-1 rifle, firing a heavy 7,62 mm round, currently in use

The basic differences between the R-4 and the R-1 are

- Calibre 5,56 mm compared with 7,62 mm
- Length 970 mm for the R-4 and 1 100 mm for the R-1
- The R-4 has a folding stock, which is lacking on the R-1
- Barrel length on the R-4 is 460 mm compared with 533 mm
- The R-4 is gas-operated with a rotating bolt. The R-1 is gas-operated with a tilting bolt
- The R-4 has a 35-round magazine, the R-1 a 20-round magazine
- The R-4 has a cyclic rate of fire of 650 rounds a minute, the R-1 650-700 rounds a minute
- The maximum effective range of the R-4 is 600 m compared with 1 000 m on the R-1
- Both weapons have automatic and semi-automatic modes of fire
- Both are fitted to launch rifle grenades

The introduction of the R-4 does not mean the R-1 will now disappear from the scene. It will

still be used alongside the R-4 which means the average infantry section will have a greater selection of weaponry available and will be able to carry a lot more ammunition

Stopping power

Many countries in the Western world have changed from the 7,62 mm round to the lighter 5,56 mm bullet, but Nato forces still use the 7,61 mm cartridge. The Soviet Union and its satellites are still using, as far as is known, the 7,62 mm

An argument has been raging in various military circles for some years about the relative stopping power of the two bullets

A large number of American Vietnam veterans who used the 5,56 mm round in the bloody jungle war in the early '70s, have no confidence in the bullet's stopping power. One tells the story of how he put a number of 5,56 mm rounds into a Vietcong soldier but failed to effectively stop him

They also claim a failing of the cartridge is that the bullet is so light it can be deflected by even a twig. This does not happen with the 7,62 mm

But for the supporters of the 7,62 mm round there are as many for the 5,56 mm

The Chief of the Defence Force, General Magnus Malan, said the R-4 rifle and its ammunition were designed after exhaustive tests and investigation, and he is convinced it is the ideal weapon for the conditions under which it was designed to be used

Paulus 'chucked out'

Argus Correspondent

RETORIA. — Mr Arrle Paulus, the secretary of the Mine Workers' Union, was today asked to leave the office of the Minister of Labour, Mr Fanie Botha, where he and other labour leaders had been discussing the Wiehahn report.

A highly indignant Mr Paulus left the meeting with the Minister after about 40 minutes.

Mr Gert Beetge, who left with him, said that the Minister 'had chucked out Mr Paulus.'

Mr Paulus, who was upset, stopped him from saying more.

Sapa reported later that Mr Paulus claimed that in accepting the recommendations of the Wiehahn Commission the Minister had committed the highest treason towards the white workers in white South Africa since the days in 1922 when white mineworkers were shot dead on the Rand by General Smuts.

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Following are some of the claims made for various cars now-
days. Try to identify which makes the claim, and then rate them
1, 2, or 3 whether 1 — you don't like the idea; 2 — it's okay, or 3 —
it's pretty good.

ADVERTISING CLAIMS

1. "The one fine car designed for modern living . . . com-
pletely powered for modern driving."
2. "The new standard of the American road."
(make) _____
(rating) _____
3. "The new classic for '53."

4. "We've gone your dreams

5. "The new American ca

6. "In a class by itself, do

7. "Beautiful. A new ins

8. "The action car for ac

9. "Ruggedness combined

10. "The first truly balance

(Used in Third Inter-
viewing claims was usi

20m

Translating Wiehahn into reality ...

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THE Wiehahn Commission has shown the way forward. Now it is up to the Government to translate those exciting recommendations into reality.

That there is substantial Government support for the deracialising of the labour field urged by the commission is clear. But it seems there is not total unity in the Government's ranks on the matter. It is also open to question to what extent the Government's own supporters will easily go along with what is proposed.

The trouble, of course, is that 30 years of Nationalist racial tub-thumping has made people, especially many whites, afraid of change. Now that the need for a fresh accommodation in the important labour area is realised, it is all the more difficult to persuade people to accept what is needed.

It calls for strong and decisive leadership. And in this particular case the task lies principally with the Minister of Labour, Mr Fanie Botha. Not only must he steer the legislation to implement the recommendations through the National Party caucus and through Parliament, but he must

also sell the idea to workers as a whole.

Mr Botha faces considerable difficulties and the careful caution which characterises his approach is understandable. We would have liked to see more speed and greater impetus, but one must appreciate Mr Botha's problems and exercise some patience.

At the same time, it can but be hoped that the white worker leaders who have already begun to express their opposition to the Wiehahn recommendations will pause to think again.

The conclusions in the Wiehahn report were arrived at because they are the necessary and sensible path for South Africa to follow. It is both unjust and dangerous to deny the vast bulk of our labour force normal rights of representation and negotiation. It is wrong and foolhardy to perpetuate racial discrimination.

It is inimical to the interests of everyone, whites as much as blacks, to retard black advancement into skilled work.

It would be tragic for South Africa if short-term outlooks and narrow interests hold back the progress that must be made.

Threat to black unions feared

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Labour Correspondent

THE FIRST report of the Wiehahn Commission has made it clear that registration requirements for trade unions are to be expanded — leading to fears among black trade unionists that black unions could be threatened. The commission is to deal with this in a later report.

But indications already given in the first report have raised fears among black trade unionists that it may be difficult for black unions to meet stiffer registration requirements.

At present, registration requirements include auditing of unions' financial affairs, maintenance of membership registers, submission of annual reports, statements of income and expenditure and balance sheets and control of constitutions.

Membership of a political party or financial assistance is also prohibited.

From the report it appears registration requirements will be considerably expanded, giving wide powers of discretion to State officials and the proposed National Manpower Commission.

The commission foresees a "pragmatic approach" to registration enabling the Industrial Registrar, after consultation with the National Manpower Commission, to take a "wide spectrum of considerations into account" in considering applications for the registration of employers' organisations or unions.

All applications are to be considered on their "merits".

In another passage worrying unionists, the commission says the National Manpower Commission will constantly monitor the situation, weighing applications against prevailing circumstances in the particular industry and "against the implications for the country as a whole, in the social, economic and political contexts".

There has also been concern about criteria suggested by the commission for the consideration of registration applications, which include

- "Whether or not the organisation is a bona fide union which in composition and objectives is relevant to the legitimate needs of the employer-employee relationship in the undertaking, industry, trade or occupations concerned,

- "Any other factor which would serve to maintain peace and harmony within the undertaking, industry, trade or occupation and the national interest in general."

Equal rights in industry proposed

4/15/79
RDM
(166)

By RIAAN DE VILLIERS
Labour Correspondent

THE WIEHAHN Commission has recommended sweeping changes to afford equal rights to all South African workers in its proposed industrial relations system.

Many of the recommendations are in principle only at this stage, but a picture of future trade unionism does emerge from the recommendations

The commission proposed basic principles which underlie all changes to industrial relations legislation

- A unitary and integrated industrial relations system incorporating both the industrial council and committee systems.

- Individuals may join any trade union they wish

- Trade unions may decide themselves whether they want to be multiracial or segregated

- All unions, whatever their composition, will be eligible for registration and full participa-

tion in the statutory machinery

The Industrial Conciliation Act, providing for negotiation between registered unions and employers, and the Black Labour Relations Regulation Act, providing committees for black workers, will be consolidated into one law called the Industrial Relations Act.

In this law, the industrial council system and the committee system will be integrated to provide for the representation of all population groups on both levels

In the committee system, works committees will be retained, but liaison committees will be renamed works councils

The Department of Manpower is to open a new register of trade unions, employer bodies and industrial councils as well as for works councils and works committees

New unions and existing unregistered unions will be granted provisional registration, and will only be allowed to organise after provisional registration

During this period they will

have limited negotiating and representative powers.

They will have to qualify for full registration within a limited time period, when they will have to meet certain registration conditions

Existing registered unions will not re-register but will be subject to the new legislation.

Existing committees will also be allowed to continue, or integrate as works committees or works councils in the proposed new committee system

The commission made two key recommendations. These stop the possibility of committees "undermining" the industrial council system

Works committees or councils will have no statutory bargaining powers in any undertaking, industry, trade or occupation where an industrial council is registered.

Where no industrial council is registered, the committees will only have statutory bargaining powers if there is no wage determination, or if a determination has existed for more than 12 months

Labour move lauded in EL

EAST LONDON — Leading members of East London's commercial and industrial sector have welcomed the recommendations of the Wiehahn Commission into labour relations and manpower usage.

The chairman of the Afrikaanse Sakekamer, Mr Frans Meisenholl, said "I think the recommendations are very good. This is a very important and positive step forward."

"Let us hope it results in better labour relations and development of manpower."

Mr Meisenholl, who is general manager of the Ciskei National Development Corporation, said job reservation was practically dead and what little was left should be phased out.

The president of the Border Chamber of Industries, Mr Max Phillips, saw the Government's acceptance of the Wiehahn Commission in principle as a big stride forward.

"It should improve relations with our trading partners," Mr Phillips said.

He said many of the recommendations of the commission had already been put into practice by firms operating in the Border.

The president of the East London Chamber of Commerce, Mr Jack Snell, said the implementation of the contents of the Wiehahn Commission would create the atmosphere for good and lasting labour relations.

The recommendations were, he said, not unexpected as they were very much in line with Assocom thinking — DDR

Black unions ^{will} register or shut down ^(ba)

Labour Correspondent

EXISTING black trade unions failing to gain registration in terms of the new industrial relations system proposed by the Wiehahn Commission will be forced to close down

That is one of the major implications of the commission's recommendations in its report tabled in Parliament on Tuesday

While the report does not explicitly state that unions which do not attain registration will not be allowed to carry on, this is implied by several of its recommendations

Among them are that unregistered unions and employer bodies will no longer be allowed to conclude legally valid and enforceable contracts and that deduction by employers of trade union dues or membership fees for an unregistered union or other workers' organisation will be prohibited.

The commission also foresaw that unions would only be al-

lowed to organise after they had been provisionally registered

These recommendations followed arguments by the commission that black unions should be brought under the controls imposed by industrial relations legislation

Stating its reasons for the extension of trade union rights to all SA workers, the commission argued that the continued exclusion of blacks would be unjustified on moral grounds

But it also argued that black unions operating outside the present industrial relations framework was in conflict with the "ideal of orderly unionism within the law"

Registered unions were under certain statutory restrictions and obligations designed to protect the system

But black unions were subject neither to the protective and stabilising elements of the system nor to its essential discipline and control, the commission said

Botha has talks with unions

4/579
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PRETORIA — The Minister of Labour, Mr Fanie Botha, started discussions here yesterday with representatives of several trade unions on the report of the Wiehahn Commission of inquiry into labour legislation.

Representatives of the Federation of Mining Unions were the first to enter the office of the Minister in the Laboria Building.

Today, Mr Botha is to meet the representatives of the Trade Union Council of South Africa and the right-wing SA Confederation of Labour.

A spokesman for the Minister's office said he would probably issue a statement today.

In a statement on Wednesday, the general secretary of the Confederation of Labour, Mr Wessel Bornman, described the Wiehahn Commission report as "the greatest embarrassment and slap in the face ever administered to the white trade unions and white workers in the history of South Africa."

He warned that acceptance of the report could end years of labour peace in the country.

Mr Bornman is also the secretary of the SA Iron, Steel and Allied Industries Union which, with 38,000

members, is the biggest white trade union in the country and a leading affiliate of the 200,000-strong confederation.

Mr Bornman's statement follows a series of minority recommendations in the commission report by Mr Attie Nieuwoudt, the president of the confederation, in which he rejected all changes away from the present labour dispensation.

Yesterday, the Minister was to have had discussions with representatives of the Federation of Mining Unions, the Federal Consultative Council of South Africa (SAR and H), the SA Council of Transport Workers, the Confederation of Metal and Building Unions and the SA Federation of Leather Trade Unions.

Today, he will meet representatives of TUCSA and the SA Confederation of Labour and he will return to Cape Town tomorrow. —SAPA

Muzorewa still head of church

SALISBURY — The Prime Minister-elect, Bishop Abel Muzorewa, will continue as head of the United Methodist Church of America in Rhodesia. —SAPA

Arrie storms out of top labour talks

By RIAAN DE VILLIERS
Labour Correspondent

MR Arrie Paulus, general secretary of the Mineworkers' Union, stormed out of a meeting between the SA Confederation of Labour and the Minister of Labour yesterday after clashing with Mr Fanie Botha.

The row erupted when Mr Paulus accused the Government of committing "treason" against white workers and Mr Botha of having lied to the confederation.

Mr Paulus stormed out soon after the start of the meeting, accompanied by Mr Gert Beetge, right-wing leader of the Blanke Bouwerkersvakbond, and a third unionist. Mr Botha said he had asked Mr Paulus to leave the meeting to discuss the Wiehahn Commission report.

In a statement later, Mr Paulus said he had told the Minister that by accepting the commission recommendations in principle the Government had committed the "greatest act of treason towards white workers in white South Africa since 1922."

The Minister had repeatedly assured the confederation that no changes would be made to labour laws without discussing the legislation with the white trade unions.

"This morning I learnt with shock that legislation is already being prepared and will be tabled in Parliament within days."

In May 1977 the Minister had told the confederation the Government would never recognise black trade unions, he said.

When confronted with these facts, Mr Paulus said, the Minister became enraged, and walked to the door.

He said he would only return if Mr Paulus apologised. "I refused and left the meeting myself," Mr Paulus said.

Other confederation men appeared embarrassed by his action. They said Mr Paulus had acted in his personal capacity.

● See Page 2

Govt no to mixed unions

Labour Correspondent

THE GOVERNMENT will allow no new mixed trade unions for the time being — and migrant labourers will not get trade union rights

These major departures from the recommendations of the Wiehahn Commission on labour laws were confirmed yesterday by Mr Ronnie Webb, president of the Trade Union Council of SA (Tucsa), after talks with the Minister of Labour in Pretoria yesterday.

Mr Webb said it was made clear the Government would extend recognition to black trade unions — which was an encouraging development.

But the Government had evidently decided the status quo be maintained as far as registered unions were concerned, and only existing mixed unions with white, coloured and Asian members would be permitted to continue.

A clearly disappointed Mr Webb said the Minister had outlined the Government's reaction to certain aspects of the report, which did not totally fulfill Tucsa's expectations.

"But we accepted that some progress in the right direction would be made"

He added that he got the impression the door was not "completely closed" on the issues of mixed unions and trade unions rights for migrants and that they would be reviewed by the proposed National Manpower Board

Mr Webb led a Tucsa delegation of 10 who saw Mr Botha yesterday morning.

The registration of mixed trade unions for coloureds, whites and Asians was stopped in 1956

Existing mixed unions were allowed to continue but with separate branches for members of different groups and white executives.

● The Catholic Church yesterday welcomed the Wiehahn Commission's recommendation that trade union rights be granted to all workers, but expressed concern because, a spokesman said, the initial report lacked precision in specifying the criteria whereby existing unregistered unions could register, reports Sapa

A spokesman for the Southern African Catholic Bishops Conference said since these unions represented a large portion of organised labour, such criteria would be of crucial importance to the development of a genuine worker representation in South Africa.

POLITICAL comment in this issue by Allister Sparks, newsbills by John Ryan, headlines and sub editing by Mike Stent, cartoons by Bob Connolly, all of 171 Main Street Johannesburg

Obstacle looms on job law changes

By RIAAN DE VILLIERS
Labour Correspondent

FEARS that the Rightwing SA Confederation of Labour may influence draft legislation on labour reform grew yesterday after the meeting in Pretoria between the white confederation's leaders and the Minister of Labour, Mr Fanie Botha.

The confederation, which represents 200 000 workers in 20 affiliate unions, is to be supplied with draft legislation next week and will meet Mr Botha next Friday for further talks.

Yesterday's meeting followed the total rejection by the confederation leaders of the majority recommendations of the Wiehahn Commission on labour laws.

Neither the Minister nor confederation spokesmen would comment yesterday on whether it would be able to veto proposed changes in the existing legislation.

Adopting a conciliatory stance, Mr Botha said the talks

had been held in a "very convivial and pleasant atmosphere" and agreement had been reached on various issues.

Relations between the confederation and the Government had never been better, he said.

Department of Labour officials would be available over the next few days for discussions with the confederation on issues arising from the report.

He would meet the leaders again next Friday "when, hopefully, final decisions will be reached".

Mr Attie Nieuwoudt, president of the confederation, said it had emerged clearly from the discussions that the Wiehahn report was "just a report to the Government". The Minister had explained that legislation was a different issue.

Draft legislation would be made available to the confederation next week and its 38-man executive committee would meet Mr Botha again at Jan Smuts Airport on Friday.

Unions may stall labour changes

PRETORIA — The stormy SA Confederation of Labour meeting with the Minister of Labour may force the government to rethink labour reforms based on the Wiehahn Commission.

These fears grew here yesterday following Mineworkers' Union secretary Arrie Paulus's walkout at the meeting after an angry clash with Mr Fanie Botha.

The row erupted when Mr Paulus accused the government of committing "treason" towards white workers and Mr Botha of having lied to the confederation on changes to labour laws and the recognition of black unions.

Mr Paulus stormed out soon after the start of the meeting, called to discuss the Wiehahn Commission report, accompanied by Mr Gert Beetge, right-wing leader of the Blanke Bouwerkersvakbond, and a third unionist.

Mr Botha said later he had asked Mr Paulus to leave. Mr Paulus said he had left of his own accord after refusing to apologise.

In a statement Mr Paulus said he had told the Minister that by accepting the recommendations of the commission in principle, the government had committed the "greatest act of treason towards white workers in white SA since 1922 when white mineworkers on the Reef were shot by General Smuts."

He had also accused the Minister of lying to the

confederation on two previous occasions.

The Minister had repeatedly assured the confederation and himself that no changes would be made to labour laws without discussing the legislation with the white trade unions.

"This morning I learnt with shock that legislation is already being prepared and will be tabled in Parliament within days."

In May 1977 the Minister had also told the confederation and himself that the government would never recognise black trade unions.

When confronted with these facts, Mr Paulus said, the Minister became enraged, adjourned the meeting and walked to the door.

He said he would only return if Mr Paulus apologised. "I refused and left the meeting myself," Mr Paulus said.

Confederation spokesmen and Mr Botha later emphasised that Mr Paulus had acted in his personal capacity and not on the confederation's behalf.

The confederation is to be supplied with draft legislation next week and will meet Mr Botha again next Friday for further talks.

Yesterday's meeting followed the total rejection of the majority recommendations of the Wiehahn Commission on labour laws by leaders of the confederation, representing 200 000 white workers in 20 affiliate unions.

Neither the Minister nor confederation spokesmen would comment yesterday on whether the body would be able to veto proposed changes.

Adopting a conciliatory stance, Mr Botha said the talks had been held in a pleasant atmosphere and accord had been reached about various issues.

Relations between the confederation and the government had never been better.

Department of Labour officials would be available to discuss issues arising out of the report with the confederation over the next few days.

He would meet the confederation next Friday "when hopefully final decisions will be reached."

Mr Attie Nieuwoudt, confederation president, said it had emerged very clearly from the discussions that the Wiehahn report was "just a report to the government." The Minister had explained that legislation was a different issue. — DDC

Theron sees end to discriminatory laws

166 August 25/5/79

PROFESSOR Erika Theron believes the measure of acceptance of the recommendations in the Wiehahn report on labour legislation indicates that all forms of statutory racial discrimination will be eradicated.

"The country is slowly moving in the right direction. I have not yet seen the full Wiehahn report, but all I can say is that I am delighted by what I have read in the newspapers so far," Professor Theron said.

Professor Theron was chairman of the Theron Commission, which in 1976 recommended sweeping social and political changes for coloured people.

REJECTED

The Government accepted the majority of the commission's recommendations, but rejected key elements of the report such as the recommended scrapping of the Mixed Marriages Act and the Group Areas Act.

In the light of the rejection of what she regarded as crucial elements of her commission's findings, Professor Theron became one of the Government's harshest critics, accusing it of doing nothing to bridge the 25-year gap between white and brown people.

Professor Theron said that she now accepted that some of the recommendations of her commission's report which were clearly repugnant to the Government only two years ago had since been accepted and implemented.

FRICTION

"Of course we still have the Mixed Marriages Act, something the coloured people regard as a real bone of contention," she said.

In the light of the Government's attitude to the Wiehahn report, however, indications were that the maze of statutes which still created racial friction would eventually be phased out, she said.

"I am convinced this will happen, even extending to something like the Mixed Marriages Act," said Professor Theron.

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Professor Theron

Theron: Beginning of the end of race bars

6/5/79
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By Rodney Jackson-Smith

AFRIKAANS academic Professor Erika Theron believes the measure of acceptance of the Wiehahn report on labour legislation paves the way for eventual eradication of all forms of statutory racial discrimination.

"The country is slowly moving in the right direction. I have not yet seen the full Wiehahn report, but all I can say is that I am delighted by what I have read in the newspapers so far," Professor Theron said yesterday.

Professor Theron was chairman of the Theron Commission which in 1976 recommended sweeping social and political changes for coloureds.

At the time the Government accepted the majority of the commission's recommendations, but rejected key elements of the report such as the recommended scrapping of the Mixed Marriages Act and Group Areas Act.

In the light of the rejection of what she regarded as crucial elements of her commission's findings, Professor Theron became one of the Government's harshest critics, accusing it of doing nothing to bridge the 25-year gap between white and brown people.

But Professor Theron accepted that some of the recommendations of her commission's report which were clearly repugnant to the Government only two years ago had since been accepted and implemented.

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bone of contention," she said

In the light of the Government's attitude to the Wiehahn report, however, indications were that the maze of statutes which still created racial friction would eventually be phased out, she said.

"I am convinced this will happen, even extending to something like the Mixed Marriages Act," she said.

Clearly, she said, the passage of time — and relatively short at that — had changed the Government's attitude to the country's racial problems. She believes that had her commission's report been tabled now there would have been greater immediate acceptance of its recommendations.

Wiehahn shows up primitive state of labour organisation on mines

By PAUL DIAMOND

NEATLY sidestepping the issues, the first report of the Wiehahn Commission into labour legislation has shown up the primitive state of labour organisation in the mining industry.

Wiehahn has put the ball in the mining industry's court. Tough negotiating and possibly direct confrontation with the right-wing White unions are expected.

The Wiehahn Commission has delayed dealing with the Mines and Works Act, but in so doing has challenged the industry to get on with reforming its own labour relations. Mining is still some way behind

secondary industry in respect of job discrimination, worker representation, living conditions, and Black wage levels.

Many mines have no formal channels for the representation of Black workers other than appointed tribal authorities.

Where works committees exist they carry little power because of the total absence of cross-industry mineworker organisation.

Dissatisfaction with hostel living conditions is often the cause of friction and violence, and few mines fill their allowed maximum of 3% permanently resident Black employees.

Black average cash wages are about R120 a month, as against

R1 000 for Whites. Blacks are provided with food and accommodation, but Whites also enjoy considerable housing allowances and fringe benefits.

Many aspects of mining labour practice are in direct conflict with the Wiehahn recommendations. It appears that pressure from both the Government, unwilling to alienate right-wing White unions, and from the Chamber of Mines, has resulted in the Commission's cautious handling of the mining industry.

The issues at stake revolve around two major reforms advocated by the Commission.

The first is the recognition of Black and mixed trade unions

The second is the elimination of job reservation, which is closely tied to the closed shop agreement between the White Mine Workers' Union and the Chamber of Mines.

In this respect the Commission feels that, for the present, "the parties in the mining industry should be encouraged to negotiate an accommodation of this sensitive matter".

The Industrial Relations division of the Chamber interprets this as a shift towards greater self-governance, which is in agreement with the trend of the Commission's report. Representatives of the mining houses and of the Chamber were tight-lipped this week about possible reforms.

There is confusion about what should be done and who should do it. Despite the Commission's plea for industry to act, a spokesman for the Chamber said "We do not want to take any specific stand until the Commission has dealt with the mining industry".

It is widely expected that, when the Chamber does announce proposals for industrial reform, these will be vigorously opposed by the MWU. Arrie Paulus, General Secretary of the MWU, stated earlier this year that the union feels justified strong today as it did in 1922 about the incorporation of Blacks, and would be opposed "whatever the recommendations of the Wiehahn Commission".

US, UK, Germans and Swiss all say it's a breakthrough

By STEPHEN ORPEN
and DAVID CARTE

THERE were no dissenters among the chief executives of multi-national corporations in South Africa when questioned about the Wiehahn Commission report on Friday.

Bosses of companies doing some R2-billion worth of business in this country were unanimous in their enthusiasm for the main thrust of the report, which they described as "historic" and "the greatest breakthrough in race relations in South African industry in the past 30 years".

There were reservations about Government's reaction to the report. In particular, virtually all those questioned stressed that much would now depend on how fast Government moved on the proposals, and on its courage in facing the consequences head-on — without bureaucratic delays and evasion.

There were also differences of opinion as to how specific proposals should be implemented, and at what pace.

But the approval of the spirit of Wiehahn was both resounding and unequivocal.

Reinhold Sanne, financial and commercial chief of the R185-million-a-year South African operation of the German Siemens electronics and engineering group, said his company firmly supported the scrapping of discrimination at all levels in business.

"Our guideline is 'Integration of course, but not by force'."

"We have lobbied strongly for mixed, as opposed to sep-

Foreign firms hail Wiehahn report

arate unions for blacks and whites. There would certainly be conflicts of interest between the members of separate white and black unions in the early stages.

"We think there would be trouble if entrepreneurs and employers were expected to arbitrate between black and white registered unions. With mixed unions it will be up to the union members to resolve their different interests before meeting with management."

Taking the main points of the Wiehahn proposals in turn, Mr Sanne explains that in terms of racial mixing in facilities such as canteens and toilets, much of what the report asks for has already been achieved by the multi-

"We still have some separate facilities in our factories. But this is only because we are dealing here with raw black workers and more sophisticated whites."

"The two groups still tend to feel uncomfortable together. But we expect this to change with training and patience."

"In our Johannesburg offices, where both blacks and whites are sophisticated, there has been full integration without fuss."

Mr Sanne says he is not yet fully informed on the implications of the suggestion for industrial courts to replace tribunals. But he nevertheless welcomes the idea. "If it is to be on lines similar to those in Germany, in which arbitra-

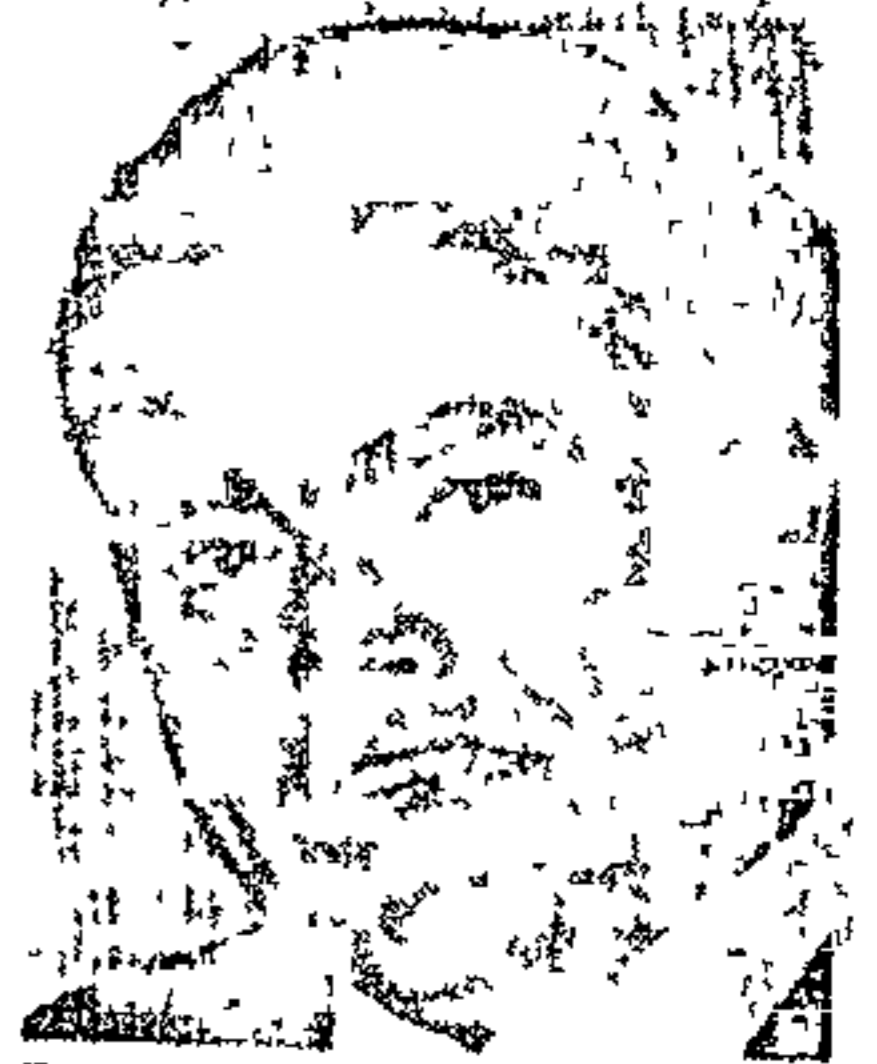
tion is by fully independent bodies."

On training, he says, Siemens has already applied to have more than one programme for blacks formally accepted under the the Apprenticeship Act.

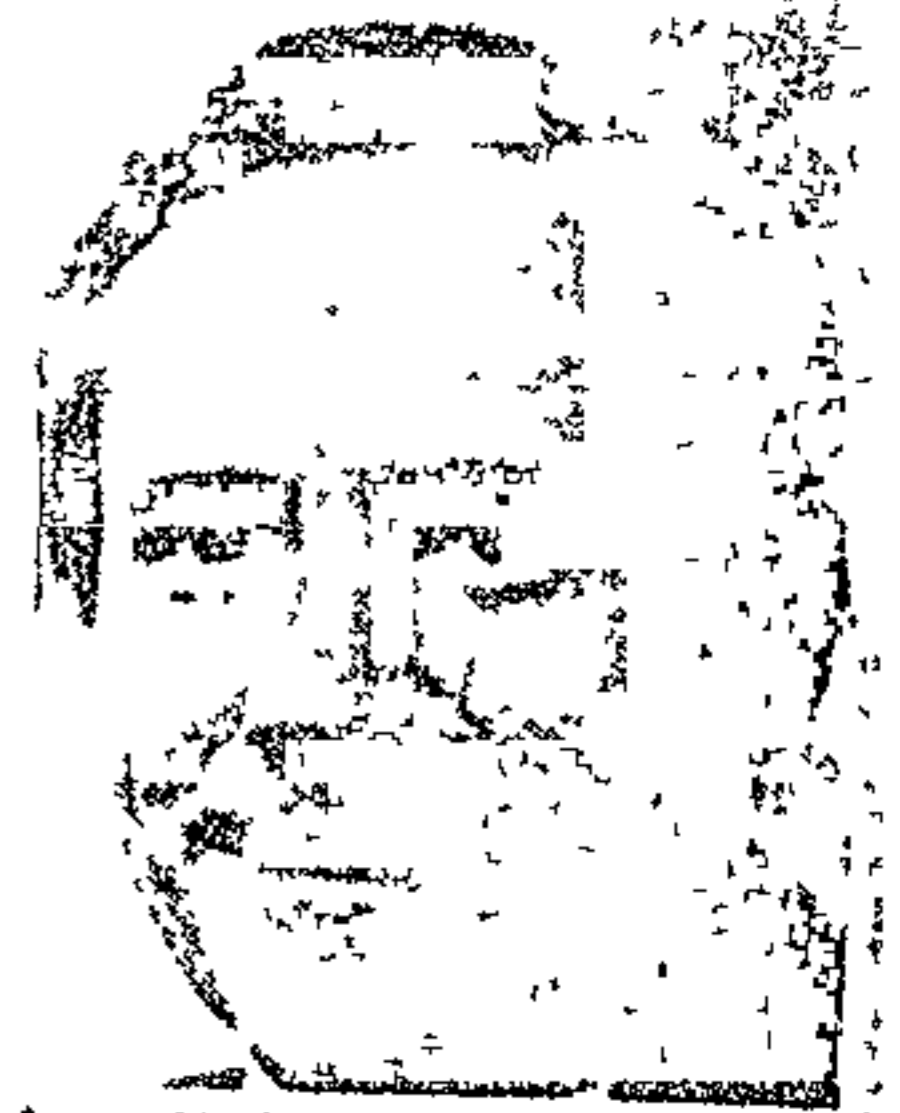
"We are especially pleased that Wiehahn provides not only a concise and comprehensive survey of the domestic labour scene."

The commission's report is also a strong motivating document. It inspires as well as recommends."

Keith Davies of International Computers South Africa, which has installed computing power worth upwards of R250-million in this country, and is 93 per cent controlled from the UK (the rest of the shares are held by Old



Dick Clarke ... what's right for us



Lou Wilking ... fair employment

Mutual), says his company has also implemented most of the Wiehahn provisions relating to conditions in the workplace.

"We still have two canteens at our Aeroton works. But this is only because we have sophisticated white women there together with basic black workers. They need time to learn to meet and eat together on the same basis."

"We employ about 140 blacks but also large numbers of Coloured and Indian programmers, operators, supervisors, shift leaders and clerical workers."

"Integration is virtually complete except in the case of some of the unskilled blacks."

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MR ARRIE Paulus "be-
trayal of promise"

Difference between report and legislation

By PETER FABRICIUS

NEW labour laws based on the report of the Wiehahn Commission may be much more conservative than expected.

Mr Attie Nieuwoudt, president of the right-wing South African Confederation of Labour, and the man who submitted a minority report disagreeing with the Commission's recommendations, this week emphasised there was "a big difference between the Wiehahn report and the legislation."

He was speaking after a meeting between the Confederation and the Minister of Labour, Mr Fanie Botha, at which members of the right-wing organisation were allegedly shown draft legislation based on the Commission's report.

The friendly spirit which appeared to have been established between the Minister and Mr Nieuwoudt has aroused fears that the conservative body may have already influenced the legislation.

A split is also looming within the Confederation. Mr Arrie Paulus, general secretary of the right-wing Mineworkers' Union, and the man who led the recent miners' strikes, last week walked out of the meeting with Mr Botha and accused the Confederation of "cowardice".

Mr Paulus said the Minister had told the meeting that legislation based on the Wiehahn Commission report would be out this week.

This was a betrayal of Mr Botha's promise to consult the unions before legislating," Mr Paulus said. He also claimed the Government had already produced its white paper on the Wiehahn report.

Meanwhile the recommendations of the Wiehahn Report so far have been a great

disappointment, according to Audrey Cobden, Durban Director of the Domestic Workers' and Employers' Project (DWEPE).

"We are waiting for the next stage of the report and hope that domestic workers will be included in the recommendations for a better deal.

"An employer can get away with anything he likes. He does not have to pay sick or holiday pay and he can fire a faithful servant after years of service without giving a cent in pension," he said.

"Our hopes are pinned

on the next stage of the Wiehahn Report which may deal with wages and workers compensation, subjects which are noticeably absent from the report so far."

Farm workers, another group which have been excluded, are also desperately in need of a better deal, according to Mr Eugene Roelofse, Ombudsman for the South African Council of Churches.

"The whole problem of unskilled and often illiterate workers needs to be thoroughly looked into as the formation of trade unions will not help these people."

NEW BLACK LABOUR DEAL MAY NOT BE SO RADICAL

The Wiehahn Report

Both sides of the coin

By
**ALEX
BORAINE**

● MP for Pinelands and Opposition spokesman on labour

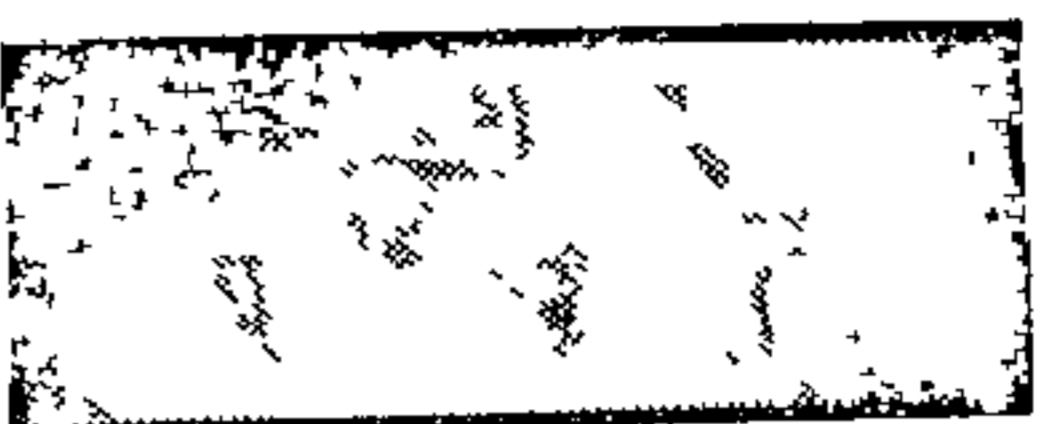
THE LAST commission to review labour law was appointed in 1949, therefore the Wiehahn Commission is long overdue and its major recommendations should breathe new life into labour relations which have been bedevilled by confusion, conflict and discrimination on the grounds of race and colour.

In order to place the focus squarely on the total human resources available in South Africa, the commission recommends that the name of the Department of Labour should be changed to the Department of Manpower. It also recommends that, as a matter of urgency, a standing National Manpower Commission be appointed.

The functions of the new manpower commission would include:

- A survey of the overall manpower situation;
- Research into international labour development;
- Regular evaluation of labour laws.

On the central issue of registered trade union rights for blacks, the commission is emphatic: "It is abundantly clear to the commission that



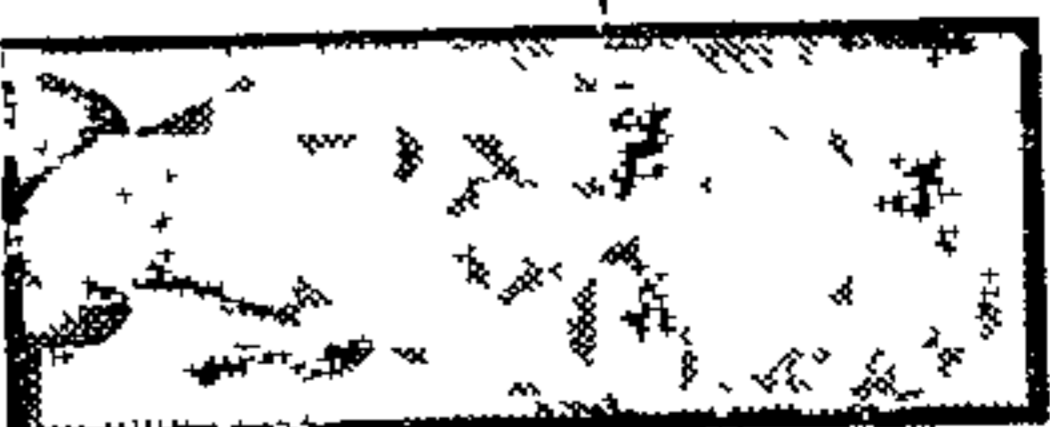
ed through consultation between employer and employee parties. Unfortunately, the commission does not deal at this stage with the Mines and Works Act, which contains one of the most serious aspects of job reservation, namely the granting of blasting certificates to whites only. This severely handicaps blacks in the mining industry and needs the urgent attention of the commission. The commission has also recommended a retention of the closed shop principle which makes it possible for trade unions to continue to discriminate and to maintain a very severe form of job reservation.

As far as separate facilities are concerned, the commission recommends that the provisions of the Factories Act and the Shops and Offices Act, which provide for separate facilities on racial grounds, be replaced and that this matter be regulated by employer / employee agreements at the Industrial Council. This shifts the emphasis from regulation by the State to the responsibility of the private sector, and if accepted by Government would allow employers, together with their employees, to work out

The rise of black power

— or is it the same old deal?

NOW that we've had the benefit of ministerial interpretations of the Wiehahn Commission some of the fears of the African workers and those unions committed to non-racial unionism are rapidly being confirmed.



By
**ALEC
IRWIN**

● General-secretary of the Federation of S.A. Trade Unions

key of the well-argued reasons in the majority report for admitting them to union membership. It makes a mockery of the chances of existing independent unregistered unions achieving representivity since the vast majority of workers are migrants in terms of the Minister's definition.

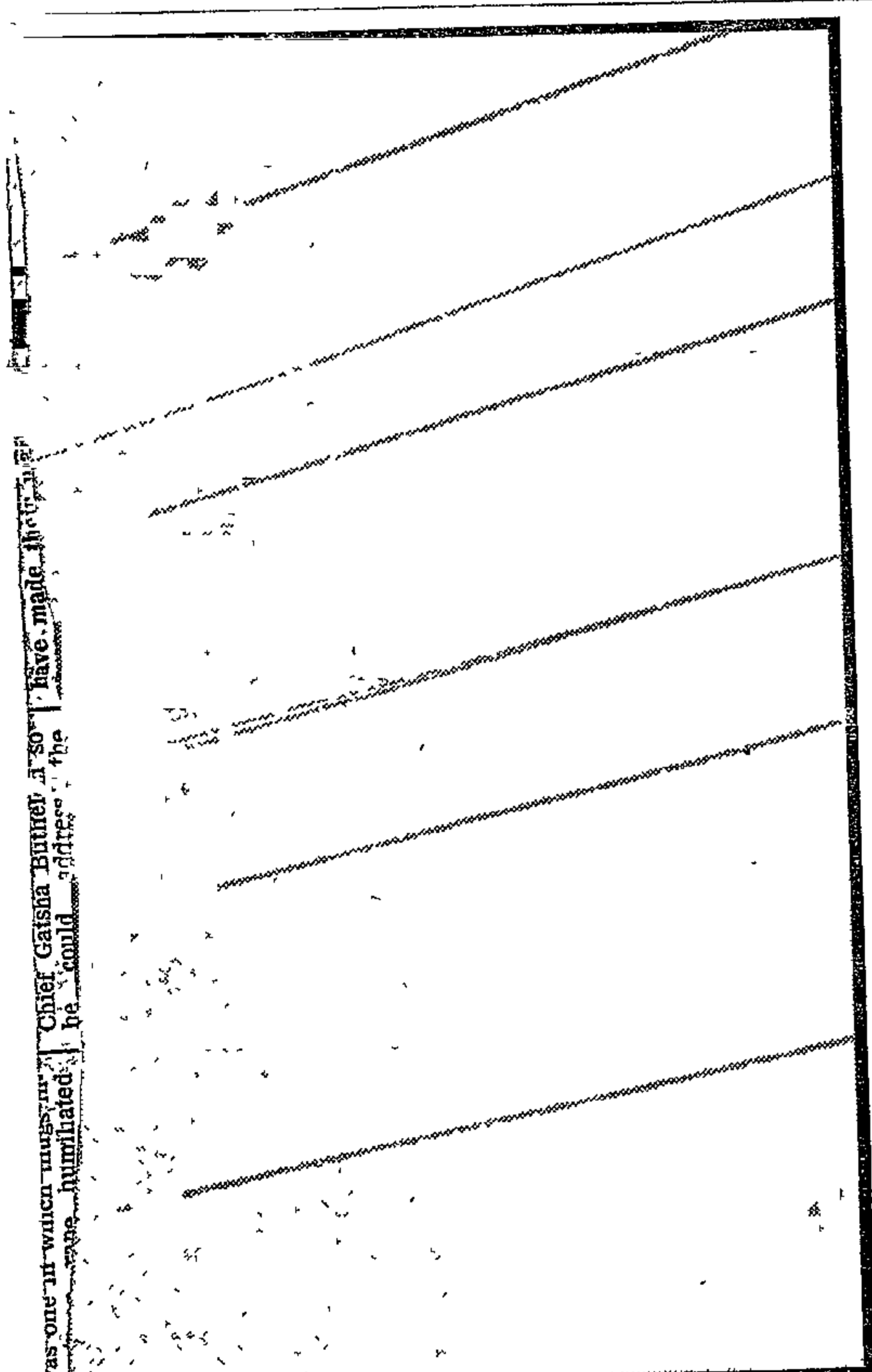
Certainly the principle of freedom of association goes out the window since the criteria for union membership remain the Government-imposed apartheid structures, a criteria rejected by the Wiehahn Commission.

All that remains is the convenient likelihood that existing registered unions will in the main be the ones likely to attain registration and recognition.

The State's role should be to set up structures that enable orderly contact bargaining between employer and employee parties, having those parties to sort out the rest.

Clearly this is what African workers and the non-racial labour movement wanted to see. However, the question was how could this principle be reconciled with the existing situation where vested interests had to be protected.

Basically the Wiehahn Commission



SWEDEN IN AFRICA
GOVERNMENT

A Great ^{6/5/70} Chance for South Africa

IN a single stroke the Nationalist Government has given South Africa its greatest opportunity in 30 years of returning to respectability among civilised nations. It has done so by embracing in principle the main recommendations of the Wiernann Commission. For these recommendations, if implemented swiftly and extensively, will change the nature of our society and revolutionise racial attitudes.

South Africans have witnessed minor changes in the past few years that have taken place virtually without incident. Pricey restaurants, hotels and places of entertainment have been opened to enable a degree of sophisticated integration. Some private schools have been allowed to admit black, coloured and Indian pupils. Jobs have been opened in a few categories to blacks in the railways. Indian typists have been employed on an increasing scale in offices on an integrated basis.

We could name more examples. But it is not important. What is important is that when these changes have taken place they have been accepted by the whites with compliance.

But the changes were relatively insignificant. The mass of commerce and industry remained segregated at great cost to the economy and at great harm to race relations.

Now the Minister of Labour has undertaken to make reforms based on the sensible and wide-ranging Wiernann recommendations. And those reforms would bring together the races in a relationship of co-operation and mutual advantage in such numbers and under such conditions that many areas of social exclusiveness will inevitably collapse.

The concept for Nationalists is challenging the potential for South Africa exciting. It will make it easier for friends to be seen to be friendly.

Yet all will depend on the extent to which the Government commits itself and the speed with which it acts.

A P R A

"Our system of industrial relations is very much like a patient whose sporadic pains have in the past number of years been treated with painkillers, but who now requires major surgery"

"This is likely to be more difficult than a heart transplant, which at least has a measure of scientific predictability."

The man was Professor Nic Wiehahn

The notes were intended or his inaugural address as head of the newly established Institute of Labour Relations at the University of South Africa

The date was June 1977 Today the operation he rescribed is over

With the publication this week of the report of the commission of inquiry into South Africa's labour legislation — and the Government's acceptance of its major recommendations — he sick heart has been cut out of the apartheid society

Prof Wiehahn, the man who, as chairman of the commission, led the transplant team, is quietly jubilant

Even as the Minister of Labour, Mr Fanie Botha, meets union leaders to pave off the first signs of election, neither he nor the majority on the commission believe that the reaction will prove fatal

The success of the operation owes much to the brooder and former railway shunter who shortly after is appointment to the Inasa Institute in 1976 went to call on Mr Fanie Botha, he newly appointed Minister of Labour, who was struggling to adapt South Africa's apartheid laws to the black worker's need for bargaining powers

Advisers

The courtesy call became the first of several lengthy meetings as the two men found that they were "on the same wavelength"

By the end of that year, Prof Wiehahn was fulltime labour adviser to the Minister

Within another six months, the commission of inquiry was appointed

Their success is due in part to the chemistry of their relationship

If Prof Wiehahn involved the white unions in every stage of the negotiations that led to this week's report, he also kept Mr Botha constantly and fully informed of the direction the commission was taking

Labour

Surgeon

who cut

out the

heart of apartheid



PROF WIEHAHN... the labour "surgeon" who's quietly jubilant

with the black trade unions, whose existence was not recognised in South Africa's labour laws

Practice and legislation, as the commission's report notes, were "drifting apart"

Patchwork

The seemingly watertight apartheid structure which had thrown a protective legislative wall around the white workers — and which had decreed that black workers could not move into "reserved" skilled jobs, that they could not share the facilities of their white colleagues, that their unions could not register under the Industrial Conciliation Act and that the fruit of their bargaining could not be entrenched in law — was crumbling under the pressure of economic reality

Further legal patchwork could not save it or provide any guarantee of continued industrial peace

Employer organisations, white trade unions and leading figures in the business world, many of them from the Afrikaner establishment, began to bring the message home to the Government

In 1977, with the appointment of Mr Fanie Botha as Minister of Labour, they found a willing listener

He, in turn, found a willing instrument in Prof Nic Wiehahn

ment's acceptance of the key Wiehahn recommendations. But it was a long, uphill battle against the men, trade unionists, academics and politicians determined to the last to preserve white privilege and the homeland dream

First there was Mr Atlie Newwood, the minority commissioner, who trotted out all the well-thumbed arguments that blacks would "swamp" the white trade unions, that black trade unions would be used for political purposes, that blacks were not citizens, and that the 1973 strikes had been caused by agitators. He clung tenaciously to the status quo

Then there was the rightwing group on the commission, led by Professor Piet van der Merwe, the Pretoria University labour economist who, for more than a year, held up the commission's report by mounting a major offensive against the extension of migrant-union rights to frontier workers and frontier

commuters — a definition which included even those who commute daily from the homelands to their permanent jobs in white South Africa

At one point the definition threatened to engulf all South African blacks who, as "citizens" of the homelands should have their trade union rights negotiated through inter-state agreements

The majority of the commission came down strongly for inclusion of migrant and commuter workers in the trade-union system

They argued that any attempt to exclude them would fan suspicions that South Africa was still discriminating against one population group, that it would further complicate the bargaining procedure for employers, impose inexcusable inequity on professional workers who had to commute from homeland to work, and infringe on the right of trade unions to decide on their membership

Freedom of association was, in any case, an indivisible right

In the event the majority lost. The Government has decided, initially at least, to limit trade-union membership to blacks in permanent residence and fixed employment in South Africa

This will certainly temper much of this week's enthusiasm for its new-look labour policy

But there are strong indications that the ban on trade-union membership for commuters will not, and cannot, last, creating as it will impossible strains in cities such as Durban and Pretoria where a large proportion of the permanent work force is drawn from neighbouring homelands

In the event, the word in informed circles is that migrant and commuter membership of trade unions will be phased in gradually on the advice of the National Manpower Commission once the Government has negotiated the storm over its decision to extend union rights even to so-called Section 10 blacks — those who have the right to live and work in the cities

The veritable minority on the commission might have won the battle, but they could still lose the war

THE REPORT WINS

Victory is expected to go to the white minority. They argued that it was "unacceptable, on the one hand, that work reservation be abolished and on the other its commonest form perpetuated and statutorily sanctioned"

It was also pointed out that maintenance of the closed shop clause could provide a lever for overseas labour interests to pressure multinationals into admitting only members of mixed trade unions

It might have been this that tipped the scales, but it now seems certain that the Government will suspend future closed shop agreements while assessing the possibility of a total prohibition

This move could unleash the fury of unions, to the left and right, who regard the closed shop as one of their most entrenched rights, but it could also help to break down traditional job reservation and speed up the training of black skilled workers

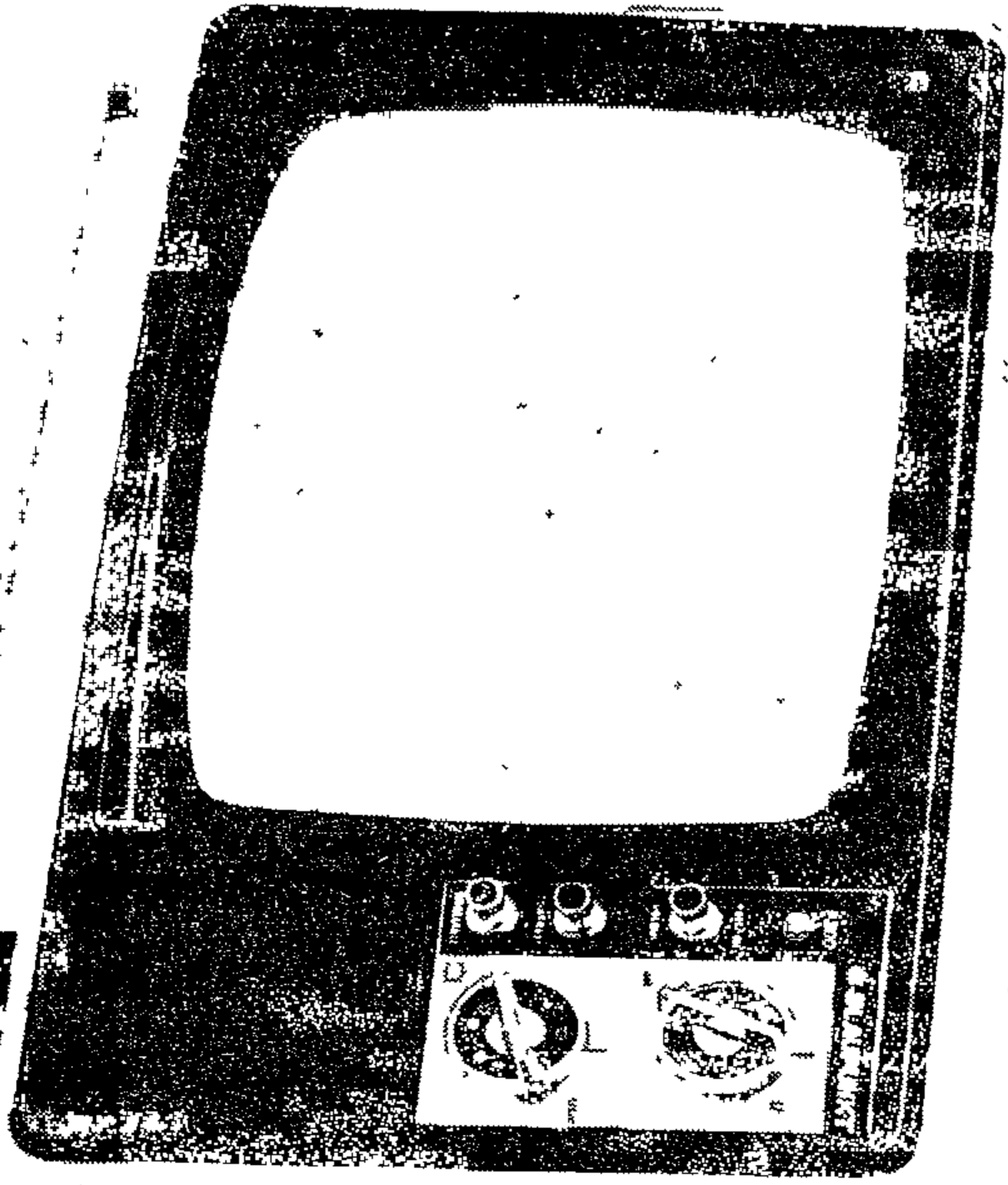
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AFTER a generation of futile effort to force the economy to operate in skintight colour compartments, the National Party admitted defeat this week and accepted the Wiehahn commission proposals that will reverse that policy

1160
6/5/79

THEIR LAW gives way to the profits

South Africa should actively promote economic participation and freedom of competition within the South African labour system. This implies that the existing system will have to be modified in such a way that legal restrictions do not stand in the way of the individual's freedom to participate and compete in accordance with his abilities



Fleur de Villiers

THIRTY years ago that statement would have earned the speaker instant condemnation as a leftwing agitator

This week, on May Day plus one, it was enshrined in a report of a commission of inquiry appointed by a Nationalist government whose guiding receipt has always been that a man's right to compete freely in the marketplace should be determined not by his ability, but by the colour of his skin

With those words the Wiehahn commission nailed its and the government's new colours to the mast. 30 years of discriminatory legislation is about to be rolled back, 30 years in which the black worker, hedged about with legal restrictions, was reduced to a "voiceless, powerless, rightless temporary" cog in South Africa's economic machine

Today, as a result of Government acceptance of the Wiehahn commission's findings, he is about to become an equal partner with the white worker entitled to compete freely, to acquire skills and to sell them, and to the full power of legally sanctioned collective bargaining

The right to freedom of association, to trade-union autonomy, to apprenticeship training, and the abolition of the principle of job reservation and of statutory restrictions on mixed facilities for black and white workers are about to be enshrined in law

A government which, suspicious of untrammelled free enterprise, has always put its faith in law rather than in the marketplace has made up its mind to abandon the law for the profits and leave management and labour black and white, to get on with the job without legal interference

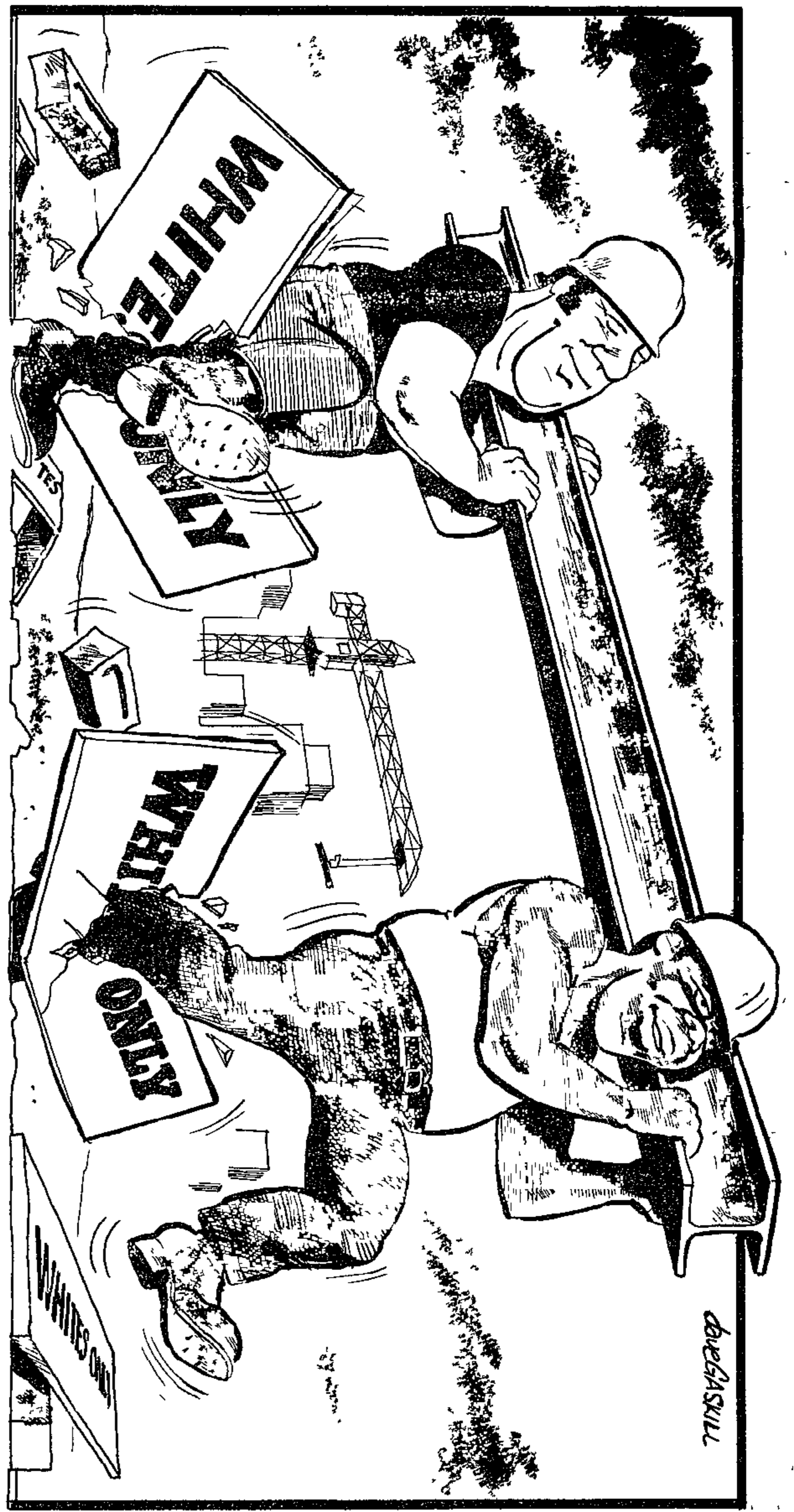
More significant perhaps, a government whose whole policy has been constructed around group fears and group protection is pinning its faith on the rights of the individual

Fair employment-practice legislation for the protection of the individual rather than legislative discrimination for the protection of the group is the new, if somewhat gingerly accepted, article of Nationalist faith

It is a staggering development with an impact far beyond the labour field. It alone would justify the widely heard claim that the Wiehahn commission's report has fired the first shot in a social revolution that will change the future and the face of South Africa

That revolution is not won. If the Government has accepted the Wiehahn commission's recommendations, it has made it equally clear that its change of course is going to be carefully and cautiously charted

Acceptance of a new set of principles does not mean that practice is going to change overnight. Neither will decades of discrimination at the workplace disappear like a bad dream. Until a body of fair employment legislation has been built up and blacks develop their bargaining skills, discrimination will per-



Dave Askill

sist in practice, if not in law

But in the continuation of a trend which was first signposted with the De Kock commission's report on foreign-exchange control continued in a budget which stated that economic growth was a function of the marketplace and not of government spending, and by the Prime Minister's recent announcement that South Africa's swollen public service is to be drastically slimmed down, it is yet another sign that a government which kept the apartheid society intact by force of law is about to abandon it to the market mechanism

It's a far cry from the days when the white blue-collar worker, haunted by the memory of the depression when his place at the workbench was threatened by hundreds of equally hungry blacks, demanded — and got — a protective net of discriminatory legislation from a government ever attentive to his needs and his votes

That net, extending from job reservation to the Native Labour Settlement of Disputes Act of 1953 which banned mixed trade unions, and the Industrial Conciliation Act of 1956 which excluded Black trade unionists from industrial councils, represented a key section of the 81 discriminatory laws

which were to reinforce the apartheid society

It is somewhat ironic that within only a few years after the Government had put the finishing statutory touches to the edifice, cracks began to appear which this week were finally to bring it all tumbling down

Those cracks were induced by economic and political forces which apartheid could not contain or cope with

As the commission itself notes, South Africa's industrial and economic development began to outstrip its ability to supply skilled labour from white ranks

In the first tinkerings with labour apartheid the Government was forced to admit Blacks to skilled and semi skilled ranks

As white South Africa recognised its dependence on the semi-skilled black workers, so it began gradually to accept the fact that he was no longer a temporary sojourner in its midst, but a permanent and essential presence. Another apartheid strut had gone

White workers moved upwards into the white-collar field, but those who remained gave rise to the anomalous situation that men doing the same job at the same workplace began to fall under different systems of negotiation, be-

cause of the different colour of their skin

Blacks were allowed works committees with few if any bargaining teeth, whites could bargain on industrial councils and have the results sanctioned in law

Again apartheid legislation was beginning to fit only where it touched. And the strains were beginning to show

The Durban strikes of 1973 appalled South Africa and alerted international attention. Multinational companies, under pressure from their stockholders and nervous of the effect of black strikes, began to recognise and bargain with unregistered black unions

Law and custom began to drift dangerously apart and a government which had always sought maximum control over black labour aspirations found it was in danger of losing its grip

The tightly constructed edifice had become a ramshackle collection of laws and prohibitions that bred frustration and didn't work. But if South Africa's economic growth was the anvil on which the apartheid dream shattered, there was also a conscious political decision which in the early '70s made the development possible. That decision to speed up

growth was based on the growing nightmare of black unemployment and political unrest

It was a Catch 22 situation which the Nationalist Government could not escape

Without growth, political instability was assured, with growth and its concomitant dependence on black skills apartheid at the workplace and at the bargaining table would have to go, and with it Government interference in the market mechanism and the whole lovingly constructed panoply of apartheid legislation

It has happened, says Senator Anna Scheepers, president of the Garment Workers' Union and the veteran of a 41-year long battle for equal rights for all South Africa's workers not a moment too soon

As it is, it will take years, she says to train South Africa's black workers in sufficient numbers to meet the demand for skills. Next year South Africa will need a workforce of 10-million, of which 3.5-million will have to be skilled workers if it is to meet the demand for economic growth

It is a bill which while coloured and Indian workers cannot possibly meet

But in a week that has brought her a deep personal triumph, she is not about to quibble

The Government's acceptance of the Wiehahn commission's report will break the back of apartheid, she says

Workers will learn to work together and respect each other, to think not in terms of colour, but in terms of worker unity

They will learn that safety lies in cooperation with blacks not confrontation

Mr Attie Newoudt, Mr Arrie Paulus and Mr Wessel Borman are not likely to agree, but the fact remains that on May Day plus one this week, South Africa embarked on a new course which might be slow and painful, but cannot be diverted

It has finally recognised its dependence on its black worker. It has accorded him his first basic civil rights and recognised his right to bargain with his vote

Only the naive will believe that this will not lead to participation in other spheres of South African society

It was a naiveite which did not afflict the Wiehahn commission. "Steps taken in the field of labour must have consequences whether directly or indirectly in the fields of commerce, politics and many others"

This week the Government and the commission took those first hesitant steps and started a social revolution

THE MAN

AND THE BATTLE

and that their strength and position of influence can only become further entrenched."

With a single dissenting voice, namely that of Mr A. I. Neuwoudt, the commission has recommended the removal of the bar on the registration of black unions. This is a radical departure from Nationalist policy and will undoubtedly stir up a great deal of controversy in the party and among some conservative white trade unions.

There is some confusion relating to union rights for migrant workers and it is not yet clear that the majority view, namely "that no restrictions or qualifications should be placed on the eligibility for trade union membership", will get Government approval.

On the one hand, the commission advocates the freedom of association for unions, but on the other, recommends that trade unions should be free to prescribe such membership qualifications in their constitutions as they may deem fit, whether or not race, colour or sex is a consideration. This is a contradiction in terms and is bound to cause considerable problems, especially for employers. It is conceivable that two competing unions, one white, one black, could be operating in a single industry.

On another very important principle, that of work reservation, the commission recommends the immediate repeal of Section 77 of the Industrial Conciliation Act. However, the commission also recommends that the repeal of particular job reservation measures should be achieved

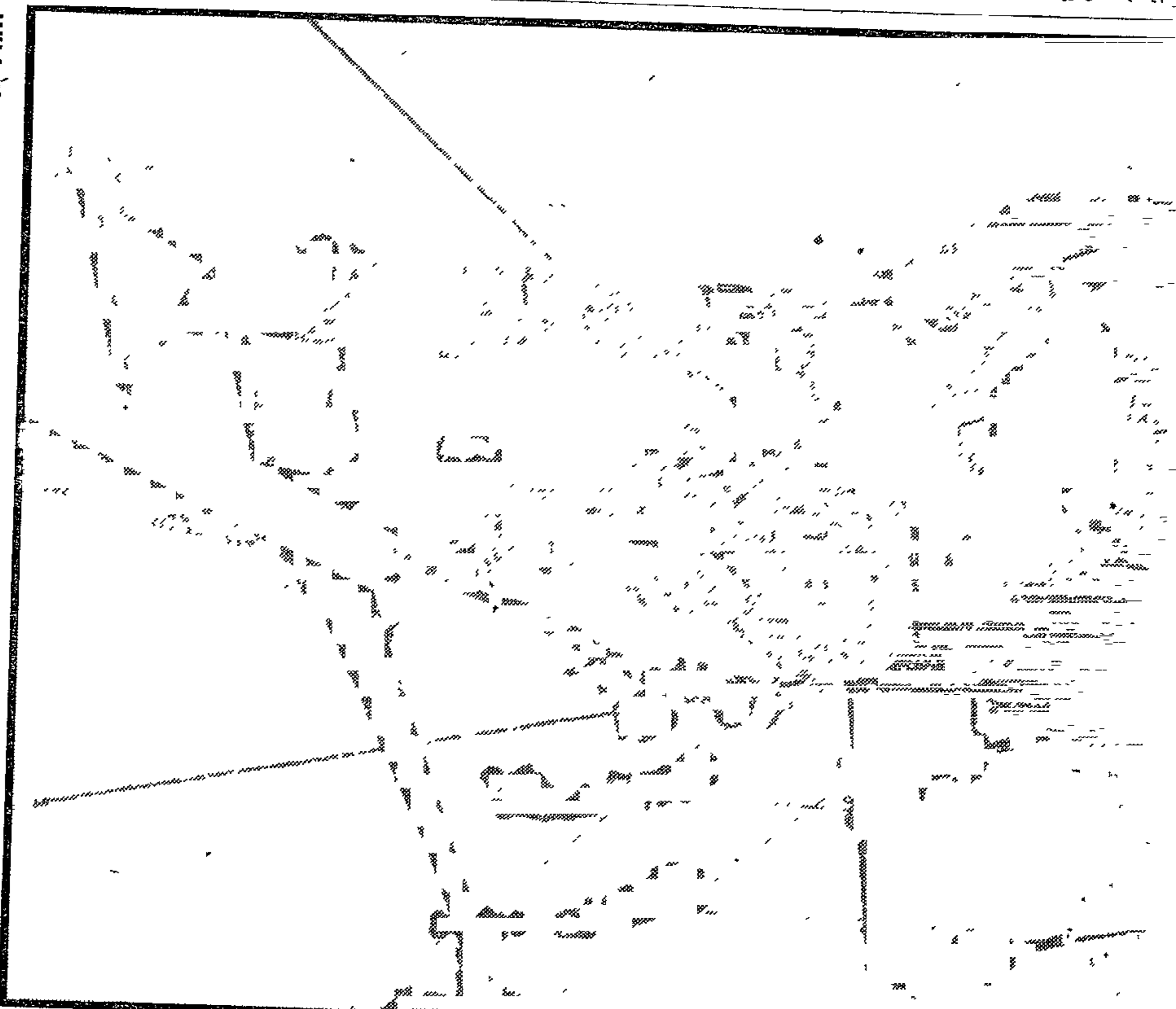
rooms, toilets, etc. It would also present a challenge to employers who have stuck to segregated facilities on the grounds that to do otherwise would be "to break the law".

All in all, the Wehahn Commission recommendations are certainly a significant advance in freer and fairer labour legislation. However, as indicated above, there are several qualifications to this, namely the ability of trade unions to restrict membership on grounds of race, colour and sex, and the maintenance of the closed shop system. Of considerable interest and import is the minority report issued by Mr. Neuwoudt, who represents the largest union in the country and who is a very strong ally of Mr. Arrie Paulus, General Secretary of the white Mineworkers Union.

Will Fanie Botha, the Minister of Labour and Mines, be able to persuade these traditional Nationalist supporters that the changes contemplated are in their interests also?

In the final analysis, the real test will be the Government's White Paper which is to be published on Tuesday and more especially, the legislation which will come before Parliament in the next few weeks.

It is one thing to have a commission's report, it is another thing to repeal those measures which discriminate and divide. It would be a tragedy if the Government in any way backed off from the commission's recommendations, for they are an essential ingredient towards the realisation of a just and peaceful South Africa.



WILL there be room at the top of the union movement for black unions as they are envisaged by the Government or will the heralded rise of black power turn out to be another let down for the workers?



commitment to the principle of freedom of association but countered this by recommendations for caution, the provision of certain important safeguards for vested interests and the inevitable considerable discretionary powers for the administrators.

The National Manpower Commission looks set to rank as the busiest body in the long history of busy government departments in South Africa.

On certain issues the Wehahn Commission, to its credit, did take a progressive stance. In particular, the majority report stands on the admission of migrant workers to union membership and freedom to have racially integrated unions if the membership so wished. But they had to meet what they referred to as practical political needs and the commission's own words best sum up the effect of this:

"Its endeavours to find compromise solutions in the form of less severe restrictions were unsuccessful and demonstrated to the commission that any departure from the norm of freedom of association brings intolerable consequences in one form or another" (clause 3.63.4)

For the unregistered unions the report certainly contains scope for the emergence of many of these "intolerable consequences" and unfortunately they already seem to be coming through thick and fast.

The Minister is rapidly eliminating the most progressive aspects of the report. His stand on migrant workers makes a mo-

For the unregistered unions the small print of recognition is ominous. In the existing legislation a union had basically to keep good records, have a constitution of a certain form and be sufficiently representative in the area that it wanted for. This would have been quite acceptable to us. The Minister's claim that unregistered unions have large amounts of money which no one knows anything about is nonsense. We have no fear of an inspection of our finances and our constitutions are largely modelled on those registered unions and subject to scrutiny at any time.

However, now it appears that our registration would only be given after taking into account numerous considerations including the national interest—an interest that's been somewhat shaky in recent times. Who can blame us for being cautious? Particularly as even if we get registration we may not get onto any industrial council since the right of veto over new entries will be given to existing parties.

Unfortunately those unfamiliar with labour and its problems have only seen in the Wehahn Commission the cherry-topped cake and think we'll all be able to eat it.

Regrettably, as the African worker knows only too well, internationally accepted freedoms when applied to him never come without the snags. We're still waiting for the legislation but with a caution that rapidly grows to open scepticism with every new statement of the Minister.

Govt gives go-ahead for mixed unions

THE Government has accepted the principle of mixed trade unions in South Africa.

But it has decided initially to restrict trade union membership to Section 10 blacks thus excluding the thousands of black commuters who live in the homelands but have permanent jobs in white South Africa.

It has also decided to suspend the "closed shop" practice with the view to possible total prohibition in future.

These are three of the decisions which it is believed on good authority will be contained in the Government's White Paper on the Wiehahn commission's report due to be tabled in Parliament on Wednesday.

All are expected to have major political and trade union repercussions.

In another development a leading black trade unionist, Mrs Lucy Mvubelo is being strongly tipped as a member of the new powerful National Manpower Commission.

Accepted

Although the Government obviously favours separate black and white unions it has accepted the Wiehahn commission's recommendation that the decision be left to the trade unions themselves.

The decision to restrict trade union membership to blacks who have both permanent employment and permanent residence in

South Africa conflicts with the majority recommendation of the Wiehahn commission which called for trade union membership to be open to all black workers in South Africa.

The move is expected to evoke harsh criticism from black leaders, especially as it excludes daily commuters from centres such as Ga-Rankuwa, near Pretoria, who live in the homeland but who have permanent jobs in the capital.

Many of these workers are believed to belong to existing unregistered but legal trade unions.

The move would deny them membership of any trade union.

It is, however, suggested that the Government's decision is not final and that trade union membership may be expanded eventually.

The decision to suspend future closed shop agreements is expected to be greeted with fury by trade unionists across the board who regard the closed shop as a cherished right.

The Government has however, accepted the view of a minority on the commission that the closed shop could be used by recalcitrant white workers to ensure effective job reservation.

Comprehensive amendments to the Industrial Conciliation Act will also be introduced in Parliament next week so that a significant number of the Wiehahn recommendations can be implemented immediately before new consolidated legislation is introduced sometime next year.

Confined

The amendments include

- A change in the definition of an employee to include blacks and thus to bring them under the provisions of the Act.

- The establishment of a National Manpower Commission.

- Provisions for the provisional registration of black trade unions.

Registration will be confined to Section 10 blacks.

- Provisions for broadening the ban on trade union affiliation with political bodies to include the coloured and Indian council and other local, provincial or national legislative bodies.

- The establishment of a financial inspectorate to examine the financial affairs of trade unions, industrial councils and employer organisations.

- The restructuring of the Industrial Court which, in

future, will be presided over by a senior jurist and have nationwide jurisdiction in labour disputes.

- The introduction of the concept of equal representation — of black and white trade unions — on industrial councils which will also have to reach unanimous decision on any proposed changes in employment practices.

- A clause to prohibit binding agreements with non-registered trade unions.

- A clause abolishing the principle of job reservation.

Provision will be made to retain the five remaining job reservation determinations until the decision is made to abolish them.

- Provision for certain protective measures to ensure that workers are not disadvantaged by the abolition of job reservation.

Amendments to the Shops and Offices and Factories Act will also be introduced to scrap clauses calling for separate facilities for different races.

Further major changes to the South African labour scene will have to await the publication of the Rieckert report on manpower which was completed last August.

Opposition to some of its recommendations especially in the Department of Plural Relations is said to be the cause of the delay.

Legislation restructuring South Africa's influx control measures, thus giving the black worker a far greater mobility, is expected to follow the publication of the report.

Just
6/5/79
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Staat se arbeidsplan kan nog anders lyk

Rapport 6/5/79

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DRAMATIESE veranderinge in Suid-Afrika se arbeidsopset sal oormôre bekend word — en die aanduiding is dat die Regering in 'n sleutelsaak sal afwyk van die Wiehahn-verslag om die „reg om te werk” vir alle werkers nog sterker te vestig deur ingrypende optrede oor die sg. „geslote geleedere-ooreenkomste”.

Deur
**EDDIE
BOTH**

Hoewel mnr. Fanie Botha, Minister van Arbeid, reeds die algemene rigting van die Wiehahn-verslag aanvaar het, sal hy Dinsdag die Regering se witskrif aan die Volksraad voorlê waarin hy die besonderhede gee van hoe die Regering wat wil doen om uitvoering daaraan te gee.

Intussen het hy indringende samesprekinge met belanghebbendes gevoer, wat soms ontstuitig verloop het. Een verregse vakbondman, mnr. Arrie Paulus van die mynwerkers, het so beledigend geraak dat min Botha hom gevra het om uit sy kantoor te loop. 'n Ander, mnr. Gert Beetge van die blanke bouwerkers (en van die HNP), is saam daar weg.

Oor die kernpunte van „geslote geleedere” gaan die Regering blykbaar afwyk van wat die meerderheid in die Wiehahn-verslag aanbeveel.

Sulke ooreenkomste kan bepaal dat werkgewers net lede van 'n bepaalde vakbond in diens mag neem, en dat lede van daardie vakbond ook

net mag werk vir firmas wat lid is van 'n bepaalde vereniging.

Dit is nou wettig, hoewel daar 'n voorbehoud is dat die betrokke vakbond meer as die helfte van die werkers in die bedryf as lede moet hê. Die Minister mag ook in sekere omstandighede aan individue vrystelling daarvan gee.

Die meerderheid in die kommissie het aanbeveel dat die stelsel behou word, maar dat die voorgestelde mannekrag-kommissie deurlopend toesig moet hou om misbruike te voorkom. „Besondere aandag moet geskenk word aan sake soos die skending van regte en onderskeid tussen rasse”

Vyf lede van die kommissie het ernstiger besware teen die geslote geleedere. Hulle het voorgestel dat bestaande ooreenkomste geduld word „solank die partye dit begeer”, maar dat die aangaan van nuwe ooreenkomste verbied word.

Die verwagting is dat die Regering oor hierdie saak nader aan die minderheid as aan die meerderheid in die kommissie sal staan, met die wysiging dat hy nuwe ooreenkomste nie pront sal verbied nie, maar net voorlopig sal opskort om te kyk hoe dit werk.

As die plan so deurgaen, sal nuwe geslote-geleedere-ooreenkomste ewenwel vir die afsienbare toekoms nie toegelaat word nie.

Kenners met wie **RAPPORT** gepraat het, sê dat sulke ooreenkomste net 'n ander manier van werkafbakening kan wees, en die kommissie beveel juis aan dat statutêre werkafbakening beëindig word.

Die „geslote geleedere” kan dus nie as afdwingbare stelsel behou word nie, sê hulle.

Die verwagting is dat die Regering oor hierdie saak nader aan die minderheid as aan die meerderheid in die kommissie sal staan, met die wysiging dat hy nuwe ooreenkomste nie pront sal verbied nie, maar net voorlopig sal opskort om te kyk hoe dit werk.

As sulke ooreenkomste vetig sou bly, sê die minderheid in die kommissie, „sou 'n gevaarlike bedreiging vir nywerheids- en rassevrede ontstaan uit die waarskynlikheid dat vakbonde wat op

rassegrondslag saamgestel is, sou poog om ander, insluitende gemengde vakbonde, uit te vries deur middel van geslote geleedere”

Daar is ook die „bare weselike bedreiging” dat maatskappye, veral dié met hoofkantoor oorsee, „onderwerp sal word aan elke denkbare vorm van druk” om sulke ooreenkomste net met gemengde vakbonde aan te gaan in 'n poging om integrasie af te dwing.

Volgens die kommissie word sowat 255 000 werkers, van wie 233 000 lid van 'n

VERVOLG OP BL. 4

Arbeidsplan kan anders lyk

* VERVOLG VAN BL. EEN *

vakbond is, deur geslote-geleedere-bepalings geraak.

• Die algemene verwagting is dat prof. Nic Wiehahn as eerste voorsitter van die nuwe nasionale mannekragkommissie aangewys sal word. Die kommissie sal vermoedelik vege, twaalf of vyftien lede

hê — met gelyke verteenwoordiging vir die staat, werkgewers en werknemers.

Dan kry Suid-Afrika die masjinerie vir gedurige konsultasie oor arbeidsake.

Aangesien swart vakbonde nou erken sal word, sal dit vermoedelik meebring dat ook swartmense van tyd tot tyd in die kommissie sal dien.

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Wiehahn dubbel kleurblind

PROF. NIC WIEHAHN is fisiek kleurblind — en in 'n ander opsig ook: „As ek praat van meriete, steur ek my nie aan kleur nie. Ek glo dis meriete wat op die ou end gaan tel. 'n Mens bepaal jou eie posisie, so nie moet jy tevrede wees met wat jy is.”

By hom tel net

'n werker se meriete

Herde man wat oornag wêreldbekend geword het met sy kommissiese verslag oor arbeidswetgewing in Suid-Afrika, trek in sy kantoor in Pretoria die Bybel nader. „Hy wat waardig is in sy werk, kan voor grotes staan,„ lui die teks. Dit is deel van sy filosofie.

Oor werkers en hul probleme mag die man saampraat. Op yftien jaar het hy as handlangers op die Spoorweë skouer-aan-skouer met 'n Zoeloe gewerk. „Werkafkakening het ons in daardie dae nie geken nie,„ sê hy.

Hy kan die absolute handhawing van goeie menserehoudinge in die arbeidswêreld nie genoeg beklemtoon nie. „In die arbeidswêreld is dit die belangrikste kontakpunt,„ glo hy.

„Jy moet die werker en sy vraagstukke ken. Oral is die werker in die arbeidssituasie afhanklik, en in arbeidsverhoudinge kry jy die vernameste smeltpunte van menserehoudinge. Daarom kan die Kommuniste so 'n houvas

Deur EDDIE BOTHA

op die werkers kry. Dis daardie soldaarteit.”

Hy glo dat die verslag 'n grondslag bied vir goeie menserehoudinge. „Dit sal ongetwyfeld beleggers uit die buiteland lok,„ sê hy. „Die reaksie oorsee was enorm.”

Hy sien die werker in Suid-Afrika as die swakke teenoor die staat en die werker. „Die ideale stelsel moet die ses basiese rege van die werker omsluit. Die reg om te kan werk, om te assosieer, kollektief te kan beding, arbeid te kan weethou, beskerming en die reg op opleiding. Nie almal noodwendig jure-diese rege nie,„ sê hy.

Ook glo prof. Wiehahn in arbeidskragbeplanning, wat soos hy sê, „deesdae in die bed moet begin. Die geboortesyfer van elke volk speel

'n groot rol in arbeidskragbeplanning.

„Arbeidskragbeplanning moet ten opsigte van Suid-Afrika nie net tot die Republiek beperk word nie. Ons moet dit in die konteks van Suid-Afrika sien.”

Die Wiehahn-verslag sien hy as die fondament vir dinamiese ontwikkeling en normalisering van verhoudinge in die arbeidswêreld. „Ek reken dat die vakbonde hertoe versterk gaan word. Veral die nie-swart vakbonde. Die simptome is reeds sigbaar.”

Dat die afkaffing van werkafkakening tot 'n nuwe arm-blankedon kan lei, stem

hy nie mee saam nie. Werkafkakening was nog nooit effektief toegepas nie, hoewel die gevolge daarvan nog lank gevoel sal word.

In elk geval, sê hy, word gelyke betaling vir gelyke werk ook deur die kommissie bepleit. En dit moet afdwing word. Dus kan daar nie sprake wees van „goedkoop swart arbeid” nie.

Hiermee saam gaan die heropleiding van werkers 'n belangrike rol speel. Werkloosheid en megansering sal veroorsaak dat werkers heropgelei sal moet word om in 'n ontwikkelende arbeidswêreld te kan meeding.



PROF. NIC WIEHAHN. Baie van sy filosofie oor arbeidsprobleme kry hy uit die Bybel. Foto: Igor Broes.

Initial trauma's likely, but the march to job equality begins

SOUTH AFRICA will never be the same again. The report of the Wiehahn Commission has provided a key which promises to launch the country's 10-million workers on a testing — if gradual — voyage of deep but necessary change.

Likewise, the ruling National Party

With Government's acceptance in principle of the Wiehahn recommendations, a fundamental pillar of Nationalist doctrine has apparently been jettisoned

The impact of the report will obviously depend heavily on how, and at what pace, the recommendations are implemented

Initially, the proposals are likely to be in fits and starts, affecting various groups of workers differently.

In the short-term, action resulting from the report may also prove inflationary, and increase unemployment

This is because pressures to upgrade blacks could push them into higher positions — with higher wages — ahead of their or the country's ability to increase their productivity at the same rate

But the principle of equal opportunity for all races in the workplace has finally been established. The idea of white privilege in industry and business is dead.

The commission has given powerful new impetus to a process which, if allowed to take its course, is likely to prove unstoppable, leading to the end of apartheid — politically as well as economically

History has proved that once a country is embarked on the road to a unitary economic structure, pressures for a unitary political system are virtually irresistible

If that sounds like an unacceptable threat to the threadbare ideal of monolithic separatism and white power, it must be remembered that Government is still at the wheel

The rub lies in the word principle

The acceptance in prin-

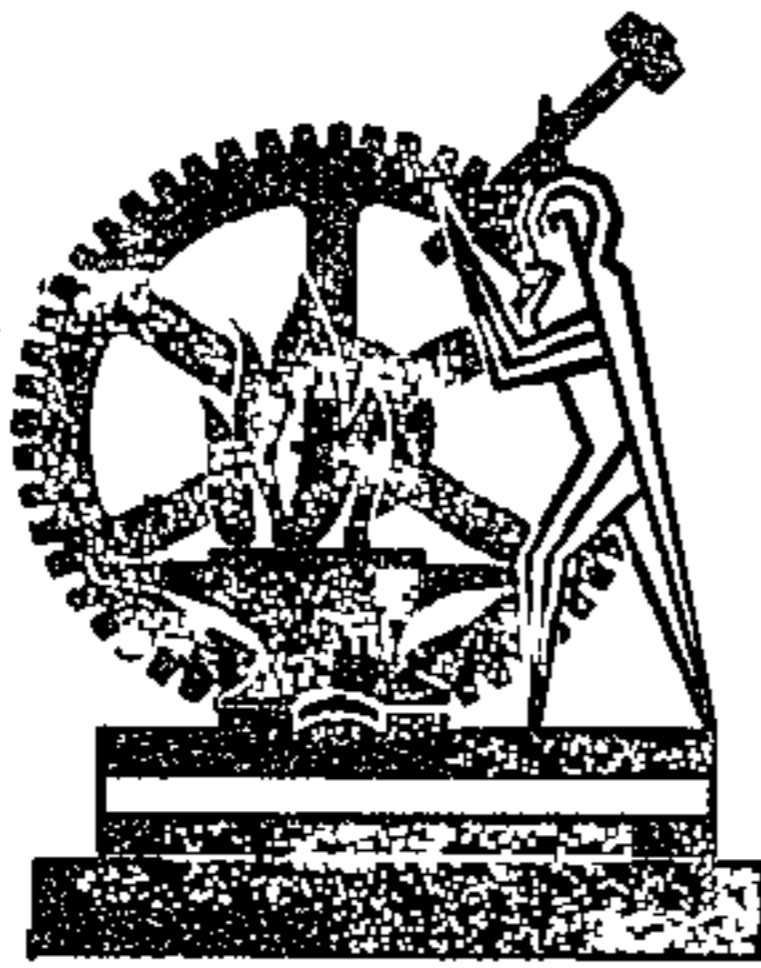
Wiehahn: nail in apartheid coffin

ciple of the Wiehahn Commission's proposals means Pretoria still has the freedom to implement as much or as little of the recommendations as it sees fit — and as fast or as slowly as it likes

Which is one of many issues bothering business.

While organised commerce and industry has joined most other sectoral bodies in singing the commission's praises, at the company level businessmen have joined certain trade union members in expressing serious reservations

These men "at the coal-face" have no quarrel



with the spirit of the commission's report. Rather, they are concerned that

• There will be devastating confusion if the Wiehahn recommendations are not followed by reasonably speedy and well-defined guidelines for employers and necessary changes to existing laws

Business feels there are great dangers in a tentative and random introduction of measures which reflect a sea-change in manpower philosophy

It is worried by the fact that Labour Minister Fanie Botha has said Government will move cautiously in changing legisla-

tion or introducing new laws

Black unions may be legalised quite rapidly but otherwise, according to the Minister, "legislation will be brought gradually to parliament."

Also, the Industrial Conciliation Act and Black Labour Relations Act will be brought only "gradually" into alignment

The need to proceed with care in the highly-sensitive manpower area is recognised by business

Equally, however, it feels the risks of procrastination and stalling could be unacceptable

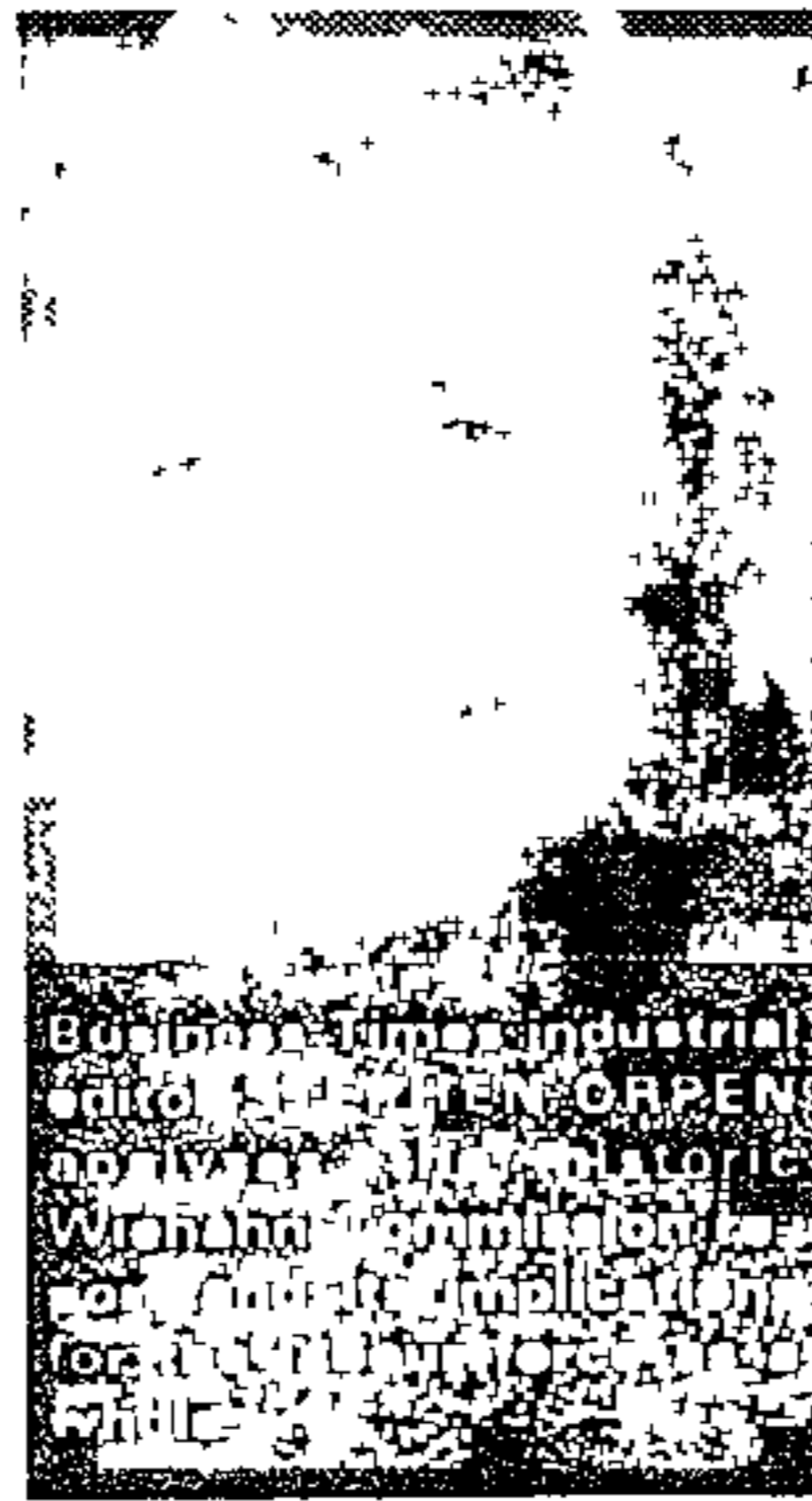
• With a huge shortage of resources to properly measure the worth and contribution of jobs, there is anxiety that more pressure to upgrade the status and wages of blacks will not be properly tied to complementary increases in productivity

Thus labour intensity will become more costly and accelerate the drift towards capital intensity, leading to more unemployment

• The country's largest single employer of black manpower, the mining industry, is scarcely mentioned in the first Wiehahn report. Thus, urgently needed changes in the Mines and Works Act have been put aside

• Migrant workers have been excluded from the moves to allow blacks to register their own unions. There are some 1.1-million migrants from self-governing black States and almost another million migrants from independent States.

The mining industry alone employs some 630 000 migrant blacks, of which 238 000 are from South Africa and the



homelands, 100 000 from Lesotho, 41 000 from Mozambique, 20 000 from Botswana, 17 000 from Malawi, 10 000 from Swaziland and 2 000 from South West Africa

Robert Kraft, formerly a leading Trades Union Council executive, and now a senior lecturer in labour relations at the Unisa business school, says the Government has reacted in classic fashion

"Government characteristically starts by establishing a set of principles. In the next stage it seeks support and approval for the principles and only then starts enshrining the principles in practice"

"The principles have now been established for a new manpower policy. But the support-seeking stage has only just begun and we may have to wait impatiently before full implementation takes proper shape"

"Of course, there will be some action in the meantime, but nothing bold"

Mr Kraft believes the authorities are serious about wanting to get a move on with the reforms, but will be constrained by possible political repercussions

"What is new is the emphasis on integration. Until the mid-seventies, the trick was simply to keep lifting the level at which the colour bar applied in the jobs hierarchy. As whites were shifted up, parts of their jobs were given to the blacks below"

"Finally, the superstructure of white supervision was in danger of having no real purpose at all. That's when integration started."

Gus Fergusson of job evaluation and measurement consultants MSL-Hay makes five points

• People cannot be upgraded without proper measurement of the content and know-how in their jobs, and re-training to cope with the greater demands at higher levels. Without this, productivity must fall

• In the past much on-the-job training for blacks has been done by white co-workers. But the whites, and especially the long-servers, are now asking "Why should I train a man to take my job?"

This is going to demand a huge increase in the use of professional trainers

• Blacks are unhappy because, even where they have moved up, whites have continued to supervise them and take responsibility. Now the blacks will have to be taught to take responsibility themselves

This can be hard, and may annoy blacks at a time when they feel they

have greater freedom to express themselves and make their own demands

• There is a danger of blacks failing in their jobs after being pushed up to unrealistic levels. Some whites will say "I told you so." The blacks will be embittered

• There will be large wage increases this year which will halt any progress towards closing the black-white wage gap

Chamber of Mines labour consultant Tony Fleischer notes that the mining industry needs at least 30 000 men trained to participate in the negotiating process



"As long as migrant workers are excluded from the bargaining package recommended by Wiehahn, it will be virtually impossible to establish and train a hard-core of informed blacks who can talk for black manpower on the mines. However, we expect the labour situation in the mining industry is to be covered in the second Wiehahn report and possibly in later reports"

Clearly, the fact that Wiehahn's time has come does not mean the road ahead will be any easier

However, there is just as clearly no other way

Wiehahn acclaimed

• From Page 1

IBM's Dick Clark says his company's reaction is generally very favourable

"I hardly imagine the new proposals will satisfy all the overseas critics. But we need to be concerned with what is right for us, not with what radicals abroad want."

Lou Wilking, chief of General Motors in South Africa, agrees that the stress should be on doing the right thing for this country, not on the impossible task of trying to satisfy overseas pressure groups

"We welcome any moves to advance fair employment practices. Wiehahn has gone far towards achieving the ideal

"We especially welcome the progress towards registered black trade unions. We feel every employee should have the right to choose how he wants to negotiate and

bargain — and within officially-recognised machinery.

"Also, we think the following through from Wiehahn, if properly handled, can do wonders for the economy in terms of confidence and, longer-term, in terms of output, productivity and management."

"To have a viable economy the private and public sectors must be able to draw on all the country's resources, without fear or favour, as the specific organisations involved see fit"

Chase Manhattan Bank hopes the report will draw some of the fire it has had to suffer from US critics, particularly about trades unions. The major preoccupation with the Sullivan and EEC labour codes has been the need to give blacks their own officially-recognised unions

This view was confirmed by virtually all those questioned

Shocks coming over Wiehahn

By RIAAN DE VILLIERS
Labour Correspondent

THE GOVERNMENT is expected to deviate from key recommendations of the Wiehahn Commission on labour laws in a White Paper to be tabled in Parliament tomorrow.

It is believed the Government will accept virtually all the recommendations in principle. But it is also understood the Government will view change on the labour front as a gradual process and the far-reaching recommendations of the commission could take years to implement.

And in conflict with crucial majority recommendations, black migrant workers will not get trade union rights and blacks in mixed unions will be ruled out.

Very wide powers to monitor changes and control the implementation of the report are to be granted to the proposed National Manpower Commission, which will be set up soon.

Indications are that the commission, which will contain State, employer and organised labour representatives, will determine whether some of the report's most crucial recommendations will eventually be accepted or rejected.

Legislation to set the new labour deal in motion may also be tabled tomorrow, but could be delayed until later this week. The manpower commission is expected to play a major role in drafting final legislation.

It is believed the Government will accept in principle a minority recommendation that closed-shop agreements between unions and employers be scrapped.

But closed-shop agreements will not yet be finally outlawed and will be suspended pending review by the National Manpower Commission, which could

Shocks coming over Wiehahn

From Page 1

The Government will accept recommendations that sections of the Shops and Offices Act and the Factories Act providing for segregation at the workplace be scrapped, and the issue left open to negotiation.

But it is believed the Government will express opposition to enforced integration and will step in to prevent it if necessary.

The expected decisions on closed-shop agreements and deduction of dues may lead to strong protests from the union movement.

"Closed shops" are negotiated when employers undertake to employ only members of the unions party to the agreement and the unions undertake to work only for the employers concerned.

● In a minority view, five Wiehahn Commission members — of whom none were unionists — argued that such agreements could be used as in the past to build colour bars into industrial council agreements.

Indications are the Government has accepted this view but trade unionists argue that this will weaken the union movement.

The commission unanimously accepted the deduction of dues by employers as accepted practice in industrial relations. A further serious blow to trade unions

scrapped or reinstated. While further closed-shop agreements will not be allowed, existing agreements will remain in force for the time being.

In a further shock for the union movement, it is believed the Government may suspend the deduction of trade union dues by employers, also subject to review by the commission.

On the crucial issue of trade union rights, the Government is expected to accept in principle the major recommendation by the Wiehahn Commission that freedom of association could be extended to all workers and trade unions.

But in a major backdown, trade union rights will only be extended to people who have fixed jobs. The application of these principles is to be worked out by the manpower commission.

But it seems clear that trade union rights will be denied to nearly 2-million migrant workers, and unions for blacks in the mining industry are out.

It is believed workers denied union rights will be provided for by other means possibly through existing provisions of the Black Labour Relations Regulation Act, in terms of which black worker representatives can attend industrial council meetings.

Blacks will not be allowed into mixed unions. It is understood the present restrictions on mixed unions for whites, coloureds and Asians will be repealed that separate branches of all-white executives will no longer be necessary.

It is believed the Government may view the development of fair employment practices legislation as a long-term project.

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THE WIEHAHN COMMISSION

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Improved status for working women?

HOPES have risen among some women that two recommendations in the Wiehahn Commission's report might spell an end to employment discrimination on the grounds of sex as well as on the grounds of race

But, in other quarters, the suggestion that the clauses referred to women was met with cynicism

The two clauses recommend the strict application of the principle pop-

ularly known as "equal pay for work of equal value" and "the development of fair employment practices legislation"

Val Mickleburgh, president of the Institute of Chartered Secretaries and Administrators said that although there was no specific mention of women, they would, by implication, be included in

any legislation on fair employment practices.

She felt it to be a welcome sign that women were not singled out, saying "It seems to be the implication that they regard women as part of the main labour force."

But Christiane Duval, legal adviser to the Johannesburg Chamber of Commerce, took a more pessimistic view. It was clear, she said, that the section involved referred to job reservation on the grounds of colour

"I don't know how far one could take it. There is no mention of sex and if, in another report the commission deals specifically with women in employment, it could come to quite another conclusion"

Mrs Duval conceded that "on the face of it" the recommendations could be intended to include everybody "but I would not say that is what it says. From the whole tone of the section, they are looking at black-white job reservation between women and men"

Truida Smit — lecturer at the School of Business Leadership at the University of South Africa warned that even if the clauses did

include women, "you can't possibly legislate about attitudes"

"No law is really going to change discrimination. Any effort in this regard will be welcomed but it is culturally very deeply embedded, not only in South Africa but in most countries"

There were, though, a few things a law could do — a few remnants of old legislation which condone or suggest discrimination, which could be removed. She gave as an example legislation regarding pregnant women who were forced to stop work after they reached a certain point of their pregnancy

"A mature woman should be able to decide these things for herself. In the same way as firms give leave to men who have to go to the border, women interested in long-term careers should be given one or two years unpaid leave without losing their benefits and status."

"Such a move would serve the interests of long-term development."

Mrs Smit said there was still a large degree of pay inequality — 90 percent of the difference in pay between men and women was purely based on discrimination on the grounds of sex, not on the basis of training or experience. A policy of equal pay for work of equal value could do nobody any harm

Discrimination in job advertisements should also be stopped, Mrs Smit felt

While it might be reasonable to advertise specifically for a man to work underground in a mine it was not reasonable to demand a male translator or marketing manager — "this is something which should be

inequality — 90 percent of the difference in pay between men and women was purely based on discrimination on the grounds of sex, not on the basis of training or experience. A policy of equal pay for work of equal value could do nobody any harm

Discrimination in job advertisements should also be stopped, Mrs Smit felt

While it might be reasonable to advertise specifically for a man to work underground in a mine it was not reasonable to demand a male translator or marketing manager — "this is something which should be outlawed"

It was important, too, not to go overboard and end up with reverse discrimination — "This leads to women thinking that the law will look after them but real success still depends on you doing more than your bit. The law can get you your appointment but it can't ensure you promotion"

Mrs. Babette Kabak, co-convenor of the Women's Legal Status Committee said she hoped "that, where they say there should be equal pay for work of equal value, it refers to women as much as to male workers in all race groups"

Govt may go further than Wiehahn

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Wiehahn

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visions of laws such as the Mines and Works Act and the Black Building Workers' Act are not being scrapped

This means vast industries such as the mining industry, the building industry, and the Railways and Harbours are unlikely to feel the full brunt of the report for some time

Once the principle of black trade union rights has been accepted, the authorities will have less compunction in banning trade unions which are in any way suspect

National Manpower Commission will be instructed carefully to scrutinise any applications for agreements

The feeling is that closed shop agreements can in fact work as a form of job reservation in disguise while the Government has decided to abolish this

An expert in labour relations said today that there was no doubt that the closed door principle will eventually be scrapped as it was thought to be a "monstrosity" in the labour system.

It is understood that the White Paper sounds a note of caution in that it points out that many of the recommendations of the commission will have to be phased in gradually.

This is in line with what Mr Botha said last week

Migrants

The Minister of Labour, Mr S P Botha, said last week that many of them would have to be implemented with caution.

But black trade unions and those anxious to see the full implementation of the Report are expected to have more reason for complaints than the white conservatives, writes Sieg Hannig, The Star's Labour Reporter

This is apparent from the news of temporary prohibitions on trade union rights for migrants. The discriminatory pro-

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Political Staff

Cape Town

The Government may go further than the Wiehahn Commission's recommendations in liberalising South Africa's labour legislation.

The White Paper setting out the Government's attitude to the commission's recommendations will be tabled in the Assembly this week

There has been a wide range of speculation on how far the White Paper will go.

The Government has already accepted in principle, all the main recommendations of the commission, including the official recognition of black and mixed trade unions and the scrapping of job reservation

The principle of the closed shop in South Africa's trade union system is to be phased out in terms of the White Paper.

It was understood on good authority today that when the Minister of Labour, Mr S P Botha, tables the report, the Government will, on the question of the closed shop, take a stance midway between the majority and minority recommendations in the report

The majority recommendation is that the closed shop principle should be maintained.

The minority recommendation is that existing agreements should be allowed to continue, but that new agreements should be prohibited.

Phasing

The Government feeling is that closed shop agreements, by which an employer can only employ workers belonging to a specific union, cannot be terminated right away, but that the phasing out of such agreements must be the ideal

In addition, Government is reluctant to put a stop right away to new closed

Plans to ease lives of blacks

8/5/79

Creeps

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Political Correspondent

ANOTHER Government commission today proposed sweeping reforms to the South African labour system aimed at ending racial discrimination and improving the day to day lives of blacks

The report of the Riekert Commission into racial and other laws affecting the use of manpower was tabled in the Assembly today.

It follows closely on the Wiehann Commission's report on labour legislation which recommended a major restructuring of the country's labour system.

LEGISLATION

Dr P J Riekert was the only member of the commission

The commission recommends that a standing committee on labour legislation should be appointed to consolidate and update labour legislation

It also calls for a different approach to influx control and says that this should be linked only with the availability of work and of approved housing.

The report sums up the general spirit of the report and the principles on which such a commission should work as follows

- The deletion of all outdated or unnecessary provisions,
- The avoidance of all provisions that could be regarded as discriminatory,
- The need to furnish reasons for continuing some discriminatory practices,
- The need to adapt labour legislation to pro-

Dr P J Riekert

vide for coloured, Indian and black development,

- The maintenance and development of a free market system.

LABOUR BUREAU

The report recommends adaptations to the labour system in various fields.

While it says that the official labour bureau system for migrant workers should be maintained it also recommends that private employment offices should render employment services to blacks.

It should be made easier for black workers to change employers without reporting back to the labour bureau

There should also be a statistical information to help with the management, administration, housing and population of black residential areas.

AID CENTRES

The report recommends that the system of aid centres should be temporarily retained to reduce

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Easing lives of blacks

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the number of blacks who are referred to the courts or who land in prison.

The Black Labour Act of 1964 should be amended to provide that all people charged with a contravention of the control measures should be referred to aid centres

Dealing with the question of unlawful employment of black labour, the report says that the problem can only be solved if the emphasis is shifted to the prosecution of employers.

Such penalties should be strictly enforced and be made more effective

Among other things the report recommends higher fines for first offenders and the forfeiting of benefits accruing to the employer as a result of the unlawful employment

While stating that influx control should be retained in order to obviate social problems, the report recommends that the situation of black workers should be eased

In the case of the allocation of trading sites to blacks in black urban resi-

dential areas, this should be vested in the community councils or advisory boards who should also make recommendations on the admission of members of other race groups

The commission has proposed major changes in the group areas system aimed at better living conditions and business opportunities for blacks, coloured people and Indians

It proposes that free trade areas be created and that employers should be allowed to register homes

in their own names which they buy for their black employees in the townships

Referring to free trade areas it suggests that the Group Areas Act of 1966 be so amended that the restrictive provisions on the acquisition, ownership or occupation by disqualified persons in specific demarcated areas in the central business centres of cities and towns not be applicable to buildings, land premises in areas used exclusively for trading, commercial or professional purposes.

Removal of work bars: First steps

By GORDON KLING

THE GOVERNMENT yesterday took the first hesitant steps towards implementation of the Wiehahn Commission recommendations for dismantling discrimination based on race in the workplace.

The Minister of Labour, Mr S P Botha, tabled a white paper in Parliament setting out legislative changes which he later told the Cape Chamber of Industries would be law before the end of the month.

Among the key changes is the recognition of black trade unions in terms of the labour laws. This will be done by an amendment to section 1 of the Industrial Conciliation Act, extending the definition of "employee" to include blacks and accordingly making them eligible for the same registered union rights as other race groups.

Other amendments will remove legal validity from agreements between unregistered unions and employers and prohibit the deduction of membership fees on behalf of such unions.

The distinction between black and other workers in union constitutions is to be done away with.

Section 77 of the act is to be repealed to abolish the principle of statutory job reservation, but the existing five determinations are to remain "for as long as may be necessary".

The new legislation will provide for an Industrial Court to adjudicate on labour disputes and a National Manpower Commission to assist with the workings of the new dispensation as proposed by the commission. It will also provide for improved control over the financial affairs of trade unions.

Steering a middle course between the majority and minority recommendations on the issue of the closed-shop principle, which requires all workers in a particular busi-

ness to be members of a specific union, the government has decided as an interim measure not to allow further closed-shop agreements, but to permit existing agreements to remain. This issue, like most of the new areas, is to be resolved in consultation with the National Manpower Commission.

Late yesterday afternoon Mr Botha told more than 100 receptive industrialists belonging to the Cape Chamber of Industries that various other proposals would be implemented as soon as possible, but "not necessarily before the end of the year".

The head of the commission, Professor Nic Wiehahn, spelt out its plans for subsequent chapters. Part two of the report will deal with the consolidation of existing labour legislation into a new Industrial Relations Act. Part three will concentrate on training; four on the mining industry; five on social security; six on the role of the newly named Department of Manpower Development, and part seven will be an omnibus of all its work.

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End job apartheid says Riekert

Professor Riekert . . .
report tabled.

By Hugh Leggatt, Political Correspondent

The Assembly

Another Government commission today proposed sweeping reforms to the South African labour system aimed at ending racial discrimination and improving the day-to-day lives of blacks.

It also calls for a different approach to influx control and says this should be linked only to the availability of work and of approved housing.

The report of the Riekert Commission into Racial and Other Laws affecting the Utilisation of Manpower was tabled in the Assembly this afternoon

It follows closely on the Wiehahn Commission's report on labour legislation which recommended a major restructuring of the labour system

The commission recommends that a standing committee on labour legislation should be appointed to consolidate and update labour laws

Trading rights

An important recommendation is that trading rights should be given to blacks in central city business areas where they would not normally qualify to live.

The report recommends adaptations to the labour system in various fields

While it says that the official labour bureau system for migrant workers should be maintained it recommends that private employment offices should render employment services to blacks

It should be made easier for black workers to change employers without reporting to labour bureau.

● More reports—Page 7.

There should also be statistical information to help with the management, administration and housing of the popu-

Riekert

Continued

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flux control should be retained to obviate social problems, the report recommends that the situation of black workers should be eased

It asks, among other things, that qualifications to work permanently in white areas should be transferable from one urban area to another, subject to the approval of the labour bureau. Approval should not be withheld if approved housing and work are available.

The allocation of trading sites to blacks in black urban residential areas should be vested in the community councils or advisory boards, which should also make recommendations on the admission of members of other race groups

The issue of trading licences in urban black residential areas should be on the same basis as that in other group areas.

The report finds that the completely new Act, a Black Community Development Act, should be placed on the Statute Book and in this the emphasis should fall on positive aspects of black community development.

The report says a complete system of registering black squatters is completely outdated and can serve no noteworthy purpose and must therefore be scrapped

In terms of one recommendation, some of the functions of the Department of Plural Relations (now the Department of Co-operation and Development) will be transferred to other departments now performing functions for other race groups

lation of black residential areas.

An important recommendation is that the white-by-night curfew regulations should be scrapped.

Referring to living conditions in black areas the report says transport subsidies should continue while attention was given to the improvement of travelling facilities in unfavourable situated areas

Full ownership rights should be given to employers who provide housing for employees. The private sector should be allowed to develop such housing.

The report recommends that the system of aid centres should be temporarily retained to reduce the number of blacks who are referred to the courts or who go to jail

The Black Labour Act of 1964 should be amended to provide that all persons charged with a contravention of the control measures should be referred to aid centres.

Employers

Dealing with the question of unlawful employment of black labour the report says that the problem can be solved only if the emphasis is moved to the prosecution of employers

Penalties should be strictly enforced and be made more effective

Among other things the report recommends higher fines for first offences and the forfeiting of benefits accruing to the employer as a result of the unlawful employment

While stating that at in-

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Wiehahn: What Govt accepts

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HOUSE OF ASSEMBLY — Recommendations made by the Wiehahn Commission and accepted by the government are essentially evolutionary, says a government White Paper

The White Paper, setting out the government's view of the recommendations made by the Wiehahn Commission of inquiry into labour legislation, was tabled yesterday by the Minister of Labour Mr Fanie Botha.

The paper says mechanisms are proposed by means of which all systematic changes that are in any way significant can be introduced gradually and circumspectly, thus limiting the possibilities of disruption.

"The commission's belief that existing institutions must, as far as possible, be retained and that adjustments to or the abolition of such institutions must occur only after thorough investigation, bears witness to this evolutionary approach.

"In the same trend, the commission does not believe that the adjustments to the system which it proposes should be introduced instantly, but envisages instead that its various recommendations could be implemented either in the short term, the medium term or the long term."

The White Paper says that viewed as a whole, the commission's findings and recommendations constitute what is regarded by the government as a largely acceptable policy and procedural framework for the orderly evolution of an expected era of dynamic development in the labour sphere.

The paper says that while accepting the commission's recommendation that work reservation be abolished, inter alia, by the immediate repeal of Section 77 of the Industrial Conciliation Act, the government also accepts the recommendation that a substantive provision be inserted in the Act to ensure the validity of any work reservation determinations which may still exist, and that a determined effort be made by the Department of Labour to phase out the existing determinations in co-operation with the

interested parties

These recommendations are accepted and the government reaffirms its proven policy that the remaining determinations will only be abolished after consultation with all the parties concerned."

The government has also accepted the commission's recommendations concerning the repeal of the sections of the Factories, Machinery and Building Work Act and the Shops and Offices Act which provide for separate facilities for different races.

Another recommendation accepted by the government is the establishment of a national manpower commission. This is coupled with the acceptance of a recommendation that the name of the Department of Labour be changed to the Department of Manpower Development.

A further recommendation accepted by the government is the establishment of an industrial court to replace the present Industrial Tribunal.

The White Paper says the government has also accepted the recommendation that black apprentices be indentured in white areas.

The government has accepted with certain reservations the commission's recommendation that both trade union organizations and individuals should be afforded full freedom of association in that individuals should be free to join any appropriate trade union of their choice, and that trade unions should be free to prescribe such membership qualifications in their constitutions as they may deem fit.

The government's reservations concern the admittance to trade unions of black temporary workers.

The White Paper says the government is in agreement with the commission's recommendation that employees and employers in the mining industry be strongly encouraged to introduce the industrial council system into the mining industry.

The government, however, does not see that this calls for any particular action on its part to implement the recommendation — Sapa

THE RIEKERT COMMISSION TAKES OVER WHERE WIEHAHN LEFT OFF

Political Staff
CAPE TOWN — The Riekert Commission has proposed major changes in the group areas system aimed at better living conditions and business opportunities for blacks, coloured people and Indians.

The commission proposes that free trade areas be created and that employers should be allowed to register, in their own names, homes they buy for black employees in the townships.

However, on the principle of separate residential areas, the commission

says it has received too little evidence to adopt a standpoint. It also had no direct bearing on its terms of reference.

With regard to free trade areas, it suggests that the Group Areas Act of 1966 be amended and that local authorities should be able to ask for such free trade areas to be created and that the Minister of Community Development should grant such requests.

With regard to housing, it suggests that ownership should be granted to employers who wish to provide accommodation for their black employees in their residential areas.

Such permits to employers should be made subject to conditions that will protect employees from exploitation and which will ensure that homes provided in this manner would only be occupied by the em-

Better living the aim

ployers' employees. The commission has found that there is a definite need for a greater variety of housing in urban black residential areas. It suggests that they should be developed into more than just dormitory towns, with services and larger business centres.

Included among its proposals are that the private sector

should be allowed to finance housing schemes in black residential areas on a business basis and to develop them for allocation in accordance with the leasehold system.

The State should subsidise the housing of its black employees on the same basis as it subsidises housing for its other employees.

Consideration should be given to placing the

subsidisation of black housing by Government on the same basis as that for other population groups where the emphasis falls on the lower income groups.

Even with the necessary services should be allotted to blacks in their residential areas on a leasehold basis and that they themselves can build their own homes to prescribed standards, even if only piecemeal, and the necessary technical assistance and stand building plans should be supplied to them where required.

Streamline the black dept, says Riekert

8/5/79

Political Correspondent
THE ASSEMBLY — A scaling down of the Department of Co-operation and Development and a reorganisation of administration boards are proposed by the Riekert Commission report tabled in Parliament today.

The report says the Public Service Commission should investigate the department with the

object of transferring functions that can be performed by other departments.

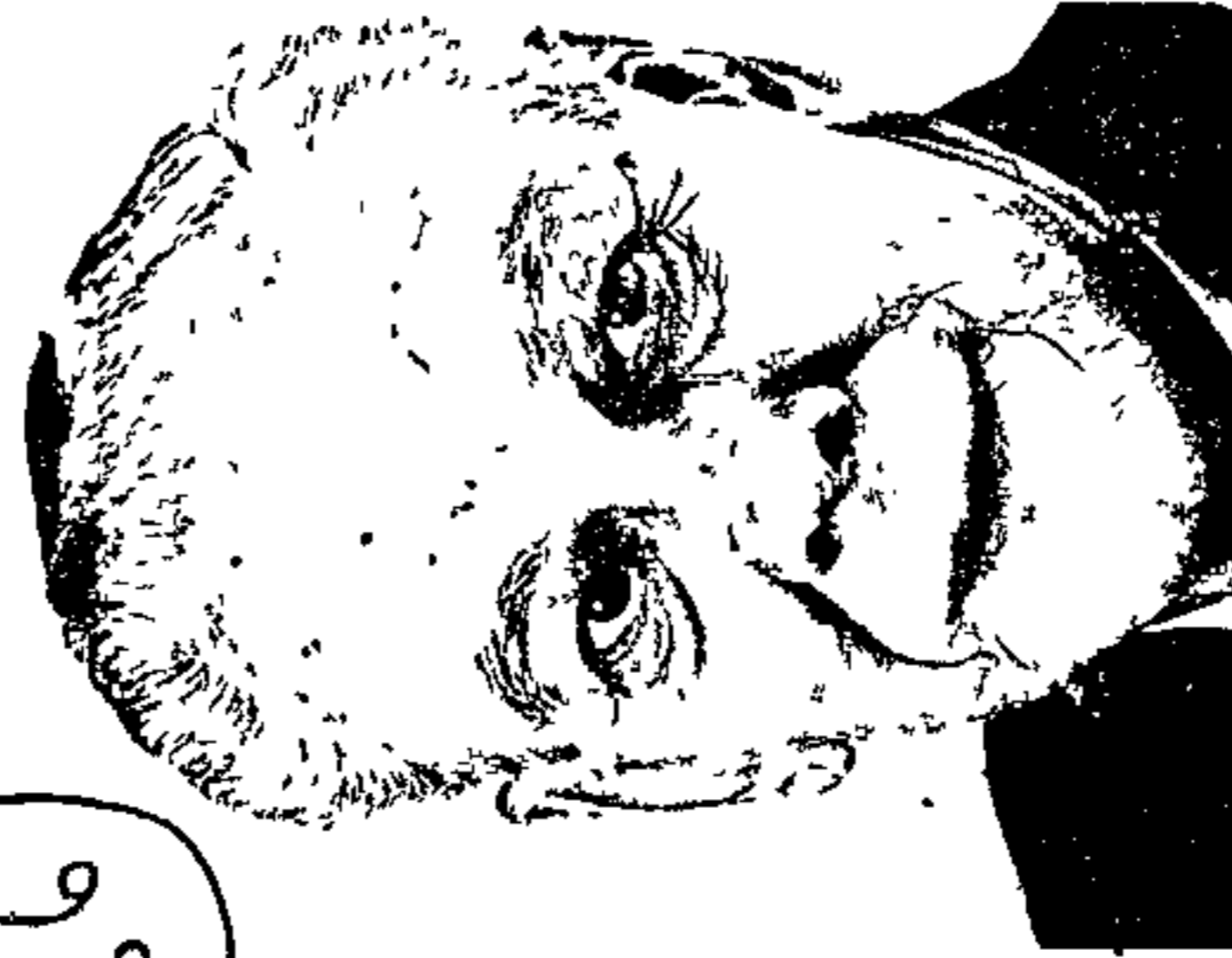
The designation administration board should be changed to regional board for black community development to fit in with the spirit of a new Black Community Development Act which is also proposed by the commission.

It says it could find no

good reason why in the present time and in view of constitutional developments, the Department of Co-operation and Development should still operate as a public service within a public service.

There was no reason why the department should carry out functions for blacks that could be carried out by other departments.

For this reason it recommends that the department retain only the



RIEKERT - scale down Department of Co-operation and Development.

Political Reporter

CAPE TOWN — Recommendations aimed at eliminating friction caused by influx control laws are contained in the Riekert Commission report on legislation affecting the urban areas.

'Link influx control to work and housing'

administration boards should, in the light of conditions in their areas, follow the most effective procedures.

Section 29 of the Blacks, Urban Areas, Con-

jobs, training the keystones

Political Staff

CAPE TOWN — Keystones to reform of black affairs and labour in the urban areas will be an Employment and Training Act and a Black Community Development Act proposed by the Riekert Commission report, tabled in Parliament today.

The Black Community Development Act would be a completely new law to provide for the positive development of urban and rural black communities in the white area.

The Employment and Training Act, to be administered by the Department of Labour, would provide the framework for the more effective use, training and development of manpower of not only blacks, but all population groups.

The commission says the Black Community Development Act would strengthen the position of the established black communities in the white area.

It would afford them new and much wider opportunities for decision-making on and participation in their own development in the economic and social field — "in an atmosphere free from the historical prejudices created by the old outdated provisions and designations of statutes"

The Act would largely contribute towards securing co-ordination, simplifying administration and reducing existing points of friction

The drafting of the Act

would be assigned to a technical committee of representatives of interested parties and experts in local government

It should be drawn up according to the guidelines of the Riekert Report

The commission says the proposed Employment and Training Act should contain no provision that discriminates on the grounds of population group

REVISION

The Act should stipulate that no employment may take place without the authorisation of a labour bureau. Authorisation may only be given on the grounds of a firm offer of employment, the non-availability of local labour, and the availability of approved accommodation.

The Act, once it is law, should be constantly revised by a standing technical committee on labour legislation with headquarters at the Department of Labour. The committee should include experts from the private sector

The commission says that if an Act is drawn up along the lines it suggests, it will contribute much to obviating existing criticism, securing co-ordination and simplifying administration

"In short, it should contribute much to the more effective use, training and development on manpower in respect of all population groups," it

● The constitutional development towards independence of black states.

● Being the reference department for self-governing black states just as the Department of Foreign Affairs is the reference department for independent black states

● The administration of the proposed Black Community Development Act

● Control of administration boards and community councils through a newly-created special staff of local government specialists

The commission recommends that the constitution of administration boards, under their new designation, should be changed so that experts from the private and public sectors in the field of community administration and of labour can serve on these boards

The boards should, however, be kept as small as possible to save costs

Provision should be made for at least two expert committees on which board members and non-board members, such as members of community councils and people from the private sector, can serve

Proposed regional development committees of administration boards should determine priorities for development and draw up plans of action for black communities to build up overall development of black residential areas.

Local government functions in urban black areas should be laid down in the form of a normal municipal code in the Black Community Development Act

These functions should be assigned to administration boards until the Minister of Co-operation and Development transfers them to the community councils.

The administration boards should be involved in the development of light service industries and trade in the black urban areas

The Public Service Commission and the department should ensure there is an intensive inspection and work study performed at administration boards

There should also be intensive training of staff with emphasis on personnel management, attitudes and relations between employer and employee.

Administration boards should raise their ratio of black to white officials still further

All community development action should ensure the maximum involvement of the communities concerned.

power

The Commission has proposed tougher penalties on people who illegally employ blacks, but recommended that penalties aimed at illegally employed black workers

Areas of 'free trade' wanted

Political Reporter

THE ASSEMBLY — Proposals which could greatly ease problems faced by businessmen in black urban areas are contained in the report of the Riekert Commission

The commission has recommended that the allocation of trading sites to blacks should be done by community councils. The allocation should not be dependent on some requirements or other in connection with birth, employment or residence of the person concerned in the prescribed area

It should be left to the community councils to recommend on the admission of whites, coloureds and Indians to trade in urban black areas on a permit basis

SPHERE

The councils should also be able to recommend on the creation of free trade areas — areas in which people of any race group can trade — in black residential areas

Employment in trade in urban black residential areas should be on the same basis as employment in any other sphere of the urban area concerned. Employment should be subject to the authorisation of a labour bureau and should not be restricted only to blacks

The issue of trading licences in urban black residential areas should be placed on the same basis as that in group areas for other population groups

● A trader should be able to get more than one trading site in black residential areas without ministerial approval.

● The provision that a trader should personally exercise supervision over his business should be deleted

flux control should be linked only with the availability of work and approved housing

The Commission has proposed that the provisions of the blacks urban areas Consolidation Act of 1945, which specifies blacks who may permanently reside in urban areas, should be included in a new black Community Development Act

It has found that the provision that no person, except a black person holding rights under section 10 of the Act may stay in an urban area for more than 72 hours to be discriminatory and recommended it be dropped from the proposed Community Development Act

Blacks who obtain section 10 1(a) or (b) rights under the Act and marry or who are already married should be allowed to have their families join them, provided approved housing is available

These rights of residence should be transferable from one urban area to another, subject to the approval of the labour bureau concerned. Approval should not be withheld if housing and work are available

"Control over the rate of urbanisation is, in the light of circumstances in South Africa, an absolutely essential social security measure"

Even though, as some witnesses contend, the abolition of such control would lead to faster economic growth, the price to be paid for it in terms of direct and indirect social costs would be too high, the commission reported

The Commission recommends that penalties imposed on employers who unlawfully employ black workers should be made far more stiff and be more strictly applied.

Much higher fines should be in proportion to terms of imprisonment should be in proportion to fines

Fines should also, if necessary on a daily basis, be in proportion to the period during which the worker was unlawfully in employment

Employers should not, as a general practice, be given the opportunity to pay admission of guilt fines

Other proposals by the commission include

● Labour bureaus would strictly control the flow of migrant workers to provide an incentive for employers to use local labour

● The labour bureau system should be overhauled.

● Provision should not be made for labour zoning by way of legislation, but

to be followed by removal of idle or undesirable persons from an area should be repealed. It should be replaced by the application of relevant sections of the Abuse and Dependence - Producing Substances and Rehabilitation Centres Act

From BARRY STREEK
THE ASSEMBLY — The government gave cautious approval to the Wiehahn Commission report yesterday

In a white paper tabled here, it said the phasing out of measures like job reservation and separate facilities in shops would be handled with care

The government differed from the report in two major respects

Although it accepted that blacks should have trade union rights for the first time in South Africa's history, it has excluded, at this stage, temporary workers like migrants and commuters

It also rejected the recommendation by the majority of the Wiehahn Commission that closed-shop agreements be retained. It supported a minority recommendation that closed-shop agreements be prohibited, which it described as "more logical"

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Cautious Yes to labour changes

The white paper added "Untenable threats to labour peace within individual enterprises and in entire industries, with an undertone of racial conflict, are foreseen should it be possible to conclude agreements of this nature with one or more trade unions in a situation of racially-based trade union plurality"

But it said the government was not inclined to a total prohibition of these agreements immediately

The paper quoted the commission's finding that statutory work reservation was an inadequate

measure which harmed race relations and the recommendation that the measure be abolished

The government said it "accepts this recommendation in the realisation that the essential weakness of protective measures which are purely legislative lies the fact that decision-making is made to take place at another place than where it actually belongs — namely between the parties who are directly affected by the decisions and who have the immediate knowledge needed to come to the best decision

In a workforce of disparate composition, minorities were not given adequate protection unless there were checks and balances built into the system

The government accepted the principle of "equal pay for work of value" but said it had not been determined how this would be applied precisely and the proposed national manpower commission would be asked for guidance

It accepted the commission's proposals on job reservation including a proposal to retain any determination which still

existed, and added "The government affirms its proven policy that the remaining determinations will only be abolished after consultation with all the parties concerned"

On the commission's call for a repeal of racial measures in the Factories Act, the white paper said the government accepted this proposal, but it "wishes to record its firm intention of not permitting employers to exceed the prudent rate of development in this regard"

"Until such time as the commission's recommendations can be implemented, the Minister will use his statutory powers to grant exemption in appropriate cases"

If it was necessary to intervene, "the government will not hesitate to do so".

The government gave a similar response to the commission's call to repeal racial provisions in the Shops and Offices Act — PC

Arms 8/5/74

Wiehahn: Government too cautious —Opposition

Political Correspondent

OPPOSITION speakers have welcomed the Government's acceptance of the Wiehahn Commission report, but say it is adopting an unnecessarily cautious attitude.

Dr A L Boraine, the Progressive Federal Party's chief spokesman on labour matters, said the Government's response was essentially positive but it was a pity that union membership would be limited to black workers with 'permanent jobs.'

An important aspect of the White Paper setting out the Government's attitude was the decision to suspend the closed shop practice.

INTERACTION

The Minister of Labour would assume even greater responsibility than before. He would be responsible for the interaction between the industrial relations system and the social, economic and political systems.

Dr Boraine said it was to be hoped that the spirit of justice and common sense in the Wiehahn Commission would spill over into the political sphere.

Equality in the economic structures of a country led to political equality.

TRANSFORMATION

Acceptance of the report could lead to a transformation of a South Africa locked in conflict to a land with industrial and political peace, Dr Boraine said.

Mr R Miller, the New Republic Party's main spokesman on labour, said he particularly welcomed the abolition of job reservation and the opening of the door to multiracial trade unions.

'But by relying predomi-

New labour laws soon

BEFORE the end of the month, South Africa will have new labour laws based on Wiehahn Commission recommendations, the Minister of Labour, Mr S P Botha, told a meeting of Western Cape business leaders in the city yesterday.

At a Press conference after the meeting which was attended by about 200 members of the Cape Chamber of Industries, the Afrikaanse Handelsinstituut and the Cape Town Chamber of Commerce, the Minister said further amendments to labour laws would be introduced early next year.

SUPPORT

Mr Botha said he was glad to have received the support of the meeting on the report's principles and the Government's publicised implementation intentions.

Machinery within the Department of Manpower Development would have to be developed to implement the new laws and the National Manpower Commission and the Industrial Court would be formed as soon as possible.

RULINGS

The commission, a permanent body, would be responsible for a lot of the development and evolution of the new labour

...National
...the

Wiehahn: Government attitude is cautious

8/4 8/5/79
166

Political Staff

Caution and evolutionary change are the hallmarks of the Government's attitude to the implementation of the Wiehahn recommendations, according to the White Paper tabled in Parliament yesterday.

The proposed Manpower Commission would play a significant role in the evolutionary implementation of change, the White Paper said.

"Viewed as a whole, the Wiehahn Commission's findings and recommendations constitute what is regarded by the Government as a large acceptable policy and procedural framework for the orderly evolution of an expect-

Speeding up those report changes

Political Correspondent
CAPE TOWN — Wiehahn Commission proposals are being speeded by amendments to the Industrial Conciliation Act to get them passed during the present session of Parliament.

But eventually the Government intends coming to Parliament with a consolidated statute embodying all the proposals it has accepted.

The White Paper tabled in Parliament yesterday by the Minister of Labour, Mr Fanie Botha, pointed out that because of the "immediate need for certain basic adjustments to the system the Government thought it fit for the present to make only a limited number of changes to the existing legislation so as not to delay essential adjustments."

NEW SECTION

The ultimate consolidated statute should be

ted era of dynamic development in the labour sphere," the White Paper said

"Mechanisms are proposed by means of which all systematic changes that are in any way significant can be introduced gradually and circumspectly to limit the possibilities of disruption."

This gradualism and circumspection is demonstrated by the Government's attitude to several important policy matters

The Government excludes black migrant workers from automatic eligibility for trade union membership at this stage by confining this to people in permanent residence and with fixed employment

The Manpower Commission is to lay down the criteria for "fixed employment" and will be asked to give guidance on exemptions to the requirements.

It is not the Government's intention to be rigid about it, the White Paper says.

But the Government is not inclined to admit, without further reflection and advice, large numbers of temporary workers to the trade union movement at a time when the industrial relations system is being subjected to heavy demands in terms of innovation and adjustment.

CONSULTATION

A minority recommendation that trade union rights of migrants and frontier commuters be pursued through agreements with black states has been rejected

The White Paper says trade union membership is a domestic matter and the Government is not inclined to bind itself to outside influences or rigid procedures, while not excluding consultation with such states

The Government intended to give formal substance to the principle that those who did not qualify for trade union membership should not be treated less favourably.

It would not at this

PART B

Multiply marks obtained by 4 to give percentage.

PART C

Adjust percentage obtained in B according to the answers of the discussion questions keeping the following in mind:-

IF (1) the percentage obtained is higher than the mark obtained in C:

This means the student can apply the principles but does not understand them

IF (2) []

than the

Accounting them.

ad upwards

trial council meetings and take part in the proceedings

The Government has accepted the idea that the closed shop principle should be phased out — contrary to the majority recommendation.

CLOSED SHOP

A total prohibition or reinstatement of the practice would be considered at the appropriate time, depending on advice from the Manpower Commission.

Meanwhile existing closed shop agreements would be permitted to remain in force, depending on the wishes of the parties concerned, but no further agreements would be permitted.

The White Paper reaffirms that job reservation should be scrapped because it is "an impractical and inadequate measure which harms race relations and is out of keeping with the needs of our times"

Existing job reservation determinations will be abolished only after consultation with the parties concerned.

The recommendation that the training of black apprentices in white areas should be allowed is also accepted

Conciliation Act to provide for the National Manpower Commission and committees to assist the commission

Other amendments envisaged to the Act include

● To include blacks in the present measure

● To provide a system of provisional registration of employers' organisations and trade unions

● To do away with distinctions between black workers and workers of other population groups

● To extend the prohibition on political activities by trade unions to other bodies

CASH CONTROL

● To provide for improved control of the financial affairs of trade unions.

● To provide for the establishment of the industrial court

● To prohibit the deduction of union membership fees.

● To safeguard individual or particular groups of workers against being disadvantaged.

● To abolish the principle of statutory work reservation, but continuing remaining work reservation determinations for as long as may be necessary

Black women battle to get jobs

Star 8/15/79.

① 166
~~② 204~~

The Wiehahn Commission's recommendations with regard to labour legislation, apart from being a tremendous historical event in South African politics, are, I am sure, welcomed by both black and white alike as a step nearer racial harmony in this country.

While this "new era" in South African politics is being entered, a blind eye seems to be turned on the problems many a black female encounters merely trying to obtain some sort of domestic post. At present the Department for Co-operation and Development rules that a black woman may only obtain employment in an area designated to her, and which is stamped in her passbook. These unfortu-

nate women usually struggle to provide some sort of income for their family's livelihood.

I recently employed a capable, responsible woman only to be told by the Department's office that she is not allowed to work in this area, notwithstanding the fact that she was previously employed here for 18 years! If she cannot find employment in her allocated area, what is she supposed to do?

Her husband left her some time ago, and she has a family to support.

"No injustice will be done to any group of workers" — a phrase used

in a radio report on the Wiehahn Commission's significance — does not seem to include the "women behind the men" where blacks are concerned.

Surely, an integral part of racial harmony in commerce and industry is the family and the home? As we know, behind a man happy in his work is more often than not, a happy home and family.

Pauline Morel
Stufontein.

Call to
update
laws

166 DD
9/1/79

THE ASSEMBLY — A standing technical committee on labour legislation should be appointed with a view to consolidation and the regular updating of labour legislation including the Black Labour Act 1964, in a general act concerning employment and training for all population groups.

The commission says the Departments of Labour Planning and the Environment, Plural Relations and Development, Education and Training, Coloured, Rehoboth and Nama Relations, and Indian Affairs should be represented on the standing technical committee while experts in the field of labour economics and labour law, in particular, should also serve on it — SAPA

THE ASSEMBLY -- Black workseekers will be drawn out of the tangle of state control wielded over them through the government's labour bureaux recruitment system. This is a major thrust of the commission's recommendations, which call for widespread changes in the labour bureaux system, making it uniformly applicable to all races.

Private labour recruiting agencies are subject to scathing criticism, but are given the green light to continue if they are licensed with the Department of Labour and subject to controls to avoid "abuses and irregularities."

The report calls for a major streamlining of the labour bureaux system, the most important of which is that black workseekers will no longer be forced to register with a labour bureau if they are seeking work in white areas.

Other important recommendations are that blacks be entitled to change jobs without reporting to a labour bureau, that students be permitted to work over weekends or during school holidays without labour bureau permission and that workers be allowed to take part-time jobs without the approval of the bureau if their full-time employers have no objections.

In another important recommendation the commission suggests a review of the one-year contract for black workers in white areas, enabling them to work for longer contract periods.

The commission found that the labour bureau system should continue because it fulfilled an important role in regulating the supply with the de-

Far-reaching changes in recruitment system urged

From HELEN ZILLE

mand for labour

It recommends the extension of the Registration for Employment Act to cover blacks, bringing them under the same Act affecting whites, Coloureds and Asians.

'The administration of the Act, in so far as blacks are concerned, should be vested in the Department of Labour, which can use administration boards as its agents. The report recommends

While employers should not be obliged to register vacancies, they were bound by strict rules in connection with housing and employment.

These requirements remove government control over labour recruitment for the workseekers to the employers.

The report calls for legislation placing the onus for repatriation of workers on employers when employment contracts expire.

The commission described "compulsory repatriation" as "essential."

'Recruitment and employment by employers should not be restricted in any way at all except in so far as the rules in connection with housing and employment must at all times be complied with,' the report recommends.

While endorsing the labour bureaux system, the report expresses strong reservations about the present system of private labour recruitment agencies.

The commission recommends that such agencies be allowed to continue subject to the issuing of licences by the Department of Labour.

Only salaried labour agents of employers or employers' organisations should be granted licences.

Quoting evidence before it the commission

has the following to say about the labour agency system:

"It lends itself to certain abuses and irregularities including the recruitment of minor children, the recruitment of medically unfit people, the falsification of contracts, failure to pay the wages agreed on at recruitment, inadequate explanations of contractual conditions, the conveyance of recruited labourers in unroadworthy vehicles, and misrepresentations regarding wages and conditions of employment."

On the subject of recruitment of black labour in independent homelands the commission recommends the establishment of "Central Assembly Centres" near the homeland's boundaries.

These would work in consultation with the homeland government for the recruitment of labour in the homelands.

THE PROVISIONS OF SECTION 10(1)(A)

1. The provisions of section 10(1)(A) are not controversial and have been in force since 1962. They have been the subject of much discussion and have been widely understood.

2. The provisions of section 10(1)(A) which concern the establishment of a company for the purpose of carrying on a business, are not intended to be applied to a company which is established for the purpose of carrying on a business which is not a trade or business.

3. It is not intended that section 10(1)(A) should be used only as a means of avoiding the provisions of section 10(1)(A) if the company is established for the purpose of carrying on a business which is not a trade or business.

4. The provisions of section 10(1)(A) are intended to apply to a company which is established for the purpose of carrying on a business which is a trade or business.

5. The provisions of section 10(1)(A) are intended to apply to a company which is established for the purpose of carrying on a business which is a trade or business.

6. The provisions of section 10(1)(A) are intended to apply to a company which is established for the purpose of carrying on a business which is a trade or business.

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8. The provisions of section 10(1)(A) are intended to apply to a company which is established for the purpose of carrying on a business which is a trade or business.

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10. The provisions of section 10(1)(A) are intended to apply to a company which is established for the purpose of carrying on a business which is a trade or business.

Govt to

9/5/79. C.T.
166

act o

Rieker

labour

probe

By GORDON KLING

PHASE TWO of the abolition of discrimination based on race in the workplace has begun with government acceptance of major legislative changes proposed by the Riekert Commission on use of manpower.

The commission report, tabled in Parliament yesterday by the Prime Minister, Mr P. W. Botha, follows hard on the heels of the parallel Wiehahn Commission on labour legislation, reinforcing its findings and laying further foundations for a new dispensation for black labour in South Africa.

Opposition and business.

employment of blacks, which took place on a large scale, was the failure of employers to comply with statutory requirements

- Expanded rights for blacks living in white areas in terms of section 10 of the Urban Areas Consolidation Act. This would permit families to join qualified residents while scrapping curfews and the 72-hour limit on black visitors.
- The question of trading rights in urban black residential areas would be left to the communities themselves, as would who could work there.

- Specific areas in towns and cities would be created where all races could do business.
- Training of all population groups would be conducted under the same act and Department.
- The state should subsidize the housing of its black employees on the same basis as those of other population groups.
- Employers providing accommodation for workers in black residential areas should be allowed ownership. Lack of this has held back industry from developing housing in these areas. The commission recommended that the private sector should be allowed to finance housing schemes in black areas for resale in accordance with the leasehold system and even should also be available on a leasehold basis for blacks to build their own dwellings.

B From page 1

groups would be conducted under the same act and Department

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9/5/79

C.T.

286-page report of the one-man commission conducted by the former economic adviser to the prime minister, Dr P J Riekert

It probes the vast web of restrictive legislation pertaining to the country's workforce and proposes new laws which the Minister of Economic Affairs, Mr Chris Heunis, last night said would produce a more efficient use of all available resources in South Africa

The Minister said in a statement that the most important policy approaches were acceptable to the government and a draft white paper on its views would be tabled soon. He also made it clear that implementation would be a lengthy process

Key recommendations of the commission are

- A drastic revision of the controversial pass laws which would make the availability of jobs and housing the criteria for influx control. Control, it found, was necessary to prevent social problems, but in principle it should apply to all population groups

- The onus for complying with the new laws would be shifted from workers to employers who would be subjected to strictly enforced and heavy penalties for infractions. The commission found that one of the reasons for unlawful

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To page 2

B

CT 9/15/79
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Call for new Act to control all manpower

HOUSE OF ASSEMBLY. — The Riekert Commission has recommended a move away from discrimination based on colour in labour legislation

The report of the commission of inquiry into legislation affecting the utilization of manpower was tabled in the Assembly yesterday by the Prime Minister, Mr P W Botha

The report recommends that a standing technical committee on labour legislation be appointed with a view to the consolidation and regular updating of labour legislation, including the Black Labour Act, in a general Act concerning employment and training of all population groups

In consolidating legislation

- All outdated and unnecessary provisions should be deleted

- Overlapping or conflicting provisions should be eliminated

- All provisions that could be regarded as discriminatory on grounds of colour should be avoided

- Reasons should be given why provisions which could be regarded as discriminatory should be retained

- Existing rights and privileges of individuals as embodied in law should be not interfered with and should be consolidated

- Existing legislation should be adapted to constitutional developments in respect of coloured people, Asians and the various black population groups in South Africa, and in particular, bilateral agreements in the fields of labour and movement over common borders

- The proposed Act should be complete in itself as far as possible

- The free market system in respect of production, consumption and labour should be maintained and developed

The report says it found that the Black Labour Act lends itself readily to inclusion in a general employment and training Act in which no distinction is made on the grounds of population group

Control by bureaus

HOUSE OF ASSEMBLY — Labour bureaus should exercise strict control over the admission of contract workers in such a way as to provide a positive incentive for employers to use local labour

This was recommended by the Riekert Commission of inquiry into legislation affecting the utilization of manpower

The report said the labour bureau system should be overhauled

"The official labour bureau system for blacks should continue in existence because it fulfils an important role in connection with the orderly canalization of labour and the supply of labour in accordance with the demand for it

The Commission also recommends that no obligations should be placed on workseekers to register, and voluntary registration should be encouraged by publicity and the improvement of the services of labour bureaus

Steps should also be taken to decentralize employment offices to black residential areas — Sapa

Riekert:

ammo

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to fight off foes

Staff Reporter

Employers and trade unionists leave for Geneva next month with new hope from the Riekert Report of fighting off their "enemies," and making friends at the International Labour Organisation conference

Three Wiehahn Commission members will be among the team lobbying for the maintenance of South African trade and other links with the outside world.

They are Mr Arthur Grobbelaar, general secretary of the multiracial TUCSA, Mr Chris du Toit, chairman of the South African Employers' Consultative Committee on Labour Affairs (Saccola), and Mr Naas Steenkamp of the Afrikaanse Handelsinstituut

"South Africa is in the throes of a new labour philosophy with enormous significance on many fronts," said Mr Theo Poolman, Saccola's secretary

SUSPICION

"For the first time Saccola's delegates have sufficient ammunition to fight the suspicion and mistrust in the international labour arena"

Mr Ronnie Webb, president of the Trade Union Council of South Africa, agreed

"Now we have a basis from which we can win new friends and fight off old enemies in the international labour movement," he said.

Mrs Helen Suzman (PFP) today welcomed "enthusiastically" the Riekert Commission proposals on easing influx control

She warned however, that it would be harder for South African blacks "not lucky enough" to have been born in urban areas or to have acquired resid. ts there to

WELCOMED

Editorials in today's Nationalist newspapers, Beeld and Transvaler, have cautiously welcomed the Riekert Commission's findings

"For many people, the recommendation that a free-trading area in white cities can be introduced on request from local authorities will be the high point of the report," Beeld editorial says.

News of the proposed integration of certain urban areas received mixed reaction among blacks. But they saw the pruning of the administration boards as a move in the right direction.

Mr Veli Kraai, chairman of the Soweto Traders' Association, hoped the Government would soon integrate business centres.

Mrs Sally Motlana, a Soweto businesswoman and president of the Soweto Housewives League, said there was nothing "exciting" in the recommendations. She did not believe there would be any change as long as the system of apartheid existed

FROM BARRY STREEK

CAPE TOWN — The government's white paper on the Wiehahn Commission report has made no provision to prevent mixed trade unions

Although the government accepted that black workers in permanent jobs in South Africa should be allowed to join trade unions, it did not make any statement about whether they would be allowed to form racially mixed trade unions

It had been speculated the government would not allow blacks to join other trade unions although registered trade unions with white, Coloured and Indian members would be allowed to continue as mixed unions

In the white paper, the government decided that, at this stage, "all persons, irrespective of race, colour or sex, who enjoy permanent residence and in fixed employment, will automatically be eligible for trade union membership"

It also said it was "not

No govt ban on mixed unions

Inclined to admit, without further reflection and advice, on the probable impact, large numbers of temporary labourers into trade unions "at precisely a time when the industrial relations system is being subjected to heavy demands in terms of innovation and adjustment"

It added that the "experience gained as a result of the extension of recognised trade unions rights to permanent black

workers will no doubt also provide valuable insight in this regard and enable the National Manpower Commission to advise the government on this aspect at an early stage

The white paper also said the government "regards trade union membership as a domestic matter and is not inclined to expose itself in matters of this nature to outside influences, rigid procedures or possible embarrassment"

The government made it clear it accepted "the principle that persons who do not qualify for trade union membership must not for that reason be treated less favourably than persons in the same work who are in fact members of trade unions"

The government said "a provision will be made to ensure that any minority group that wishes to establish a separate organisation shall have

the right to do so"

The white paper added that "no reason can be seen why some trade unions should, by virtue of non-registration, be relieved of responsibilities and obligations which other trade unions are willing to assume particularly as it is the government's policy that trade unions for black workers should also have access to registration, those who in fact do so should enjoy protection"

In the government's proposed legislation programme arising out of the Wiehahn Commission report, it proposes to amend the Industrial Conciliation Act to extend the definition of employee

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Heunis gives thumbs up

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DD

CAPE TOWN — The majority of individual recommendations contained in the Riekert Commission report, as well as the most important policy approaches, were acceptable to the government, the Minister of Economic Affairs, Mr Heunis, said yesterday

In a statement, Mr Heunis said a draft white paper would be submitted for consideration by the government and would be tabled as soon as it was finalised

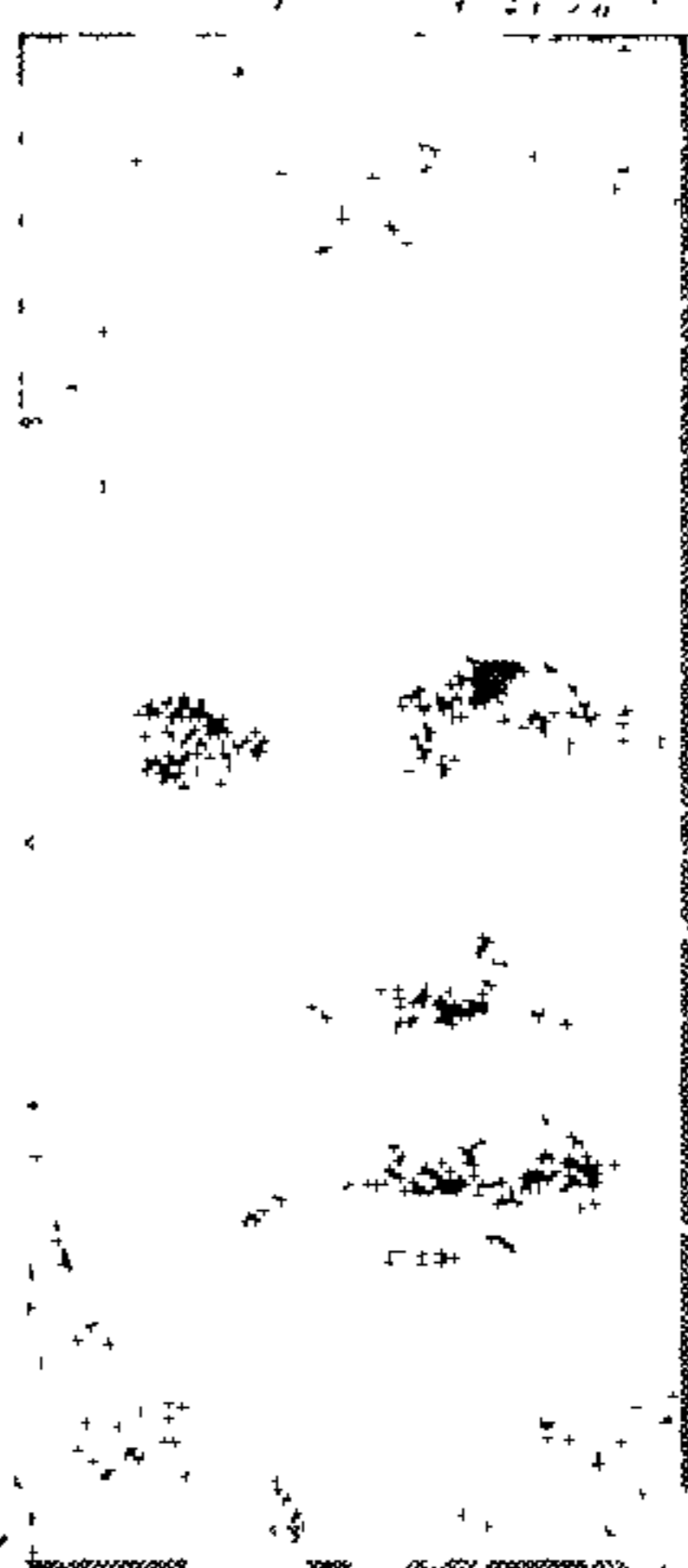
Mr Heunis said the report was exceptionally comprehensive and thorough

"It deals with the legislation and function of government

departments

"It was accordingly necessary that it should be considered by a committee of heads of the departments concerned and the Cabinet Committee for Economic Policy"

He said the recommendations amounted to a simplification of legislation and administrative procedures, the elimination of unjustified discrimination between the various race groups, the maintaining of internal security and industrial peace and the retention and extension of the free-market system with a view to more efficient utilisation of all available resources, labour included — SAPA



MR HEUNIS

Black labour up, while white labour is down

C.T.

9/5/79

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HOUSE OF ASSEMBLY — Sustained and purposeful attempts will have to be made to create employment opportunities in the black States if the flow of migrant labour to metropolitan areas and the concomitant social costs and problems are to be obviated, says the Riekert report.

The report of the Riekert Commission of inquiry into legislation affecting the utilization of manpower was tabled in Parliament yesterday by the Prime Minister, Mr P W Botha.

The report says the labour force in South Africa, particularly the black labour force, is growing very rapidly and not only is the proportion of black labour in the total force very large, but it is constantly increasing, whereas the proportion of whites is declining.

The black labour force is strongly concentrated not only outside the black states but also in the four major metropolitan areas and particularly in the Pretoria-Witwatersrand-Vereeniging complex.

The report says the migrant labour system is assuming large proportions in the case of certain black states and this system has special implications for the functioning of the labour market.

This is particularly so as regards the conclusion of bilateral labour agreements with the black states concerned and liaison between governments of black states and the South African Govern-

ment

"The commuting system is growing rapidly and this system likewise has special implications for the orderly regulation of labour relations, the co-ordination of training, transport systems etc

to increase rapidly as a result of constitutional developments, the urbanization of the black population and the establishment of community councils."

The report says the part played by women, particularly married women, in the labour

sharply"

The educational level of a very large section of the black and coloured labour force is relatively low compared with that of whites and consequently there is a great need for adult literacy training, particularly since a large percentage of the workers with no, or low, educational qualifications are relatively young.

Projections of the supply of and demand for manpower show that from a purely quantitative point of view there will be an adequate supply of labour to meet the expected demand and that there will, in fact, be a considerable surplus of black labour.

There are persistent shortages of labour in certain professional, technical and artisan fields and a great need for more reliable and timely information on existing and expected shortages.

"In this regard the manpower survey of the Department of Labour could serve a very useful purpose particularly if it is adapted so as to make provisions for information about future shortages on a regional basis, says the report — Sapa

Business today

HOUSE OF ASSEMBLY — Questions Resumption committee stage Appropriation Bill (Economic Affairs, Mr Chris Heunis) — Sapa

Riekert commission

"The movement of the labour force from the primary to the secondary and from secondary to the tertiary sector is well advanced in the case of whites, coloureds and Asians, whereas in the case of blacks it is still in an early stage, although it is rapidly gathering momentum."

According to the report, the occupational structure of the white labour force shows a fair degree of similarity to that in other Western countries, while the occupational structure of the total population shows a concentration of the labour force in the occupations of service worker, farm and forestry worker, and production and transport worker.

"A relatively large percentage of the white labour force, as compared with those of the coloureds, Asians and blacks are employed in the public sector, but employment of these latter groups in the public sector can also be expected

force is steadily gaining in importance and consequently there is a need for training, the adjustment of working hours, the provision of creche facilities and the elimination of various forms of discrimination against women.

As more blacks qualify for section 10 rights, the provision of social and community services for these people will also make high financial demands.

According to the report, the wages of all workers, especially those of black workers have increased more rapidly since the sixties than the consumer price index, with consequent increases in the real standards of living of all workers and a narrowing of the wage gap between skilled and unskilled workers.

"Productivity in terms of output per worker has not kept pace with wage increases and consequently labour costs per unit of output in different sectors of the South African economy have increased

WOMEN

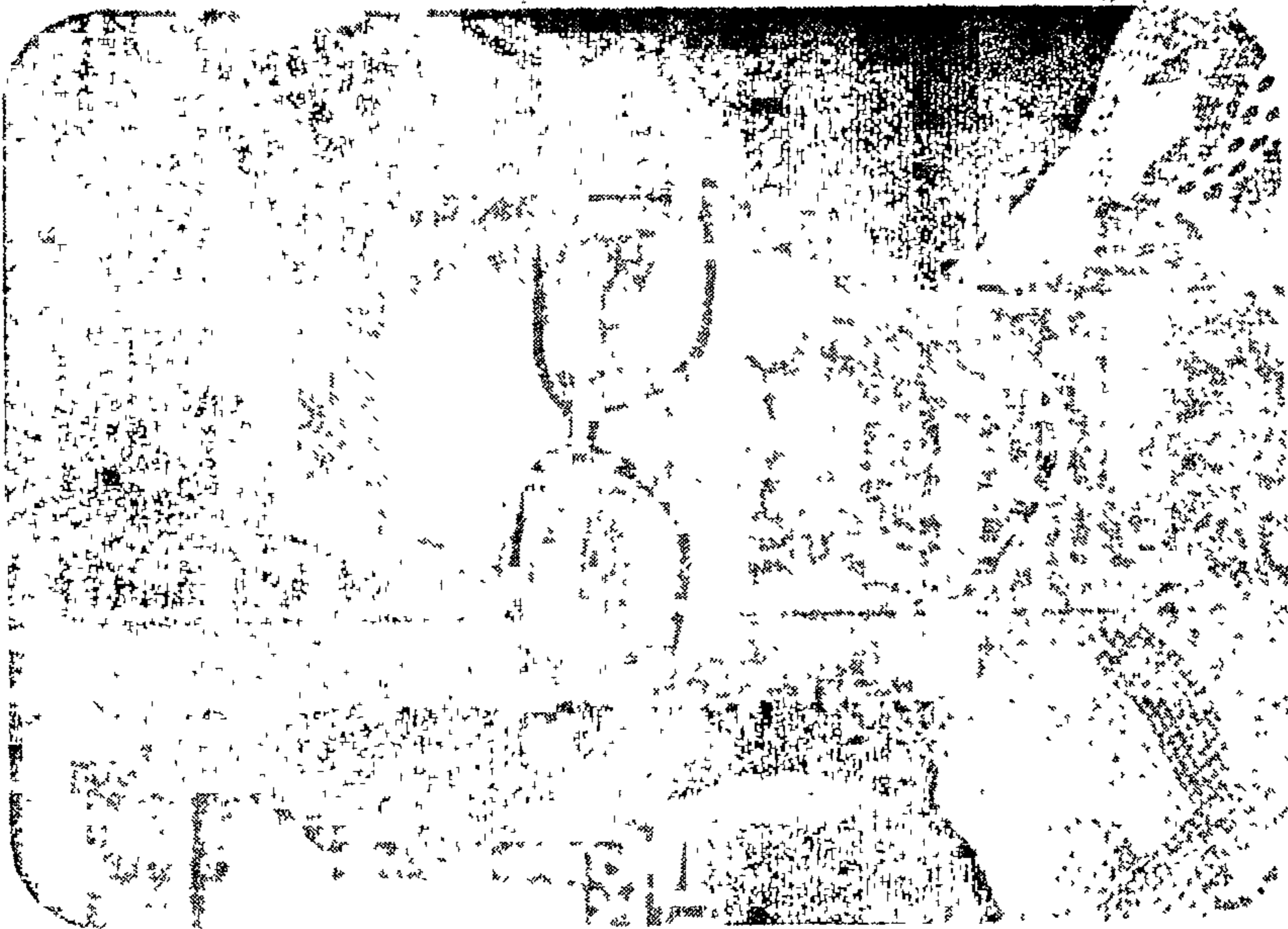
Lucy Mvubelo is a powerful figure on the black South African trade union scene, and there is a possibility she might become a member of the National Manpower Commission. ANNABELLE WARD interviewed her

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Her Union war won at last

8/10/57a

Trade unionist Lucy Mvubelo has waged a 26-year-old war for recognition of black trade unions. In the process she has been called an "Uncle Tom" at home and a Government stooge overseas. Yet, through perseverance and courage, she has won the right to join the South African Trade Union Council of South Africa's (Tuasa) officers' committee, and she was recently tipped to become a member of the National Manpower Commission. "Our rights were outlined to us and there were speeches — it was all very exciting. Once initiated into trade unionism there was no stopping it."



LUCY MVUBELO — the stalwart trade unionist who has won her hard fought fight. Twice, she said, many black unions formed their own co-ordinating bodies only to dissolve.

Act was promulgated, and black women were to ion-try. he had skipped the court. Y. had never even allowed to belong to

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Star 10/5/79

Yet through perseverance, In 1943 she joined one of the first factories in South Africa to employ black women. Her job was that of a table hand, sewing at R2,25 a week.

"My first taste of unionism came when I was locked out of the factory by employers. They wouldn't accept the recommendations of the Native Labour Disputes Settlements of 1953."

"I was always re-elected until 1953 when the Native Labour Disputes Settlements of 1953"

Once initiated into trade unionism there was no stopping her. She was elected as a shop steward and in 1945 she was one of five black women elected to the GWU national executive.

"I was always re-elected until 1953 when the Native Labour Disputes Settlements of 1953"

Black male workers were then called for by an agreement reached between the GWU and the Government but black women were left in limbo.

So, Mrs Mrubelo stepped into the vacuum and created the NUCW.

She recounts the ensuing battle for recognition forcefully but not without humour.

There were deputations to the Minister of Labour memorandums and resolutions. She was attacked on all sides — by the die-hards within her own ranks who said her union was only a second class form of representation.

She also came in for flak from overseas trade unions who wouldn't listen to her when she spoke out strongly against sanctions and economic boycotts against South Africa.

Even Donald Woods, former editor of the Daily Dispatch, labelled her a government stooge after

he had skipped the court try. "I had never even heard of Donald Woods until the Biko affair," she said with a wry smile.

"I'm against mixing politics and trade unionism. I felt that if I advocated boycotts I would be putting a spear into the back of my people." So she stood her ground.

"It hurt. You can't defend apartheid — it's a defenceless case but some nights I would cry so much my pillow would be wet, and I would pray to God that the government would hurry up and recognise us."

Mrs Mrubelo made it very clear in the 1950s when she and other unions broke away from the South African Congress of Trade Unions and African National Council's alliance, that politics were to be kept out of trade union matters.

"You know there have been so many disappointments and heartaches. It was almost like playing a game of draughts," she said slamming her large hands down on the table

twice, she said, many black unions formed their own co-ordinating bodies, only to dissolve or be forced to leave them when they became too political. One that was allowed to affiliate themselves to Tessa only to find they had to resign because of government pressure. They rejoined Tessa in 1976 when that organisation amended its constitution.

Now with the Wiehahn Commission's recommendation, black unions are finally to be registered and recognised and Mrs Mrubelo is overjoyed.

But I feel the Minister of Labour should leave it to the unions to decide if they want to be multiracial or not — I believe in integrated unions.

"I'm not happy about the homeland workers being left out. They have made their contribution to the so-called Republic and to me there is no such thing as separate states. We are almost back to where we started in the 1940s. It seems so silly. Why did they have to take so long?"

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EDITORIAL OPINION

New deal for workers

Professor Nic Wiehahn and Dr Pieter Riekert are the two men who have headed commissions presenting reports in the last week on far-reaching recommendations to move away from discrimination in the workplace

We have already congratulated Prof Wiehahn on the positive steps he has recommended. Dr Riekert deserves equal praise for his report tabled in Parliament on Tuesday.

And today we would like also to congratulate the Prime Minister, Mr P W Botha. It is undoubtedly his leadership and his guidance which have persuaded the government to move away from rigid apartheid.

This also means moving away from the disastrous clandestine path Dr Mulder, Dr Rhooie and the former Department of Information would have had South Africa travel

The speedy acceptance by Mr Botha's government of at least most of the Wiehahn recommendations and the acceptance of the Riekert Report by a member of his Cabinet, Mr Heunis, literally within hours of the report being tabled, is a firm indication that at last South Africa is moving away from Dr Verwoerd's Loskop Dam concept of granite apartheid — inviolate, irreversible

and supposedly divinely inspired.

For that we congratulate Mr Botha unreservedly.

Echoing the conciliatory recommendations of the Wiehahn Report, there is much that is positive, too, in Dr Riekert's recommendations

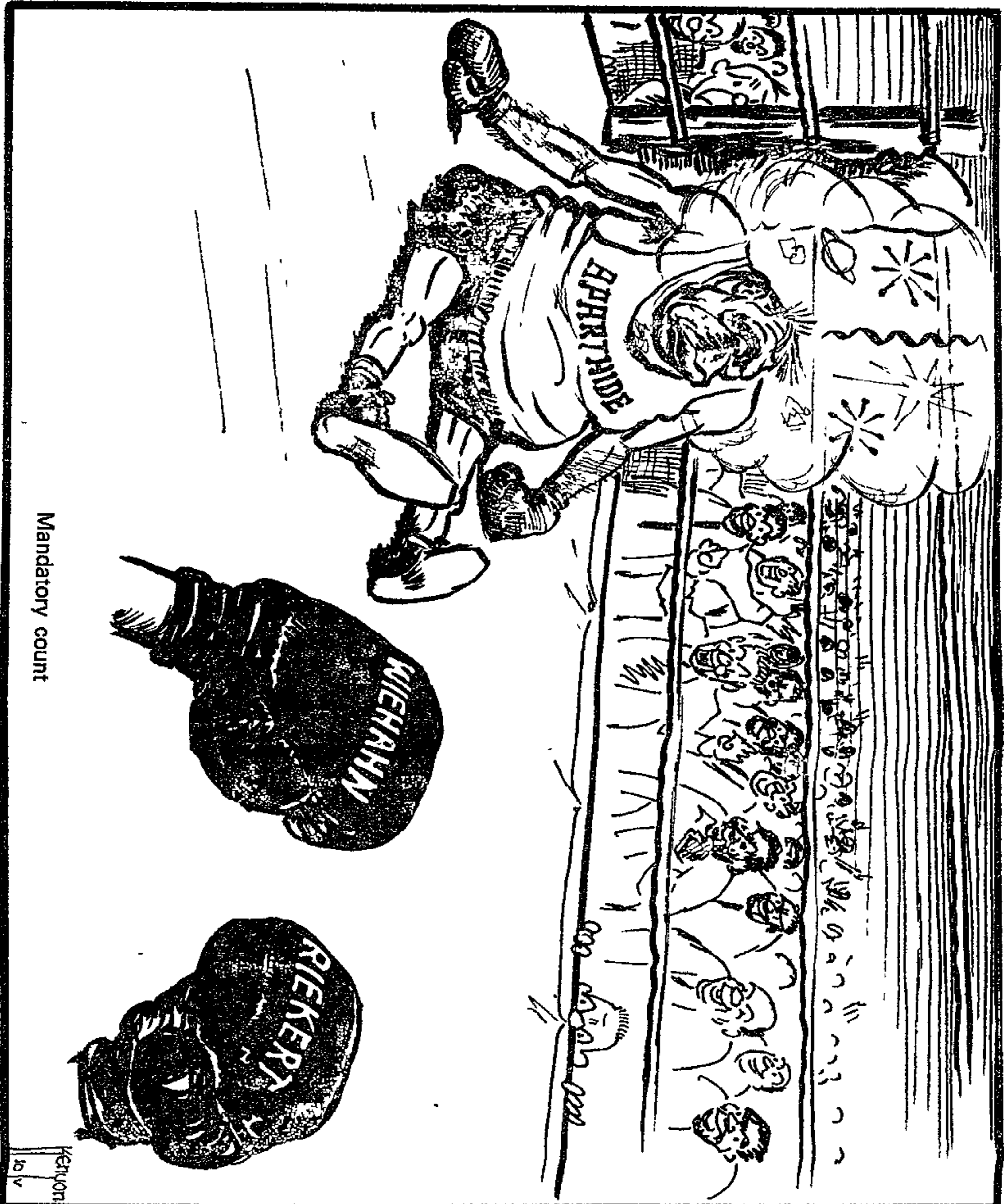
But there is one issue that disturbs us — the recommendation that heavier penalties be imposed on employers for illegally employing blacks.

Instead of phasing out influx control, all this recommendation is doing is shifting the responsibility for the control of blacks from the government to employers and those who own premises.

If it is considered discriminatory for blacks to have to produce reference books, why should the onus be on employers to decide whether blacks are legally employed?

Prosecuting employers will negate much that might be gained from the proposed changes. The report has not, therefore, really addressed itself to influx control problems

The two reports, however, do open doors to a new deal for blacks in the labour and economic spheres and for that we are grateful.



Mandatory court

Kenyon
10/79

Laws will not reserve jobs says Minister

DD
10/5/77
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JOHANNESBURG — The Minister of Labour, Mr Fanie Botha, yesterday called on employers to be patient in the implementation of the Wiehahn report — “the most difficult sales task I have had in my life.”

There would be trouble ahead if the many different parties involved did not co-operate, he told several hundred businessmen and academics at an open meeting at the Rand Afrikaans University

The success of further developments would depend on co-operation in a difficult field involving people's emotions

The Minister expressed sympathy for workers who wanted to be protected.

But protection should not come by way of a statute which reserved certain work for certain people

“I cannot foresee that I should ever be able again to proclaim a job belonging only to certain people,” he said. Other mechanisms would have to provide that protection

Negotiations to phase out the remaining five job

reservation stipulations — affecting only one out of every 300 workers — were in progress, but it was preferable to negotiate than to use force, Mr Botha said.

Workers would have recourse to the proposed industrial court, headed by a senior judge or jurist which would deal less expensively with their problems

The fate of the African continent would be hunger, frustration and unemployment.

He did not want South Africa to be linked to this

In response to an appeal for exemptions from the Black Building Workers Act — which prohibits the training of black artisans in white areas — Mr Botha offered to have discussions soon with the president of the Building Industries Federation.

Professor Nic Wiehahn

told the meeting that this Act would be dealt with in part three of his commission's report.

This would probably come before Parliament before January

In all probability, the Act would be repealed and all matters related to training consolidated in one Act

In reply to a question from an industrialist concerned about the polarisation arising from the failure to allow mixed trade unions for all races, Mr Botha said that was a matter on which the proposed Manpower Commission would advise the government

This body, which would play an important role in the implementation of the Wiehahn report, would be created through legislation which he hoped would go before Parliament before the end of this month — SAPA

Southern African body proposed

State backs trade links

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Argus 11/5/79

THE Government had decided in principle to support an interstate organisation for trade co-operation in Southern Africa if businessmen were to form such a body, the Minister of Economic Affairs, Mr Chris Heunis, told the Assembly yesterday.

He made the announcement after a Nationalist member, Mr J A van Tonder (NP, Germiston District), had proposed the establishment of a R1 000-million Southern African foundation to promote economic co-operation

Speaking in the budget debate on the Economic

Parliamentary Staff

Affairs Vote, Mr van Tonder said an appeal should be made to the states of Southern Africa to speak with one voice when it came to marketing their products and bargaining with world powers.

A Southern African foundation for economic co-operation could promote trade, market research and other interests of all its member states

The founders of such an organisation should contribute towards a

R1 000-million fund as a start to finance the foundation's activities

Member countries should pool their resources and market research techniques for the benefit of all its members.

The private sector, with its brainpower and financial resources, could also contribute to such a foundation

Such an organisation should not be controlled

on a political basis, but rather on an economic basis to further the interests of member states

Mr van Tonder said he believed the time was now ripe for the formation of such a body

Such a move could be an example to the rest of the world of co-operation based on a new Southern African economic philosophy

The message to those seeking Southern Africa's downfall would be 'Get away — we want to stand on our own feet'

When Mr Heunis replied to some of the issues raised during the debate, he announced the Government's decision to support a body for trade co-operation in Southern Africa — if businessmen were to launch such an organisation.

Hostility

He said there was a strong need for co-operation between businessmen of various states in Southern Africa

They had 'an enormous responsibility' to break down political hostility against Southern Africa

There was a growing belief that Africa had to give serious consideration to the rationalisation of its trade with countries overseas

The formation of an organisation for trade co-operation could lead to marketing, by means of a pool system

URBAN AFRICANS

Riekert in a nutshell

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TM 11/5/79

Dr Piet Riekert's 286-page report is a masterly analysis of the most complex bureaucratic system of labour control in the world. Riekert was struck by the weaknesses of this highly-institutionalised labour market — among them, imperfect horizontal mobility

His recommendations aim to remove these, to streamline, to rationalise, and at the same time reduce overtly racially discriminatory measures

The present welter of laws and regulations on urban Africans is to be replaced by two new broad consolidating statutes — an "employment and training act" and a "black community development act." Certain jobs now done by the Department of Co-operation and Development (formerly Plural Relations) will be handed over to other departments, like Labour and Justice.

Influx control will also be retained, but enforced in a different and, Riekert hopes, more effective way. Differential treatment of blacks with Section 10 permanent urban residence rights and "illegal" people from outside the urban areas will not only be retained, but reinforced. Thus, says Riekert, "the most important advantage of the black community development act will be the fact that it strengthens the position of established black communities in the white areas and will afford them new and much wider opportunities for decision-making," through community councils. Explicit provision will be made for the "social and economic development of urban and rural black communities in the white areas"

Crucial to Riekert's thinking is a new form of influx control applied (theoretically, at any rate) to all races and linked to the availability of jobs and approved housing. "Controlled employment and controlled accommodation are the two problems on which the ordering of the urbanisation process and sound community development ought to rest"

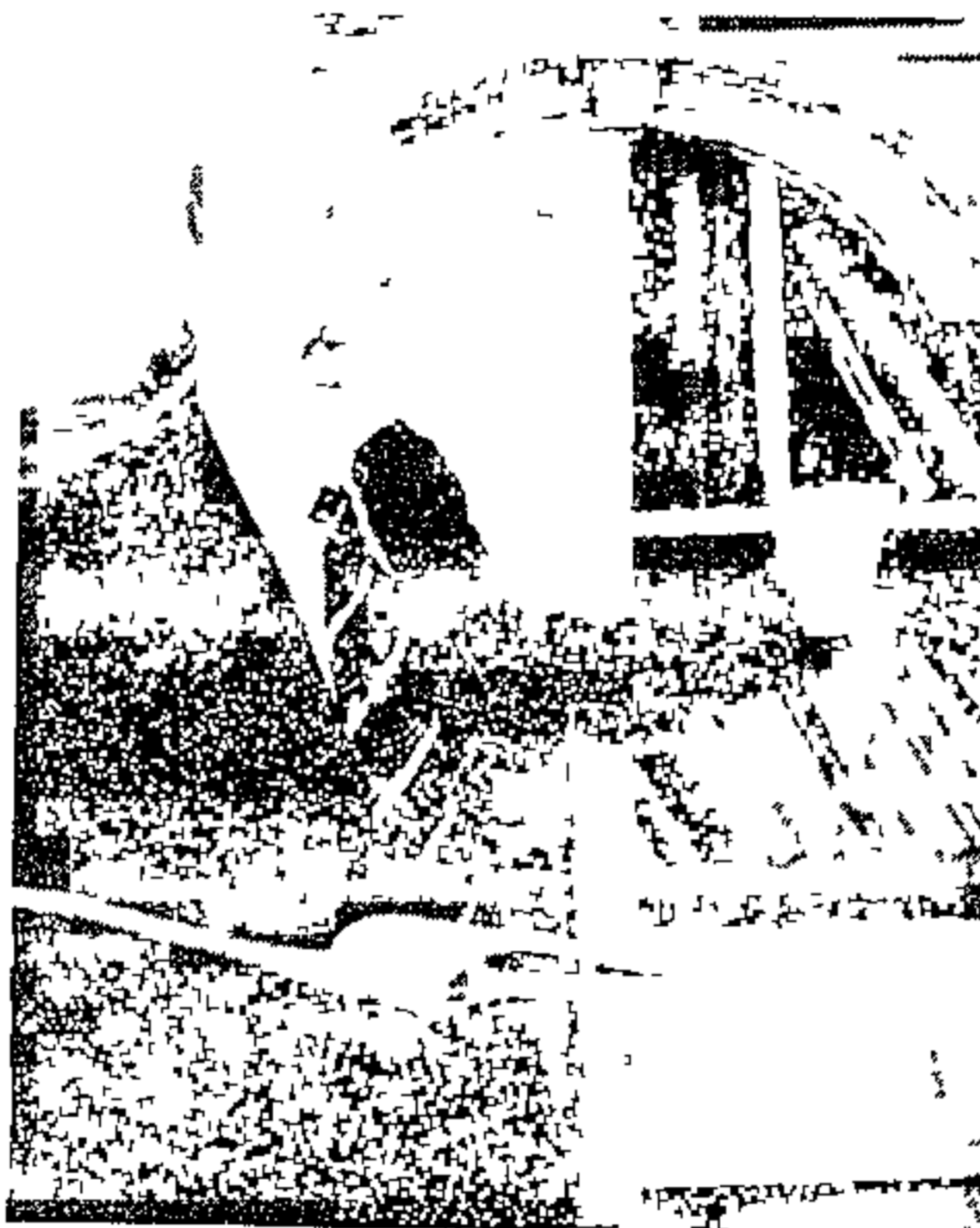
Here are some of Riekert's key recommendations and the thinking behind them.

● **Influx control.** This is essential to obviate social problems. But it should be linked only to the availability of housing and jobs. Outsiders should be allowed into the urban areas only with the permission of the local labour bureau and then only if (1) there is a firm offer of employment; (2) approved housing is available; and (3) suitable workers are not available from the ranks of the urban unemployed.

The provisions should apply to all workers of all races who wish to move to urban areas from rural areas (including independent bantustans)

● **Unlawful employment.** This is widespread and "can undermine the whole system and doom it to failure." It must be stamped out. Penalties presently aimed at black workers in unlawful employment should be replaced by tougher penalties against their employers. Fines and prison sentences should both be increased (Co-operation and Development Minister Piet Koornhof said in Parliament this week that he was considering increasing the maximum fine from R100 to R500)

Fines should be in proportion to the period of unlawful employment, and pro-



Piet Riekert . . . a masterful analysis

vision also made for the forfeiting of benefits accruing to employers from unlawful employment. Admission of guilt payments should not be allowed, and employers should be held liable for the costs of repatriating blacks they unlawfully employ.

Riekert argues that it should "be expected of employers to be able to produce to authorised officials proof of the registration of all workers in their employ." He also refers to "strict action" against not only "unlawful occupiers" but also "the persons who accommodate them"

● **"Idle and undesirable"** people. The section of the Urban Areas Act providing for their removal should be repealed and

the appropriate provisions of the Abuse of Dependence-Producing Substances and Rehabilitation Centres Act applied in its place. The section of the Urban Areas Act providing for the removal of redundant blacks and those whose presence is detrimental to peace and order are superfluous and should also go. The night curfew requirement should also go

● **Repatriation** of blacks working or remaining in prescribed areas without authorisation. This section of the Act should be amended so as to provide for the repatriation of those found in unlawful occupation of accommodation together with their dependants.

● **Section 10(1)(a) and (b)** of the Urban Areas Act. This too should be amended. In its present form it contains a general prohibition to the effect that no African may be present in a prescribed (ie urban) area for more than 72 hours at a time unless he fulfils certain stringent qualifications — birth there, 10 years' service with one and the same employer there, or continuous lawful residence there for 15 years. The 72-hour prohibition should be replaced by one to the effect that no black person may remain in an urban black residential area unless he has both a job and approved housing.

Families

People with Section 10(1)(a) or (b) qualifications should not lose them. They should be able to change their jobs in the area at will, the onus to register them being placed on the employer. Qualified people should be allowed to have their families join them if approved housing is available

Section 10 qualifications should be transferable from one urban area to another subject to the approval of the labour bureau and the availability of jobs and approved housing

Riekert argues that the removal of the 72-hour prohibition will not only eliminate a great source of irritation, but also lead to a drastic decline in the number of (pass) arrests. He also maintains "that movement control that applies to all population groups and which is linked to employment and housing affords a far more acceptable and justifiable basis than the present set-up, and that it will in no way yield poorer results, but rather far better results, since control will then be concentrated on a far smaller number of strategic points — ie on employers and owners of premises."

● **Housing.** Where distances permit and the necessary transport is or can be made

available, the present system should continue if black workers in the white urban areas should be encouraged to build their own houses in the black townships.

At the same time and here Riekert is presumably referring to townships where the above conditions do not obtain, the housing situation should improve to a great extent as a result of the household system and other proposals. Thus ownership should be granted to employer who wish to provide accommodation for their employees in urban townships.

Site and service?

Furthermore, even with the necessary services should be allocated to blacks in the townships who wish to build their own houses, subject to prescribed standards. Consideration should also be given to putting black housing subsidies on the same basis as those for other races. (Sub-economic housing finance for Africans was reintroduced for a month for the first time in over a decade (17 March 77).) Larger sites should be made available for richer people, and larger business centres developed in the township.

• **Black business.** The process of easing restrictions should continue, and it should be left to community councils to recommend whether white businesses should be allowed into the townships. Riekert also refers to creating "free trade areas" outside the townships where local authorities would be entitled to allow racially disqualified people to trade. He also talks of opening production industrial areas to entrepreneurs of all races.

• **Environment Planning Act** section 3 -- which lay down rules to be followed in the employment of Africans -- should be withdrawn, and replaced by a provision that no factory should be able to expand or take on any new employees outside a industrial area without a permit.

• **Administration boards.** There should be a styled regional board for black community development. They should draw up plans for township development on a non-subsidised basis and get the Economic Development Corporation involved in the development of a wide range of light service industries in the urban townships. Members of community councils should be represented (along with the private sector) on expert committees or boards.

• **Reference books.** These are already being replaced by travel documents issued by the bantustan governments in terms of agreement reached between Koozloff's department and some of these governments. Administration of the reference book law should be handed over to the Department of the Interior which may, however, make use of regional boards as agents.

• **Employer levies.** The per capita levies

paid to regional boards under the Contributions in Respect of Bantu Labour Act should be progressively reduced and eventually phased out, and more and more of the costs of services in the townships borne by the black communities themselves.

• **Training.** The Department of Labour should take over the training of black workers from Education and Training (formerly Bantu Education). The existing provision that nobody may train the employees of another person except in a government approved centre should be extended to include training in labour relations and trade unionism.

• **Contract labour recruiting.** Individual employers and farmers will no longer be able to recruit labour themselves. If it is not available locally, they will have to recruit it from elsewhere through the labour bureaux. Employer groups will still be able to recruit, however. After consultation with the government, of the bantustans, central assembly areas should be established to streamline the flow of labour from tribal labour bureaux. The present one-year limitation on contracts should be reviewed.

Labour agreements with independent black states (including independent bantustans) should be retained and expanded from time to time. The Department of Foreign Affairs should play a role in negotiating similar contracts with non-independent homelands.

• **Mines.** The existing provision limiting the proportion of black miners who may be allowed with their families to 3% should remain, since the mines are free to provide family housing in neighbouring black residential areas for those of their workers who qualify to be there.

• **Farms.** Old people who were once in the employ of a white land owner or who are dependants of people presently in his employ should be allowed to stay on the farm if the owner agrees. The determination of labour quotas for farmers, as well as farm labour control boards, should be abolished.

• **Co-operation and Development.** The department will be faced with the enormous challenge of creating stable, contented and happy black communities in the white area. Riekert believes that his new institutional framework will contribute to the achievement of more efficient administration, the acceleration of black community development, and the diminution of criticism.

THE RIEKERT REPORT

Laagers round the towns

(106)
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631

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The Riekert Report is a sophisticated and ingenious piece of work. If government accepts its proposals (and some are already being implemented) influx control in its present overtly discriminatory form will go. It will be replaced by a system which is theoretically non-discriminatory, easier to implement, and cheaper — and more effective in achieving the same objective. In other words, apartheid will have its cake and eat it.

But it would be wrong to dismiss either the Riekert or the Wiehahn report as merely advocating cosmetic change. The change is real — but central to both documents is the replacement of crude racial discrimination against black South Africans by more sophisticated techniques of control. Also central to both reports is the idea of building up a privileged labour aristocracy among blacks in the urban areas.

In retrospect, it is clear that the introduction of the 99 year lease system was the first step in this process.

Insiders and outsiders

Riekert wants to introduce even greater differentiation between blacks with urban residence rights and those without. Government's white paper on the Wiehahn Report (see next page) in excluding migrant workers from trade union rights — for the moment at any rate — reflects a similar approach.

In terms of Riekert's proposals, Africans with urban (or, more correctly, "white" area) residence qualifications will be allowed to keep them. They will also have greater freedom to change their jobs, and be entitled to bring their families to live with them (but see *Politics and Labour*).

Finance for sub-economic housing will be available, while wealthier people will get larger plots. The rights of black businessmen will be expanded, and light service industries permitted in the townships. If local authorities agree, black businessmen may even be allowed to operate in white group areas and industrial zones. The Economic Development

Corporation will become involved in township development.

So much for those Africans fortunate enough to have urban residence rights. The real victims of Riekert's blueprint are going to be blacks without these rights. For the implication of Riekert for them is that laagers are going to be erected around the towns to keep the outsiders out.

People from the bantustans or other rural areas are going to be allowed into the "white" areas only if (1) no labour is available locally, (2) the labour bureau gives permission, (3) they have been offered jobs, and (4) they can get approved housing. This is not a new principle, except that urban residence rights will now be made expressly conditional upon employment and housing.

What is new is that employers, willy-nilly, are going to play a much greater part in enforcing influx control, because they will be much more severely penalised if they are caught employing unqualified blacks. Thus does Riekert hope to put a stop to the widespread practice of employing unqualified people and so enforce stricter influx control.

One immediate effect of making housing a central aspect of a theoretically non-discriminatory system of influx control is that influx control may now operate against coloured people — say, those moving from the Cape to the Reef in search of jobs — because of the severe coloured housing backlog, which will not be eliminated much before 1982.

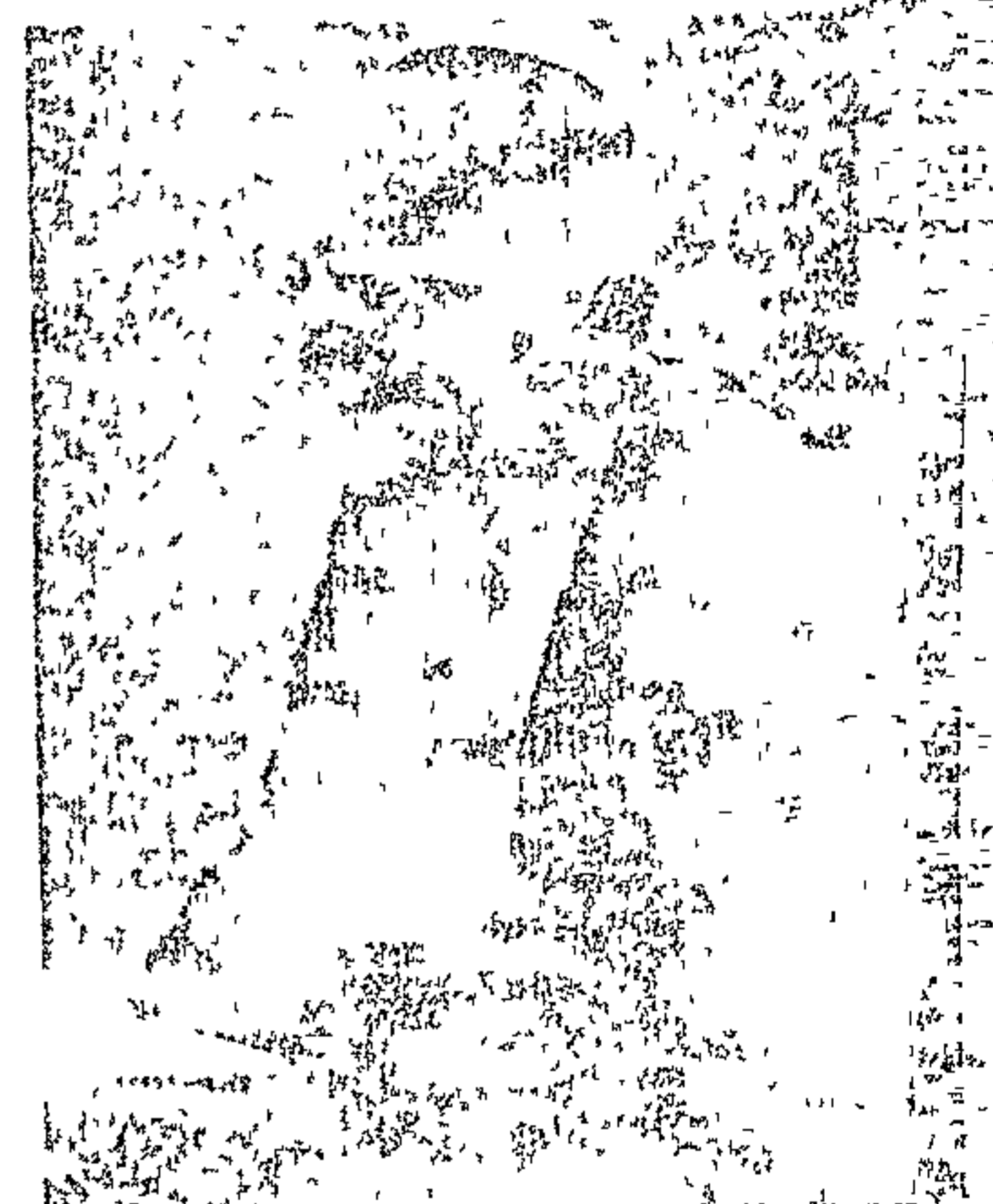
Even taking into account the greater funds for African housing announced this week (see *Politics and Labour*), SA will have a critical African housing backlog for years to come. So influx control against Africans will remain.

Riekert also proposes that provisions for the removal from the urban areas of unqualified Africans be retained, although certain superfluous measures will be repealed.

A key effect of the Riekert recommendations is that blacks who are outsiders will be cut adrift from

mainstream industrial growth in the urban areas. Influx control does not prevent the development of slums and unemployment — it merely ensures that they occur out of sight and out of (white) mind in the bantustans rather than in the urban areas.

Says the Black Sash's Sheena Duncan



Riekert . . . insiders in, outsiders out

whose knowledge of the workings of influx control is every bit as great as that of Riekert himself. "Isolating a privileged group of blacks in the urban areas is going to take place at the expense of a vast number of people in the homelands, whose only safety-net until now has been the inefficiency of the influx control system, which has enabled them to survive by getting jobs, albeit illegally, in the informal sector in the urban areas."

"Now this venue will be closed to them, and starvation appears to be the inevitable result."

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(116) PM 11/5/77

A formula for control?

Has SA exchanged statutory racial discrimination in labour law for a system of increased control over labour relations? It may well have, judging by government's Wiehahn white paper.

The white paper does two things. It significantly alters some of the commission's most important recommendations, and endorses passages in the commission report which enhance official control over black workers in particular and labour relations in general.

To be sure, only a small portion of the commission's recommendations will be enshrined in legislation now — the extension of registered trade unions to some Africans, regulation of this registration, the repeal of statutory job reservation, and provision for the National Manpower Commission and industrial court.

Much detail has been placed in the hands of the NMC, which will have an extremely wide brief. But the drift of the white paper is clear.

Firstly, the potential for job discrimination has not been eliminated. Statutory job reservation will go (though at least two of the five remaining determinations may be with us for a long time yet), as will new closed shop agreements, at least for the time being (although existing ones will also remain). But government has accepted other measures which could inhibit change.

The most important is that consensus must be reached on an industrial council before job changes are made or new parties are admitted. So existing registered unions still have a veto on change.

Workers who feel aggrieved will also be given other safeguards, including access to the industrial court, which can, if it wishes, restrict and control factory floor change.

It is by no means certain that employers will be able to employ black artisans in "white areas." The white

paper endorses the indenturing of black apprentices in these areas but does so because it believes this will make a "valuable contribution to the development of the self-governing and independent black states."

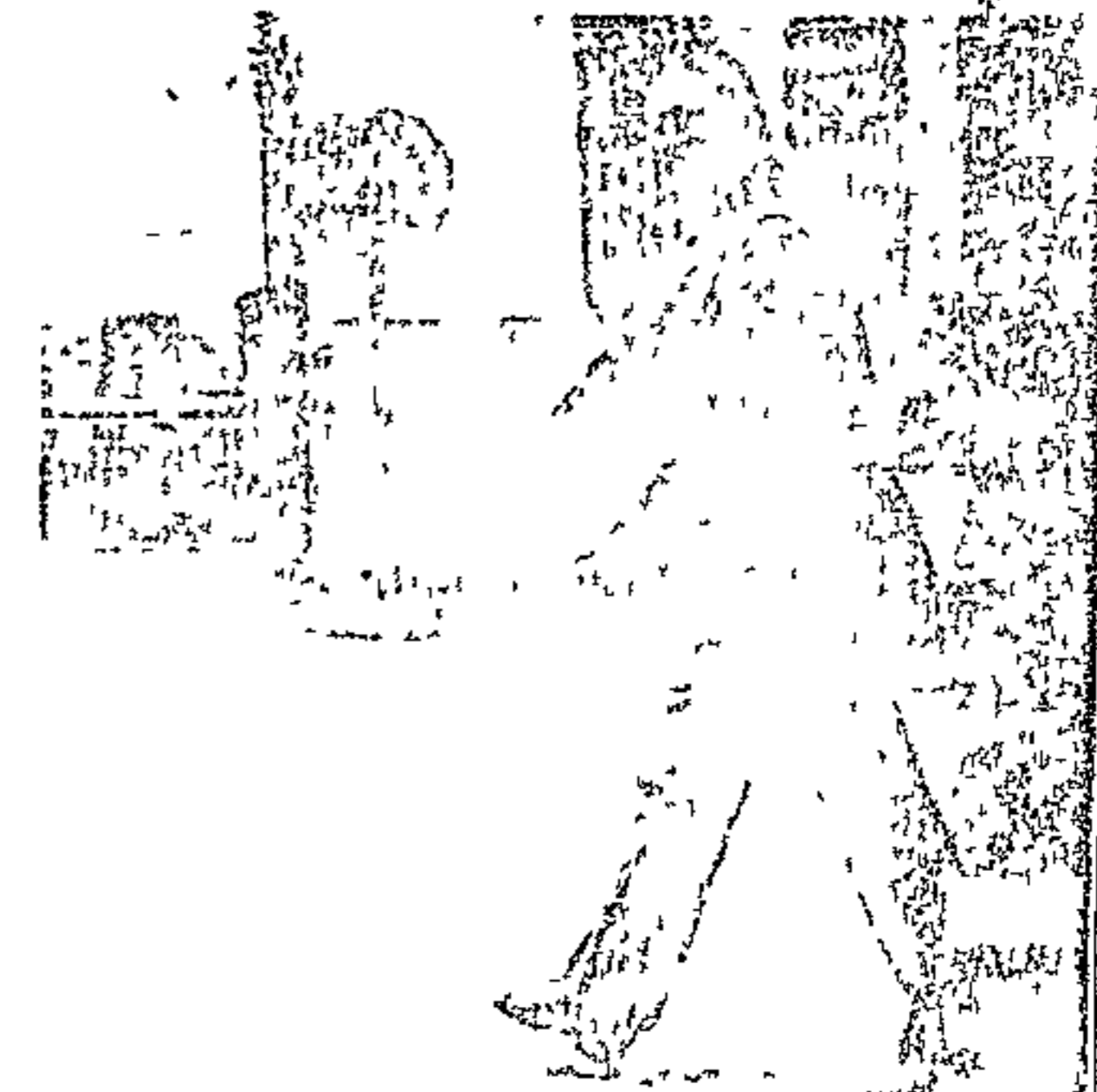
There is thus ample scope for job bars to continue, and there is nothing in either the white paper or the commission's report which implies that Africans will compete with other races for jobs. What is more likely is that they may move into jobs where other race groups are unavailable.

The job discrimination aspects of the new dispensation may not, therefore, usher in wide-ranging change. But the white paper's treatment of the trade union issue, read with parts of the commission report, may actually set the union movement back — particularly black unions.

Firstly, there is the major deviation from the majority commission report: the restriction of registered union membership to "permanent" Africans. This will apparently limit membership to Africans who have Section 10 rights to remain in the urban areas (it appears that mixed unions with African members will not be allowed at this stage).

Read with the provisions that ban agreements between employers and unregistered unions and the deduction of union dues by employers on behalf of those unions, this change actually removes rights.

Migrant workers constitute an important part of the unregistered trade union movement. Indeed, unregistered unions say that migrants are often among their most active members. These already unionised workers will now be denied union rights entirely — unless they join an unregistered union which, under the new legislation, will be a union in name only.



Fanie Botha message for migrant blacks

The Durban black union movement, regarded by many as the backbone of the entire movement, could be put out of business. Workers in Durban are either migrants proper, or live in townships which adjoin Durban but are officially KwaZulu. At a Johannesburg meeting this week, Minister Fanie Botha would only say that government "will have to look into" this question.

Another significant deviation from the report comes in the treatment of the relationship between plant-level "work councils" and unions. The commission seemed to favour a limiting of the powers of the councils. The white paper seems to envisage wider powers.

Coupled with the white paper's suggestion that migrants enjoy representation through plant level bodies and that they be allowed a role in industrial committee meetings, the clear implication is that plant-level committees will have strong impact on the new system.

Some unions, particularly those not registered, are likely to see this as a substantial weakening of the role of unions. One of the most important functions of a union's job, the protection of members' rights on the shop floor, could be handed over to a council whose members could be intimidated by a rich employer.

But there is also a general thread running through the white paper (and indeed, much of the commission's report) which is likely to worry the unions: the clear implication that the new system is there to control, not strengthen, unions.

The commission's report is laden with references to the fact that black unions operate outside the government-created system and that they should be subject

UNION VIEWS

A major Confederation of Labour union, the SA Yster-&Staal Unie, has issued a sharp attack on the white paper. Yster-&Staal's general secretary, Wessel Bornman, is secretary of the Confederation.

Bornman's statement emphasises his view that "the historical and traditional rights and interests of specific population groups" are "not adequately protected" by the white paper.

He is unhappy about the extension of union rights to "permanent" African workers and says it will not be possible to exercise "proper control"

over black unions.

Bornman is also unhappy about the abolition of job reservation because he believes that the veto right and the white paper's stress on negotiation do not constitute adequate safeguards. Neither does he believe that the industrial court will be able adequately to protect white workers.

Government reaction to the report is also likely to cause concern in the overwhelmingly black Federation of SA Trade Unions. Its general secretary, Alec Erwin, expressed reservations even before the white paper.

to its discipline. The white paper talks about the need to submit all worker organisations to the "responsibilities, duties and limitations" of the statutory system.

It also warns, like the commission, against the "uncontrolled proliferation of unions," and cites the provisional registration system as a means of avoiding "premature recognition of unstable organisations."

The wider powers the commission gives the industrial registrar heighten the fears that only unions who are prepared to abide by government's rules will be allowed into the system. Those that don't make it — or don't want to — will be put out of business.

Government thus appears to have opted for a system in which unions are subject to special controls on top of those against theft, subversion, and so on, which already exist in common law and security legislation.

If control is indeed to be the order of the day, both the NMC and the industrial court are in an excellent position to administer it. The NMC has been given a secretariat and a wide range of duties, which amount in essence to keeping tabs on the entire labour relations system.

The industrial court has been given wider powers than are granted to equivalent bodies in other countries. It can pronounce on disputes of right and disputes

of interest (between two parties where a legal principle is not at stake) and has the power to hand out fines and develop case law.

Its neutrality is called into question by the fact that it will, according to the white paper, be part of the Department of Labour. So the president of the court will be responsible to a Minister whose own officials may be involved in a dispute before the court.

The implication is clear: unless government thinking is reversed soon, SA labour relations will have won some changes in the discriminatory effects of labour legislation at the expense of vastly increased control over labour relations.

- 4
- c) Ander lede:
- | | |
|-------------------------|-----------------------------|
| Mnr K. Bosman | Mnr H.W. Middelman |
| Professor A. Cupido | Eerw. M.T.L. Moletsane |
| Mnr N. Daniels | Professor A.D. Muller |
| Mnr Achmat Davids | Sheik A. Najaar |
| Professor R.J. Davies | Mnr Victor Norton |
| Professor J.J. Degenaar | Professor N.J.J. Olivier |
| Mnr René de Villiers | Mnr L. Phillips |
| Dr I.D. du Plessis | Professor H.P. Pollak |
| Professor J.J.F. Durand | Mnr W.J. September |
| Professor J.B. du Toit | Mnr Franklin Sonn |
| Mnr A. Flederman | Mnr P.M. Sonn |
| Professor R.F. Fuggle | Regter J.H. Steyn |
| Mnr G.J. Gerwel | Mnr R. Tobias |
| Eerw D. Guma | Professor R.E. van der Ross |
| Professor A. Paul Hare | Professor J.H. van Rooyen |
| Dr Gertrud Heydorn | Mev S. Walters |
| Mnr F.A. Jacobs | Professor F.A.H. Wilson |
| Mnr H.M. Jimba | |
- d) Twee Ere-Fellows:
- Professor J.L. Boshoff
Dr Sheila T. van der Horst
- Lede word na die Algemene Jaarvergadering van die Maatskappy uitgenooi en kies elke drie jaar 'n verteenwoordiger op die Beheerraad. 'n Verkiesing is in 1978 gehou en die huidige ampsdraer is Biskop A.W. Habelgaarn. Terwyl geen verpligtige aan lede opgelê word nie, word hulle geraadpleeg in verband met sake wat die Sentrum se program raak.
- NAVORSING
- Gedurende die verslagjaar het die navorsing van die Sentrum die volgende behels
- A. Mobiliteit en Politieke Verandering in Suid-Afrika
- Haerdie projek is 'n paar jaar gelede aangepak 'n Onderzoek onder die kleurling bevolking van die Kaapse Skiereiland is onderneem. 'n Aantal tydelike navorsings-
- Friends (Quakers) en
Committee deurgebring
verskillende dele van
ings toegesprek en s
Corporation, van Comm
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van die American Frie
verbonde aan verskeie
Gedurende Augustus en
Nederland, Switserlan
Hy het vooraanstaande
Lomate, senior ampten
en verskeie regerings
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en opvoedkundige vere
aan Nederland het hy
gram ontvang van die
Gereformeerde Kerken
- Professor J.L. Boshoff
Program, het met 'n aa
in Natal en Transvaal
en industriële firmas
- (b) konferensies
- Gedurende 1978 het di
bygewoon
- Jaarlikse Konferen
en Raadsvergader
tuut vir Rasseve
- Suid-Afrikaanse Ja
Society of Frien
- Negende Wêreldkong
Verhandeling vo
bygewoon van die
logiese Verenig
van Suid-Afrika

DEPARTMENT OF PLURAL RELATIONS
AND DEVELOPMENT

No. R. 992

11 May 1979

CONTRIBUTIONS PAYABLE UNDER THE CONTRIBUTIONS IN RESPECT OF BLACK LABOUR ACT, 1972 (ACT 29 OF 1972)—AMENDMENT OF GOVERNMENT NOTICE R 2210, DATED 28 OCTOBER 1977

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, do hereby, on behalf of the Minister of Plural Relations and Development, by virtue of the powers vested in him by section 2 (1) and (5) of the Contributions in respect of Black Labour Act, 1972 (Act 29 of 1972), amend Government Notice R 2210 dated 28 October 1977, in accordance with the accompanying Schedule with effect from the first day of June 1979

Government Notice R. 1229 dated 16 June 1978 is withdrawn with effect from 1 June 1979

W. L. VOSLOO, Deputy Minister of Plural Relations and Development

(File A1/1/2/6)

SCHEDULE

1. Amend item 1 of the Schedule by the addition of the following at the end thereof

"Provided further that the contributions for each employee in the administration area of the Administration Board for the Western Cape Area shall be as indicated in paragraphs 4 and 5

2. Add the following new paragraphs after paragraph 3:

"4 R3,50 per month for each employee Provided in respect of the employees mentioned in paragraph 5. the contributions as indicated therein shall be payable

5 (a) 60c per month or R6 per annum if paid in advance, for each employee who is in the service of the agricultural or farming industry and who performs a service in connection with the production, cultivation and/or processing of agricultural and/or farm produce produced on the farm or holding concerned, the transportation of such produce and/or the erection of facilities on the farm or holding concerned directly related to such production, cultivation and/or processing by the producer and inclusive of an employee who performs garden, domestic or similar duties for the said producer on the said farm or holding Provided that the provisions herein contained shall also apply to an employee in the service of a co-operative movement which is formed (i) under section 4 of the Co-operative Societies Act, 1939 (Act 29 of 1939), with the objects referred to in section 6 or 7 of the said Act, or (ii) under section 53 or 55 of the aforementioned Act, and which renders any service as hereinbefore mentioned on the farm or holding concerned, but only in respect

DEPARTEMENT VAN PLURALE BETREK-
KINGE EN ONTWIKKELING

No R 992

11 Mei 1979

BYDRAES BETAALBAAR KRAGTENS DIE WET OP BYDRAES TEN OPSIGTE VAN SWART ARBEID, 1972 (WET 29 VAN 1972).—WYSIGING VAN GOEWERMENSKENNISGEWING R. 2210 VAN 28 OKTOBER 1977

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, wysig hierby, namens die Minister van Plurale Betrekkinge en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 2 (1) en (5) van die Wet op Bydraes ten opsigte van Swart Arbeid, 1972 (Wet 29 van 1972), Goewermentskennisgewing R 2210 van 28 Oktober 1977 ooreenkomstig bygaande Bylae met ingang van die eerste dag van June 1979

Goewermentskennisgewing R 1229 van 16 Junie 1978 word met ingang van 1 Junie 1979 ingetrek

W L VOSLOO, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling.

(Lêer A1/1/2/6)

BYLAE

1 Wysig paragraaf 1 van die Bylae deur die volgende aan die end daarvan by te voeg:

Met dien verstande verder dat die bydraes ten opsigte van die werknemers in die administrasiegebied van die Administrasieraad Wes-Kaap, sal wees soos genoem in paragrafe 4 en 5

2 Voeg die volgende nuwe paragrafe by na paragraaf 3:

"4 R3,50 per maand vir elke werknemer; Met dien verstande dat ten opsigte van die werknemers in paragraaf 5 genoem, die bydraes soos daarin genoem, betaalbaar is

5 (a) 60c per maand of R6 per jaar indien vooruitbetaal, vir elke werknemer wat in die landbou- of boerderybedryf in diens is en wat 'n diens verrig in verband met die produksie, bewerking en/of verwerking van landbou- en/of boerderyprodukte op die betrokke plaas of hoewe geproduseer, die vervoer van sodanige produkte en/of die oprigting van fasiliteite op die betrokke plaas of hoewe, wat direk in verband staan met sodanige produksie, bewerking en/of verwerking deur die produsent en met insluiting van 'n werknemer wat tuin-, huis of soortgelyke werk vir bedoelde produsent op bedoelde plaas of hoewe verrig Met dien verstande dat die bepaling hierin vervat ook van toepassing is op 'n werknemer in diens van 'n kooperatiewe beweging wat opgerig is (i) kragtens artikel 4 van die Wet op Kooperatiewe Verenigings, 1939 (Wet 29 van 1939), vir die doeleindes bedoel in artikel 6 en 7 van gemelde Wet, of (ii) kragtens artikel 53 of 55 van gemelde Wet, en wat enige diens soos hierbo gemeld op die betrokke plaas of hoewe lewer, maar slegs ten opsigte van 'n werknemer in diens van

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of an employee in the service of such co-operative movement whose labour is applied directly or mainly to the rendition of such services. Provided further that the provisions of this subparagraph shall not apply to an employee whose labour is applied directly or mainly to any saw-milling activity on the farm or holding concerned

(b) 85c per month for each employee who is in the service of an organisation registered as a welfare organisation in terms of the National Welfare Act, 1965 (Act 79 of 1965), and whose labour is applied directly or mainly to the direct promotion of the objects of such organisation,

(c) 60c per month for each employee who is in the service of a natural person in the possession of a digger's certificate enabling him to dig on an alluvial digging as referred to in the Precious Stones Act, 1964 (Act 73 of 1964), and whose labour is applied directly or mainly to digging on such alluvial digging;

(d) 80c per month for each employee at a gold- or uranium mine who renders service directly related to the operation of the mine, where the employer provides housing approved by a competent authority,

(e) R2 per month for each employee in respect of whom housing, approved by a competent authority, is provided by the employer, excluding the employees mentioned in subparagraph (f),

(f) R2,50 per month for each employee who performs garden domestic or similar duties and who is in the employ of a private householder who occupies a house, flat, room or other residence

(g) R1,40 per month by each Black who in terms of the Black Labour Act 1964 (Act 67 of 1964) or the regulations made thereunder, is permitted to work as a casual labourer, or to perform any work on his own account in any remunerative activity or as an independent contractor

sodanige kooperatiewe beweging wie se arbeid direk of hoofsaaklik vir sodanige dienslewering aangewend word. Met dien verstande verder dat die bepalinge van hierdie subparagraaf nie van toepassing is nie op 'n werknemer wie se arbeid direk of hoofsaaklik aangewend word vir enige saagmeulbedrywigheid op die betrokke plaas of hoewe.

(b) 85c per maand vir elke werknemer wat in diens is van 'n organisasie geregistreer as 'n welsyns-organisasie ingevolge die Nasionale Welsynswet, 1965 (Wet 79 van 1965) en wie se arbeid direk of hoofsaaklik aangewend word in verband met die direkte bevordering van die doelstellings van sodanige organisasie,

(c) 60c per maand vir elke werknemer wat in diens is van 'n natuurlike persoon in besit van 'n delwersertifikaat wat hom in staat stel om op 'n alluviale delwery soos bedoel in die Wet op Edelgesteentes, 1964 (Wet 73 van 1964), te delf, en wie se arbeid direk of hoofsaaklik aangewend word vir delwing op bedoelde alluviale delwery,

(d) 80c per maand vir elke werknemer in diens by 'n goud- of uraanmyn wat diens lewer wat direk in verband staan met die bedryf van die myn, waar die werkgewer huisvesting wat deur 'n bevoegde owerheid goedgekeur is, verskaf;

(e) R2 per maand vir elke werknemer ten opsigte van wie die werkgewer huisvesting wat deur 'n bevoegde owerheid goedgekeur is, verskaf, uitgesonderd die werknemers bedoel in subparagraaf (f);

(f) R2,50 per maand vir elke werknemer wat tuin-, huis- of soortgelyke werk verrig en wat in diens is van 'n private huishouer wat 'n huis, woonstel, kamer of ander woning okkupeer

(g) R1,40 per maand deur elke Swarte wat kragtens die Wet op Swart-arbeid, 1964 (Wet 67 van 1964) of die regulasies daarkragtens uitgevaardig, toegelaat word om as 'n los arbeider te werk, of om vir eie rekening in 'n winsgewende bedrywigheid of as 'n onafhanklike aannemer werk te verrig

What Riekert report means to you.

NIM 166
12/5/79

THE Wiehahn recommendations have been hailed as "phase one" of abolition of race discrimination in the workplace. And now, phase 2, the 286-page Riekert report compiled by Dr P J Riekert, former economic adviser to the Prime Minister

The report, tabled in Parliament on Wednesday, probes the intricate web of restrictive legislation controlling every aspect of the lives of South Africa's millions of Black workers, and makes far-reaching recommendations, and complements the Wiehahn report. But what does it mean to the average Black man — or woman — in the street?

If accepted, the effect the recommendations could have on the Black worker can best be subdivided into the following categories

- The rights of Blacks to live permanently in White urban areas

No Black can hope for a better chance of gaining the right to permanent residence in "White" South Africa. The strict section 10 requirements for Blacks to live permanently in White areas will be retained in their entirety.

On the other hand, it will be far more difficult for the "illegal" Black to live in White urban areas as it would be extremely difficult for him to get a job in terms of the new influx control regulations

necessary qualifications making life more difficult for "illegal" Blacks to remain in "White" South Africa

However, life for Blacks with the coveted "section 10 rights" to be in Urban areas, will be considerably easier

They will be able to transfer these rights between Urban areas "subject to the approval of the labour bureau concerned"

Approval

This approval will depend on the availability of "approved" housing, and employment. With these two requirements, Blacks with section 10 rights will be able to move from Urban area to Urban area anywhere in South Africa

HELEN ZILLE :
Johannesburg

(except Cape Town which is still a Coloured preference area) and hold on to the right to permanent residence

Section 10 right-holders will also be able to bring their wives and families and "legitimate dependants" to join them in the Urban areas if the necessary housing is available. In most areas there is a tremendous housing backlog

- Migration and influx control

Influx control has not been scrapped, but the system has been changed

wishing to hire workers will have to get authority to do so from a Government labour bureau

Permission will be subject to a firm offer of employment, the availability of "approved" housing, and in the case of contract workers, "the non-availability" of Blacks with right to live in Urban areas. Employers who employ "illegal" Blacks will face very tough fines

Other discriminatory influx control measures likely to disappear are the curfew laws keeping Blacks out of White areas at night and the 72-hour maximum time limit on Black "visitors" in White areas

This is a very important aspect for "unqualified" Blacks entering Urban

areas for limited periods, and there is very little chance that the Government will lift the time limit entirely. It is far more likely that the 72-hour time limit will be extended, possibly to about 10 days

- The hiring of contract workers in Black rural areas (independent and non-independent homelands)

Overhaul

The position for the contract worker will improve as they will not be forced to register with the Govern-

panies. He may operate in any urban Black area provided the basic requirements of employment and housing are satisfied

Community councils will control applications by Whites, Coloureds and Asians to become entrepreneurs in Black areas

- Trade outside Black Residential areas

Blacks will be able to work in other group areas if the local authority in control of the area decides to "open" the area to all. This will remove control over Blacks in White industrial areas from the hands of the Government to local authorities

- The Group Areas Act, and the rights of Blacks to live in other group areas

This will not change at all — but control will be exercised on the owners of premises "rather than the unlawful occupier"

It is clear from the Riekert report that there is no intention of removing control over Blacks in White areas. On the contrary, the plan is to streamline the controlling laws, so that they operate more effectively, particularly over Black migration to White Urban areas

At the same time, the Government's plan is clearly to remove points of friction between its agents — the police — and Blacks, by making third parties the 'pivots' of the system of control. Employers will not employ illegal Blacks because they will face tough penalties if they

As the interest is low and as the business is expanding, it is unlikely that the debentures will be redeemed early.

The future expectation is, therefore:

Clearance

Employers will have to get clearance from a Government labour office when they employ new workers, and the onus will be on them to see to the 'repatriation' of temporary contract workers. An employer's application to hire new workers will depend on the urban unemployment level and 'approved' housing for the workers.

Fines on employers for hiring workers who do not satisfy the requirements of the 'contract' or 'permanent residence' categories will be made much tougher. This will obviously make employers extremely reluctant to hire Blacks who do not have the

Government will use the employer as the "buffer zone" between itself and the worker.

Instead of influx control administration being a matter for the police to sort out with Blacks on street corners, it will be a three-way system between the Government, employer and worker — with the major responsibility resting on the employer.

Although the proposed new system is non-racial, its impact will be felt mainly by Black workers.

They will still have to have documents permitting them to be in Urban areas on a temporary or permanent basis, and will only be eligible for employment if they have the necessary documents. Employers

they wish to have jobs in Urban areas. The labour agency system will also be overhauled to avoid widespread abuse.

However, contract workers will face compulsory repatriation — at the cost of their employers, who will face very stiff penalties for failure to repatriate workers.

Another improvement could result from the commission's recommendation that the one-year contract period be extended.

● Black traders in Black residential areas

Black traders in these areas will be able to trade freely in Urban Black residential areas through one-man businesses, partnerships and com-

Recent Value

Owners of premises will not allow people of the wrong group to live in their group area because they will face similar penalties. Local authorities will have to decide whether to allow Blacks to operate in White industrial areas.

The whole point of the report is to decentralise and streamline separate development — and to make life easier for Blacks who comply with the rules of the system.

All political comment in this issue unless otherwise stated is by M C Mattson, A G M Ishley, L L Swift and S P Horning. Sub editing and headlines by R Hawkins. Posters by J D Campbell and cartoons by P Lessing. All of 12 Devonshire Place Durban.

Unions split on Wiehahn

By Sieg Hannig
Labour Reporter

In a labour showdown on the Wiehahn recommendations white resistance has been reduced to a minority stand in the Confederation of Labour.

This opens the door to the tabling of legislation as early as next week.

But the victory of the moderates — by a narrow margin of 13 votes to 11 — has stretched tensions within the confederation to breaking point.

Mr Arrie Paulus wants his Mineworkers' Union (16 000 members) to leave the confederation and found a new body of trade unions prepared to "fight for the rights of the white worker."

He said he would put his case to his union's executive on Wednesday and hold a mass meeting later that day to demonstrate the support for his cause.

Mr Paulus spoke after the crucial caucus meeting of the confederation in rooms booked for a subsequent meeting with the Minister of Manpower Development (Labour) at Jan Smuts Airport yesterday.

The moderates won the motion — to accept with certain reservations the pending legislation arising from the Wiehahn Report — with unexpected support from Mr Attie Nieuwoudt's South African Association of Municipal Employees (SAAME).

Mr Nieuwoudt, president of the 200 000-strong confederation, was the Wiehahn Commission member who countered all of the commission's more controversial recommendations with minority views reflecting the traditional stance of the confederation.

Last night, as president of the 40 000-strong SAAME, he issued a statement saying that Saame saw adequate protection for all workers in the pending legislation.

Mr Wessel Bormann, secretary of the confederation, is understood to have voted against the motion but is not expected to join Mr Paulus's proposed breakaway from the confederation.

He is the leader of the 37 000-strong Iron, Steel and Allied Industries Union.

Showdown victory for moderates

1166
8/12/79

Potential support for the breakaway could come from the 9 000 strong White Building Workers' Union and the 600 strong Transport Employees' Union.

Representatives of both unions left the confederation's meeting yesterday with the Mineworkers' Union men when the Minister of Manpower Development (Labour), Mr Fanie Botha, joined the meeting for further discussions with the confederation.

Earlier, Mr Sarel van den Berg of the Johannesburg Municipal Employees' Association walked out during a speech by one of the ultra-conservatives.

"I don't want to be associated with the extreme rightists," he said.

The Minister said legislation arising from the Wiehahn report might be tabled in Parliament "about next week."

White Trade Unions are for reform

Mercury Correspondent

166 12/5/79 N.m

JOHANNESBURG — White Trade Union resistance to Labour reforms proposed by the Wiehahn Commission crumbled yesterday when the right-wing South African Confederation of Labour voted by a narrow margin to accept changes to labour laws to be tabled by the Government in Parliament soon

In a major breakthrough for the Minister of Labour, Mr Fanie Botha, executive members of the confederation representing some 200 000 White workers, voted by 13 to 11 to accept with reservations proposed legislation

The move has left the Confederation deeply divided and may result in a breakaway led by Mr. Arrie Paulus, militant General Secretary of the Mineworkers' Union.

Mr. Gert Beetge, Secretary of the Blanke Bouwerkersvakbond and Mr J F Kidson, Secretary of the Transvaal Transport Workers' Union, also walked out

Drama

The day of drama followed a meeting between the Confederation and the Minister of Labour last Friday to discuss the far-reaching changes recommended by the Wiehahn Commission of Inquiry into Labour Laws, including the extension of Trade Union rights to Blacks and the scrapping of job reservation

The amendment was proposed by the South African Association of Municipal Employees, with Mr. Attie Nieuwoudt as National President.

Mr. Nieuwoudt has served on the Wiehahn Commission

Labour unions back govt

166 12/5/79

JOHANNESBURG — White trade union resistance to labour reforms proposed by the Wiehahn Commission crumbled yesterday when the right-wing SA Confederation of Labour voted by a narrow margin to accept changes to labour laws to be tabled by the government in Parliament soon.

In a major breakthrough for the Minister of Labour, Mr Fanie Botha, executive members of the confederation, representing some 200 000 white workers, voted by 13 to 11 to accept with reservations the proposed legislation.

The vote was taken during a caucus meeting before the executive met the Minister at Jan Smuts Airport yesterday.

But the move left the

confederation deeply divided and may result in a breakaway led by Mr Arrie Paulus, militant general secretary of the Mineworkers' Union.

After again walking out of the meeting with the Minister, Mr. Paulus announced he would ask his union to pull out of the confederation and form a new co-ordinating body for trade unions which would "fight for the rights of the white worker".

The confederation leaders agreed to resume talks with the Minister yesterday following an opportunity to study the government's White Paper and briefings on draft legislation by the Department of Labour.

Mr Paulus stormed out of the meeting at an early stage after accusing the government of committing "treason" against white workers. — DDC

Wiehahn: White body nears split

(166)

Argus 12/5/79.

From Sieg Hannig

JOHANNESBURG. — A showdown has slashed resistance to the Wiehahn report within the all-white Confederation of Labour and opened the door to legislation which may be tabled early next week.

But the triumph of the moderates, by a narrow margin of 13 votes to 11, has stretched tensions in the confederation beyond breaking point.

Mr Arrie Paulus wants his Mineworkers' Union (16 000 members) to leave the confederation and found a new body of trade unions prepared to 'fight for the rights of the white worker'.

He said he would put his case to his union's executive on Wednesday and hold a mass meeting later that day to demonstrate the support for his cause.

Mr Paulus spoke after the crucial caucus meet-

ing of the confederation in rooms booked for a subsequent meeting with the Minister of Manpower Development at Jan Smuts Airport yesterday.

The moderates won the motion — to accept with certain reservation the pending legislation arising from the Wiehahn report — with unexpected support from Mr Attie Nieuwoudt's South African Association of Municipal Employees (SAAEME).

Mr Nieuwoudt, president of the confederation, was the Wiehahn Commission member who countered all the body's more controversial recommendations with minority views reflecting the traditional stance of the confederation.

Last night, as president of the 40 000-strong SAAEME, he issued a statement to the effect that it sees adequate protection for all workers in the pending legislation.

Mr Wessel Bornman, secretary of the confederation, is understood to

have voted against the motion but is not expected to join Mr Paulus's proposed breakaway.

He is the leader of the 37 000-strong Iron, Steel and Allied Industries Union.

Potential support for the breakaway could come from the 9 000-strong white Building Workers' Union and the 600-strong Transport Employees' Union.

YEAR PLAN UINS TODAY



It is too easy to say that both the Wiehahn and Riekert reports were commissioned during the Vorster administration, that Mr P W Botha is simply plucking the fruits of his predecessors' wisdom

During the stagnant dying years of the Vorster government, party stability was the chief and abiding obsession of the man at the top, and any adjustment to policy was made only if its lineage, however tenuous, could be traced back to the Verwoerdian ideal

It was a time of tentative concession politics, a world and a religion away from the new doctrine of the free-market mechanism, of cooperation between the races and the beginnings of shared decision-making announced by Wiehahn, Riekert and Dr Piet Koornhof and endorsed, however tentatively, by the P W Botha Government.

The answer to why Mr Botha has in the last 10 days taken South Africa and the National Party by the scruff of its neck and forced it into a new direction is partly that it had to be done and there was no one else to do it.

The Nationalist Government has in many ways been the prisoner of its own lengthy occupation of office.

Not for it the ease with which change is effected in countries where governments follow each other in an out of office every few years, when each inherits and has to live with the social and political change charted by its opposition

One day, if the country was to survive a Nationalist Government, it would have to commit heresy against its own dearly held beliefs

That Mr Botha was the man to do it, is probably due in equal measure to his background and his position within the troubled party he rules.

His strong and enduring ties with a military establishment which has come to believe that South Africa can only survive if its black citizens believe it worthy enough to defend, has tugged him steadily to the left

His own tenuous hold on power has probably done the rest

Mr Botha and his verligte adherents within the party today control the levers of power, but they must know that their time at the controls could be severely limited if the rightwing succeeds in strengthening its own grip on the party machine.

To entrench himself and his ideas he must create a new orthodoxy to break the power of the old Verwoerdian religion over the Nationalist faithful

Create a new reality

He must, and as fast as possible, create a new reality if he is to use his only effective weapon against the legions of the right. The irrelevance of their beliefs to a new situation

It is a strategy not lost on the right

But even as Dr Andries Treurnicht tells the Afrikaner Handelsinstituut that "the market mechanism must not be allowed to dictate" policy he must know that they have already been lost to his cause, that Afrikaner business has

already been won over to the new religion and is prosecuting it with vigour

The revolution is not over, nor is it won

It is unlikely that the Right will postpone its revolt until after Mr Botha and his new breed of technocrats have established their new and irreversible order

Thus both to outflank the right and to satisfy the newly awakened hope of the black man in the cities, the promises of the Wiehahn and Riekert reports have to be met quickly

There is neither time enough nor room for hesitant second thoughts

Even if those promises are met, apartheid will remain as the servant if not the master of the market mechanism

Rural and homeland blacks will be excluded from the new era, and the dream of apartheid will linger on in the Government's wistful belief that newly affluent and comparatively free urban blacks will still seek their political kingdom in the homelands

Race classification has not been abolished, and the Mixed Marriages, Immorality and Group Areas Acts will remain as ugly reminders of the past

But if the promises of the last 10 days are met, the department whose existence was predicated on the belief that 17-million South Africans could be governed by a separate public service will all but disappear and with it the army of bureaucrats who kept apartheid and their jobs alive

If those promises are met blacks, Indians and coloureds will begin to enjoy a corner of the

capitalist sun, secure in their economic rights and future in urban islands of black privilege

As men become self confident in their economic freedom, so inevitably, must political freedom follow, however little the Government might want to acknowledge it today

Neither can escape

The Wiehahn and Riekert reports, the invitation to once rejected black leaders to join the Government on committees to decide their constitutional future, the repeated Koornhof promise that in future blacks and whites will determine their future together must create a momentum which neither blacks nor the Government can escape

There is for those who were never enslaved to the Verwoerdian dream a bitter poignancy about much that has happened in the past 10 days, in the fact that after 30 lost years of human suffering and frustration, of an economy hamstrung to an unworkable ideology, the Government has finally decided to reverse course

For the Opposition ruefully wondering what its role can be in the new dispensation now that the Government shows every sign of stealing its best clothes, the bitterness is even greater.

Surpassed only by the bitterness of those Nationalists to whom apartheid was more a religion than a way of life and who today are forced to stand by and watch as Mr P W Botha frantically ditches the policy of a lifetime to save the South African ship

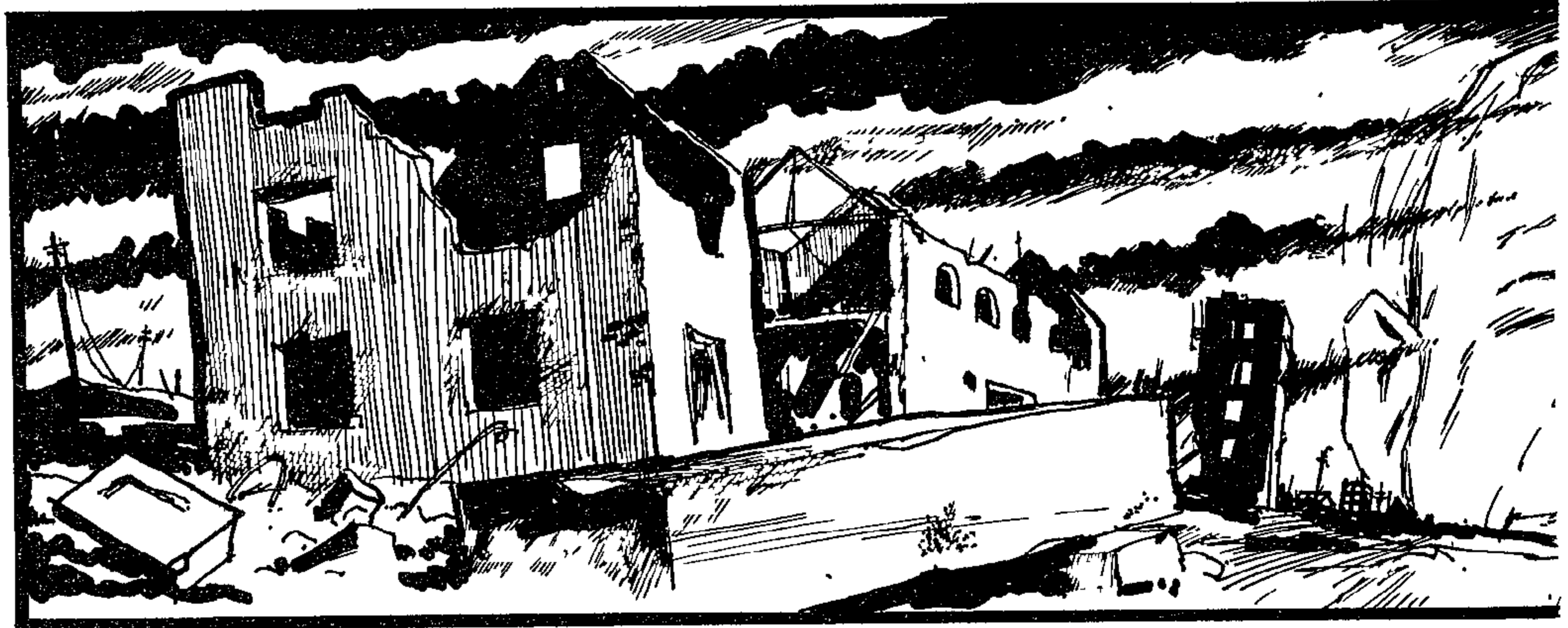
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THE ¹⁶⁶ 1000- LIES IN R



THIS was the week a dream died. A dream which for the last 30 years has held half the country in thrall and the other half in sullen servitude.

It was a dream which persuaded millions of white South Africans that privilege, packaged and sold in the bright wrappings of ideology, could last forever.

And it was a nightmare which changed millions of other South Africans from men into labour units, separated them from their wives and families and told them that they were "temporary sojourners" in the land and the cities of their birth.

It was, in the words of one of the apartheid dreamers, destined to last a thousand years.

As a former Minister of Bantu Administration and Development, a man who presided over the state within a state that controlled the lives of 17-million black South Africans, he could be forgiven his moment of hubris.

He knew, as few men did, the elaborate network of law and regulation, of prohibition and control, which had been devised to reinforce the apartheid edifice, to give enduring substance to the dream.

What he could not know was that one day his successors in office, men of his own party and convictions, would demolish the edifice and forsake the dream because neither they nor the country they ruled could continue to live in its shadow and survive.

In the last 10 days with the publication of the Wiehahn and Riekert reports the structure that was destined to last for 1 000 years has been abandoned. The demolition crews have moved in.

And South Africa, after decades in which the apartheid society was carefully constructed, rule by rule, statute by statute, is living through a revolution.

The Riekert report, commenting on the night curfew for blacks, put its finger on the truth.

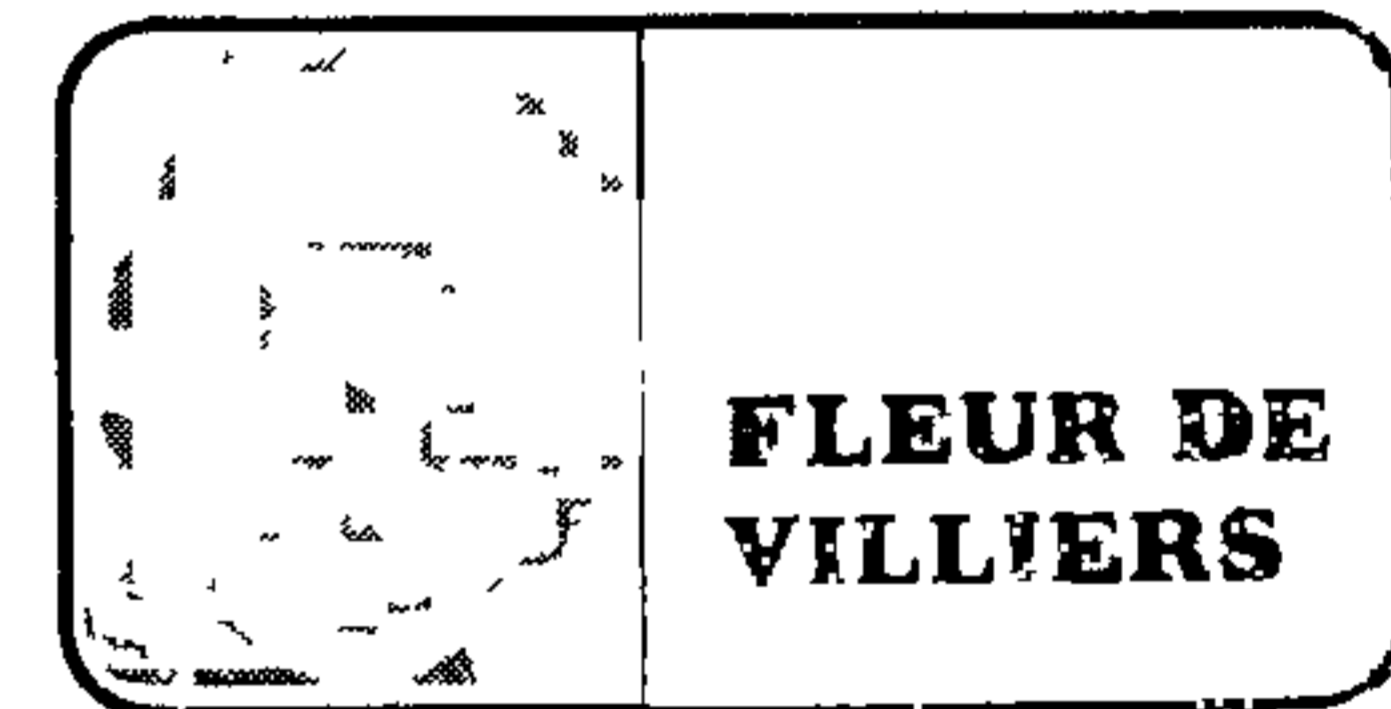
"Its success, if any, in the combating of crime or promoting the ideal of separate development, certainly cannot be weighed against the price which is being paid and will have to be paid in disturbed relations between the population groups."

Restore rights

In 10 days which will change the face of South Africa the Nationalist Government has accepted that the black man of its cities is not and can never be a peon in waiting to be shipped back to the homelands, but a permanent and essential member of the urban society.

It has decided that he should enjoy many of the basic rights of free men.

Freedom of association, of movement and of opportunity, the right to acquire and sell his skills, to use his vote to bargain for a better life, the right to a married life, the freedom to compete, as worker and entrepreneur, with whites in the marketplace will, if the revolution runs its course, be restored to him.



The myth of "white South Africa" will be banished to the unhappy pages where historians record the broken dreams of 1 000 years or more.

Why did it happen?

The short answer is that the apartheid dream never worked in reality. Reality was the untold suffering as men were separated from wives and families, as men and women became "pass law criminals."

Reality was a vast army of bureaucrats, the state within a state, to enforce the legislation which had provided them with jobs. It was employing the full panoply of the law to evict Indian traders from white areas.

It was the R112-million a year South Africa spent on enforcing influx control, and the loss of millions of rands in wasted opportunities and development as it tried vainly to rely on the skills of 4-million of its citizens to provide the goods and the growth for 17-million.

It was the frustration and the fires of Soweto in 1976.

But it was also the steady growth of the black man in the cities, the realisation that the "flow back to

the homelands by 1978" separate slogan which rained with every passing year, irony that if white South Africa could not survive without man's skills, neither could it without his purchasing power.

New-found faith

Reality was the African under the encouragement of the government's patronage of the government choice began to shed his skin and move into the entrance class, to abandon what he had for a new-found faith, and to shed in his search his desire for protective, restrictive law.

It was slow and reluctant recognition of the fact that South Africa could not have apartheid growth, and that growth without apartheid, was essential if South Africa was to survive.

But more interesting was the question of why it happened now. Why after years of stagnation and in the days of the Government's barked on a revolution was its own world order.

Beskerm jul werk,

RAPPORT 13/5/29
sê
dr. AP 166

AS mense nie hou van die aanbevelinge van die Wien of die Riekert-kommissie nie, moet hulle aantoon waarmee hulle nie gelukkig is nie. „Dit is ons erns dat geen blanke uit sy werk gedruk moet word nie“, het dr. Andries Treurnicht, Transvaalse NP-leier, gister in Wonderboom op 'n stryd-dag gesê.

Blankes moet besef hulle moet hulself in die arbeid-situasie beskerm. Hulle moet nie nalaat om te organiseer om hul belange te beskerm nie, want die Regering kan nie alles vir hulle doen nie, kan nie mense se lewens tot in die fynste besonderhede reguleer nie.

As 'n blanke wie se werk nou beskerm is, in die gedrang kom, staan die pad oop na die Regering en die verantwoordelike Minister om reg te laat geskied sonder dat daar veronreg word.

In die situasie van arbeids- en ekonomiese interafhanklikheid, moet billikheid gehandhaaf word, en moet swart en ander werkers menswaardig behandel word.

Daar moet so geregeer word dat ekonomiese interafhanklikheid nie die grondslag word vir politieke magsdeling, vermenging van woonbuurte, skole, sportklubs en politiek nie.

Die Afrikaner kan nooit opgaan in 'n gemeenskaplike Suid-Afrikanerskap nie.

Daar word deesdae selfs in Nasionale Party-kringe gepraat dat magsdeling onafwendbaar is. Om mag te deel is om mag te verloor. As met regerings van ander volkere onderhandel word, moet dit op so 'n manier geskied dat die beskikkingsreg van die blanke nie in die proses verloor of verloor word nie.

Die oplossings vir Suidwes en Rhodesie is nie die oplossing vir Suid-Afrika nie, sê dr. Treurnicht.

MOTLANA, one of the foremost black leaders, has slammed major parts of the Riekert Commission report, calling its stated move away from discrimination "dishonest" and warning that its suggested new influx control system will be "more oppressive" than the present one.

While conceding that some of the recommendations — if correctly interpreted and accepted — might improve the life of the black man, Dr Motlana, chairman of the Committee of Ten, strongly attacked the essence of the report — that the onus of guilt in the pass laws should be transferred from the worker to his employer who should only employ suitably-housed blacks.

"This is much more oppressive," Dr Motlana said.

"At least in the present system you can get a job even if you have nowhere to stay.

Scared

"Hundreds of thousands of unregistered blacks are working here and there is no way of registering them because they have no documents, no way of proving their place of abode, no birth certificates, no passes and employers haven't got time to go to the pass offices.

"But now they are going to hit them hard. They are going to make sure the employer does go to the pass office, therefore the casual worker, the man from outside Johannesburg who now can get some form of employment will not be able to.

"It's going to be much more efficient because I can tell you, white employers are bloody dead scared of this Government. They don't want to fall foul of the Government."

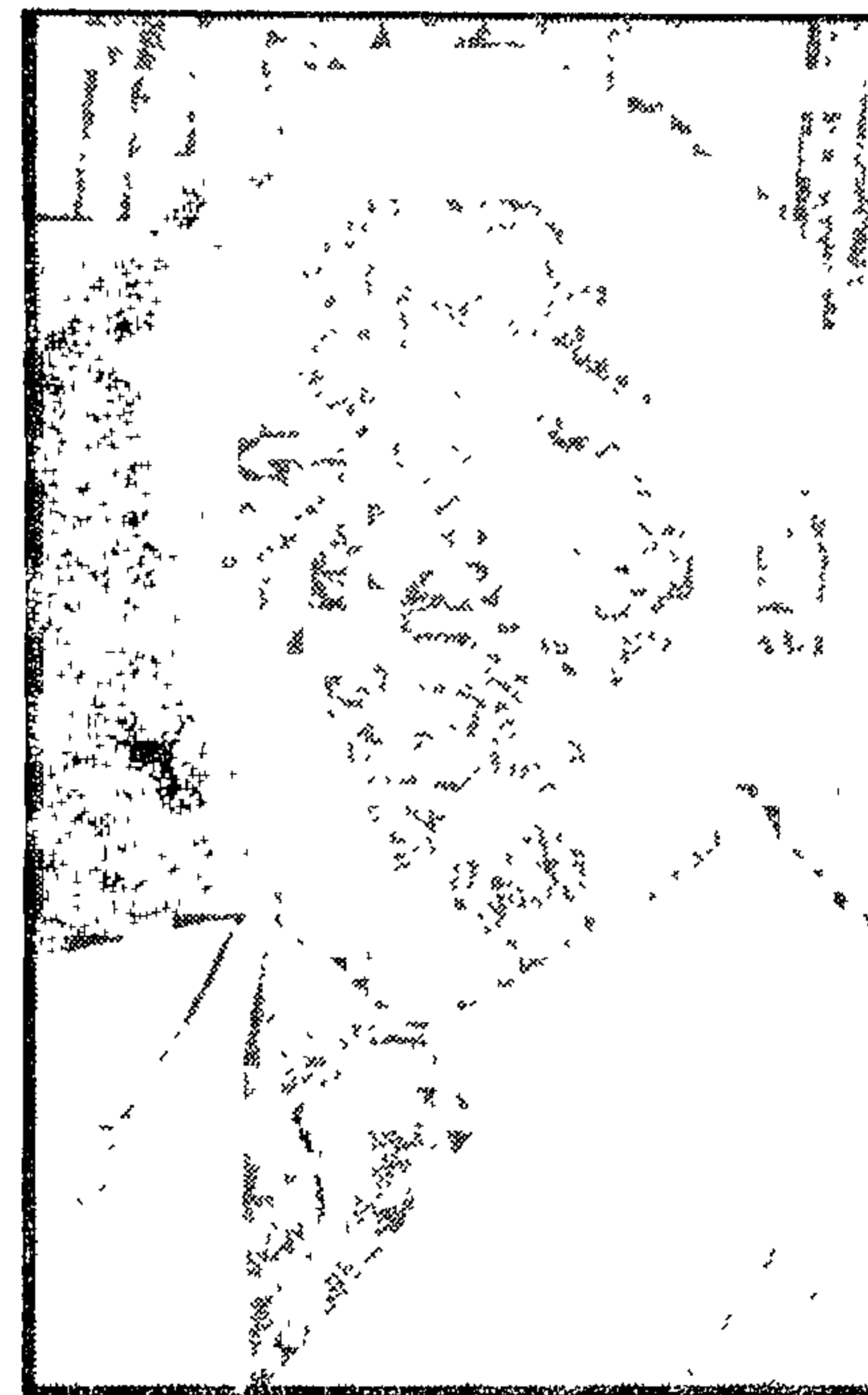
He said "We don't mind going to jail, it's part of our way of life.

"We go to jail every second day so it doesn't matter but no rich boy from Lower Houghton who lives in a mansion is going to spend a day in jail or put with R500 every time he employs a black casual gardener in his home.

"They won't do it. So they are now trying to frighten the whites out of employing blacks. It's going to be much worse. What are they going to

by Dr Ntando Motlana, leading black leader who is chairman of the Committee of Ten

'New deal' is more oppressive than the old one



do with the hundreds of workers who can't obtain documents because the bureaucratic machinery is set to keep them out?

"Now we are going to have millions of blacks milling around urban townships unemployed, the crime rate will soar

like I said the Government has yet to

address itself directly to the question of influx control.

And they have not done it here. They are still looking at surface dodges, ways around the problem. They are not solving the problem.

Going for the employer is no solution

Dr Motlana's report was 'not honest' when it criticised the 72 hour limit on black visits to white areas as "discriminatory".

"It's unbelievable. The whole thing is not honest. It's not an honest report. What they appear to give you with one hand they take away with the other."

Homelands

"I listened to Current Affairs the other night and they said it was now easy and acceptable for the white community to talk in terms of relaxing all these things because we now have, they say, acquired community protection.

"The white community is now protected by the fact that in their own area white South Africans are in complete control. There is no danger that the black man may acquire power.

"The black man has now had a dispensation accorded him, namely separate development. He is safely ensconced in his homeland and he is absolutely no danger to the white man in his area.

That's absolute. If I may use that word.

We reject that kind of thinking totally.

"The suggestion that South Africa liberalises its policies to allow mixed trade unions and blacks to build homes and take their wives to urban areas, is because — and this is the only thing — they don't really belong there.

Foreigners

"They are foreigners who can be deported at any moment's notice.

If this is the value of the damage called 'shake up' it means meaningless.

The whole exercise is fraudulent. It applies to people who, although they are there, are not to be there.

But Dr Motlana concluded that it is an incorrect measure on the road to a complete scrapping of the pass laws, some of the courts' recommendations would really be something. If the Government accepted them.

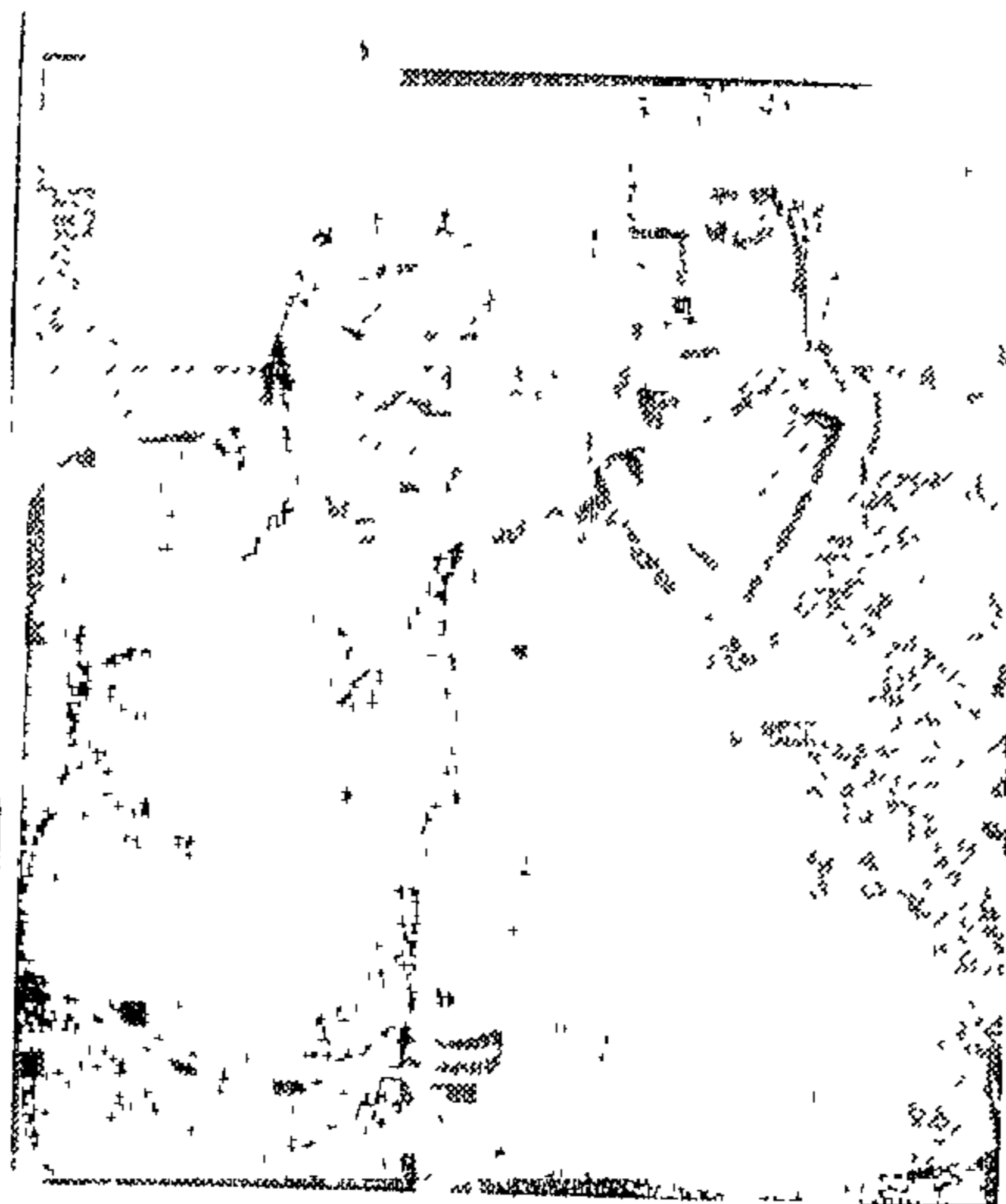
Abolishing curfew regulations, the right of a policeman to demand an identification document from a black at any time of the day, might be a fundamental change.

"This is the greatest evil of the pass law. If they would have done this country a world of good.

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SUNDAY TRIBUNE, MAY 13, 1979

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bitter
white
miners



Frank van Stader and Johan Cronje: Bitter about the Wiehahn Report

By VIV PRINCE

MANY white miners are bitter. They have little time for the Wiehahn Report. Little time for the National Party. And little time for the army. When he comes back that black is two years ahead of him. He's a qualified journeyman by the

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MANY white miners are bitter. They have little time for the Wiehahn Report. Little time for the National Party. And little time to stand alongside and work as equal with a black

They are indeed bitter men. They reject the Wiehahn Report which could mean an end to their way of life. And they refuse to let go.

The Wiehahn Report, which called for the scrapping of job reservation, has cut into their white hopes.

The mood on the West Rand is often ugly, resentful and downright indignant at the way the report shapes the future of an industry which has the golden veins of South Africa's financial success running through its Transvaal reef.

The views I heard were mainly from West Rand but mine men said they reflected feelings along the reef.

Walk into any mine recreation club and the reaction will be the same. They fear the future. They feel the white man's grip is being prised off the skills that have developed South Africa's top industry.

True, some of the mine officials can see merit in the Wiehahn proposals. But then they wince at the white miners' refusal to make a black "one of us."

If you bring up the blacks you must elevate the whites," said one mine captain.

Local point of the miners' fear is the question of blasting certificates.

At present these are granted to whites only and the Wiehahn Commission has not at this stage dealt with this serious aspect of job reservation.

Strike threat

"But it will come," said one shift boss nicknamed Bontrok. Bontrok would not give his full name. "I'm an official," he said. A member of the Maternity of Management, bound together under the diplomatic whip.

But Bontrok's words are strong.

"The day the blacks get a blasting certificate this country's going to have the biggest strike ever on its hands. That's for sure. I know what the miners are talking about."

"We've worked all our lives for what we've made of the mines. I will never, never vote Nationalist again. No ways."

"Blacks are going to get signed on as apprentices while my son goes to the

army. When he comes back that black is two years ahead of him. He's a qualified journeyman by the time my son's a two year apprentice. Is that fair?"

Johan Cronje, 32, is a mining man through and through. A tough-talking hoist fitter who throws out a challenge: "Let them give the blacks the same money for the same job with the same performance and the same responsibility, then it's okay."

"But he'll never be able to do it, he must always have a white man there. They must stay at their side and I'll stay on my side. Wat se jy pa?"

"I've put 15 years into my job, 15 years where eight hours underground, like 24 hours on the surface and I must just go and give it away. I just can't do it."

Not equal

"I'm a big Nationalist but this is giving my job away. The Nationalists should get out."

"I'm worried about my job. They'll put the black there to satisfy the outer world."

"They'll get in the union and then he's one of us. He's going to come into the same office, the same change house. That I can't see. That worries me. I work with him every day but he's not my equal."

"We will learn to respect this man but it won't be in our generation or in our children's either," said Mr Basil Gradwell, who was a storekeeper at the mines until he left 18 months ago.

"A black is good in a repetitive job," he added. "Give him a hammer and a sickle and he's all right. Say donner and he donners it."

Frank van Stadel, 60, is a union man, a former shaft steward. He talks of "the family down the pit." A strong man, dragged down by the scars of 33 years underground.

Oom Frank's views are tough, as tough as the rock he fought to crush.

"Give them a small finger, just now they'll grab your hand," said Frank.

"A black miner, with a blasting ticket, never in your whole life I'm not going to climb into a cage if I know there's a black fitter on it, or a black topman."

It is still commonplace to hear blacks referred to as kaffirs and coons in miners' recreation clubs.

Whatever became of Verwoerd's tablets of stone?

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Sun. Times 13/5/79.

YOU have to be well past your 20s to remember Dr Verwoerd coming down from the mountain bearing stone tablets upon which were inscribed the commandments whereby South Africa's race relations have been ordered these last two decades.

During the past fortnight, however, the prophet's heirs — many of whom spent their formative political years almost wrecking the country in their futile attempts to give form to the Verwoerdian code — have begun methodically to push the tablets out of sight

There is no plan yet to break them altogether and it is clearly much too early to be dancing on the grave of apartheid. Recent events have merely set the policy on a terminal course — it is a long way yet from consignment to its last resting place.

Nevertheless, it is possible to assert that post-Wiehahn, post-Riekert, post-Crossroads and post-Alexandra South Africa will never be quite the same again.

For those of us who have spent much of our formative journalistic lives raging against the inhuman removal of squatters, the expulsion of Indians from downtown shopping areas, the heartless application of influx control and an unjust system of job reservation — to name but a few — the experience induces a feeling of disorientation.

Can it be that the self-evident wisdom of a thousand leading articles is at last being perceived?

It is, regrettably, nothing as flattering as that. It is an ad hoc, belated, eleventh-hour awareness of reality induced by pressures from without and from within that is steering our rulers down new paths.

One suspects that they themselves do not know for sure where these paths will lead and that they're simply



making up policy as they go along. And all the while, of course, we will be showered with assurances that there is no major deviation from the old-time religion of separate development.

Willingness

However, when a National Party government announces plans to place labour relations on a more sensible basis, to relieve blacks of at least some of the maddening rules that govern their daily lives and when it displays a willingness to engage in discussion with an urban black leadership that it has hitherto hounded with security laws, then something is afoot.

Charity dictates that prodigals deserve a warm welcome when they admit the error of their ways and repent.

But it is worth noting — if only to place events in the

coming months in their proper perspective — that there is scant virtue in seeing the light only when the country has been taken to the point of virtual disaster. Moreover, it is scarcely an act of statesmanly genius to restore the country to a point where it can start again where it left off in 1948.

But this is no time for churlishness and we will take our rulers at their word when they commit themselves, as their commentators claim, to genuine reform.

What, though, has induced the change?

First, there's a new occupant in the PM's office. Second, he comes from Defence (indeed, still has a powerful foot in there) where the hierarchy has always believed that it does not make sense to defend South Africa's borders without accompanying reforms within.

Many other factors have also gone towards making the chemistry of change.

For one thing, the pleadings for reform from a growing and impatient new urban Afrikaner elite in business, in academe and in journalism had to be accommodated.

Unlike their isolated plateland confreres, these products of an industrialised society recognised that post-Soweto South Africa simply could not be allowed to drift aimlessly in the Vorsterian way.

Mr Botha is clearly seeking to strike an alliance with them (as witness the move away from centralised power and the acceptance of a greater role for private enterprise).

Committed

Then there are our neighbours, troubled but nonetheless committed multi-racial states. In Rhodesia as in Namibia whites are seriously striving to come to terms with racial problems and seeking to make allies of blacks.

Dare South Africa lag too far behind them — and still seek to entice them into an alliance?

And over all this stretches the shadow of the Information scandal, which shook the public's confidence in political leadership and the bureaucrats who do its bidding.

Some razzle dazzle in the policy field, one could almost hear the Cabinet say, would stop people dwelling on the past sins of govern-

ment and a little genuine forward movement might serve to restore trust.

Most of all, Mr Botha has been able to move because he recognised that the nation had become frightened. It craves leadership to see it out of the troubled, muddled 70s and into the dangerous 80s.

There is a single psychological moment when people are prepared to reconsider their position, when they believe that the advantages of a negotiated deal outweigh the consequences of conflict.

Mr Botha has seized this moment. But there is much, very much, more for him to do.

Quite apart from reform in the field of race policy, he needs to start dismantling the vast apparatus of laws which an increasingly totalitarian government created to control political thought and to shore up the wobbly edifice of its authority.

Detention without trial, censorship, Press restrictions, the prohibition of politics across colour lines, bannings and the accretion of power to the bureaucracy — these are just a few of the things that must be undone as well if South Africa is ever to become a calmer, less unjust place.

Most important of all, Mr Botha must realise that his promising, if limited, deeds of recent weeks have raised expectations amongst people who have been trapped in servitude.

If he does not deliver we will reap a whirlwind more devastating than our darkest imaginings.

Dr A.P. maak sy 'geluide'

Rapport 13/5/79 166
Van JOHAN VOSLOO

DIE lyne word getrek vir skerp debat in Nasionale parlementêre kringe oor die nuwe bedeling wat onder meer deur die Wiehahn- en die Riekert-aanbevelinge ingelui word.

Teenoor gunstige Regeringsreaksie in den brede het dr A P Treurnicht, Transvaalse leier, op sy manier 'n handskoen neergewerp

In parlementêre kringe word sy jongste uitsprake o.m. só vertolk Dr Treurnicht het dié week sy Transvaalse vesting gekies vir sy gebruiklike „geluide” teen wat hy as die verwatering van apartheid beskou. Sy ondersteuners het van hom verwag om te reageer ná die sportverklaring van mnr F W de Klerk en die gunstige Regeringsreaksie op Riekert en Wiehahn.

En in die Volksraad, nog voor die witskrif oor die Riekert-verslag ter tafel gelê is, het dr Paul Viljoen (Newcastle) groot ondersteuner van dr. Treurnicht en sekretaris van die Ekonomiese Studiegroep, sy bedenkinge oor sekere kardinale aanbevelinge van die verslag uitgespreek.

Daar word aanvaar dat die vonke nog in die studiegroepe en die kookus gaan spat oor veral die aanbevelings in die Riekert-verslag. Mnr Chris Heunis is in administratiewe beheer van die verslag, maar twaalf departemente word daardeur geraak. As die aanbevelinge aanvaar word, sal 'n magdom wette en artikels (meestal uitgedende apartheidsmaatreëls om instroming en arbeid te beheer) geskrap of gewysig moet word.

In die laaste paar weke het die verklaring oor sportbeleid, die Wiehahn-verslag en die witskrif daaroor en die Riekert-verslag so vinnig opmekaar gevolg dat die konserwatiewe vleuel van die party duidelik onkant gevang is.

Intussen is die lede van die grondwetkomitee en dié van streekkomitees wat moet ingaan op konsolidasie en die posisie van die swartman, ook aangekondig. Die Treurnicht-kamp het hom skielik half in die kou gevind, word gesê.

Ná die SA Rugbyraad se verklaring waarin bevestig word dat daar op alle vlakke van diskriminasie afgestap word, het die Minister van Sport en Ontspanning, mnr F W de Klerk, gesê dat hy daarmee „geen fout vind nie”.

Voor die ASB in Pretoria het dr Treurnicht te kenne gegee dat wette gebruik sal word om te sorg dat sport „volksgewys” beoefen word en dat sportklubs dit nie probeer omseil nie.

Aan RAPPORT sê mnr De Klerk gister „Ek dink die sportbeleid is vir almal duidelik. Wanneer my pos in die Parlement aan die beurt kom, kan ons daaroor praat”.

Later dié week voor die kongres van die Afrikaanse Handelsinstituut in Johannesburg het dr Treurnicht laat blyk dat hy bedenkinge het oor sekere sleutel-aanbevelinge van die Riekert-verslag.

In 'n onderhoud daarna sê hy: „As ons kleurblind raak op arbeidsvlak en kleurblind op sportvlak, hoekom dan ook nie kleurblind word wat betref jou woonbuurte en jou skole nie?”

*Daar word gevra waarom dr Treurnicht dit in hierdie stadium en voor die verskyning van die amptelike Regeringstandpunt (die witskrif) nodig ag om aksente op sogenaamde kleurblindheid te plaas.

Op goeie gesag is aan RAPPORT gesê dat die Wiehahn- en die Riekert-verslag allermens kleurblind is. Hulle wil onnodige beperkinge op die mobiliteit van arbeid verwyder.”

Daarby aanvaar die Regering dat dit onmoontlik is om die beweging van mense net met aanbod en vraag te reguleer. Die kwessie van woon- en werkplek wat die Riekert-verslag gebruik as basis vir die teenwoordigheid van 'n man op 'n bepaalde plek, kan nie alleen staan nie. Daar sal nog regulasies moet wees om 'n effektiewe beheerstelsel te kan hê, word gesê.

Aan RAPPORT sê mnr. Koos Lloyd (Pretoria-Oos), ondervoorsitter van die Arbeidstudiegroep. Wette wat dertig jaar en ouer is moet noodwendig hersien word. Die Wiehahn-verslag was nie net tydig nie, maar die aanbevelings is ook so aktueel dat wetgewing dringend deurgevoer moet word om die grootste probleme wat uitgewys is, uit die weg te ruim.

10-YEAR PLAN RUINS TODAY



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It is too easy to say that both the Wiehahn and Riekert reports were commissioned during the Vorster administration, that Mr P W Botha is simply plucking the fruits of his predecessors' wisdom

During the stagnant dying years of the Vorster government, party stability was the chief and abiding obsession of the man at the top, and any adjustment to policy was made only if its lineage, however tenuous, could be traced back to the Verwoerdian ideal

It was a time of tentative concession politics, a world and a religion away from the new doctrine of the free-market mechanism, of cooperation between the races and the beginnings of shared decision-making announced by Wiehahn, Riekert and Dr Piet Koornhof and endorsed, however tentatively, by the P W Botha Government

The answer to why Mr Botha has in the last 10 days taken South Africa and the National Party by the scruff of its neck and forced it into a new direction is partly that it had to be done and there was no one else to do it

The Nationalist Government has in many ways been the prisoner of its own lengthy occupation of office

Not for it the ease with which change is effected in countries where governments follow each other in an out of office every few years, when each inherits and has to live with the social and political change charted by its opposition

One day, if the country was to survive a Nationalist Government, it would have to commit heresy against its own dearly held beliefs

That Mr Botha was the man to do it, is probably due in equal measure to his background and his position within the troubled party he rules

His strong and enduring ties with a military establishment which has come to believe that South Africa can only survive if its black citizens believe it worthy enough to defend, has tugged him steadily to the left

His own tenuous hold on power has probably done the rest

Mr Botha and his verligte adherents within the party today control the levers of power, but they must know that their time at the controls could be severely limited if the rightwing succeeds in strengthening its own grip on the party machine

To entrench himself and his ideas he must create a new orthodoxy to break the power of the old Verwoerdian religion over the Nationalist faithful

Create a new reality

He must, and as fast as possible, create a new reality if he is to use his only effective weapon against the legions of the right. The irrelevance of their beliefs to a new situation

It is a strategy not lost on the right

But even as Dr Andries Treurnicht tells the Afrikaner Handelsinstituut that "the market mechanism must not be allowed to dictate" policy he must know that they have already been lost to his cause, that Afrikaner business has

already been won over to the new religion and is prosecuting it with vigour

The revolution is not over, nor is it won

It is unlikely that the Right will postpone its revolt until after Mr Botha and his new breed of technocrats have established their new and irreversible order

Thus both to outflank the right and to satisfy the newly awakened hope of the black man in the cities, the promises of the Wiehahn and Riekert reports have to be met quickly

There is neither time enough nor room for hesitant second thoughts

Even if those promises are met, apartheid will remain as the servant if not the master of the market mechanism

Rural and homeland blacks will be excluded from the new era, and the dream of apartheid will linger on in the Government's wistful belief that newly affluent and comparatively free urban blacks will still seek their political kingdom in the homelands

Race classification has not been abolished, and the Mixed Marriages, Immorality and Group Areas Acts will remain as ugly reminders of the past

But if the promises of the last 10 days are met, the department whose existence was predicated on the belief that 17-million South Africans could be governed by a separate public service will all but disappear and with it the army of bureaucrats who kept apartheid and their jobs alive

If those promises are met blacks, Indians and coloureds will begin to enjoy a corner of the

capitalist sun, secure in their economic rights and future in urban islands of black privilege

As men become self confident in their economic freedom, so inevitably, must political freedom follow, however little the Government might want to acknowledge it today

Neither can escape

The Wiehahn and Riekert reports, the invitation to once rejected black leaders to join the Government on committees to decide their constitutional future, the repeated Koornhof promise that in future blacks and whites will determine their future together must create a momentum which neither blacks nor the Government can escape

There is for those who were never enslaved to the Verwoerdian dream a bitter poignancy about much that has happened in the past 10 days, in the fact that after 30 lost years of human suffering and frustration, of an economy hamstrung to an unworkable ideology, the Government has finally decided to reverse course

For the Opposition ruefully wondering what its role can be in the new dispensation now that the Government shows every sign of stealing its best clothes, the bitterness is even greater

Surpassed only by the bitterness of those Nationalists to whom apartheid was more a religion than a way of life and who today are forced to stand by and watch as Mr P W Botha frantically ditches the policy of a lifetime to save the South African ship

the homelands by 1978' was a desperate slogan which rang hollower with every passing year. It was the irony that if white South Africa could not survive without the black man's skills, neither could it grow without his purchasing power

New-found faith

Reality was the Afrikaner who under the encouragement and patronage of the government of his choice began to shed his blue collar and move into the entrepreneurial class, to abandon white socialism for a new-found faith in capitalism, and to shed in his search for profits his desire for protective and restrictive law

It was slow and reluctant recognition of the fact that South Africa could not have apartheid and growth, and that growth, not apartheid, was essential if South Africa was to survive

But more interesting perhaps is the question of why it has happened now. Why after years of uneasy stagnation and in the space of 10 days the Government has embarked on a revolution against its own world order

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THE 10 LIES IN



THIS was the week a dream died. A dream which for the last 30 years has held half the country in thrall and the other half in sullen servitude.

It was a dream which persuaded millions of white South Africans that privilege, packaged and sold in the bright wrappings of ideology, could last forever.

And it was a nightmare which changed millions of other South Africans from men into labour units, separated them from their wives and families and told them that they were "temporary sojourners" in the land and the cities of their birth.

It was, in the words of one of the apartheid dreamers, destined to last a thousand years.

As a former Minister of Bantu Administration and Development, a man who presided over the state within a state that controlled the lives of 17-million black South Africans, he could be forgiven his moment of hubris.

He knew, as few men did, the elaborate network of law and regulation, of prohibition and control, which had been devised to reinforce the apartheid edifice, to give enduring substance to the dream.

What he could not know was that one day his successors in office, men of his own party and convictions, would demolish the edifice and forsake the dream because neither they nor the country they ruled could continue to live in its shadow and survive.

In the last 10 days with the publication of the Wiehahn and Riekert reports the structure that was destined to last for 1 000 years has been abandoned. The demolition crews have moved in.

And South Africa, after decades in which the apartheid society was carefully constructed, rule by rule, statute by statute, is living through a revolution.

The Riekert report, commenting on the night curfew for blacks, put its finger on the truth.

"Its success, if any, in the combating of crime or promoting the ideal of separate development, certainly cannot be weighed against the price which is being paid and will have to be paid in disturbed relations between the population groups."

Restore rights

In 10 days which will change the face of South Africa the Nationalist Government has accepted that the black man of its cities is not and can never be a peon in waiting to be shipped back to the homelands, but a permanent and essential member of the urban society.

It has decided that he should enjoy many of the basic rights of free men.

Freedom of association, of movement and of opportunity, the right to acquire and sell his skills, to use his vote to bargain for a better life, the right to a married life, the freedom to compete, as worker and entrepreneur, with whites in the marketplace will, if the revolution runs its course, be restored to him.



The myth of "white South Africa" will be banished to the pages where historians tell broken dreams of 1 000 years.

Why did it happen?

The short answer is apartheid dream never reality. Reality was the unfering as men were separated from wives and families, as women became "passives."

Reality was a vast bureaucracy, the state with to enforce the legislation provided them with jobs employing the full panoply of law to evict Indian traders from white areas.

It was the R112-million South Africa spent on influx control, and the billions of rands in wasted ties and development as vainly to rely on the million of its citizens to goods and the growth lion.

It was the frustration fires of Soweto in 1976.

But it was also the step of the black man in the realisation that the flow

Everyman's guide to Wiehahn's reforms

THE REPORT of the Wiehahn Commission on labour reform, already accepted in principle by the Government, contains a bewildering array of recommendations affecting the rights of millions of South African workers. RIAAN DE VILLIERS provides an everyman's guide, setting out the Wiehahn Commission's main recommendations and the Government's responses contained in a White Paper

Wiehahn's proposals

- National Manpower Commission to be established to review labour policy on a permanent basis. Representatives to be drawn from State, employers and unions.

- All workers, including migrants, entitled to full trade union rights. Unions may be mixed or segregated. Committee system for in-plant employer-employee contact open to all.

- Provisional registration for existing black unions. But prohibition on deduction by employers of membership dues for unregistered unions. Agreements between employers and unregistered unions to have no legal validity.

- Scrapping of statutory job reservation by repeal of section 77 of Industrial Conciliation Act. Existing job reservation determinations in mines, building and motor industry should remain valid, but must be phased out.

- Individual and group interests to be protected through a system of industrial courts, fair employment practices legislation, consultation between employer and employee, and equal pay for equal work.

- Further protection of workers through training and retraining by employers and the State.

- Apprenticeship to be open to all, but group interests to be protected through negotiation between unions and employers.

- Scrapping of legal provisions for separate facilities in factories and offices. Provision of facilities to be dealt with through negotiations between employers and employees.

- Maintenance of closed shop practice in industrial agreements whereby employers undertake to employ only members of unions party to the agreements and unions undertake to work only for the employers concerned.

- Employers to continue deducting membership dues for registered unions.

- Existing prohibition on union and to political parties extended to include ban on aid to all legislative bodies at national, provincial and local level.

- Appointment of financial inspectors to examine affairs of all industrial councils, employer bodies, unions and committees.

- Creation of system of industrial courts to interpret labour laws and agreements, deal with unfair labour practices, and settle disputes.

- State-aided industrial relations training for employers and employees.

Government's reaction

- Accepted. Will be established soon.

- Accepted with reservations. Trade unions rights restricted to workers with fixed employment and permanent residence in South Africa. Position of migrants and mixed unions to be reviewed by National Manpower Commission.

- Accepted. Legislation expected to be enacted in current Parliamentary session.

- Accepted. Minister of Labour S P Botha says steps already being taken to phase out existing determinations.

- Accepted. National Manpower Commission to advise on implementation of equal pay for equal work. Fair Employment Practices legislation to be long term development.

- Accepted.

- Accepted. Training of black apprentices in white areas could help development of self-governing homelands, says Government.

- Accepted. But Government says it will not allow employers to move too fast and will intervene if necessary.

- Government accepts. Wiehahn Commission's minority view that this is dangerous practice which could perpetuate colour bars in industrial agreements. Closed shop practice suspended pending review by National Manpower Commission.

- Accepted. But National Manpower Commission to review.

- Accepted. National Manpower Commission to recommend further steps which may be required to enact this.

- Accepted.

- Accepted. Courts to be established as soon as "practicable".

- Accepted. National Manpower Commission to work out further details.

The Wiehahn recommendations have been hailed as "phase one" of abolition of race discrimination in the workplace.

And now, phase two and the 286-page Riekert report compiled by Dr P. Riekert, former economic adviser to the Prime Minister.

The report probes the intricate web of restrictive legislation controlling every aspect of the lives of South Africa's millions of black workers, and makes far-reaching recommendations, and complements the Wiehahn report.

But what does it mean to the average black man — or woman — in the street?

If accepted, the effect of the recommendations could have on the black worker can best be subdivided into the following categories.

The rights of blacks to live permanently in white urban areas:

No black can hope for a better chance of gaining the right to permanent residence in "white" South Africa. The strict "Section 10" requirements for blacks to live permanently in white areas will be retained in their entirety.

On the other hand, it will be far more difficult for the "illegal" black to live in white urban areas as it would be extremely difficult for him to get a job in terms of the new influx control regulations.

Employers will have to get clearance from a government labour office when they employ new workers, and the onus will be on them to see to the "repatriation" of temporary contract workers.

What the Riekert report means to you

An employer's applications to hire new workers will depend on the urban unemployment level and "approved" housing for the workers.

Fines on employers for hiring workers who do not satisfy the requirements of the "contract" or "permanent residence" categories will be made much tougher. This will obviously make employers extremely reluctant to hire blacks who do not have the necessary qualifications, making life more difficult for "illegal" blacks to remain in "white" South Africa.

However, life for blacks within the covered "Section 10 rights" to be in urban areas, will be considerably easier.

They will be able to transfer these rights between urban areas (subject to the approval of the labour bureau concerned).

This approval will depend on the availability of "approved" housing, and employment. With these two requirements, blacks with Section 10 rights will be able to move from urban area to urban area anywhere in South Africa (except Cape Town which is still a Coloured preference area) and hold on to the right to permanent residence.

Section 10 right holders will also be able to bring their wives and families and "legitimate dependents" join them in the urban areas if the

By Helen Zille

necessary housing is available in most areas there is a tremendous housing backlog.

Migration and influx control

Influx control has not been scrapped, but the system has been changed.

In the new system, the government will use the employer as the "buffer zone" between itself and the worker. Instead of influx control administration being a matter for the police to sort out with blacks on street corners, it will now be a three-way system between the government, employer and worker — with the major responsibility resting on the employer.

Although the proposed new system is non-racial, its impact will be felt mainly by black workers. They will still have to have documents permitting them to be in urban areas on a temporary or permanent basis, and will only be eligible for employment if they have the necessary documents. Employers wishing to hire workers will have to get authority to do so from a government labour bureau.

Permission will be subject to a form of employment, the availability of "approved" housing, and in the case of contract workers, "the

non-availability" of blacks with rights to live in urban areas. Employers who employ "illegal" blacks will face tough fines.

Other discriminatory influx control measures like curfew laws keeping blacks out of white areas at night and the 72-hour maximum time limit on black visitors" in white areas.

This is a very important aspect for "unqualified" black entering urban areas or limited periods, and there is little prospect that the government will lift the time limit entirely. It is more likely the 72-hour limit will be extended, possibly to around 10 days.

The hiring of contract workers in black rural areas (independent homelands.)

Provision for the contract worker will improve as they will not be forced to register with the government labour bureau if they wish to have jobs in urban areas. The labour agency system will also be overhauled to avoid widespread abuse.

However, contract workers will face compulsory repatriation — at the cost of their employers, who will face stipendials for failure to repatriate workers. Other improvement, court-aided from the Commission's recommendations.

tion that the one-year contract period be extended.

Black traders in black residential areas.

Black traders in these areas will be able to trade freely in urban black residential areas through one-man businesses, partnerships and companies. He may operate in any urban black area provided the basic requirements of employment and housing are satisfied.

Community councils will control applications by whites, Coloureds and Asians to become entrepreneurs in black areas.

Trade outside black residential areas:

Blacks will be able to work in other group areas if the local authority in control of the area decides to "open" the area to all.

This will remove control over blacks in white industrial areas from the hands of the government to local authorities, which is in line with the government's desire to "decentralise" control.

The Group Areas Act, and the rights of blacks to live in other group areas.

This will not change at all — but control will be exercised on the owners of premises "rather than the unlawful occupier".

It is clear from the Riekert report that there is no intention of removing control over blacks in white areas. On the contrary, the plan is to streamline the controlling laws, so they operate more effectively, particularly over black migration to white urban areas.

EDITORIAL OPINION

End of traditions

Much of South Africa's so-called traditional way of life has been shown by the Wiehahn and Riekert reports to be an artificial tradition created only over the past 30 years by Nationalist governments.

The government itself has tacitly admitted this by its swift adoption of many of the recommendations contained in the reports

Having thus far shown its willingness to move away from much of its apartheid legislation in the sphere of labour relations, the government should now show the same willingness in other areas affecting the lives of millions of the country's inhabitants.

In this regard, the Wiehahn and Riekert reports — welcome as they are — are not without defect

For instance, the strict Section 10 requirements for blacks to live permanently in white areas will be retained in their entirety, and the Group Areas Act and the rights of blacks to live in other group areas will not change

Influx control will remain, although the system has been

changed, and employers have had none of their problems solved, in hiring black labour

In other words, there is no intention by the government to remove controls over blacks in white areas, and there still remains a ream of repressive apartheid legislation

However, the Wiehahn and Riekert recommendations to scrap some of the country's unnecessary laws should help to accelerate other changes which must inevitably come as South Africa moves slowly out of the laager

Both reports have shown the way to a new era which promises a fair deal for all South Africa's workers in removing racial barriers in matters ranging from jobs to canteen facilities and removing South Africa's "traditional" hang-up of the "sharing of facilities"

But having been given the green light, let us hope the government goes further, positively and quickly, in ensuring that sharing really means what it says — and that there are equal shares for all of the people of this country in all it has to offer.

Kotze sets out thinking on labour needs

By Hugh Leggatt,
Political Correspondent

CAPE TOWN — More stringent selection of immigrants to give blacks more job opportunities is seen as another piece in the Government's jigsaw puzzle of change on the labour front.

The Deputy Minister of Interior and Immigration, Mr S F Kotze, announced in the Assembly that employment preference would in future be given to white and black South Africans over immigrants.

In an interview yesterday he said the Government was responsive to changes in labour patterns as highlighted in the Wiehahn and Riekert commission reports.

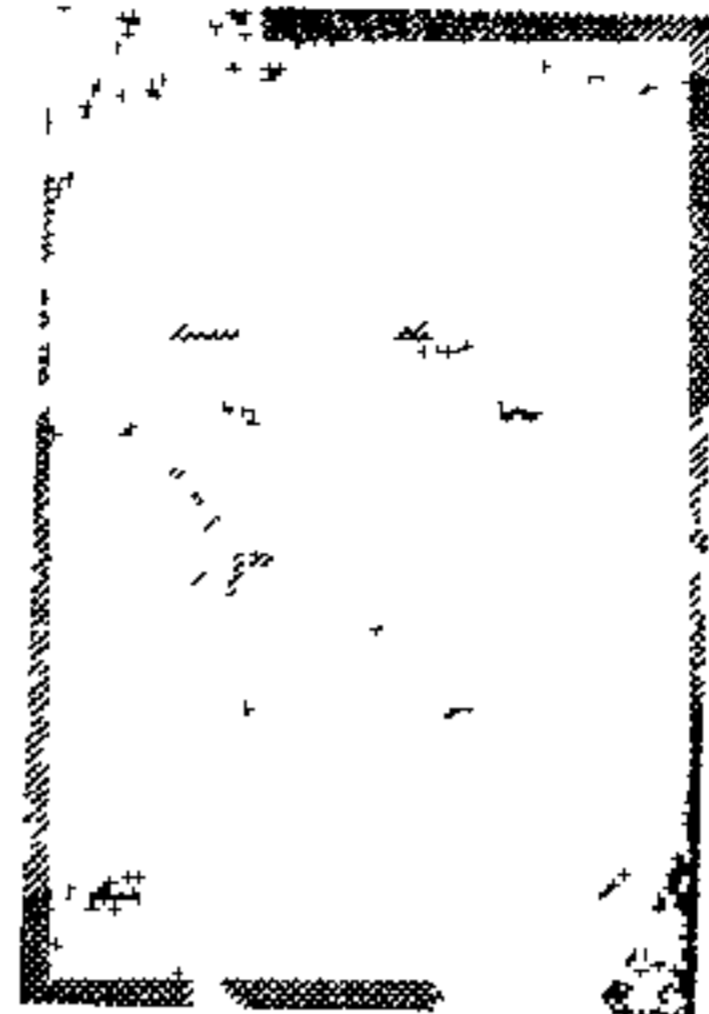
OVERSEAS

In the past, especially when there was a full-time separate Department of Immigration, the Government had concentrated on recruitment of white skilled labour overseas.

Now the emphasis would be on training local labour and opening the door for black and coloured people to higher ranks of skilled labour.

"At the same time, however, we will continue to go for select immigrants in the highly-skilled technical, professional and management fields."

"It does not mean we will stop our immigration efforts overseas. We still need certain hard-to-get



Mr Kotze . . . a new response.

classes of workers. But the Government, with an eye on unemployment in South Africa, will be more selective and more inflexible about employment of immigrants.

RESPONSE

"This does not amount to a change in policy. It is a change in attitude in response to changes in the labour pattern."

"As the Wiehahn Commission proposed, we want to make an effort to bring more black people into the higher grades of skilled trade. An open immigration policy would be an obstacle to this."

The Government had decided that no more immigrants would be recruited for the building and construction industry. There were now also restrictions on recruitment of technicians for the television industry.

REFORM has been in the air in this session of Parliament and the Minister of Justice, Mr J T Kruger, should join the club.

By February this year, banning orders operated against 122 people living in South Africa and while the heady brew of reform is being passed around, he should reconsider these orders

Many of these people were banned after they were released from jail where they had served the sentences passed on them by the courts

They are therefore being doubly punished and the restrictions placed on them inhibit their employment opportunities, make their rehabilitation precarious and engender great bitterness

Many of the banned people were restricted after being acquitted by the courts and thus the Minister has elevated himself above the law.

Others have never even been charged in the courts

I think of the young people who were working with the wages commissions at universities, teaching blacks the rudiments of trade union organisation. They are now banned, restricted and treated like criminals.

Yet now we have a Government commission — the Wiehahn Commission — recommending trade unionism for blacks

Mr Kruger should re-examine the records of the about 20 people who were banned a few years ago, who were working for trade unions or trade union services. He should also look at those of the six voluntary workers — university students — who were banned at the end of 1976, who were engaged in trade union activities

There are those who will deny that these young people were banned for their trade union activities,

Argus 16/5/79

Call to review banning orders

(166)

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vities, but it is interesting that they have never been charged

I think of people like Deborah Budlender, Judith Favish and John Franklin, to name just a few of the young people who are leading the twilight lives of banned people.

One also thinks of people like David Adler and Clive Nettleton who were engaged in higher education for blacks

fuse to review them with a view to reform and modification

Nor should he dismiss the brilliant speech made by (Nasionale Pers chairman) Mr Dawid de Villiers last month. He raised some very pertinent issues regarding the implementation of our security laws. He pointed out that there is a substantial gap between the starting point of our security measures (motivated originally by

Now that a Government commission has recommended trade union rights for blacks, the banning orders imposed on young people who have aided black trade unionism in the past should be reconsidered, writes MRS HELEN SUZMAN, Opposition spokesman on justice.

One thinks of young blacks belonging (when it was lawful) to the black consciousness movement — a black nationalist movement, in fact

In any case the Minister of Justice should take a long, hard look at all the security legislation on the statute book. I know that there is no hope that he will repeal these laws. He should not stubbornly re-

the need to protect the State and society against an 'onslaught' threatening their whole existence) and the point which we have now reached with extensive deviations from the original purpose

Who tries to exercise control over the implementation of our security laws — is it the Minister alone, or a cabinet committee? How

thorough are the inquiries? What system of control is exercised? What criteria are used in deciding on detentions and restrictions — and on the difference between dissent and criminal conduct?

There is a need for accountability as far as the implementation of security laws is concerned

South Africa has gained in every possible way from the prospect of the loosening up of employment practices and the pass laws, as recommended by the Wiehahn and Riekert Commissions. The Minister of Justice should not lag behind in the field of human rights and civil liberties. It is here that we most need reform.

W. Rogers
More

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skilled jobs for blacks

Political Staff

MORE stringent selection of immigrants to give blacks more job opportunities is seen as another piece in the Government's jigsaw puzzle of change on the labour front.

The new Deputy Minister of Interior and Immigration, Mr S F Kotze, who announced in the Assembly that employment preference would be given to white and black South Africans over immigrants, said in an interview today that the Government was responsive to changes in labour patterns as highlighted in the Wiehahn and Riekert commission reports.

In the past, especially when there was a full-time separate department of immigration, the Government had concentrated on recruitment of white skilled labour overseas.

TRAINING

Now the emphasis would be on training local labour and opening the door for black and coloured people to higher ranks of skilled labour.

'At the same time, however, we will continue to go for select immigrants in the highly skilled technical, professional and management fields,' he said.

The Government had decided that no more immigrants would be recruited for the building and construction industry. There were now restrictions on recruitment of technicians for the television industry.

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Miners reject report

JOHANNESBURG — The Mine Workers' Union has rejected the Wiehahn Commission report and the white paper on its recommendations tabled in Parliament

Union president P. C. C. de Jager said in a statement here yesterday the executive committee had decided to support the action of the union's general secretary, Mr Arrie Paulus, over the report

The union had also decided to cancel its

membership of the SA Confederation of Labour because it was "not in the interests of a white worker to belong to an organisation which accepted the Wiehahn report"

The executive committee appealed to the government and Members of Parliament not to pass legislation on the report this sitting. It should rather be referred to a select committee so that all the parties involved

could be given a chance to state their views

The statement said the government wanted to "steamroller" changes to the Industrial Conciliation Act through Parliament before white workers in South Africa realised the danger

"The executive committee feels proud of a leader like Mr Paulus, who at all times protects the interests of the white worker," the statement said — SAPA

JOHANNESBURG — The Mine Workers' Union has rejected the Wiehahn Commission report and the White Paper on its recommendations tabled in Parliament

MWU president Mr P C C C de Jager said here yesterday that the executive committee supported the union's general secretary, Mr Arrie Paulus over the report

The MWU had also decided to cancel its membership of the South African Confederation of Labour because it was not in the interests of a White worker to belong to an organisation which accepted the Wiehahn report

Miners' union says no to Wiehahn report

The MWU statement said the Government wanted to 'steamroller' changes to the Industrial Conciliation Act through Parliament before White workers in South Africa realised the danger

The executive committee feel proud of a leader

like Mr Paulus, who at all times protects the interests of the White worker, and agrees wholeheartedly with the Minister of Mines that South Africa knows that the interests of the White worker come first with Mr Paulus — (Sapa)

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17/5/79 N.M.

Mine union hints at more strikes in Wiehahn protest

By Sieg Hannig, Labour Reporter

A call for action to force a reversal in the Government's new labour policy — and hints of further strikes — marked the Mineworkers' Union's first public protest meeting against the Wiehahn Report

The union has decided to break away from the white Confederation of Labour and seek support against the Wiehahn recommendations on labour reform at mass meetings throughout the mining industry

Its next decision would be announced after these meetings, the union's general secretary, Mr P J "Arrie" Paulus, said, in Vanderbijlpark last night.

He spoke to between 250 and 300 supporters

Many sacrifices would have to be made and setbacks (stampe en stote) accepted if the country was not to become a "yellow nation" by the year 2000 or thereafter, he said

Miners had been shot in hundreds in 1922 because they refused to allow blacks to take their work

"Friends, come so that this time we stand together as one man and prevent the black worker from taking over the work of the white in white South Africa," he said

Referring to the recent illegal strike of his union, he said "That strike which took place was in sympathy (sic) with those things which will now become legislation."

In another apparent reference to this strike, Mr Paulus told one miner "In the next four years this may happen four or five times to ensure that your white skin is protected."

GOOD FAITH

The miner, Mr C J Naude, said he had been a shaft steward for 24 years and the last strike represented the first time he had been unhappy with the union.

He denied being aware that the strike decision was taken at district meetings of shaft stewards and insisted that he had simply been instructed to call on workers to strike.

In good faith he had told the workers about the benefits they would lose and implored them not to "stab the union in the back," Mr Naude said.

He made it clear that until last night he had not received satisfactory explanations.

Flames from an open tin containing an inflammable liquid lapped at window curtains in the Noordhoek School Hall during the meeting

The fire did not appear to pose any threat to the audience of 250 to 300 but as the flames slowly grew, several men pushed the tin outside and a fire extinguisher was used to douse the fire.

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The Mineworkers' Union (MWU) will be fighting a lonely uphill battle against the Wiehahn Report — as a minority even among the right-wing unions.

And informed sources say there is no chance of illegal strike action such as that which disrupted the mining industry briefly in March.

Indeed, they believe that MWU leaders "steamrollered" the illegal strike far more than the Government can be said to be steamrolling the Wiehahn legislation.

This contention would seem to be borne out by the fact that even the lawful strike at the O'Okiep Copper Mine did not have wholehearted support from the MWU members involved.

No more than 125 out of the estimated 250 MWU members at O'Okiep took part in the lawful strike.

And even those called the strike off apparently against the wishes of MWU leader, a day after the MWU called off the illegal strike in the rest of the mining industry.

Yet theirs was the cause which the illegal strikers were supporting.

Is it possible that the

Wiehahn strike not likely

Stev 19/3/79

Strike action against the Government's new labour policy is ruled out as Mr P J "Arrie" Paulus's Mineworkers' Union calls on white workers to fight the Wiehahn reforms, writes labour reporter SIEGFRIED HANNIG

MWU men elsewhere felt more strongly about the cause than the men at O'Okiep?

Hardly, say mining sources who point to the massive return to work in disobedience of the MWU's call for the extension of the illegal strike, backed up by the threat of disciplinary action against scabs.

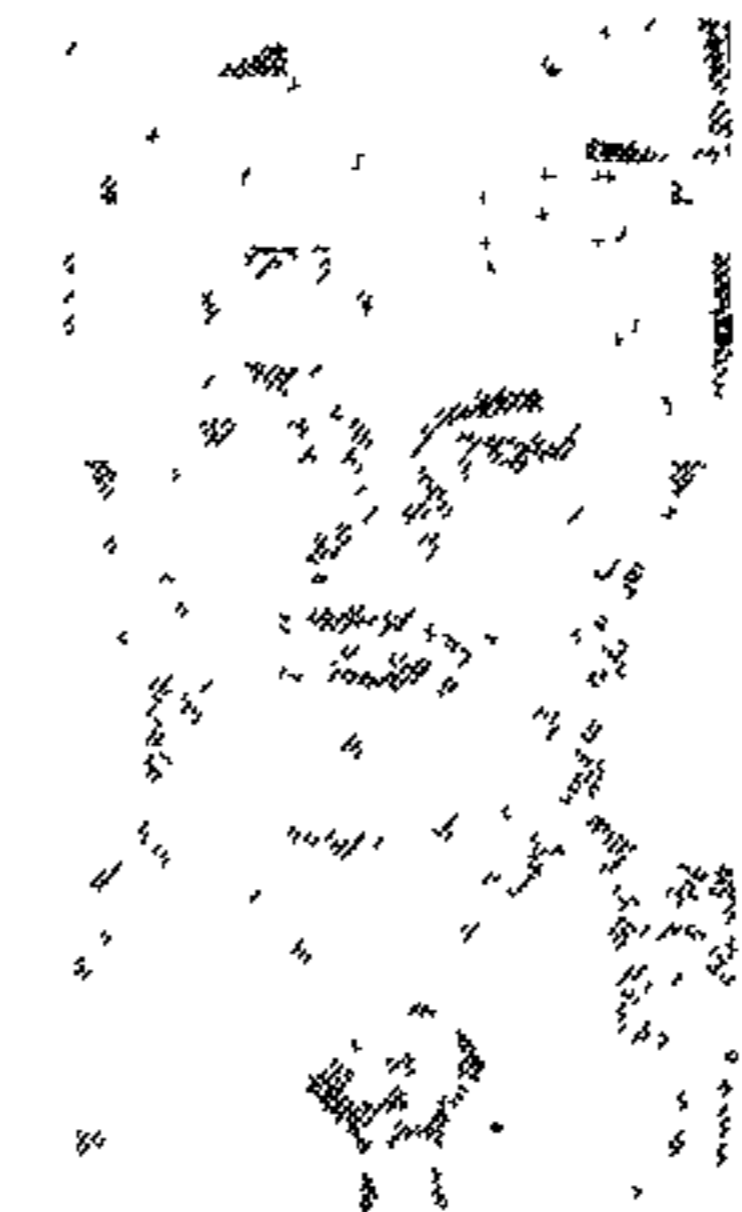
Confirmation of the dissatisfaction of MWU members comes in a report that the Amalgamated Engineering Union boosted its O'Okiep membership from a mere three to 47 within about a month after the end of the strike.

Further confirmation could come from Mr P J "Flip" Coetzer, who resigned from the MWU during the illegal strike when he was allegedly spied on from within the union.

Mr Coetzer, who served as second in command to MWU leader Mr P J "Arrie" Paulus ever since the overthrow of the previous leadership, said there were various other reasons for his resignation but declined to name these.

But when he was asked about the prospects of a new strike, which could arise from the dispute over the benefits which strikers forfeited as a result of the illegal strike, he said "At least then the members would be able to exercise their democratic rights (by way of a strike ballot)."

Most other white trade unionists are wary of the "by the rare use of serious accidents and number of deaths and I am horrified at the owners of pets if their pets come to grief and dogs and cats are put to death."



Mr "Arrie" Paulus moves largely unsupported

most to negotiate the best deal possible for their members with the Government and employers. But they will refuse to engage workers in political action.

The MWU's resignation from the confederation will not start a general breakaway.

There is strong speculation that Mr Gert Beetz's 9,000 strong white Building Workers Union could follow the 16,000 strong MWU out of the confederation.

The 600 strong Transport Employees' Union also took a strong stand.

But the remaining two unions who voted against the Wiehahn legislation are there to stay.

Mr Wessel Bornman, of the 57,000 strong Iron, Steel and Allied Industries Union said he would "definitely not pull his union out of the confederation."

Mr Ken du Preez of the 7,000 strong Engine Drivers' Firemen's and Operators' Union also said there was "no question" of a pull-out on his part.

"definitely not" pull his union out of the confederation

Mr Ken du Preez of the 7,000-strong Engine Drivers' Firemen's and Operators' Union also said there was "no question" of a pull-out on his part.

This means the potential dissidents bent on drumming up support among workers against the Wiehahn Report account for no more than 24,000 out of the 200,000 workers represented in the right wing labour movement.

Most other white trade unionists are wary of the MWU for similar reasons.

In particular they do not believe in fighting the Government's political decisions by disrupting the economy.

That even goes for all or most of the unions in the 200,000 strong white Confederation of Labour which joined the MWU in the minority vote against the pending legislation on the Wiehahn recommendations. They will do their utmost to ensure that the Government's new labour policy is not implemented.

It is the fault of the owners of pets if their pets come to grief and dogs and cats are put to death.

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RIEKERT AND WIEHAHN

New ball game?

It's been a hectic few weeks. We are barely halfway through the month, but SA is already reeling under a wave of "new deals" promised to blacks since Professor Wiehahn released the first part of his long-awaited report on May day.

What's going on? Does it all mean, as some newspapers in their excitement would have us believe, that Dr Verwoerd's ideas have finally been abandoned?

Black reaction began with a cautious welcome to the Wiehahn and Riekert reports. But it cooled noticeably as details of the two "new deals" emerged — to the point where Nthato Motlana not only said Riekert's new influx control system would be "more oppressive" than the present one but (followed by Percy Qoboza) also refused the invitation to serve on Koornhof's new committee, saying he would only play ball if it meant the dismantling of apartheid.

It is tempting to dismiss the proposed changes as no more than cosmetics designed to ward off foreign pressures. But there is more to them than that.

Indeed, they are clearly parts of a coherent new strategy, the first obvious signs of which were the introduction of the 99-year lease system and the reprieve for Crossroads.

Probably the single most important element in both Riekert and Wiehahn (and indeed in some of the other moves) is the desire to win black allies — not all blacks, but those whose labour gives them a passport to the central economy. Government has thus finally acceded to demands from the business sector to build up and stabilise a labour aristocracy and a black middle-class in the major urban areas.

For this privileged group — people with urban residence rights under Section 10(1) (a) or (b) of the Urban Areas Act — things will undoubtedly be better. (Riekert and Wiehahn cite research by Professor Piet van der Merwe putting the number of workers with these rights at about 1m men and 500 000 women.)

Government of course has yet to accept Riekert's proposals regarding these "Section Tanners," but Koornhof's Crossroads

solution, in terms of which the presently illegal families of migrants living there will be legalised, suggests that it may well.

According to the white paper on the Wiehahn Report, Section Tanners will also get recognised trade union rights. But it is not clear how meaningful these rights will



Piet Koornhof . . . Minister of Co-optation & Development?

be. The Wiehahn approach has the potential greatly to increase official control over labour relations. Indeed some white unionists believe the new system of labour relations will be more effective in protecting their members against black advancement than the present one.

On the crucial issue of trade union rights, government has accepted Professor Wiehahn's proposal that unions falling outside the official bargaining system should be subjected to sweeping new restrictions. Black unions which fail to gain official registration will be in a much weaker position than unregistered unions are now.

Worst hit by the new system will be migrant workers, who will not be allowed union rights at this stage. Many of these workers have been effectively organised into unions for some years (according to one union, the ban on migrants will reduce its membership from 10 000 to 2 000) and they are often among their most active members.

This question of excluding certain people raises a central feature of the Riekert Report. As the *FM* pointed out last week (*Laagers round the towns*), hardest hit by Riekert's proposed new system will be blacks without Section 10 rights: firstly, illegal people in the "white" areas, secondly, people in the bantustans.

The first category will simply lose their jobs (because employers will face stiff penalties for employing them) and become liable to removal to the bantustans, where they will join the ranks of the unemployed in the second category.

There are hundreds of thousands of jobless blacks in the "white" areas already (many of them "dammed up" in smaller towns, according to Riekert) and it is central to the Riekert strategy that they will get job preference over people in the bantustans when the economy picks up. Hence the greater mobility from one town to another proposed by Riekert for Section Tanners.

The bantustans are already seriously overcrowded. In KwaZulu, for example, 1m people already living on the land will have to be moved off it before any serious agricultural development can even begin, according to the McCrystal plan.

Yet more and more people are being moved from the "white" areas to bantustans (*FM* April 6). As more bantustans are hived off into independence, financial

responsibility for their welfare is shed by Pretoria

Which raises another point Riekert's new deal excludes not only rural blacks but also blacks in certain white urban areas. Thus the 99-year system does not apply in all "white" area townships, while Riekert favours government's present policy of providing African family housing in bantustans rather than "white" area townships as long as transport is or can be made available for them to commute to jobs in the "white" area.

Defending the proposed changes last week, a government-supporting newspaper argued that whites were sufficiently in control of the urban areas to be able to make such changes and maintain control.

From the opposite end of the political spectrum, the Black Sash's Sheena Duncan makes a not dissimilar point, arguing that separate development has proceeded so far that government can introduce sophistications without undermining policy fundamentals.

The new approach may also have military implications. The recent Defence white paper reiterated the need for a "total strategy". At the same time, government is moving towards a "Fortress Southern Africa" policy — a political and military bloc.

Whether by accident or design, the new plans fit this vision admirably. They provide more control over labour supply and union activity, eliminate a great deal of

legislative discrimination, and hold out the possibility of winning some blacks over to defence of the system. This has, perforce, to be done at the expense of the bulk of blacks, particularly in the rural areas.

Certainly the invitation to Motlana, the handing over of certain limited powers to community councils, and the willingness to recognise selected black union leaders suggest that government is confident enough of its ability to retain control to attempt to co-opt a small black leadership group to help it carry out its policies. Perhaps Koornhof's department should rather have been re-named 'Co-optation & Development'.

Chief Buthelezi a thorn

By and large this strategy has been successful as far as bantustans are concerned. Most homeland "governments" have gone along with administering key aspects of the labour system (such as running labour bureaux in their areas), although obviously Gatscha Buthelezi — though only Buthelezi — is a perpetual thorn in Pretoria's side. One effect of setting up governments and parliaments and civil services all over the show is to put the educated elite on to official payrolls which is a good deal healthier than having them fomenting unrest.

So well has this co-option policy worked, that government is now gambling on applying it in the urban areas — which is precisely why Motlana is so wary of get-

ting mixed up in it.

Can the grand new strategy work? Perhaps in the short term government will succeed in co-opting a significant number of urban blacks — not to active support of apartheid, but at least in the sense of neutralising (with the aid of Jimmy Kruger's security police) any further trouble in the townships.

The real problem for government is likely to come from the rural areas, however, although in the longer rather than the shorter term. Even before Soweto exploded almost three years ago, there were signs that the banned congress movements, the ANC and the PAC, were escalating their activities.

Huge pools of unemployed, 100,000 people in the bantustans, who see themselves now formally excluded from the new system, are likely to be fertile recruiting grounds for insurgents. It is easy to skip across the borders into Mozambique, Swaziland or Botswana, and into training camps elsewhere in Africa or in communist countries. Indeed this has already been happening, as the space Terrorism Act trials over the past few years testifies.

Probably insurgency will remain in the air until the situations in Rhodesia and West Africa have been resolved. Gradual escalation of such activity (backed by the communist countries) rather than urban revolution, seems the most likely long-term scenario.

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pm 14/5/79

ROOM WITHOUT A VIEW

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White women in SA suffer their fair share of discrimination. But to be a woman and black is to have the worst of all possible worlds.

African women fall at the bottom of the heap in the SA economy. The 1970 census showed that one in three African workers was a woman. Yet they earned on average less than half African men were paid, and a mere 8% of white men's average earnings. Over 60% were employed as domestic or agricultural workers, sectors where no minimum wages are laid down and no unemployment insurance is available.

Discriminatory minimum wages on the grounds of sex are permitted by the Industrial Conciliation and Wage Acts, although differentiation on the grounds of race or colour has been outlawed. The Women's Legal Status Committee listed more than 240 job

categories in which minimum wages for men and women differ. In most cases, women's wages are fixed at 75%-85% of men's.

Women married under customary union are perpetual minors, with no contractual powers. In Natal, every African woman is relegated to minor status, unless specifically emancipated.

Housing too is a privilege often reserved for men. Urban housing regulations declare that no woman, whether or not she is the breadwinner of a family, can be the registered tenant of a house.

Because of the problems with customary union, building societies are loath to lend money to African women for the 99-year leasehold scheme.

The plight of the rural African woman is often underestimated. Most administration boards have clapped a

total ban on the recruiting of women from rural areas to work in town, although some male recruiting is still permitted. Trapped in the bantustans, the rural African woman has all the responsibilities and none of the security of married life. Her chances of finding employment are slender, and she must care for her children alone, with only irregular support from her husband in town.

Many migrants take on "town wives" and stop sending money home. The resulting insecurity and financial difficulty drive their real wives into town to look for them — only to be picked up and sent home again by the influx control authorities.

Nor does the "new era" of Riekert hold out much hope for those African women who have succeeded in finding illegal work in town.

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RIEKERT

The price of buying time

If government goes along with it, the Riekert Report will succeed in putting a stop to the illegal employment of Africans. One of Riekert's main aims will thus have been achieved. So argues Sheena Duncan, director of the Johannesburg advice office of the Black Sash, in an analysis of the report prepared for the FM

The stiffer penalties proposed for employers of illegal blacks "are so severe that there will be no more illegal employment," argues Duncan. While it might "sound good" to abolish existing penalties on black workers in unlawful employment, these penalties have not been efficient in keeping them out of the cities anyway.

The pass raids, arrests, fines, and prison sentences "have been worth the suffering in order to earn money in illegal employment to feed one's children, so convicted people have merely gone back to work on release and waited for the next time. The Black Sash has talked with hundreds of people who have no alternative. There are thousands of men and women all over SA who have been able to support children and aged and disabled dependants like this.

"Now even this will be taken away from them."

Top of the pile

Turning to legal Africans — those who have urban residence privileges under Section 10(1)(a) or (b) of the Urban Areas Act — Duncan says that this group "at the top of the black pile will now experience a considerable improvement in their everyday lives." For example, they will be able to bring their wives and children to live with them if housing is available (FM last week). They will also have the "great advantage" of "relative freedom to move between one urban centre and another."

But Duncan does not believe that this will lead to an increase in the overall number of blacks in "white" areas. A key element in Riekert's thinking is his observation that "the black population in rural cities and towns seems to have dammed up, in other words there was a lack of mobility between urban areas."

Thus, says Duncan, large numbers of qualified but unemployed people are living in small towns throughout "white" SA which have no growth prospects. Allowing them to move to other towns if they can get work and accommodation will reduce the number of workers who have to be recruited from the homelands. Nor does Duncan believe that urban

employers will be able to requisition much labour from "white" rural areas.

Like the FM (*Laugers round the towns*) last week, Duncan believes that it is the people in the bantustans who will be hardest hit if government implements Riekert's proposals. She points out that there has already been a significant reduction in homelands recruitment because of the economic recession. And, indeed, registered black unemployment in "white" areas last year reached an all-time high of more than 500 000, according to official figures.

"The Black Sash has many cases on record of men from the homelands who have waited for months or even years to be 'requisitioned' for any kind of job anywhere. Their children are literally starving and they have no means of survival except illegal employment in so-called

virtually none to those in the independent and non-independent bantustans.

Duncan contends that Riekert's recommendations are logical extensions of separate development forced upon government by urban unrest and economic stagnation. Contrary to what many white commentators have said, it is, she claims, incorrect to see Riekert as a crumbling of the apartheid edifice. Indeed, Riekert's proposals are now possible because the policy has gone so far towards fulfilment that there is no danger of such limited changes affecting the overall character of SA or altering its power structure.

The small group of privileged urban blacks whose quality of life will undoubtedly improve "may well become less urgent in their demands for political power and serve as the lid on the kettle of revolution for some years to come," Duncan believes. But the price will be "dreadful human suffering in the homelands," and the less-privileged majority "will inevitably become more inclined to reject the capitalist system and to turn to other ideologies for support and rescue."



Sheena Duncan . . . no change in the power structure

white areas or by using their initiative to earn in the informal sector in cities where such activity is possible. It is not possible in the areas they come from because these communities are poverty-stricken. There are almost no consumers in such areas — merely pensioners and dependants."

The Riekert report, says Duncan, has not considered SA as a "political, economic, and geographical whole." It has paid much attention to urban blacks but

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WIEHAHN

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Arrie on his own

The Wiehahn report has had traumatic effects on the white labour movement. As the FM went to press, Arrie Paulus's Mine Workers' Union decided to leave the SA Confederation of Labour because "it is not in the white workers' interests to belong to a body which has accepted the Wiehahn report". Paradoxically, however, this move could weaken the anti-change lobby.

The MWU alleges that the government wants to "steamroller" the changes to the Industrial Conciliation Act through parliament "before the white worker realises the dangers".

The miners' decision follows last Friday's heated Confederation meeting at which a slender majority agreed to accept changes envisaged by government. While Confederation sources stress that they have accepted only the changes to the IC Act planned this session, the MWU obviously feels that the Confederation's acceptance of the abolition of statutory job reservation is more than it can stomach.

The MWU has thus chosen to move into the wilderness. The future of white worker resistance to Wiehahn depends on its ability to take other unions with it.

perhaps as some sources believe to form a new right-wing umbrella body.

But Confederation sources tell the FM they don't believe any of the major unions will follow the miners. The only other Confederation union which will probably join Paulus, they say, is the HNP (D'wart and P'frees: Blinde, Bouwerker, v'k'bond, the giant SA Yster en Staal Unie - though it led the anti-Wiehahn resistance in the Confederation -) not expected to leave. Its secretary, Weisel Bornman, is also secretary of the Confederation.

For once, the Confederation expect any last ditch resistance from within its ranks. Says one Confederation source: "These unions didn't have time to condition their members to accept change. Once they've had time to do that, then members will accept the new dispensation. He adds, however, that government will have to move slowly.

A second Confederation union that agrees to the change, would not do much to the lives of white workers. Job reservation never protected on members' in way and we can still bargain with employer on job change. Indeed, he believes the new system will be better protection to white workers than the old one. As the question of black unions, he says, that the new measures will bring them under the same control as white unions, there's nothing to fear.

Indeed, the source believes that the disidents are reacting as much to the report and businessmen's statements, holding Wiehahn as a dramatic backdrop, through as to the changes themselves.

The press, commerce and industry and union to like many M'ph' to but, if they decide it's a victory for the liberal element, he says.

Not that the Confederation unions are simply going to sit back. There's still a lot left to negotiate. The real split is between those who want to negotiate change with the government and those who don't. One unionist tells the FM.

So this week's developments may well have weakened the MWU's position. Its ability to influence national policy in the past has depended largely on its ability to exert influence inside the Confederation. Its exit may then leave the Confederation free to accept a more flexible stance and leave the disidents isolated - as the HNP was in the early Seventies.

Much will depend on the MWU's ability to attract support from rank-and-file unionists whose leadership has remained in the Confederation and from non Confederation unions. But many unionists believe Paulus will fail in this.

Prospects for change in the mining industry itself remain bleak. Miners are still fearful of the impact and attempts by the mine to introduce change. Getting them more involved in the C.O.A. (C.O.A. might also help to certainly rank and file unrest.

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in Parliament

Moratorium call on 'illegal' blacks

THE SENATE — Blacks who had regular employment and accommodation, but who were illegally employed, should be given a chance to register, Senator Warwick Webber (NRP) said yesterday

Speaking in committee on the Education and Training Vote, Senator Webber said the government would generate tremendous goodwill by declaring a moratorium on the thousands of blacks who were responsible employees employed by responsible employers, but who were illegal because they had not been registered

Senator Webber said he was in favour of retaining influx control. He did not think it advisable to "open the floodgates"

But it was essential for the government to get co-operation from both employee and employer

"Declare a moratorium on these people and give them a chance to register," he said

"Not a hope," interjected Senator W C Dempsey (NP)

"That remark from the honourable Senator Dempsey is to be expected. It comes from the heartlessness of a person who has no respect for any other person," said Senator Webber

Senator Webber said the moratorium would bypass the impasse created by the manner in which influx control had been applied. The way it was now applied denied whites the right to employ and blacks the right to be employed

Senator P R de Jager (NP) said Senator Webber's request was irresponsible

Crossroads had come about as a result of a too lenient application of the laws. He was an industrialist and nine out of every 10 blacks who came looking for work were doing so illegally — Sapa

What candidate gets a Wiehahn briefing

By RIAAN DE VILLIERS
Labour Correspondent

DR. BOY Geldenhuys, Nationalist candidate in the Randfontein by-election, yesterday visited Prof Nic Wiehahn for a briefing on Government labour reforms before facing a meeting, mainly of mineworkers, in the constituency last night. Sweeping proposals by the commission headed by Prof Wiehahn have become the centre of a new battle between the National Party and the Herstigte Nasionale Party in the constituency. The Randfontein constituency includes Westonaria,

one of the most militant strongholds of the Mineworkers' Union, which has split from the SA Confederation of Labour to wage an all-out war on the Wiehahn report and any changes in legislation.

Informed sources in the constituency said yesterday the National Party was struggling against white worker resistance leading to a large swing towards the HNP.

One informed observer said the HNP could poll at least 2 000 votes in the constituency, trebling its support in the 1977 General Election.

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Reflecting the increasing tensions building up around the report, Dr Geldenhuys yesterday warned mineworkers not to be stampeded by "half-truths and distortions".

Aggravating the National Party's problems in the constituency is the fact that the by-election will produce a four-way split in the vote.

The HNP is represented by Mr Neville Warrington, the Progressive Federal Party by Mr John Fabre and the New Republic Party by Mrs Gloria Slater.

Polling day is on June 6.

(News by Riaan De Villiers, 171 Main Street, Johannesburg)

ILO to review Wiehahn report

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DO

LONDON — The Wiehahn report and its acceptance by the South African Cabinet will receive its first major foreign scrutiny and criticism at the annual meeting of the Geneva-based International Labour Organisation next month

The three-week meeting starting on June 6 will be attended by 1 600 delegates from 139 countries, and is expected to devote two days to the "South African problem"

Evidence from employers, unions and governments on the implications of the Wiehahn Report is expected to be examined first by the ILO executive board's committee on discrimination on May 28

An ILO spokesman said yesterday "We are about to publish a report on South Africa but it went to the printers before the Wiehahn Report came out, so there is clearly going to be intense discussion starting with the meeting of the committee on discrimination"

During the full meeting, the debate on South African unions and the Wiehahn Report would probably take place over two days in open plenary session, but dates for the session had not been established

South Africa withdrew from the ILO under heavy pressure in the mid-1960s, but observers from the Republic are expected to be in the public gallery — DDC

Wiehahn Move ST 19/5/79 on law next week ₍₁₆₆₎

HOUSE OF ASSEMBLY — The Minister of Labour, Mr Fanie Botha, is to introduce legislation next week giving effect to the recommendations of the Wiehahn Commission

Mr Botha gave notice yesterday that he would move the introduction of the Industrial Conciliation Amendment Bill on Monday

According to the bill's long title the Industrial Conciliation Act of 1956 will be amended in order to

- Establish a National Manpower Commission and to define its functions
- Establish a new industrial court and define its functions
- Further regulate the registration of trade unions and employer organizations
- Further regulate the admission of parties to industrial councils, the constitutions of industrial councils and the composition of conciliation boards
- Further provide for the conditions of service of employees where certain disputes arise
- Provide for the extension of the provisions of industrial council agreements
- Further regulate exemptions from certain agreements
- Repeal the safeguards against inter-racial competition
- Extend the registration of trade union federations
- Provide for incidental matters — Sapa

Monday is D-day for new labour laws

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THE ASSEMBLY — The Minister of Labour, Mr Fanie Botha, is to introduce legislation on the recommendations of the Wiehahn Commission next week

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● Extend the registration of trade union federations

● Provide for incidental matters — Sapa.

Wiehahn, Riekert face a minefield

A MINEFIELD of legal, economic, sociological and political hazards faces South Africa following the release of the historic Wiehahn and Riekert proposals for manpower reform.

This is the view of leading personnel specialists, labour authorities, lawyers and business men questioned this week.

The spirit and objectives of the Wiehahn and Riekert recommendations are in no way criticised. Nor is it felt that the difficulties and perils they imply could or should have been avoided.

But the experts feel the country must quickly shake off the euphoria engendered by the major shift in direction and policy signposted by the two commissions.

Factors illustrating the

challenge which were cited by a number of those questioned include

- Wiehahn and Riekert have lifted black expectations dramatically at a time when these expectations are already well ahead of what can be achieved for blacks in less than five or 10 years at best.
- The number of black graduates each year will have to be increased more than a 1 000%, just as a start if there is to be any hope of them achieving parity with whites in senior posts and the professions in the next decade and a half.
- Even with such an increase in the number of blacks qualifying for higher level jobs it will typically require two to five years special additional training and on-the-job nurturing to ensure that blacks who replace whites in senior decision-making positions are



Dr P J Riekert

Prof Nic Wiehahn

STEPHEN ORPEN reports

actually able to perform with equal competence.

This special training will be necessary to overcome the deep and widespread ignorance among blacks of what it takes to show initiative and enterprise in responsible jobs in which there is always risk.

Blacks have not been schooled in this type of leadership because they have mainly been treated as "followers" and routine "implementers" rather than innovators and risk-takers.

Government will look kindly on progress with black advancement, and will suggest guidelines and provide certain facilities. But it is unlikely that it will want to take the lead by forcing and managing the integration in the economy — nor should it.

This will leave the ball squarely in the hands of private enterprise and businessmen. But since there are no quick returns to be reaped by advancing and inducting ever more blacks, at ever higher levels, into the business system, only a few companies will tackle the challenge from the roots up.

Most companies will be tempted merely to move along traditional lines, with expensive but ill-patronised new mixed canteens and like facilities, in order to answer the critics.

These companies will not take the trouble to analyse in

depth what their requirements are, how they can best make black advancement cost and profit effective, and what they should actually do, and how, to make their plans in this direction successful in practice.

For historic reasons blacks in this country haven't learnt the ethos of competition and the special efforts and skills required for promotion in organisations.

They thus tend to resent the promotion of peers whose special skills they cannot recognise. This combines with the accelerating drift to stronger feelings of group solidarity among the blacks.

It produces powerful forces drawing them "back into the fold of mediocrity" should they rise above their fellows in dominant white-ruled hierarchies.

Blacks who rise to positions of authority and then deal with whites, and especially whites in the civil service or Government, are thought to be turncoats.

They then tend to come under sometimes irresistible pressure to refuse co-operation with the white sector.

Des Froneman, chief executive of Hay-MSL, one of the country's leading job evaluation, planning and placement consultancy companies, thinks there will need to be a major re-think of business strategy if black ad-

vancement is to mean much and is to occur fast enough to prevent serious social disturbances.

He also feels that the National Manpower Commission will provide broad direction and is a useful concept.

But he feels that it will prove too cumbersome and laborious to cope with the changes required on a week-by-week basis.

Just as Armscor now has a top private sector manager (Barlow Rand's John Maree — see Page 5) working for it full-time, so should the private sector be represented by high-level achievers on the Manpower Commission and similar bodies.

There should also be black representation. But this won't be easy in view of black antipathies to co-operation with white organisations.

Also, the right men will be hard to find. Remember, we have only a few dozen blacks qualified in the professions and with a proper understanding of white systems of disciplined negotiation and enterprise.

Another consultant, Gus Ferguson, adds that there is a strong case to be made for introducing intermediate qualifications on a far wider basis than at present.

"We will have to shorten the time-span in training people. We already have 'engineering technologists', who are halfway to being fully fledged engineers. Why not halfway accountants and halfway corporate lawyers?"

Most important of all, it is felt, is to generate an attitude of black advancement for profits and profitability.

We must always pay proper attention to the demands of social justice. But if business is not also shown how black advancement can benefit profits, it is unlikely to invest its best resources — its heart and soul — into the job to be done."

Citizenship bar to would-be black artisans

Blacks still cannot become artisans unless they take out homeland citizenship

This is the situation facing aspirant apprentices from the townships

Recommendations in the recent Wichahn Commission report may change this regulation, which allows only homeland governments to issue artisan certificates to blacks

But to do the artisan trade test a black must first have homeland citizenship, according to the forms given to township applicants

At present there is only one technical institute outside of the homelands where a black can get practical and theoretical training before entering an apprenticeship. That is the George Tabor Institute in Soweto.

Other technical institutes are located in the homelands but a dozen more are planned for urban areas.

Under the Apprenticeship Act of 1911, there are no race bars to anyone obtaining training and certificates, but individual trade unions have refused to admit blacks for training.

The Wichahn report also recommends that blacks be trained to work in the townships to meet the demands of rural development.

GUARDIAN 21/5/79

Undermining the colour bar

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IN THE MINES of South Africa, white miners have been locked in a bitter struggle to maintain that country's special brand of job differential. But, while in Western industrialised nations the differential is related to money and that status of skilled workers in South Africa the differential is the race factor. Skilled and highly paid jobs are reserved by law for whites, the rest go to the huge army of migrant black labourers.

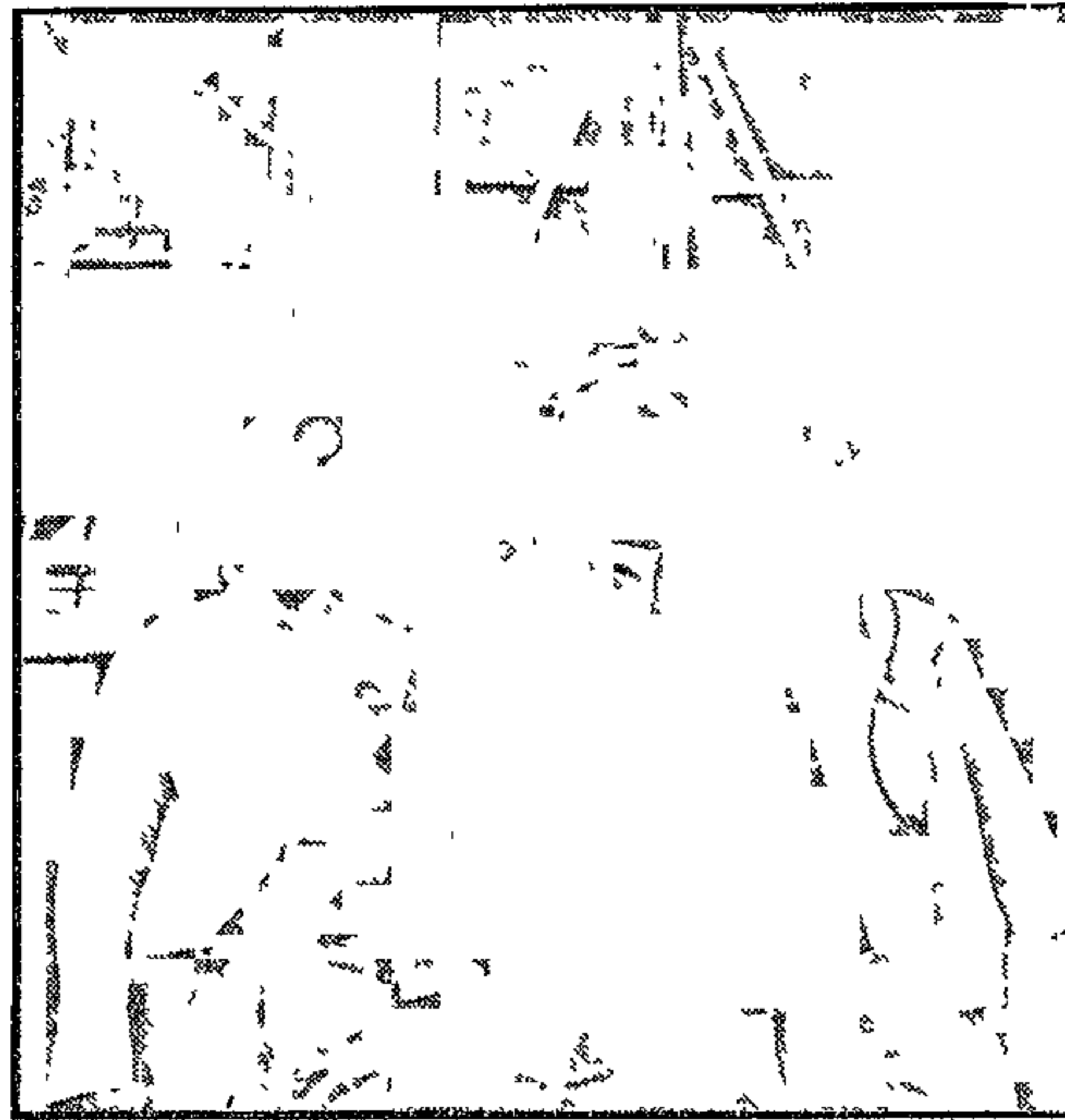
The recently published Wiehahn Commission of Inquiry into the status of black workers and recognition of their unions does not radically alter this position. In fact, the Government appointed inquiry recommends the abolition of statutory race job restrictions, but argues that the five remaining laws prohibiting blacks from taking up certain skilled jobs be retained until the abolition is negotiated with white unions. It also sanctions the continuation of unracial white unions.

Recently, white miners at the Northern Cape O'Kiep Copper Mines went on strike in protest against the promotion of black workers to skilled grades of jobs previously reserved for white mineworkers. The ultra conservative even by South African standards all-white Mineworkers Union called for a strike by its members throughout the mining industry.

This dispute was the latest in a protracted war of attrition between the union and the South African Chamber of Mines. The most memorable of these confrontations, similarly precipitated by white mineworkers' insecurity, was the bloody Rand Rebellion of March 1922. Since then, through a combination of political and trade union pressures they have managed to protect and advance their material interests.

These pressures are likely to increase in the face of the Wiehahn recommendations. One of the inquiry's members, Mr Attie Nieuwoudt, president of the influential and conservative Labour Confederation representing 200 000 white workers, fired the first shots in the new round by dissenting from nearly all the recommendations, urging that the status quo be retained.

Over the years the racial inequities were consolidated by legislation. The Mines and Works Act, first passed in 1911, enshrined the colour bar and established a fixed white-black ratio in the mining industry. The rebellion had led to the entrenchment of the colour bar not only in the mining industry but throughout the economy. These restrictive practices were subsequently extended



through legislation such as the Industrial Conciliation Act.

In addition a complex network of laws and administrative devices, aimed specifically at directing and regimenting the entire black labour force, ensured that white privilege remained intact. The pass laws and the Bantu Labour Relations Regulation Act are only two examples of laws which sought to control and discipline black workers. The collective bargaining power of black workers was effectively suppressed. This was invariably done with the collusion of white trade unions.

Against this background the response of the white mineworkers to the official employment of a few black mineworkers in skilled jobs at the O'Kiep mine was predictable. The union saw the decision as a potentially ominous sign of the end of job reservation. In recent years many black workers were permitted to fill skilled positions. However this step was accompanied by a drastic reduction of the rates of pay.

Often in the past, various employers had succumbed to the pressure of white workers. But this time the Chamber of Mines fired the first shots. The strikers were informed that they had violated the terms of their service grants and were sacked. In blind defiance of harsh reality, the nostalgic leadership of the union had frantically attempted to rekindle the volatile spirit of 1922. The appeals fell on deaf ears.

Some Afrikaaner entrepreneurs and certain sections of the Afrikaans press vigorously opposed the strike. The prospect of victory

receded irretrievably when the Government refused to intervene. Faced as it is by scandal, intrigue and internal squabbles, the Nationalist Government had maintained an uncanny ambivalence. In some quarters it was argued that the Government was awaiting the report of the Wiehahn Commission into the labour laws before it committed itself on the job reservation issue. Within a week the union had capitulated and the members were advised to return to work.

As the spectre of increasing militant demands by black workers began to haunt South Africa, so too the Chamber of Mines shifted its position. Periodic strikes and revolts pressurised both employers and the Government to consider making some cosmetic adjustments. The most recent of these disturbances occurred this month at the new and 'model' mine at Elandsland.

Between 1972 and 1977 a five-fold rise in wages was the carrot offered to the black mineworkers. In spite of this, the wage differentials between black and white have widened dramatically. The average monthly wage of black mineworkers in 1972 was £13 and in 1977 it had risen to £58. In the same period the average monthly wages of the white mine workers had increased from £230 to £440.

The increase in wages was seen as a significant step in the fight to stem the simmering discontent. It was also geared to attracting more local African labour. Three years ago less than 30 per cent of the total black labour force in the mining industry

were South African. For many years Mozambique, Malawi, Lesotho, and Botswana contributed substantially to the overall work force. The impact of the change of the political climate throughout Southern Africa has affected the supply of labour from these countries. In response, the chamber has adopted a recruitment strategy which focuses on local black labour. As a result the number of black South Africans in the industry has soared to the present level of over 75 per cent of the total labour force.

Meanwhile the South African authorities have said they are going to adopt the Wiehahn recommendations with one important exception—they are not going to allow migrant workers—the basis of most of South Africa's labour force—to belong to trade unions. Only those who are settled in an area with fixed employment will be allowed to join a union. And in the area of skilled work, blacks will now be allowed to train in certain skilled jobs although the closed shop restrictions will not be lifted.

This received a mixed reaction from blacks in South Africa and the International Confederation of Free Trade Unions in Brussels which felt that the new proposals were simply a window dressing. It said that abolishing sections of job reservation by law could be easily invalidated by the continued sanctioning of the right of white unions to negotiate collective agreements barring blacks from certain jobs. The ICFTU said that the new proposals proved that apartheid besides being morally offensive, just did not work.

The proposal also spells out clearly that the South African Government simply uses the philosophy, 'separate but free development' to justify the continued subservience of blacks. On the one hand blacks are admitted into the portals of white privilege because it is economically useful and are excluded from other areas where it is not.

The Pretoria regime has another reason for this move. At present there are more than one million unemployed blacks in South Africa. For the Afrikaaner, pathologically afraid of the black man, this spells trouble and even they are now realising what everybody has been telling them for years, that people need work in order to live and support their families. Like all their other actions over the past 30 years this move reflects the Afrikaaner's obsession with survival.

Louis Malamu is from Soweto and is now studying at Bradford University.

Workers may lose union rights

Staff Reporter

MANY workers will lose their trade union rights, according to the government's White Paper on the Wiehahn Commission report on labour legislation.

Mr S Ariefdien, president of the National Union of Commercial, Catering and Allied Workers, told the 13th annual conference of the union in Cape Town at the weekend that many workers who had been members of unregistered unions would now be excluded from any union rights.

"The Wiehahn Commission has wisely recommended the granting of trade union rights to all black workers. The White Paper, however, has accepted only a part of this, by providing for trade union rights only for those black workers permanently resident in and employed in South Africa.

Incentive

"This will exclude not only contract workers but also the many thousands of frontier-commuters who live in the so-called homelands bordering on our industrial areas and who travel daily to and from their work.

He said that strong incentive had been given to black unions to register, although this would mean that "frontier-commuters" and contract workers would have to be denied membership.

"It appears that the government will legalize agreements between employers and unregistered unions. This is clearly an attempt to compel the existing trade unions to register.

"Another carrot which is being held out is that registered black unions will be able to negotiate for stop-order deductions of union members' subscriptions, while such deductions will be illegal in the case of black workers who are members of unregistered black unions."

Reynders calls for fairness by bosses

8th 22/5/79,

Labour Reporter

A call on employers to adopt "fair and reasonable" attitudes towards workers as part of many adaptations under the coming labour reforms, was made today by Dr Hennie Reynders.

Paulus on 'white man's downfall'

By Sieg Hannig
Labour Reporter

It was "the biggest nonsense (snert)" to claim that the Wiehahn recommendations did not affect the mines, the Mineworkers' Union leader, Mr P J "Arrie" Paulus, said last night.

Blacks would become shiftbosses and managers if miners did not wake up, he told about 350 miners in the Rustenburg town hall.

"Imagine yourselves using the same change-rooms the same toilets," Mr Paulus said

To accept this silently would mean the downfall of the white man in South Africa.

White workers would have to form a power bloc to ensure their future as whites or face work integration, the forerunner of social integration, Mr Paulus said

Employers, liberals and newspapers were cheering because all that whites had fought for over the years had been swept away for fear of the outside world

The union's president, Mr Cor de Jager, suggested that miners should reconsider which political party they should support

He suggested a referendum to determine workers' reaction to the Wiehahn Report

Dr Reynders, executive director of the Federated Chamber of Industries, said: "It will be advisable to review all existing procedures in regard to such matters as appointment, dismissal, promotion, transfers and handling of grievances"

He spoke on "The challenge of the new industrial relations dispensation" at a symposium of the Institute of Labour Relations in Pretoria

Dr Reynders pointed out that the proposed Industrial Court would have the power to reinstate an employee who was "unreasonably" dismissed

MAJOR SHIFT

"Industrialists will have to be seen, to have fair and reasonable attitudes in order to, among other things, allay fears of unfair treatment of the employees affected," he said

Dr J A du Plessis, a political consultant, hailed the Government's basic acceptance of the Wiehahn Commission's labour reforms as a major shift in policy.

"In overall terms South Africa is moving away from segregation towards plural democracy," he told the symposium

Professor D W F Bendix, of the Institute of Labour Relations, said the Government had accepted urban blacks as "a permanent, integral part of South African industrial society"

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Paulus denies ^{SA 777} attack on union man

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By Sieg Hannig
Labour Reporter

The general secretary of the Mineworkers Union (MWC) Mr P J "Arnie" Paulus denied today that he assaulted a past president of the union after an anti-Weinahn rally at Rustenburg last night.

"It is totally untrue," said Mr Paulus, who declined to elaborate on events outside Rustenburg Town Hall where Mr Maurice Meiring claimed he was beaten and kicked.

He said he was attacked by some of the estimated 350 miners at the meeting. After being knocked to the ground and kicked, he was held by some men while Mr Paulus assaulted him.

Then Mr Cor de Jager, president of the union, and two other men took him home.

Mr Meiring was shouted down repeatedly while questioning Mr Paulus at the meeting and while trying to explain why he had told miners to resume work before the end of the MWC's illegal strike in March.

Mr Paulus offered to speak to him privately.

When Mr Meiring left the hall, Mr Cor de Jager abruptly called an end to the meeting.

Miners made for the doors in apparent pursuit of Mr Meiring.

Mrs Meiring said today that her husband was considering laying charges. He was at work this morning.

● Fair attitude to workers urged — Page 5

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Homeland migrants and commuters 'out of unions'

By Hugh Leggatt
Political Correspondent
CAPE TOWN — Migrant workers and commuters from homeland areas will be excluded from trade union membership in terms of the Industrial Conciliation Amendment Bill, published in Parliament today

It means that only blacks with Section 10 rights of residence in urban areas will be able to form registered trade unions

The Bill also expressly forbids the registration of racially mixed unions, except with the permission of the Minister of Labour

The other main provisions, flowing from the

recommendations of the Wiehahn Commission are:

- The setting up of a manpower commission to review labour policy on a permanent basis.

- Establishment of an industrial court to arbitrate in disputes and judge alleged offences

- The scrapping of the entire Section 77 of the Original Act relating to job reservation

The Bill's exclusion of migrants and commuters from registered trade union membership means that thousands of black workers who travel to cities such as Pretoria and Durban on a daily basis from the independent Bophuthatswana and self-

governing kwaZulu homelands will get no rights in organised labour

Thousands of contract workers from homelands and independent states who work on the mines for example, will also be excluded

The Bill achieves these aims by redefining "employee" in the Act. Formerly, no black could be an "employee" and eligible for membership of a registered trade union.

The Bill says an employee is anyone working for an employer, or who may legally reside on land in South Africa. This includes Section 10 blacks

But it adds that people living on land as contemplated in the Development Trust and Land Act or in self-governing territories or who are contract workers are excluded from the definition of employees.

MIXED UNIONS

The Minister may include other groups of people in the definition by notice in the Government Gazette, but he may not do so on the basis of race or colour

On mixed unions, the Bill says no trade union shall be registered with employees of more than one population group.

Previously, there was a prohibition on whites and coloured people belonging to the same unions. Now this applies also to blacks eligible for union membership.

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But the Minister may, as he could under the old Act with coloured employees, decide to allow registration of a mixed union if he is satisfied that a group seeking registration is too small to form an effective separate union.

The Bill states that the Registrar of Unions may at any time — and without giving reasons — withdraw the registration of a trade union or employers' organisation if he is satisfied that such a union or organisation has not complied with any of the conditions laid down

FINES

No registered trade union can admit as a member, or have any relationship with a person who is not an employee

Should such a union contravene this provision, it can face a fine of up to R500 for each such person admitted to membership, or in respect of whom a relationship exists

The Bill forbids unions, including of course black unions, from becoming involved in politics by granting financial assistance to political parties or candidates for election to any legislative body established by law.

The Bill scraps job reservation, but in a section that appears aimed at allaying the fears of white workers, it provides protection against unfair labour practices, which may include dismissal of a white worker in favour of a black worker

Section 43 of the old Act is amended by the insertion of an "unfair labour practice" as one of the definitions of a dispute about losing a job

So the Minister may reinstate a worker or restore his terms of employment if an unfair labour practice, such as substitution of a white worker for a black worker, has taken place

23/5/79 (166) DD

From BARRY STREEK
CAPE TOWN — The Wiehahn Commission legislation was nothing short of a disaster, the chief opposition spokesman on labour, Dr Alex Boraine said last night.

The Industrial Conciliation Amendment Bill had turned the Wiehahn Commission into "a damp squib", he said

The New Republic Party's Mr Geoff Oldfield said he was disappointed that the definition of employee was further restricted by the exclusion of a vast number of black employees defined as frontier commuters

Dr Boraine said the principle of freedom of association strongly affirmed by the Wiehahn Commission was "thrown overboard by an even stricter enforcement of the principle of racial

Wiehahn report Bill disastrous says Boraine

segregation"

Under the pretext of extending trade union rights to black people, the legislation continued to exclude farm labourers, domestic workers, those who lived on trust land and in the homelands and those from Transkei and Bophuthatswana

"The government's declaration that it is moving towards more enlightened labour practices is a gigantic bluff

"Trade union membership is restricted to those blacks who live permanently in the Republic and are permanently employed. This successfully excludes the majority of black workers, and it is the height of cynicism

"Trade unions which include more than one race group are outlawed and those trade unions who seek to disregard this measure, not only in terms of membership but also in

terms of 'relationship', will incur very heavy penalties," Dr Boraine said

Mr Oldfield said he welcomed the scrapping of the job reservation provisions, but was disappointed the definition of employee precluded "a vast number of black employees who are defined as frontier commuters

"It was generally anticipated that blacks employed in South Africa would be permitted to be covered by the Industrial Conciliation Act

"In terms of the white paper it clearly indicates that blacks living in homeland areas such as Umlazi and Kwamashu which are close to their place of employment will be precluded from trade union rights," Mr Oldfield said

(News by B Streek, 33 Caxton Street East London)

EL trio to attend labour conference

EAST LONDON — Three top staff officials from East London will attend a conference in Durban on Monday to find out what the Wiehahn Commission's recommendations on labour will mean to the East London Municipality.

The aim of the conference is to create an awareness of the commission's recommendations and to obtain a commitment for their implementation.

The conference is being organised by the South African Institute of Personnel Management and will be opened by the Minister of Labour, Mr S P Botha, who will later talk on the commitment sought by the government with regard to the commission's recommendations.

The Director of the Graduate School of Business Administration at Wits University, Mr C F Jacobs, will talk on the background to the commission, and will give a synopsis of the principles behind the current legislation.

Other subjects to be discussed will be the content and intent of the report, the implications of the report for management and the roles and responsibilities of employees and employers and their relationship.

The East London contingent for the conference will be the head of the council's housing portfolio, Mr E Spring, the Town Clerk, Mr J J Human, and the municipality's personnel officer, Mr J. Deetlefs —
DDR

Almost by definition, Nibbana cannot really be "experienced", as it is the very annulment of all experiential sensation of any description. By the same token it represents the highest possible bliss as it lacks all those elements that can even remotely cause suffering, through existence. Paradoxically therefore, Nibbana is our ultimate goal because it does away with all our ambitions. Indeed, in order to attain it, we have to lose all sense of attainment.

It should be clear from this exposition that Nibbana is no happy "after-life" in a "heaven world". Although the Buddha did not deny the existence of heavens and detires, he maintained that these were still conditioned states, established through ignorance and maintained by illusion, on rarified levels of being and becoming.

Major Wiehahn calls absent from new Bill

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CAPE TOWN — The government yesterday confirmed the widespread fear that it would balk at implementing the major recommendations of the Wiehahn Commission on labour reform

Its attitude was spelt out clearly when details of the Industrial Conciliation Amendment Bill — the first legislation to flow from the Wiehahn Commission — were released in Cape Town.

Dr Alex Boraine, opposition labour spokesman, immediately described the legislation as "nothing short of a disaster"

"The government's declaration that it is moving towards more enlightened labour practices is a gigantic bluff," he said

In contradiction to the majority recommendations of the Wiehahn report, the Bill outlaws the formation of new mixed unions, excludes all migrant labourers and "commuters" from trade unions and makes further concessions to right-wing white unions

In a shock move which appears to be aimed at appeasing right-wing opposition to labour reform, the government has tightened one of the key recommendations concerning the right of trade unions to belong to industrial councils

In terms of the Bill, trade unions that are at present members of industrial councils will have an automatic veto right to overrule membership applications of new unions — in practice enabling right-wing unions to bar black unions from industrial councils

The Bill also confirms the fear that all migrant labourers, commuters, farm labourers and domestics will be barred from belonging to unions — a rejection of one of the most important of the Wiehahn Commission's recommendations

This clause will prevent migrant workers on long-term contracts in urban areas, as well as "commuters" who travel to work in "white" areas from "independent or self-governing states" on a dai-

ly basis, from belonging to trade unions

This will affect all the workers living in the large complexes on the borders of "white" South Africa — such as Garankuwa, Kwamashu, Umlazi, and Mdantsane

Such workers will be barred from union membership because they do not fall under the Bill's definition of an "employee" Dr Boraine described this provision as "the height of cynicism"

Any union that includes migrant labourers or commuters will face a fine of R500 for each illegal member

The Bill also expressly rules out the formation of mixed trade unions in future — but leaves a small loophole for the Minister to grant an exception to this rule

The Minister may allow a mixed trade union if he is satisfied that the number of employees of any of the population groups in respect of whom registration is desired is too small to enable them to form an effective separate union" — PS

Specialists thrash out Wiehahn problems

By Sieg Hannig
Labour Reporter

As draft legislation tabled in Parliament cut heavily into the much-hailed labour reforms proposed by the Wiehahn Commission, leading experts came face to face with the practical problems in Pretoria yesterday

Several hundred specialists, including four Wiehahn commissioners, attended the first big symposium on the reforms — held by the Institute of Labour Relations of the University of South Africa

Many difficulties surfaced, but so did inspiration from one of the Wiehahn Commissioners, Mr Chris du Toit, chairman of the South African Employers' Consultative Committee on Labour Affairs which represents most of organised commerce and industry

"We (the Wiehahn Commission) need the reaction of everybody if we are going to make a decent job of it," he said in extending an open invitation for problems to be referred to the commission

His appeal offered the prospect of ongoing adjustments in the new deal — probably by way of the National Manpower Commission which some see as a virtual conversion of the Wiehahn Commission into the key implementing, negotiating and advisory body on labour policy

The problems which surfaced at the symposium cover a wide spectrum

Gains and losses are seen in new labour deal

8 Oct 23/8/79

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Mr Ronnie Webb . . . disappointed about apprentices.

● The threat which the in-plant committee system could pose to the highly praised industrial council system, to trade unions in general and to black unions in particular was spelled out clearly by a leading white unionist, a black unionist and an academic

● The black unionist, Mr Henry Chupeya, gave credit to some of the principles but found "nothing to be very cheerful about" in the new deal tens of thousands of black (migrant) workers would lose their union

membership, the State (by way of safeguards to exclude politics from labour) would encroach on union territory, the veto right of registered unions could exclude black unions from industrial councils, and safeguards designed to reassure whites could prevent the removal of job reservation

"There are many areas which could make the role of black unions in the new industrial relations system an unworkable one," he warned

● Mr Ronnie Webb,

president of the multiracial Trade Union Council of South Africa, was disappointed that the Wiehahn Report did not call for the outlawing of discriminatory practices in the indenturing of coloured and black apprentices

He also drew attention to the "alarming deficiency" in industrial relations training — a fact confirmed by a questioner who failed to see the all-important need for trade unions in the new deal

"BRAVERY"

● Mr Wilby Baqwa, an industrial relations manager, said the "dynamic bravery" represented by the new deal meant little until related steps were taken in areas such as black education

● And Mr du Toit stressed that there would be no black advancement until blacks had been trained — though the top priority was to train and retrain frightened whites

Mr du Toit touched on the greatest strength — and the greatest weakness — of the new deal by pointing out that the initiative for change now rests squarely on the shoulders of managements and trade unions

"The limits of the law have been largely removed — it is now in your court," he said in a plea for the immediate implementation of the South African code of employment practice

"We have no time to waste. We have waited 30 years to do something in this direction," Mr Du Toit said.

Govt waters down Wiehahn

NM 23/5/79 (166)

Parliamentary Correspondent

CAPE TOWN — The Government yesterday confirmed the widespread fear that it would balk at introducing major changes in labour laws.

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Dr. Alex Boraine, Opposition labour spokesman, immediately described the legislation as "nothing short of a disaster". He added "The Government's declaration that it is moving towards more enlightened labour practices is a gigantic bluff"

In contradiction to the majority recommendations of the Wiehahn report, the Bill outlaws the formation of new mixed unions, excludes all migrant labourers and "commuters" from trade unions and makes further concessions to Right-wing White unions

In a shock move which appears to be aimed at appeasing Right-wing opposition to labour reform, the Government has tightened one of the key recommendations concerning the right of trade unions to belong to industrial councils

Trade unions that are at present members of industrial councils will have an automatic right to veto membership applications of new unions — in practice enabling Right-wing unions to bar Black unions from industrial councils.

Servants

The Bill also confirms the fear that all migrant labourers, commuters, farm labourers and domestics will be barred from belonging to unions — a rejection of one of the most important of the Wiehahn Commission's recommendations.

This clause will prevent migrant workers on long-term contracts in urban areas, as well as "commuters" who travel to work in "White" areas from "independent or self-governing States" on a daily basis, from belonging to trade unions.

This will affect all the workers living in the large complexes on the borders of "White" South Africa — such as Garankuwa, Kwa Mashu, Umlazi and Mdantsane.

Such workers will be barred from union membership because they do not fall under the Bill's definition of an "employee". Dr Boraine described this provision as "the height of cynicism"

Any union that includes migrant labourers or commuters will face a fine of R500 for each illegal member

The Bill also expressly rules out the formation of mixed trade unions, but leaves a small loophole for the Minister to grant an exception

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He may allow a mixed trade union "if he is satisfied that the number of employees of any of the population groups in respect of whom registration is desired is too small to enable them to form an effective, separate union"

This provision is also a contradiction of the Wiehahn Commission's majority recommendation for freedom of association, and the right of workers to join any union of their choice — subject to the right of unions to determine their own membership.

Manpower

A clause providing for provisional registration of trade unions does not spell out the minimum requirements unions must meet to qualify for registration. It leaves the discretion in the hands of a registrar.

However, the registrar may not register unions that do not fulfil the requirements of other sections of the Bill — thereby preventing registration of mixed unions that are not already registered and unions that include migrant workers or commuters

As expected, the Bill makes provision for a National Manpower Commission with very far-reaching powers

The Bill also provides for the establishment of an industrial court, appointed by the Minister of Labour

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New labour bill contradicts Wiehahn reform proposals

Political Staff

THE GOVERNMENT yesterday confirmed the widespread fear that it would balk at implementing the major recommendations of the Wiehahn Commission for labour reform.

Its attitude was spelled out clearly yesterday when details of the Industrial Conciliation Amendment Bill — the first legislation to flow from the Wiehahn Commission — were released in Cape Town.

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belong to industrial councils.

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This will affect all the workers living in the large complexes on the borders of

"white" South Africa — such as Garankuwa, Kwa Mashu, Umlazi and Mdantsane. Such workers will be barred from union membership because they do not fall under the bill's definition of an "employee."

Dr Boraine described this provision as "the height of cynicism."

Commuters

Any union that includes migrant labourers or commuters will face a fine of R500 for each illegal member. The bill also expressly rules out the formation of mixed trade unions in future — but leaves a small loophole for the minister to grant an exception to this rule.

"The minister may allow a mixed trade union" if he is satisfied that the number of employees of any of the population groups in respect of whom registration is desired is

too small to enable them to form an effective separate union.

This provision is also a contradiction of the Wiehahn Commission's majority recommendation for freedom of association and the right of workers to join any union of their choice — subject to the right of unions to determine their own membership.

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However, the registrar may not register unions that do not fulfill the requirements of other sections of the bill — thereby preventing registration of mixed unions that are not already registered and unions that include migrant workers

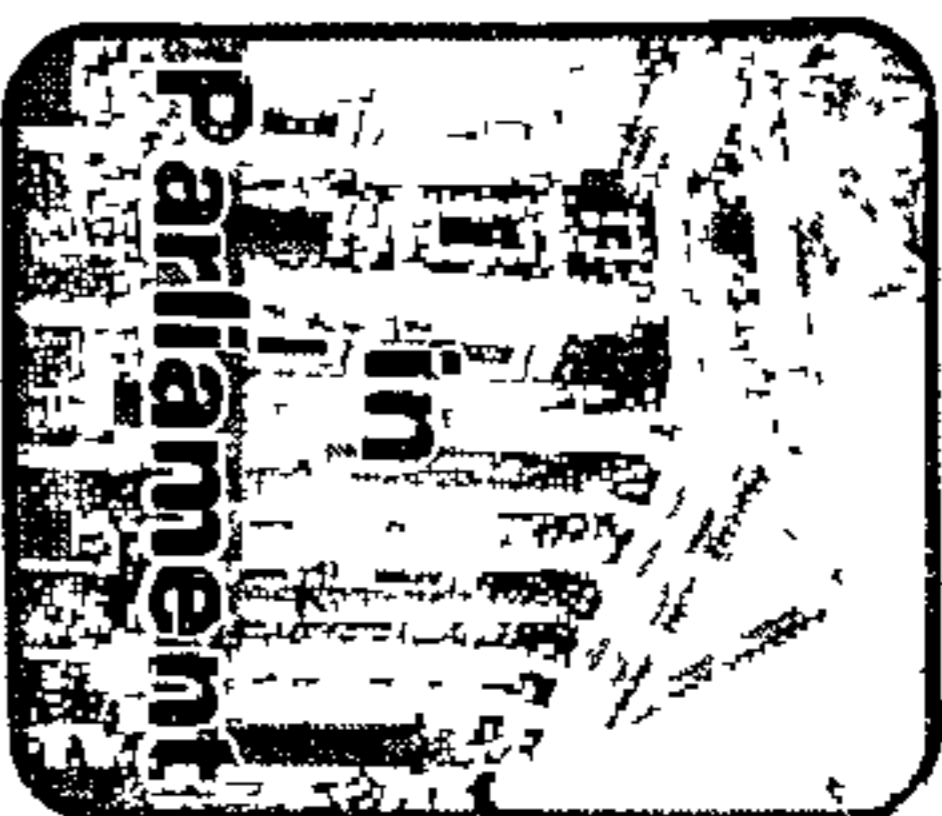
or commuters.

As expected, the bill makes provision for a National Manpower Commission with very far-reaching powers. The commission will be appointed by and be responsible to the Minister of Labour and its functions will be to investigate and make recommendations on all labour matters including labour policy.

The commission will also survey and analyse the "total manpower situation" and evaluate labour legislation on a continuing basis "in the light of prevailing and anticipated developments."

"The commission will draw up an annual report which will be made public if, in the minister's judgment, it is not detrimental to the public interest."

The bill also provides for the establishment of an industrial court, appointed by the Minister of Labour.



Fanie Botha thanks miners

THE SENATE — Recent consultation across the country had convinced him that over 95 percent of the country's workers supported the government's labour legislation, the Minister of Labour, Mr Fanie Botha, said here yesterday.

The only resistance came from a section of the mineworkers but he was also sure that more than 50 percent of them no longer supported the president of the Mine Workers Union, Mr Arrie Paulis.

"The union had tried recently to organize strikes and mass meetings, but these had all failed and he thanked the miners for this."

"I owe my thanks to thousands who refused to be drawn into a second strike," he said.

Mr Botha was speaking on his labour vote and said he hoped the miners would soon come to realize that with co-operation, progress would be made, but with confrontation they would get nowhere.

The international climate was turning in South Africa's favour, not so much because there was a new South Africa, but because they had made calculations, especially in Europe, and discovered they needed South Africa more than South Africa needed them.

"This is particularly so where it concerns raw materials for their factories" — Sapa

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New labour bill contradicts Wiehahn reform proposals

Political Staff

THE GOVERNMENT yesterday confirmed the widespread fear that it would balk at implementing the major recommendations of the Wiehahn Commission for labour reform. Its attitude was spelt out clearly yesterday when details of the Industrial Conciliation Amendment Bill — the first legislation to flow from the Wiehahn Commission — were released in Cape Town.

In contradiction to the majority recommendations of the Wiehahn Report, the bill outlaws the formation of new mixed unions excludes all migrant labourers and "commuters" from trade unions and makes further concessions to right-wing white unions.

In a shock move which appears to be aimed at appeasing right-wing opposition to labour reform, the government has tightened one of the key recommendations concerning the right of trade unions to

belong to industrial councils. In terms of the bill trade unions that are at present members of industrial councils will have an automatic veto right to overrule membership applications of new unions — in practice enabling right-wing unions to bar black unions from industrial councils.

The bill also confirms the fear that all migrant labourers commuters, farm labourers and domestics will be barred from belonging to unions — a rejection of one of the most important of the Wiehahn Commission's recommendations. This clause will prevent migrant workers on long-term contracts in urban areas, as well as "commuters" who travel to work in "white" areas from "independent or self-governing States on a daily basis, from belonging to trade unions.

This will affect all the workers living in the large complexes on the borders of

"white" South Africa — such as Garankuwa, Kwa Mashu, Umlazi and Mdantsane. Such workers will be barred from union membership because they do not fall under the bill's definition of an "employee".

Dr Boraine described this provision as "the height of cynicism".

Commuters

Any union that includes migrant labourers or commuters will face a fine of R500 for each illegal member. The bill also expressly rules out the formation of mixed trade unions in future — but leaves a small loophole for the minister to grant an exception to this rule.

"The minister may allow a mixed trade union" if he is satisfied that the number of employees of any of the population groups in respect of whom registration is desired is

too small to enable them to form an effective separate union.

This provision is also a contradiction of the Wiehahn Commission's majority recommendation for freedom of association and the right of workers to join any union of their choice — subject to the right of unions to determine their own membership.

A clause providing for provisional registration of trade unions does not spell out the minimum requirements unions must meet to qualify for registration. It leaves the discretion in the hands of a registrar for such period and on such conditions as he may determine.

However, the registrar may not register unions that do not fulfill the requirements of other sections of the bill — thereby preventing registration of mixed unions that are not already registered and unions that include migrant workers

or commuters. As expected, the bill makes provision for a National Manpower Commission with very far-reaching powers. The commission will be appointed by and be responsible to the Minister of Labour and its functions will be to investigate and make recommendations on all labour matters including labour policy.

The commission will also survey and analyse the "total manpower situation" and evaluate labour legislation on a continuing basis "in the light of prevailing and anticipated developments".

The commission will draw up an annual report which will be made public if, in the minister's judgment, it is not "detrimental to the public interest".

The bill also provides for the establishment of an industrial court, appointed by the Minister of Labour

Below, then, is the suggested outline of forces which govern the mixing of marketing elements. This list and that of the elements taken together provide a visual presentation of the concept of the marketing mix.

MARKET FORCES BEARING ON THE MARKETING MIX

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Grobbelaar warns of 'chaos' in industry

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24/5/79
flaw

By Sieg Hannig, Labour Reporter

South Africa's new deal for labour turned sour today as the biggest labour organisation warned of threatening "industrial chaos." The warning came from the 250 000-strong Trade Union Council of South Africa.

"The proposed legislation is a threat to the whole of the trade union movement — not only the unregistered (black) unions," said Mr Arthur Grobbelaar, general secretary of Tucsas.

"Industrial chaos stares us in the face as a result of the Government's rejection of two fundamental principles essential to the package deal recommended by the Wiehahn Commission.

"The vast majority of employers will soon share our apprehensions," he said.

Earlier, the 45 000-strong Federation of South African Trade Unions (mainly black) condemned the Bill as thwarting the development of black or non-racial unions.

It appeared their very existence was being threatened by the retraction of rights hitherto enjoyed by black workers, it said.

OVERSEAS MISSION

The criticisms came with the news that Professor Nic Wiehahn, chairman of the Wiehahn Commission and adviser to the Minister of Labour, had left for Europe and America.

He intends to explain the implications of the labour changes to foreign employers, labour organisations, and South African diplomats. The Star was told.

"There is no way of selling this legislation to the majority of workers, trade unions or employers in South Africa — let alone selling it abroad," Mr Grobbelaar said.

He emphasised that he was speaking not as a Wiehahn Commission member but as spokesman for the multi-racial Trade Union Council of South Africa.

RIGHTS DENIED

He regarded the legislation as an "unrealistic and impracticable rejection of the two most essential principles of the Wiehahn report": the right of the individual to join any trade union of his choice and the right of the trade unions to accept any members of their choice.

These rights of association were being denied by the proposed exclusion from trade unionism of black migrants and frontier commuters and the prohibition of registration for racially mixed unions, except at the Minister's discretion.

D.D.M. 24/5/79 (166) (140 a)

Black unions face ruin

By RIAAN DE VILLIERS
Labour Correspondent

The Government's proposed ban on union rights for migrant workers will strip black trade unions of the majority of their members

This emerged yesterday from a statement issued by the Federation of South African Trade Unions, the largest black union grouping in the country.

Fosatu, representing about 45 000 workers, warned that proposed legislation to amend labour laws

would seriously threaten the existence of black unions

In yesterday's statement, Mr Alec Erwin, general secretary of Fosatu, said the Industrial Conciliation Amendment Bill tabled in Parliament earlier this week was a "substantial blow" to the unregistered union movement and retracted many existing rights of black workers

He said the Bill had three clear intentions

- To deprive the majority of black workers of the right to union membership

and collective bargaining,

- To halt the operation of unregistered unions,
- To extend Government control over all aspects of union activity

The ban on contact between registered unions and migrant workers — who would be barred from union membership — would worsen the position of migrants

In Natal, more than 90 % of the black work force would be denied union membership. Similar problems would occur in Pretoria

Mr Erwin described the ban on mixed unions as a "step backwards" which would force many unregistered unions to segregate their existing membership

The statement was backed by mounting protest in the labour movement yesterday, with leading trade unionists condemning the ban on mixed unions and warning that the exclusion of migrants would create serious problems

Editorial comment
— Page 6

Trade unionists

bitter over

labour Bill

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JOHANNESBURG — Protest mounted yesterday against government legislation rejecting key aspects of the Wiehahn Commission report on labour reform

Leading trade unionists expressed "bitter disappointment" at the provisions of the Industrial Conciliation Amendment Bill, tabled in Parliament this week.

Another unionist, Mr Ben Nicholson, warned if the Bill was to remain the government's final reaction to key aspects of the report, the Wiehahn Commission would have been a "waste of time and money"

Mr Ike van der Watt, chairman of the 80 000-strong Confederated Metal and Building Union, said "We are back where we started with new problems added"

A spokesman for the multiracial Trade Union Council of South Africa said the body was "very disappointed" with certain aspects of the legislation

Mr Ben Nicholson, director of the CMBU said. "The Wiehahn Commission itself had spelt out the dangers if the new labour dispensation did not meet with internationally-accepted criteria"

In London, an influential Indian leader visiting Britain yesterday urged the South African Government to act speedily to im-

plement the Wiehahn and Rieckert Commission reports

Mr J. N Reddy, chairman of the executive committee of the South African Indian Council said implementation of the reports would make a positive contribution to the impact of South Africa overseas

In Johannesburg, a statement by the Federation of South African Trade Unions, said the government's proposed ban on union rights for migrant workers would deprive existing black trade unions of most of their members

The federation, the largest black union grouping in South Africa, represents some 45 000 workers

It rejected proposed legislation to amend labour laws and warned they would seriously threaten the existence of black unions

Mr Alex Erwin, general secretary of Fosatu, said the Industrial Conciliation Amendment Bill was a "substantial blow" to the unregistered union movement and retracted many rights now enjoyed by black workers

The ban on contracts between registered unions and migrant workers, who would be barred from union membership, would condemn migrants to a worse position than at present — DDC

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THURSDAY
May 24, 1979

Bill that wrecks Wiehahn

DR ALEX BORAINÉ is not exaggerating when he describes the new Industrial Conciliation Amendment Bill as a disaster. Just as everyone was praising the Government for its courage and enlightenment in apparently accepting most of the proposals in the Wiehahn and Riekert reports, it produces a Bill which will cut the ground from under everything Wiehahn was trying to do.

And the real disaster is that the report will have raised black worker expectations only for them now to be dashed. Which is worse than if they had never been raised in the first place.

The central theme running through the Wiehahn Commission's recommendations was that, since black labour is an inescapable fact of South African life that can only grow hugely in economic importance, the wise thing would be to unionise it and bring it under the control machinery of the Industrial Conciliation Act. And since a separate black labour bloc could become politically dangerous, it allowed for black workers to be drawn gradually and in a controlled way into mixed unions.

All this is now being under-

mined by the Bill. It bans mixed unions. It will truncate the existing unregistered black unions by prohibiting migrant workers and "commuters" — who constitute 80% of their membership — from belonging. Even those black unions that gain recognition can be prevented from getting access to the negotiating machinery, because existing members of industrial councils will have the power to veto any new application for membership. It's simple: if you can't get on an industrial council, you can't negotiate.

Why has the Government done this? The only explanation can be that it has lost courage in the face of Rightwing reaction. There has been pressure from the Rightwing unions. There has been pressure in the Nationalist caucus from the Transvaal verkramptes. And, probably, the Government is beginning to run scared at the canvassing returns in the Randfontein by-election, which are reportedly showing a strong Rightwing, pro-Mulder backlash both on the Info scandal and on the Wiehahn and Riekert Reports.

So it is chickening out

Adhere to Wiehahn report — union leader

JOHANNESBURG — The Black Allied Workers Union's public relations officer called on the government yesterday not to "white ant" on the Wiehahn Commission's finding.

In a statement, Mr M T Moerane said that, having just returned from a tour of West Africa, he knew the favourable impression the report had made broad

He said West Africans had said at last "positive non-racial" change was beginning in "racialist South Africa". But they also asked if the change

would really take place, "or is this another vain promise of words signifying no real departure from the apartheid status quo?"

Mr Moerane said any undercutting of the recommendations of the Wiehahn Commission would wreck the favourable image and hope emerging in the world abroad

"As it is, the International Labour Organisation is due to examine the report at its meeting soon.

"In the circumstances, the proposals in the Industrial Conciliation Amendment Bill limiting

mixed membership of trade unions and membership of workers who are commuters from the so-called research areas were not only unjust but mischievous and provocative and wanton. They must be scrapped"

Mr Moerane said it would be a pity if plausible moves towards the promotion of black workers' rights were undercut with "unnecessary, flagrant intrusion of apartheid hang-ups" when hopes for progressive change had begun to flutter in the hearts of black workers

— SAPA

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WIEHAHN LEGISLATION

Will black workers cheer?

Multi-racial trade unions will not be registered by government — unless the Minister of Labour grants special exemption. This is a key provision in the Industrial Conciliation Amendment Bill introduced in the House of Assembly this week following publication of the Wiehahn Report and its accompanying white paper.

As expected the bill includes certain (but by no means all) Africans within the official definition of employee and thus extends union rights to them. But the fears of those who argued that it would severely hamper non-racial unionism and increase bureaucratic control over labour relations have been amply confirmed.

The presently unregistered black unions are now faced with a Byzantine maze of hurdles. If applied restrictively these could ensure that few of them enjoy the bargaining rights other races enjoy.

Separate branches

Existing unions which have mixed white coloured, and Indian membership will presumably be allowed to continue on that basis. But new mixed unions will not be registered unless the minister is satisfied that a particular racial group in an industry is not big enough to form a viable separate union. And even if permission is granted the union will have to set up racially separate branches and hold racially separate meetings.

This may inhibit presently registered unions who were hoping to amalgamate with "parallel" African unions. It also means that those unregistered unions which have open constitutions will almost certainly now have to become uni-racial if they want registration.

Africans who are living in independent bantustans as well as foreign migrants are excluded from the status of 'employee' although the minister can extend union rights to them by proclamation. Commuters (FM last week) as well as migrants will thus be excluded from automatic union rights.

The bill gives the minister wide powers to decide which disqualified people should be admitted. He will thus have control over the admission of a large portion of the African work-force to registered unions.

Any registered union which admits migrants or other disqualified people to membership or has a relationship with them, can be fined up to R500 per worker — a strong incentive for African unions to get rid of their present migrant membership.

Even unions representing qualified

workers may find it hard to gain registration. The industrial registrar is permitted to allow them only provisional registration at first which will mean that they will be allowed to operate but will not among other restrictions be allowed to join an industrial council or appeal against a decision of the registrar.

The registrar can also impose conditions in exchange for provisional registration — and withdraw it at any time without giving reasons. He can also decide how long a union will be restricted to provisional registration only.

Provisional registration could thus condemn some African unions to an endless limbo under the restraints of registration but without many of its benefits.

Even if an African union threads its way through this maze of obstacles it may not be allowed to become party to an industrial council. The "veto right" of existing members of a council is more firmly entrenched than even the white paper envisaged.

What of unregistered unions? The expected ban on their right to conclude agreements with employers appears to have been omitted from the bill — but they are prohibited from having union dues deducted by an employer.

In short the future growth of the Afri-

can trade union movement lies in the hands of officialdom. If decades of history are anything to go by that must be a chilling thought for African workers.

WIEHAHN LAW — 2

Bench on high

The president of SA's soon-to-be established industrial court will be a powerful man. The Industrial Conciliation Amendment Bill gives him powers which would make a Supreme Court judge green with envy.

A vital aspect of the new bill is that it does not specifically provide for a right of appeal from the industrial court to the Appellate Division of the Supreme Court.

It only says that the court 'may' refer a point of law to the Appellate Division as a "special case". Legal experts consulted by the FM believe that the absence of any other specific appeal provision means that no such right is provided for.

Nor will the court necessarily be bound by the same rules as an ordinary court. The bill says that it may make its own rules of procedure. It will also have subpoena powers.

The court can hear any labour matter in which a criminal offence has not been alleged, and it even has the power to make law.

This latter power will be vast indeed. On "fair employment practices legislation" — measures to protect non-African jobs — the bill says "Unfair labour practice" means any labour practice which in the opinion of the industrial court is an unfair labour practice. This appears to give the court very wide powers, including powers over shop-floor issues.

In addition, the court will be able to hear not only disputes of interest (between two parties, at the moment heard by the industrial tribunal) but also disputes of right (where an existing legal right is at issue). In short, its power to influence the pace of change — or indeed to thwart change — is awesome.

● The provision of the new bill setting up the National Manpower Commission contains no surprises. The commission's functions and powers are more or less the same as those envisaged by the white paper (FM May 11). All appointments to this body will be made by the minister — a provision which weakens any claim the commission may have to be a non-official body.



Nic Wiehahn... how 'new' is his deal?

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The Cape Times

FRIDAY, MAY 25, 1979

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Discrimination in industry

IT IS a pity that the first piece of major legislation based on the Wiehahn report excludes one of its far-reaching recommendations. The industrial conciliation amendment bill, while embodying many of the Wiehahn proposals, has gone into retreat on the principle of free association in the labour field, denying millions of black migrant workers, "commuters" from nearby homelands and farm labourers the right to join trade unions. As indicated in the government's first reaction to the report, only workers with fixed employment and permanent residence in South Africa will be allowed union membership. This effectively strips all those in the other categories of any collective bargaining power, and makes a mockery of the claim that the country's labour reform will be all-embracing. It won't. It will be selective, discriminating against the type of workers most in need of protection.

There are other disturbing elements in a piece of legislation designed to usher in a new era of industrial relations. The formation of new mixed unions will be prohibited, unless in any one

category the number of workers of one racial group is so few that they cannot form an effective separate union. Another provision allows existing trade unions to exercise a veto on the applications of new unions wishing to join industrial councils. The effect, if not the intention, of this will enable right-wing white unions to keep black ones out in the cold. The minister of labour, Mr Fanie Botha, has admittedly run into some fierce resistance from reactionary union members, particularly among the mineworkers. But he has demonstrated his ability to handle them. Is it also necessary to undermine what is potentially a new enlightened law with old outworn policies of appeasement?

These simply do not square with the government's acceptance of such recommendations as the phasing out of job reservation, the principle of equal pay for equal work, apprenticeships open to all, and the decision to end legal insistence on separate facilities for black and white workers in factories and offices. If it is prepared to take a stand on these issues, why can it not do so on industrial freedom of association?

ROM 26/5/79
Wiehahn
proposals
denounced

Own Correspondent

BRUSSELS — The Wiehahn Commission's proposals for reforming South Africa's black labour laws were denounced as deceptive by the powerful, Brussels-based International Confederation of Free Trade Unions (ICFTU) yesterday

The confederation is an umbrella organisation that represents the interests of more than 56-million workers in the non-communist world and is the largest affiliate of the International Labour Organisation

In a statement highly critical of the commission, the ICFTU secretary general Mr Otto Kersten said black workers and trade unions in South Africa could be even worse off than before if the reform Bill, submitted by the Government earlier this week, becomes law

Mr Kersten called on free trade unions throughout the world to intensify their campaign against apartheid and increase their support for black workers in South Africa

The ICFTU standpoint would appear to be a severe setback for the chairman of the commission, Professor Nic Wiehahn, who is reported to be in Europe trying to whip up international support for the proposals

Don't white-ant

Moerane in plea on Wiehahn

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25/5/79
Nim

JOHANNESBURG — The Black Allied Workers Union's public relations officer called on the Government yesterday not to "white-ant" on the Wiehahn Commission's findings.

In a statement Mr M T Moerane said, having just returned from a tour of West Africa, he knew the favourable impression the report had made abroad.

He said the West Africans had said that at last "positive non-racial" change was beginning in South Africa.

But they also asked if the change would really take place, "or is this another vain promise of words signifying no real departure from the apartheid status quo?"

Mr. Moerane said any undercutting of the recommendations of the Wiehahn Commission would wreck the favourable image and hope emerging in the world abroad.

The International Labour Organisation is due to examine the report at its meeting soon.

"In the circumstances the proposals in the Industrial Conciliation Amendment Bill, limiting mixed membership of trade unions and membership of workers who are commuters from the so-called research areas, were not only unjust but mischievous, provocative and wanton. They must be scrapped."

Mr Moerane said it would be a pity if plausible moves towards the promotion of Black workers' rights were undercut with "unnecessary, -flagrant intrusion of apartheid hang-ups". — (Sapa)

(Report by Vusi Radebe, 171 Main Street, Johannesburg)

Disaster strikes on Wiehahn's lap of victory

PROF Nic Wiehahn is "morally stranded" in Europe on a mission to persuade Western trade unions not to boycott South African imports and exports because of the Government's new deal for Black labour.

He left last weekend, three days before the first legislation flowing from the Wiehahn and Riekert commissions' recommendations disclosed that four million Blacks working in South Africa would not be allowed to join trade unions.

And that up to 60 000 Blacks already belonging to trade unions — most of them unregistered — would be forced to resign if their unions wished to become, or stay, registered.

Millions of commuter workers — those who live near White areas in which they are employed — and migrant workers will not be allowed to join unions.

This ban will effectively wipe out existing Black trade unionism in Durban, for example, where 90% of urban workers live in townships which are technically parts of KwaZulu.

Unionists estimate that less than 50 000 Blacks — those in certain occupations who have permanent residence rights in White areas — will qualify for union membership.

Prof Wiehahn had hoped his mission would be a triumphant return to 11 key European and American labour bodies with which he successfully pleaded for a delay in punitive action against South Africa in June, 1977 because his impending commission was to build a basis for a new fair deal for Black workers.

According to sources close to Prof Wiehahn's commission, the Govern-

PROF 'MORALLY STRANDED' ON OVERSEAS TOUR

By DEREK TAYLOR



● Dr Alex Boraine ... "a gigantic bluff"

ment has already destroyed the promise of the balanced package of recommendations which its first report produced.

"All he can do now is hammer the fact that the Government has accepted the principle of Black trade unionism and that the demands of the economy will force a pace of progress beyond the Government's ideas of control," said a source close to Prof Wiehahn.

"The Government has left him morally stranded in what he thought would be something like a lap of victory for South Africa."

Dr Alex Boraine, PFP Opposition spokesman on labour, has summed up the Bill as "a gigantic bluff" which — apart from the new exclusions of commut-

er and migratory workers — continues to bar agricultural and domestic workers from unions.

Labour leaders ranging from the Black left to conservative White agreed this week that the new legislation — the Industrial Conciliation Amendment Bill — was a disastrous recipe for all concerned.

Mr Arthur Grobbelaar, general secretary of the powerful Trades Union Congress of SA (Tucsa) and a member of the Wiehahn Commission, said that two areas of the Bill were dangerous and unworkable.

"It just will not work to erect a situation where employers are trying to deal with one group of employees in bargaining while another group, often as large or larger, is excluded from the representative union.

"It would be difficult to overestimate the dangers of bitterness, confusion and disruption stemming from such polarisation of workers," he said. "The commuter worker must be brought into the bargain."

Tucsa had been in touch with the Minister of Labour, Mr Fanie Botha, and was in the process of submitting to him new and urgent representations on the Bill, Mr Grobbelaar told the Sunday Express.

Tucsa's national executive meets tomorrow to discuss the situation.

Next week in Geneva, the UN International Labour Organisation will devote two days of discussion to the measures.

The Bill wipes out hopes for

- Multiracial trade unions — the only exception provides for unlikely and insignificant cases where the Minister of Labour may decide that an industry does not have enough members of each race group to maintain separate unions — and even such exceptions will be forced to maintain racially separated branches

- The right of 1 250 000 foreign migrant workers and up to 3 700 000 South African "commuter" workers to join unions. Registered unions will be fined R500 for each migrant or commuter member or for having a "relationship" with such workers

- The survival and registration of up to nine Black unregistered unions, whose membership includes a majority of migrant or commuter workers

The high hopes of the majority of Black unregistered unions, that they would be able to take part in official bargaining, have been dashed.

ACE AFTER ACE KEPT DROPPING INTO SA'S POLITICAL HAND, LIKE PENNIES FROM HEAVEN, BUT...

P W Always Wins

27/5/79
Sundays
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By JOHN MATISON Political Correspondent

THE first half of 1979 has dealt Mr P W Botha's young Government the best cards held by the Nats for many years in the world's political poker game — but so far Mr Botha has played them so badly he looks like being left with a burnt hand.

In the past few weeks it seemed the international climate was becoming ripe for a potential breakthrough if South Africa grasped its opportunities.

There were encouraging signs: ● The Wiehahn Report, and the Government's apparent acceptance of even its more controversial recommendations, brought instant acclaim from all sides, and internationally even from the distrusted

Carter Administration in the United States: ● In Rhodesia the election results from the go-it-alone poll persuaded many observers that the internal settlement may have a chance of working.

That was followed by Margaret Thatcher leading her Conservative Party to a comfortable victory in Britain. She lost no time announcing that there would be an official representative of her government in Salisbury, and that she was serious about recognising the new government without imposing new conditions beyond the Six Principles.

Hard on the heels of that news the United States Senate voted overwhelmingly against President Carter and for a more positive approach to the new Rhodesian government ● In Britain South Africa's new ambassador Dr Dawie de Villiers made a careful, favourable impression even on newspapers opposed to South Africa.

In the Swellendam by-election the Government found that it was retaining public support in spite of its apparent moves in an enlightened direction and away from the policy of hardline apartheid.

Then, this week, a more conservative government was elected in Canada, too. And as if to cap it all the sky-high price of gold continued up, up, up.

But already, back home, the prospects started looking a lot less rosy. While outside the favourable breaks for South Africa seemed to continue

Mr Arthur Grobelaar... threat to trade unions even into the United Nations, in Cape Town the Government got busy demonstrating that it had little intention of playing its cards to win ground outside the National Party.

Against fierce protests from even Nationalist quarters it pressed ahead and introduced the fiercely damaging and misnamed Prevention of Corruption Bill which, far from capitalising on a more sympathetic international outlook, was greeted with shock and repugnance abroad.

This Cover-up Bill is making foreign offices in Europe take another look at the Wiehahn and Riekert reports; which had been welcomed; one European diplomat told the Sunday Express:

People are trying to sense the direction of the P W Botha Government. Doesn't your Government realise this could upset their friends while they are reassessing?"

More bad news was to come. On Tuesday this week the new Labour legislation was announced. Tabled in Parliament as the amendment to the Industrial Conciliation Act, it is a clear-cut victory for the

Rightwing and points to another rejection by the government of major recommendations by one of its own commissions, as happened with those submitted by the Erika Theon probe.

The Wiehahn Commission, which South African representatives have sold so hard overseas as part of South Africa's new look ideology, will be implemented in a way which can only be seen as a step backwards.

A key clause in the amending Bill redefines "employee" — formerly defined as a White employee — so as to include some Blacks.

But at the same time it could destroy the large existing legal, if unregistered, Black trade union movement which has represented Black employees up to now — albeit within the limited scope the law allowed.

The general secretary of the Trade Union Council of South Africa, Mr Arthur Grobelaar, described the proposed legislation as a threat to the whole of the trade union movement.

Legislation from the Riekert commission has not yet been made public.

But the commission report is revealing about where separate development, or apartheid, is going. And while aspects of apartheid are being fundamentally altered, the government is by no means dropping its methodical insistence on race. It is, however, adding a new urban-rural dimension.

Riekert sets out to create a small class of urban Black labour with a few privileges the rest of the Black population lack. The 99-year lease seems

destructive. And, potentially, the most destructive.

Which has all served to turn what started out as the most promising era in South Africa politics for a very long time into the most disappointing.

And, potentially, the most destructive.

And, potentially, the most destructive.

Govt 'will implement Wiehahn'

Own Correspondent

DURBAN — The Minister of Labour, Mr Fanie Botha, gave an assurance today that the Government would implement the major recommendations of the Wiehahn Commission, but warned it would take time to sort out some of the problems in the labour market.

Speaking at an Institute of Personnel Management seminar, Mr Botha said new legislation would strengthen the position of the Industrial Council rather than weaken it.

He appealed for both labour and management to co-operate in the future development of the country.

"If we can establish confidence between labour and management, we shall achieve what the Wiehahn Commission aimed at," he said.

In the next few years South Africa would have to go ahead into a strong economy, but in the traditional place of the white worker there was not enough labour to achieve growth.

There was not, he said, a big enough reservoir of skills, and opportunities would have to be provided for the education and training of all workers.

Under the new legislation flowing from the Wiehahn Commission report, no party or group would be allowed to bar any other party or group from negotiations in the industrial councils.

The labour court will ensure there is no distur-

tion in the industrial councils."

Mr Botha said that 95 percent of workers had accepted the Wiehahn Commission's recommendations, and what disputes had arisen had been disputes between two men only. He did not name them.

Among the problems which had to be sorted out over the next year or so was that of the position of the migratory worker.

Migratory labour from Malawi, Mozambique, Rhodesia and other countries fell into an entirely different category from that of computer labour, such as people living in Kwamashu or Umlazi and working in Durban, he said.

Racial bar to stay?

The new Industrial Conciliation Amendment Bill attempts to remove job protection for racial groups with protection for individual workers. But it leaves many present job bars intact while giving both the minister and the new industrial court wide discretionary powers over the pace of change on the factory floor.

Statutory job reservation is repealed though the five orders still in force will remain. Both were expected moves.

But there is no reference to the closed shop which presumably remain unchanged — and which is the main instrument of job reservation at the moment.

The bill's chief aim of the issue is to protect non-African workers through the concept of an 'unfair labour practice'. This concept will be defined by the industrial court, but it is presumably intended to cover job changes which endanger the jobs of non-Africans presently protected by the jobs colour bar in various guises.

Besides having recourse to the court aggrieved parties will be able to ask the minister to issue an order instructing the employer to 'restore the labour practices which existed prior to the introduction of the new practice or 'not to introduce the alleged unfair labour practice' if it has not already been introduced.

If an 'alleged unfair labour practice' is referred to an industrial council, the council cannot endorse its continuation unless all the parties concerned agree. This will effectively enable a union to block a proposed change and take it to the court or the minister.

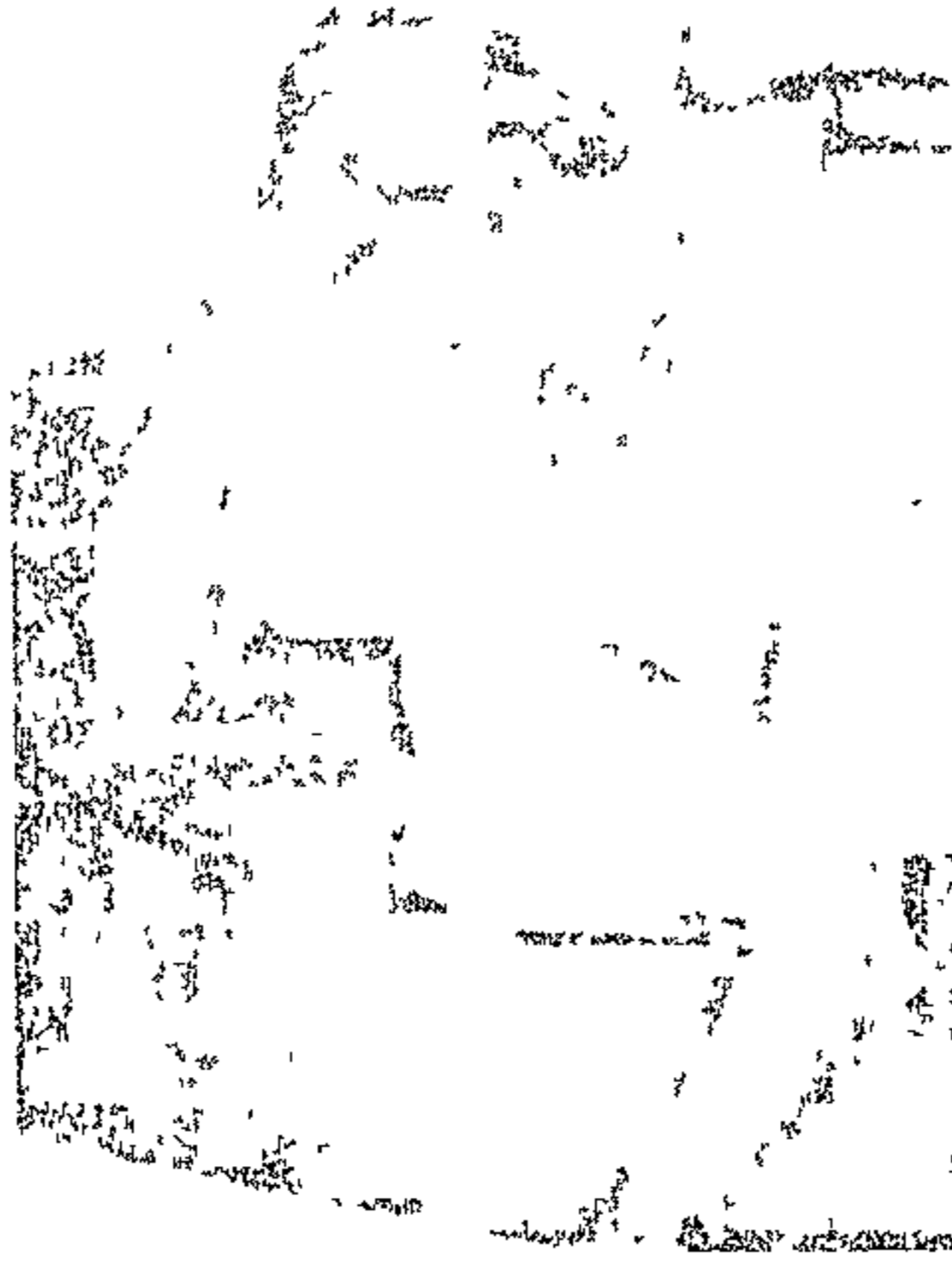
Indeed, much of the adjudication of 'unfair labour practices' will be left to the minister and the court. Thus, an industrial council dispute arising over an unfair labour practice must be referred to the court if a deadlock is not broken within 30 days. When this has happened the right to strike is removed.

The effect of these measures is evidently to give the court and the minister wide powers to pronounce on individual job reservation disputes on the top floor. The freedom of action of both employers and unions is drastically curtailed.

WIEHAHN'S NEW DPAL

Union objections

The bulk of the unregistered trade union movement has not greeted the Wiehahn Report and its accompanying white paper by jumping for joy. Indeed, it has serious reservations about their application of non-racial unionism. None of these reservations is likely to be set at rest by the legislation introduced in Parliament last



Fosatu's Alec Erwin
headaches
Wiehahn

week.

In a statement released as the FM went to press, the newly-formed Federation of SA Trade Unions (Fosatu) argues that the acceptance of African union membership is seriously undermined by qualifying factors in the two documents. The statement follows a meeting of Fosatu's central committee at the weekend.

Fosatu fears that the new dispensation holds out in certain important respects the clear prospect of an actual retraction of rights presently enjoyed by African workers. The report and the white paper change the whole context of the registration and operation of unions from one of reasonable legislative certainty to one of unreasonable administrative discretion and uncertainty.

Fosatu is particularly unhappy about the white paper's exclusion of migrant workers from registered unions. This, Fosatu says, means rejection of a 'major positive aspect' of the Wiehahn Commission's report and a 'probably substantial' number of existing, unregistered union members will lose their union rights as a result.

Proposed criteria for union registration systems extend administrative discretion to absurd lengths and 'freedom of association' is in serious doubt. Furthermore, the provisions giving parties to industrial council the right to veto new entrants is 'prejudicial to new entrants'.

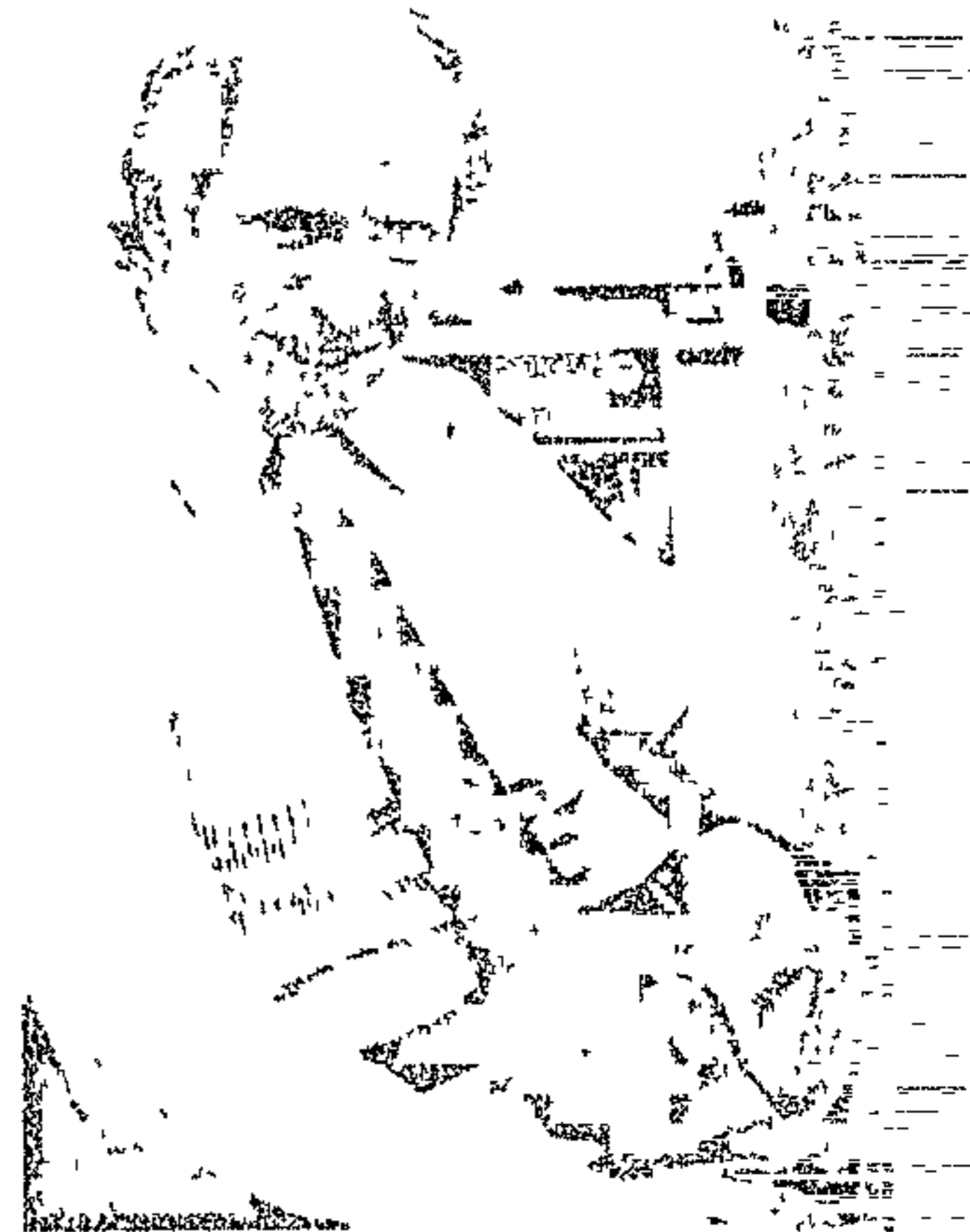
Fosatu is thus having serious reservations about the new Labour dispensation policy which is to be organised under movement which is not bedeviled by racial and class tensions.

Fosatu is not alone in its unease. The registered Garment Workers Union of SA which works closely with an African union has also expressed reservations. An editorial in the union newspaper *The Garment Worker* says it is necessary to introduce a note of caution about both the Wiehahn and the Riekert report. 'So many people seem to have gone overboard about them so far as to see the demise of apartheid ideology in the events of the last two weeks,' says the editorial.

The Garment Worker rejects the exclusion of migrants. It also expresses fear at the proposed registration of a few unions at the expense of the suppression of many others.

The paper argues that despite claims that the object of the report was less state control, the machinery that is being set up will allow more controls.

Says the editorial: 'A union has the right to exist by virtue of the fact that a group of workers chooses to support it, not because a state official agrees to register it. But this is what will happen as the State is given stricter controls over all'



FM assistant editor Bernard Simor has won a Railways Award for Transport Journalism. His entry included a series of articles on the Rhodesia-Zambia border reopening and Mozambique port conditions. In the first year of this competition the overall award went to Mr Jacobsohn of the Pretoria News while Raito Ecker's Peter Riles earned top marks in the radio and television section.

P.T.O

unions "

The Riekert Report, says *The Garment Worker*, "gives even more cause for concern " While its recommendations will improve the lives of urban workers, "it does nothing to end the system of influx control itself, in fact it will make it more efficient " It goes on "Although it improves life for some blacks, Riekert could result in a whole new group of third-class citizens "

(166) 29/5/79 Q6

'Lie' on migrant labour—Wiehahn

Own Correspondent
GENEVA — Professor Nic Wiehahn said yesterday it 'is an outright lie' to say that the Government would exclude migrant workers and commuters from automatic trade-union membership.

"They will be phased in and people haven't read the report properly," he said. "It will take 18 months to two years for the legislation to be implemented."

Professor Wiehahn (50) left South Africa a week ago to brief South African embassies and diplomatic missions on his commission's report and the Government's proposals to Parliament, to obtain reactions from foreign governments and labour leaders, and to do research for the further chapters of his report.

Professor Wiehahn first went to Israel and then came to Geneva, where he has seen officials of the

International Labour Organisation

At a luncheon for reporters in Geneva given by Mr David Tothill, South African Ambassador to the European office of the United Nations, Professor Wiehahn said he was satisfied with the Government White Paper on labour laws based on his commission's recommendations.

"I was not disappointed at all," he said when asked about those recommendations omitted or modified by the Government. "We are getting into a completely new era in South Africa."

"Other areas of society will be automatically affected. There won't be immediate heaven on earth and we will still have problems. This is a very big bite for South Africa."

On the question of migrant workers, he pointed out that there are 200 000 such workers from Mozam-

bique alone and it would be impossible for them to be integrated immediately into the trade union system.

As for unions having powers of veto over new unions which wanted to join industrial councils, he said "The veto section has been misread."

"The veto clause is there to protect minorities during the transitional period. If a veto is imposed because of race, religion or sex it can be overruled by the industrial court."

Professor Wiehahn said that so far the reaction to his commission's report had been "very positive."

At the ILO, officials had welcomed the report "as a sign of progress" and asked that he "keep up the good work."

"All workers will be in unions," the professor said. "It depends on how well and quickly the transition period passes."

Wiehahn tells it to Europe

29.5.79 N.M. (126)

Mercury Correspondent

GENEVA — Professor Nic Wiehahn says the proposed South African labour laws will put “new dynamism into our whole system and lead to a new era”.

Speaking to reporters here yesterday Professor Wiehahn added that “the

climate in South Africa is ripe for change’

Professor Wiehahn is on

a long trip which will take him through Europe and the United States

“I am explaining what we are doing in South Africa and also picking up some useful tips as well,” he said

“What we are doing in labour relations doesn’t sound like much outside South Africa,” he added

“But for our country it is a big bite

“Only a lack of time is preventing us from doing more in law at this moment”

Earlier the professor saw senior officials at the International Labour Organisation

“They said we were making good progress and told us to keep it up

“I was very pleased with my visit to them, although we are no longer members of that organisation

Support

“What I heard backs up the wide support that our study received in South Africa”

When asked how he felt about the forthcoming legislation based on recommendations his study made, the professor said

“I am quite pleased with what is going into law

“I think the medium and short term parts of the report will come about very quickly I would imagine that no more than two years will be necessary for full implementation of those recommendations

“However all seven parts of the study won’t be

“However all seven parts of the study won’t be available until the Parliament of 1982

“A complete restructuring of the labour apparatus will take seven or eight years”

The professor admitted that radical new legislation would eventually have repercussions in other areas but he stated that politics would be kept out of South African trade unionism

See Page 24

Not Urged: Rethink labour plan

Mercury Reporter
OF THE African Indian
Chairman Dr A
Botha yesterday urged
the White Paper Commission
to re-examine its
recommendations

He said "I can visualise serious problems as Blacks, Indians and Coloureds will not be satisfied with these steps to be taken by the Government

He told a Durban conference of the Institute of Personnel Management it would be "extremely difficult to justify the White Paper which resulted from the report, which differed considerably from the Commission recommendations

"I have been told many of the shortcomings in this interim step will be taken care of by the Manpower Commission or the Industrial Court
"But my experience in the last 20 years with these boards has not been a very

This could create an undesirable situation and more problems," he added

There would be no problem in selling the Commission recommendations but it would be difficult to sell the White Paper Dr Moolia said

All we can do is appeal to the Government to rethink and come back with something much better and deeper in the implementation of the recommendations Dr Moolia said

Warrings by dealers

OUTLABOURING

Mercury Reporter

FOR the Government to back track following its acceptance of the main principles of the Wiehahn Commission would be 'disastrous'.

Professor G F Jacobs, director of Graduate School of Business Administration and dean of the faculty at the University of Witwatersrand was speaking at a forum on the Commission's report held by the Institute of Personnel Management in Durban yesterday

He said for the Government to back-track would create so much frustration among Black workers that a totally chaotic labour situation could arise

"It would be a visible demonstration to our friends in the outside world

1 Whites saw themselves in a position where they were threatened by being swamped by the Black man;

2 There was a fear of unjustifiable discrimination; and

3. There was a fear of stagnation and immobility.

Worry
"We must get rid of this unnecessary worry. There is no plan to shut anyone out or replace them. There is a place for all," said Mr. Botha

It would be the responsibility of managements to put it over to the workers, to make it a success. A new bond of trust between

Warrings on 'frustration' of Blacks

Mercury Reporter

A BLACK labour consultant yesterday warned of growing frustration in townships following the recent "disappointing" White Paper on the Wiehahn Commission

Mr Grey Mbatia, a Johannesburg management consultant and a member of the Urban Foundation, was

speaking at an Institute of Personnel Management forum on the Wiehahn Commission at a Durban hotel.

He said when the Wiehahn report was tabled in Parliament and the Government said it would recognise the majority of recommendations there was excitement among the Black people.

But the White Paper was published and it was vastly different from the recommendations

Mr Mbatia said Black frustration was beginning as a result

It was hoped all would be accepted in the trade unions that would be open

"There is much more going on in the bosoms of those in Soweto. Can they wait any longer?"

"I don't want to sound pessimistic but I think it's fair I should let you know these things so that they can be catered for," said Mr Mbatia

"But we find there is a division, that some Blacks are good enough but others are not"

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Govt says 'help sell Wiehahn'

employer and worker had to be created

The South African economy was increasing rapidly and Mr Botha predicted it would be about four times greater by the end of the century.

"With the new economy there can't be a situation any more for employers to ignore the Black man

"Employers and workers must work together to see that people who up to now have not

had the mobility can now have it."

Every man had to work for his position and to keep it. A greater emphasis had to be placed on discipline and industrial freedom.

Training had to be looked at in a completely different dimension. It had to be increased for all races.

He considered the confrontation he had had so far over the commission — the Mine Workers Union — as minor.

"I don't think these people had the support of all their people," he said.

Mr. E. A. Cilliers, secretary, Ministry of Labour, said at the forum there were numerous challenges ahead.

The business community should take advantage of the present labour situation in creating opportunities.

Unemployment and poverty could lead to frustrations and anger.

e Nat words boomerang

And their arguments, too, are so similar to those used by the old UP

The HNP refusal to accept the opening of the labour market will make the white man poor, says the NP of today

In an attempt to beat apathy and trace thousands of missing voters, the Nationalist Press has devoted daily columns to attacks on the HNP and valuable space to lists of untraced voters, urging them to come forward with postal votes

This is also a strangely lethargic National Party. In past elections, the NP has always managed to build a substantial pre-polling day lead based on postal votes. But with a week to go for polling in Randfontein, the NP has managed only 260 postals

Its candidate, though, has impeccable credentials.

He is a young family man — 37 years old with four daughters — and until his nomination as candidate was the dominee in the constituency's Randpoort congregation

Dr Boy Geldenhuys educated at Stellenbosch and Rand Afrikaans Universities, his MA was on "The Atheism of the young Karl Marx" and his doctoral thesis on "Maoism — Creative Marxism or Revisionism"

Maoism was not a violation of the basic Marxist philosophy, although it was adapted to suit Chinese needs, he concluded

But right now, Dr Geldenhuys is prepared to admit that the HNP will improve on its general election performance in Randfontein when it polled some 500 votes

"I am not a fortune-teller and I'm inexperienced, but I still want to see them getting 2 000. Our canvass doesn't show that," he says

Dr Geldenhuys personally visited Prof Nic Wiehahn for a full briefing on labour reforms as the HNP started making an impact with its propaganda

"I tell our people that job reservation once had a purpose, but that it has become outdated," he says.

He emphasises, in phrases reminiscent of the old UP,



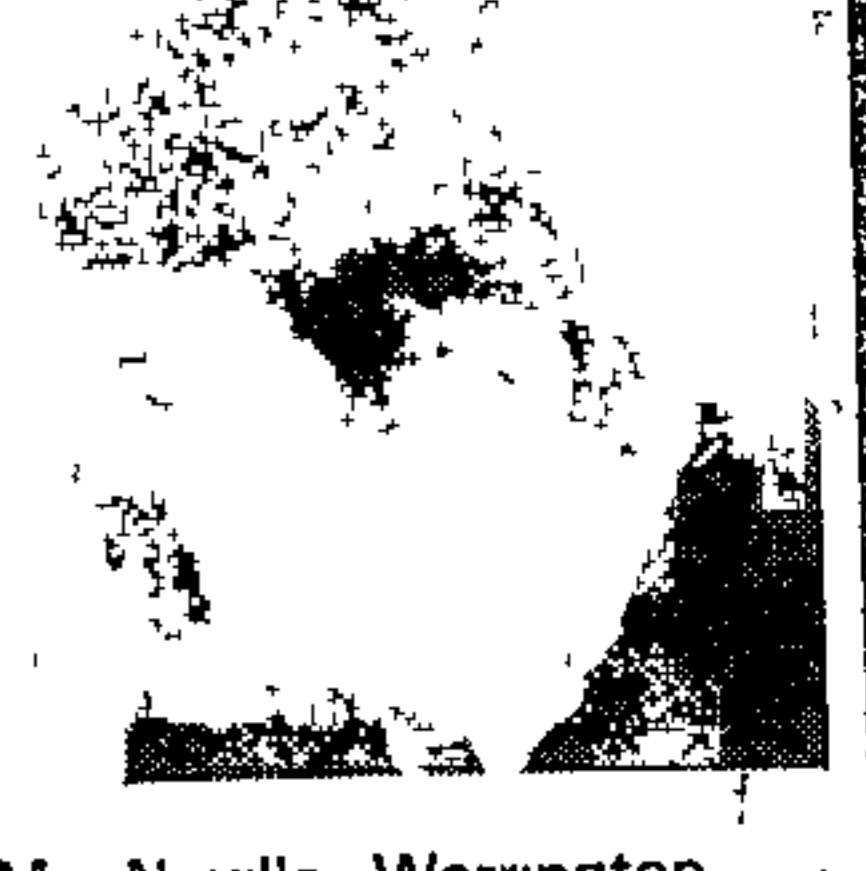
Dr Boy Geldenhuys — National Party



Mr John Fabre — Progressive Federal Party



Mrs Gloria Slater — New Republic Party



Mr Neville Warrington — Herstigte Nasionale Party

"It doesn't work any more and it also creates problems for us in the outside world. All we are doing is allowing blacks to do legally what they used to do illegally"

Randfontein has 19 528 registered voters, but only about 9 000 are expected to vote.

And of the 9 000, the Progressive Federal Party and the New Republic Party are generally expected to share only 1 800 to 2 000 votes

In fact, the PFP candidate, 42 year-old Randfontein transport company owner John Fabre, admits "We are hop-

ing for 500 which will establish our presence here and give us a foundation on which to build for the future."

He is fighting a "Protest with me" election, and like the NRP, he is basing much of his propaganda on the need for a stronger opposition which can keep Nationalist excesses in check

Both parties are involved in something of a battle for survival. Claiming it has a broader base than the PFP, the NRP is attempting to stimulate the momentum gained by its performance in

the Swellendam by-election earlier this month

The PFP, on the other hand, will be reduced to a purely urban party if its rival beats it into last place in this peri-urban constituency

In the absence of Mrs Gloria Slater — the NRP candidate who was out canvassing when we called — the party's Transvaal secretary, Mr Klaas Viljoen, predicted a "better than 8%" share of the votes — about 1 000

The PFP's John Fabre, however, has consolation for Dr Geldenhuys

"No one here likes the Wiehahn report, but we never realised that people are accepting that in the year 2 000, whites will represent only 8% of the work force and that we have to open opportunities for blacks"

And that is what next Wednesday's Randfontein by-election is all about — an important testing ground for the degree of acceptance, among whites of the Government's labour reforms

(Report by M Schneider, 171 Main Street, Johannesburg)

CLEAN UP OUR POLITICS!

South Africa needs a strong alternative means strong and honest government.
South Africa demands courage, dynamic leadership

BLANKES RAAK AL NOE ARMER

Photostatische afdruk van Sake-Rapport van 3 April 1977

The Star, January 11 1979

The living standards of many whites have been falling during the past five years and those of blacks have been rising sharply

Photostatische afdruk van Die Star, 11 Januarie 1979

Swartes se koopkrag in die hoogte

Photostatische afdruk van Die Transvaler 12 Desember 1977

NOT AN ORDINARY ELECTION

RANDFONTEIN FOLLOWS ON:
● Resignation of a senior NP Minister;
● Abolition of an important State Department;
● The biggest scandal in South Africa's history.

Kommuniste

THE NATIONAL PARTY BUILDS A SECURE FUTURE THROUGH ORDERLY DEVELOPMENT

Ope-brief oor die Wiehahn-verslag

U al drie wil werkreservering afgeskaf hê, soos die ahn-verslag aanbeveel. Nou moet u as kandidaat party aan die kiesers van Randfontein sê waarom is die kommuniste, die Hoggenheimers, die Yangsering van Jimmy Carter en Andrew Young en s art onrusstokers werkreservering afgeskaf wil hê

KANDIDATE

Uld die kiesers van Randfontein

Randfontein — where the

The issues are clearly defined in the Randfontein by-election. It's a black and white choice for the voter and a significant testing ground for reaction to the Government's apparent change in course in its attempts at labour reform. MARTIN SCHNEIDER, Political Editor, reports.

THE trouble with the National Party in the Randfontein by-election can be summed up in the words of the propaganda the Nationalists put out in the Brakpan by-election seven years ago

A Nationalist pamphlet said then.

"Between the communists and the white trade unions stands the National Party Government with its policy of job reservation.

"And what does the United Party say through its leader, Sir de Villiers Graaff 'We have to do away with job reservation,' in other words, open the road to communism."

Seven years later, on the eve of the Randfontein by-election, the Nationalist pamphlets state

"Job reservation is impractical and should be abolished."

Smelling blood for the first time in its 10-year history, the Herstigte Nasionale Party is lunging at the Nationalist jugular, driving home to the constituency's 19 528 registered voters these and other anomalies.

In this far West Rand constituency, United Party should read National Party and National Party should read Herstigte Nasionale Party.

Here the HNP is using against the Nationalists virtually the same arguments the Nationalists used against the old United Party. And the Nationalists are using virtually the same counter-arguments against the HNP that the United Party used against the Nationalists.

There are really two contests in this election.

● The Nats and the HNP are fighting it out in the mining areas of Westonaria, Venterspost and Kocksoord, on The Plots to the west of the constituency and in Randfontein itself.

● The Progressive Federal Party and the New Republic Party are fighting their own battle wherever they find space to move.

Dr Mulder has publicly pledged his support for the Nationalists, but despite his standing in the constituency, his treatment by the party is not expected to be a major factor in the election result.

The Nationalist candidate, Dr Boy Geldenhuys, probably summed up the feelings of Nationalists by saying: "I'm personally very sorry that a person who served the party for 30 years has ended his career in this way."

Watching them from the sidelines is Dr Connie Mulder, the former MP for Randfontein, forced to resign from the Cabinet and finally expelled from the NP because of his role in the Information scandal.

For the HNP, recent events have provided an ideal election climate — the Information scandal, the Advocate-General Bill, the general "liberalisation" of Nationalist policy and the major labour reforms proposed by the Wiehahn and Riekert Commissions.

Neville Warrington, the HNP candidate, puts it this way:

"Politics has now moved to a very clear, very defined

point — you must be either pro-black, or pro-white."

The 44 year-old father of five and his small team of workers drive their point home with propaganda reminiscent of the Nats at their best in the fifties and sixties.

In an open letter to the other three candidates, Warrington says:

"All three of you want to scrap job reservation in line with the Wiehahn report recommendation. Now you must tell the voters of Randfontein why you want to scrap job reservation — like the communists, the Hoggheims, the Yankee-government of Jimmy Carter and Andrew Young and the black agitators."

Then follows a reproduction of the infamous Nationalist Brakpan by-election pamphlet which so clearly linked the scrapping of job reservation and communism.

"The NP," says Warrington, "is becoming the kaffir-boetie party, worse than General Smuts who even rejected Solly Sachs' demands."

Warrington uses the "kaffir-boetie" tag with relish.

"It works," he says.

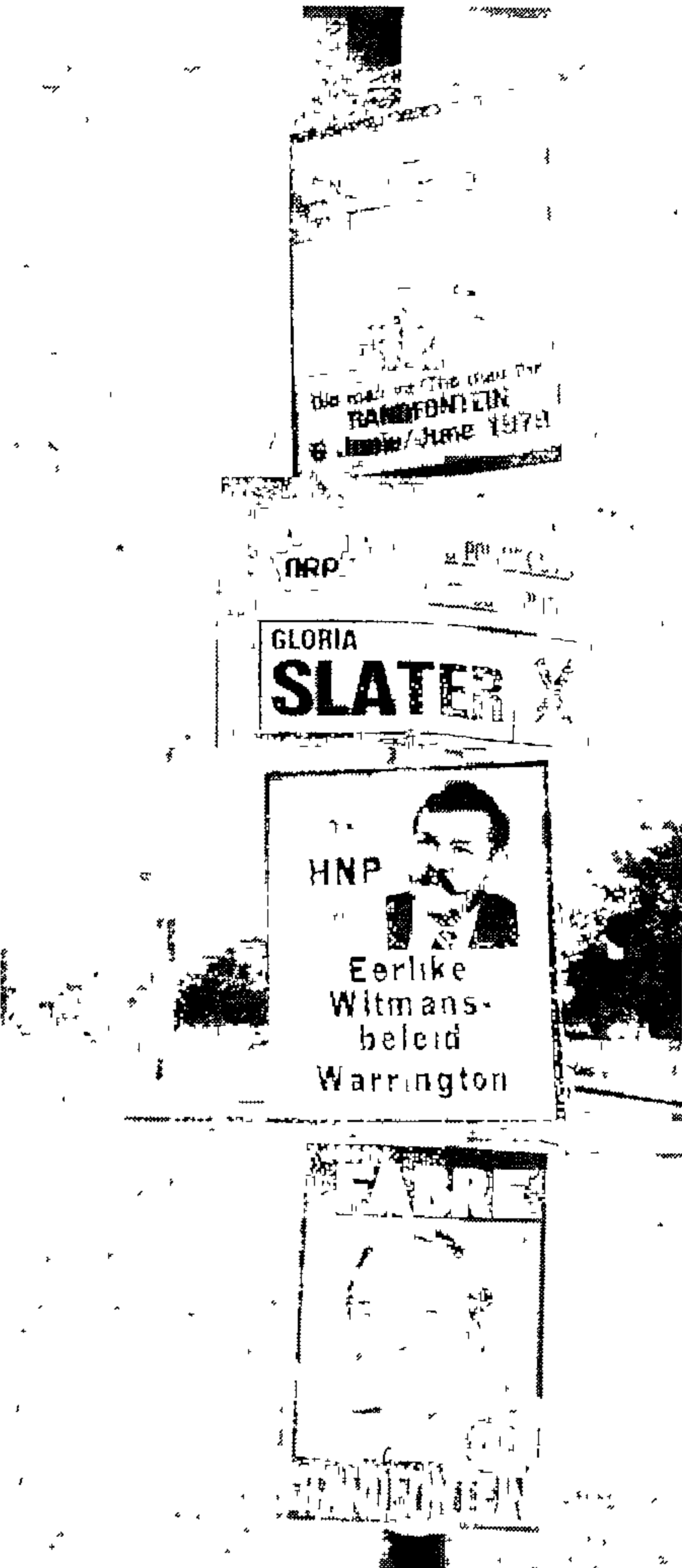
Does he agree with the general prediction in the constituency that the HNP will poll at least 2 000 votes?

"I don't want to make predictions," Warrington says. "But if we can get strong support here, we can put the brakes on the Nationalists."

He notes, however, that the HNP obtained in the space of a few days 703 signatures from constituents in terms of the law requiring parties without Parliamentary representation to secure 300 signatures before they may contest an election.

The damaging, destructive propaganda unleashed by the HNP has forced the National Party on the defensive, though Dr Willem Kleynhans, the country's leading expert on white elections, has little sympathy for the Nationalists' plight.

"How can you expect people to suddenly change their attitudes when you have brainwashed them all these years, when you have told them of the dire consequences that will follow black



The four parties campaigning for votes in the Randfontein by-election

unions and the scrapping of job reservation and so on?" he asks.

To change the attitudes of its voters, the Nats, like the old UP, now have to publish

long-winded pamphlets justifying their policies and emphasising the protection for workers and State controls of black unions under the new labour system.

Wiehahn briefs Dutch, Belgian labour opinion-formers

By Andre Meyerowitz
for The Star

THE HAGUE — Professor Nic Wiehahn has emphasised again that the work of his commission on South Africa's new labour deal is far from over.

"There are still another six parts of the report to do," he said, "and I do not know what the evidence will show in the coming investigations."

Professor Wiehahn was in The Hague yesterday to brief Dutch and Belgian opinion formers. About 40 senior newspapermen and parliamentarians were invited to a symposium at which he outlined the new deal.

But he fended off their questions on what impact there might be on social apartheid as a result of changes in labour apartheid.

Professor Wiehahn is also not saying which union and management leaders he is meeting privately on his tour of Europe.

In an interview he was asked to comment on the legislation now before Parliament — and on black views that outlawing migrants and frontier commuters from unionism would bleed black unions to death.

Professor Wiehahn said "I have not seen the proposed legislation. All I can say is that the Government decided, on the commission's recommendations, just for the time being that the workers with permanent residential rights and fixed jobs would be 'in' at this point in time.

As regards the other workers the Government would be led by advice

from the National Manpower Commission."

Question Would the Government's intention to deny registration to mixed trade unions polarise the labour movement?

Wiehahn "There are 41 mixed trade unions in South Africa. Subsection 6 of Section 4 of the Industrial Conciliation Act gives the Minister power to exempt

"As I have it, the Minister intends retaining that power — in other words, just with the addition of the black element.

"The idea is that the status quo is maintained until such time as further reports of the commission come forward.

Question By refusing to outlaw closed shop agreements which perpetuate job reservation, while opposing new closed shop agreements, is the Government simply preventing black trade unions from gaining strength?

Wiehahn "No. The Commission was split on this. The majority recommended retention of the closed shop clause. The minority recommended the banning of new shop clause agreements.

"The Government decided that for the time being, the closed shop practice is suspended until the National Manpower Commission recommends further implementation of

it or any other steps."

Question Can you comment on the concern of labour leaders that employer-dominated works councils could oust the Industrial Council system in the light of the White Paper?

Wiehahn "Firstly, the works council system is not put into legislation for the moment. Amending legislation on the Black Labour Relations Regulation Act is not going through this session.

"Secondly, the so-called works council system is provided for in the Black Labour Relations Regulation Act which states that at least 50 percent of its composition shall be employee representatives — so I don't see how it can be employer-dominated."

Question What about the TUC's view on Government inroads into freedom of association proposed by the commission in respect of migrants and mixed unions? How can the outside world accept this?

Wiehahn "Tucsa was also told the commission is not finished with its job — parts two to seven are still to come, and the criticism raised by Tucsa could very well be dealt with in any of these sub-

Commission's report has six parts to come

8 May 31/5/79

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to say

sequent part, "I don't see how any body — the outside world or Tucsa — can at this premature time criticise the very fundamental steps which the Government has already taken in implementing the report's recommendations."

Question Which international workers and employers' leaders have you interviewed privately so far and what has been their response?

Wiehahn "Well, I would rather not comment on who I have seen because it could be embarrassing both ways.

"The response has been very positive. Of course, questions have been asked and reservations have been pronounced at various interviews.

Question Will it be easier or more difficult to stave off boycotts and sanctions after the draft legislation is passed?

Wiehahn "I don't know. It's a difficult thing to say."

TUC watching developments closely

The Star Bureau

LONDON — Britain's Trades Union Congress has a "very considerable interest" in the Wiehahn report and the proposed legislation flowing from it, say TUC sources.

But it is not yet possible to say when the TUC will be able to give a considered verdict on the matter, a spokesman said yesterday.

No arrangement has yet been made for TUC representatives to meet Professor Nic Wiehahn during his present European tour, but TUC officials say they expect to see him if he comes to London.

The TUC has long been interested in labour and trade union developments in South Africa. This dates back to well before the TUC delegation under former general secretary Mr Vic Feather (now Lord Feather)

and Mr Jack Jones visited South Africa in 1973. Since then we have been following developments very carefully," said an official.

"We have also been involved in assisting some of the black African registered unions in training and organising and in trying to persuade British firms with South African connections to recognise those unions."

The TUC's International Committee, under the chairmanship of Mr Tom Jackson, General Secretary of the Union of Post Office Workers, is expected to discuss the report in London on Monday.

The members of the International Committee are all members of the TUC's General Council, and many are General Secretaries of their own unions, including some of the biggest in Britain.