

# Analysen

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Aus der  
Abteilung  
Entwicklungs-  
länder-  
forschung

FORSCHUNGSINSTITUT

**FRIEDRICH  
EBERT**   
**STIFTUNG**

## BLACK TRADE UNIONS IN SOUTH AFRICA

Core of a New Democratic  
Opposition Movement?

115/116

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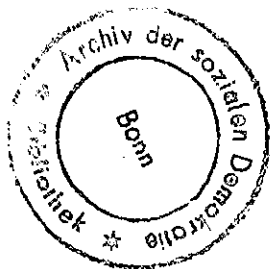
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BLACK TRADE UNIONS IN SOUTH AFRICA:

Core of a New Democratic Opposition  
Movement?

Nr. 115/116

Workshop in Bonn, 4 November 1983



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## FOREWORD

On November 4, 1983, the Friedrich-Ebert-Stiftung organized a workshop in Bonn on the topic

"Trade Unions in South Africa:  
Core of a new democratic opposition movement?"

The aim of the workshop was the information and discussion about developments in the South Africa trade union scene especially after the labour reforms of 1979, and with special emphasis on the development of emerging unions. With this reader we present the papers given at the workshop, as well as a brief historical introduction into the developments of South African Trade Unionism, serving as a background information.

We are grateful to all participants at the workshop and for their contributions, which provided for a lively discussion. My special word of thanks go to the four speakers at the workshop, who gave a detailed picture of the issues at stake, were competent authorities on every question which arose during the discussion, and made the publication of this reader possible.

Werner Puschra

Werner Puschra

## INTRODUCTION:

### A BRIEF HISTORY OF TRADE UNIONISM IN SOUTH AFRICA

The trade union movement in South Africa is now over 100 years old and thus the oldest one on the African continent. Its origins date back to the discovery of gold and diamonds in the 1860s, which marked the beginning of South Africa's industrial development. The lack of skilled workers was offset by the immigration of miners from England and Australia. Apart from their special skills, these men also brought along with them trade union experience from their home countries and they proceeded to found South Africa's first unions.

During the years up to the end of World War I, there were no unions for black workers because an urban black labour force was only just emerging. Black workers enjoyed no rights of permanent residence in the towns and cities; instead, they were hired for employment in the mines on the basis of a contract for a limited period of time. In these circumstances, no trade union organization was imaginable - even though sporadic strikes did in fact take place.

Not until 40 years had passed after the setting-up of white unions was the first black union, the Industrial Workers of Africa, founded in 1917. This body never possessed much importance and it slowly faded away in the Twenties after the formation of the Industrial and Commercial Workers' Union (ICWU) in 1919. Although it had more the character of a mass political organization by today's criteria, the ICWU was South Africa's first big black trade union. At its zenith in 1927, it had about 100,000 members. Due to internal struggles and growing repression, it lost its influence in the late

Twenties and decided to disband.

From this first phase of the South African trade union movement stems what has remained its main weakness, namely a division of the working class along racial lines. Apart from a few exceptions, the interest of white workers lay in preserving their privileges vis-à-vis other workers. They managed to protect their interests from those of black workers with the help of legislative measures.

The Industrial Conciliation Act of 1924 stipulated that only trade unions for white, coloured and Asian workers could register whilst unions for black workers were not recognized. Moreover, only registered unions were in a position to avail themselves of the system of industry-wide negotiations in the industrial councils created by the Act. The right to strike was restricted so much for registered trade unions as to virtually no longer exist. However, the Industrial Conciliation Act did not prohibit the existence of non-registered trade unions. They could continue to exist and to organize themselves, albeit without holding any acknowledged place in industrial relations. It was only the reforms of 1979 which gained access for black unions to the official system of industrial relations.

Following the dissolution of the Industrial and Commercial Worker's Union and the impact exercised by the world economic crisis, the unionization of black workers had reached its nadir by the early Thirties. It was only in the mid-Thirties that black unions re-appeared, and these joined together in 1941 to form the "Council of Non-European Trade Unions" (CNETU). At the end of the Second World War, CNETU had 158,000 members.

The mounting political pressure against the organization of black workers and the unsuccessful strike by black miners in 1946 led to the beginning of another decline in African trade unions. By the early Fifties, membership had drastically fallen in numbers and only 38,000 black workers were unionized.

Following the National Party's electoral victory of 1948, the new Government founded a commission of inquiry into industrial relations. This commission published its report in 1951 and recommended that black trade unions should have an opportunity to register. The Government rejected this recommendation, because it feared that the trade unions would become too politicized. The 1953 Bantu Labour (settlement of disputes) Act provided for the establishment of negotiating organs for black unions at plant level only. The year 1956 saw the passing of the Industrial Relations Amendment Act whereby the existing multi-racial unions were forced to split up along racial lines. A job-reservation system was introduced so that certain occupations became accessible for whites only.

Under the influence of these political development and the new legislation, the trade-union movement began to re-form. Three divisions emerged and these have been represented in South Africa's trade-unionism until the present time:

- An entirely white conservative central organization of unions, the "South African Confederation of Labour" (SACLA).
- A multi-racial central organization without black unions, the "Trade Union Council of South Africa" (TUCSA).
- A non-racial central organization comprising mainly black unions, the "South African Congress of Trade Unions", (SACTU).

#### THE CENTRAL ORGANIZATION OF WHITE TRADE UNIONS (SACLA)

As early as 1947, various conservative white industrial unions had amalgamated into three major associations. They rejected any union desirous of giving black workers the right to vote. These central organizations were the National Party's main pillars of support in the economic field. The South African Confederation of Labour, founded a year after

the passing of the Industrial Relations Amendment Act in 1956, mainly comprised unions representing the public services, the metal industry and the mines. By the mid-Seventies, SACLA had reached its highest membership total of 206,500 men and women.

Today, SACLA represents the most conservative part of the white labour force and its total membership in 1983 came to 110,000. This central body has departed from its former clear-cut support for the National Party and adopted a negative stance on the labour legislative reforms of 1979. As a result, the Trade Union Council of South Africa (TUCSA) has become the central organization closest to the National Party and government policy.

#### THE TRADE UNION COUNCIL OF SOUTH AFRICA (TUCSA)

TUCSA was founded in 1954 by trade unions for white, coloured and Indian workers. Although TUCSA opposed the Industrial Conciliation Act of 1956, it ruled out membership by black unions from the very beginning. However, a number of TUCSA member unions decided to organize black workers in "parallel trade unions". These are unregistered black workers' unions which are guided and led by a registered white or coloured trade union. By virtue of this organizational structure, they cannot pursue any union policy of their own; they remain subject to the policy of their guiding union. This has often meant that the white, coloured and Indian employees have asserted their interests at the expense of the black workers in the parallel unions.

This attitude on the part of TUCSA towards the black unions has repeatedly caused quarrels within the central organization. In 1962, the parallel unions were officially admitted as members. By the year 1965, eight black trade unions with a total membership of 2,000 had joined. During the following years, Government pressure resulted in several revisions of the original resolution until parallel trade unions were finally admitted as member unions in 1974. This resolution

was regarded by the emerging black unions founded in the early Seventies as being directed against them. They had endeavoured to build up independent unions, and they viewed TUCSA's decision as counter-productive. From that situation stem the still prevailing conflicts between the independent trade unions and TUCSA.

When the Wiehahn commission of inquiry was set up in 1977, the Secretary-General of TUCSA also became a member. Most of the commission's recommendations were accepted by TUCSA. Although the new law of 1979 provides for the existence of black and multi-racial unions, TUCSA continues to organize black workers in the form of parallel unions which thus compete with South Africa's independent unions. Such an attitude is not unanimously approved within TUCSA, and a number of influential trade unions have left it for this reason. Moreover, there are signs that the struggles about the attitude to the black unions will grow in scale.

#### THE SOUTH AFRICAN CONGRESS OF TRADE UNIONS (SACTU)

In 1955, a number of registered unions and unions affiliated to the Council of Non-European Trade Unions founded SACTU as an alternative to TUCSA. SACTU pursued an explicitly non-racial policy and thus became South Africa's first non-racial central trade union organization. SACTU never saw itself as a union devoted exclusively to its members' economic interests, but as part of a wider liberation movement against the policy of apartheid. It was logical for SACTU to join the Congress Alliance of the African National Congress and to support the freedom charter. The outcome of this decision was that trade union activities receded into the background whilst SACTU's political orientation developed at the expense of its independence. To this extent, it was relatively easy for the State de facto to smash SACTU in the early Sixties after the prohibiting of black political organizations by means of numerous detentions and bannings of its leaders.

Although SACTU was never prohibited, it decided to go underground in the mid-Sixties.

In consequence of these developments, the black trade union movement was thrown back to square one in the 1960s. Whereas SACTU had 53,000 members in 1960 (and all black unions together about 60,000 members in 1961), the number had fallen to 16,000 by 1969. It was not until the early Seventies that membership began to rise again. This was largely due to the achievements of the emerging black unions.

In addition to TUCSA's black parallel trade unions, the 1970s also saw the development of four independent groupings of unions with a largely black membership which were clearly distinguishable from each other:

- The Black Allied Workers' Union.
- The unions of the Urban Training Project in Johannesburg.
- The unions of the Trade Union Advisory and Coordinating Council (TUACC) whose main field of activity is Natal.
- The Western Province Workers' Advice Bureau in Cape Town.

From the TUACC unions emerged the Federation of South African Trade Unions (FOSATU), founded on 1. 4. 1979, which now has a membership of about 125,000. The trade unions of the Urban Training Project amalgamated into the Council of Unions of South Africa (CUSA) in 1980. This central organization now has about 150,000 members. The Western Province Workers' Advice Bureau became the General Workers' Union (GWU) and the Black Allied Workers' Union changed into the South African Allied Workers' Union (SAAWU).

Until 1978, these unions remained relatively weak and only succeeded in organizing a few workers. This resulted from various repressive measures undertaken in 1974 and 1976 as well as from the economic recession which began in the mid-Seventies. At that time, the employers were hardly prepared to recognize the independent trade unions.

Intervention by police forces was the rule in strikes, and

the striking workers also had to reckon with legal prosecution. Other than in a few exceptional cases, the independent trade unions had withdrawn to their strongest bastions in the industrial plants and attempted in this way to achieve consolidation. Even the largest central organization of black unions, the Federation of South African Trade Unions, had no more than 30,000 members when it was founded in 1979 and scarcely half of these were paying members. It was not until after the labour legislative reforms of 1979 that the independent unions grew to become a powerful movement, which now comprises approximately 350,000 to 400,000 members.

This advance is so substantial that black workers are now evincing a hitherto unknown degree of self-confidence. This has brought about a situation in which many circles, both in and outside of South Africa, consider the independent trade-union movement as the main driving force for economic and political change. By contrast, others argue that the policy of ever-widening inequality of opportunity for blacks - relatively preferential treatment for urban and better qualified Blacks together with even stricter discrimination against the rural black inhabitants of the Homelands - is aimed at social division and thus at a weakening of the black labour force. These two positions need not necessarily contradict each other. Developments in complex conflict situations do not take a clear-cut course, and political intentions may engender unforeseen effects.

One thing is certain: the relative importance of the Blacks in South Africa's economy is growing. The number of semi-qualified and fully qualified African workers is steadily increasing. This leads to new self-confidence and to greater willingness to accept organization. The improvements in the position of these workers do not ensue automatically, they must be fought for. And the willingness to fight for them is growing. Success in negotiating or striking for material improvements for their members give the trade unions greater support and fresh strength. The asymmetrical distribution of



power and dominance in South Africa has started to alter. The arrival of independent trade unions has brought about moves towards a black counter-force in terms of economic negotiating power and in political terms, too. Changes have already taken place and these in turn will lead to further changes.

The manner in which the undoubtedly existing potential of independent trade unions can be used depends upon many factors. Despite the achievements gained with regard to membership, the degree of organization among black workers remains at a low level. Major segments of the economy (mining, public services, agriculture, and service trades) are hardly unionized or in fact not at all. The lack of unity among the unions serves to frustrate their efforts at achieving greater effectiveness. Even if the independent trade unions agree among themselves, the issue of the relationship with the established trade unions remains open. Some of them have begun to organize black workers, too, and gained considerable success in this field. The question as to whether they are better able to look after the interests of their members because of their longer experience and their more stable organization is not easy to answer: however, this possibility cannot be entirely ruled out.

Furthermore, the question as to the Government's reaction still has to be clarified. In liberalizing labour legislation, the Government took a risk whose full implications did not dawn upon many people until a later stage. In consequence, different views prevail within South Africa about how to assess the development. The hope entertained by some members of the Government of forming different black groups with opposite interests by dint of social differentiation and of erecting a conservative bastion against a more radical black proletariat by dint of the creation of a black middle class is probably a self-delusion. All our historic experience to date points to the improbability of any social group failing to demand political equality once that it has acquired

economic importance. This poses the greatest challenge to the trade union movement in South Africa and indeed to the social development of South Africa as a whole. The significance of the post-Wiehahn period consists in the following fact: the organizational prerequisites for farther-reaching changes have already been created!

Eddie Webster

ORGANISATIONAL TRENDS, ACHIEVEMENTS AND POTENTIAL OF THE  
LABOUR MOVEMENT IN SOUTH AFRICA IN THE POST WIEHAHN PERIOD  
(1979-1983)

INTRODUCTION

A decade ago an intense debate took place on economic growth in South Africa and its relationship to social and political change. The debate polarized into two opposing views: the one view, what became known as the conventional viewpoint, suggested that economic growth would break down apartheid. Industrialisation, its most consistent exponent: O'Dowd argued, would lead to liberalization. This was challenged by what became known as the "revisionist" thesis which suggested in contrast that economic growth was strengthening apartheid. Economic growth, Johnstone said, was reinforcing 'white supremacy'. Although these two viewpoints reached opposite conclusions, they reached their conclusions from the same basic premise - an exclusive focus on the dominant institutions and groups in South Africa. Whereas in the first viewpoint whites are seen as more or less inevitable agents of change, in the "revisionist" case they were seen as more or less irremovable obstacles to change. Neither viewpoint recognised sufficiently the possibilities of organisations emerging that could take advantage of the contradictions generated by economic growth to influence the pace and direction of change. Of the organisations that emerged over the last decade that have such a potential the most important is the re-emergence of organisations among the black working class.<sup>1)</sup>

This paper will not deal with the origins of this movement in the wake of the 1973 Durban strikes and the bitter struggles against a hostile state and management that followed the re-emergence of black trade unions.<sup>2)</sup> It is important to stress, however, the effect this period of struggle had in

forging a set of common principles such as non-racialism and strong shop floor control inside these organisations.<sup>3)</sup> Nor will this paper attempt to explain the change in state strategy towards labour that began with the establishment of the Wiehahn and Riekert Commissions in 1977. The important point is that when these Commissions eventually reported after two years investigation the solution proposed involved two sides. The one side of the solution involved the deracialisation of the established industrial relations system by incorporating black workers into industrial councils (the Wiehahn solution).<sup>4)</sup> The other side of the incorporative strategy involved the redivision of workers not exclusively along racial lines, but between those with permanent residence rights in the urban areas and those without (the Riekert solution).<sup>5)</sup>

With the legislative changes that were to follow in the wake of the Wiehahn/Riekert solution, an ambitious experiment began to establish a new form of social control in the work place.<sup>6)</sup> However, the contradictions generated by the specific racial nature of South African capitalism led to worker resistance cutting across the incorporative strategy of state and capital. This resistance was facilitated by the rapid growth of black worker organisation in the post-Wiehahn period. The concern of this paper is to analyse the organisational trends, achievements and potential role of black worker organisation since the Wiehahn/Riekert experiment began.<sup>7)</sup>

#### 1. ORGANISATIONAL TRENDS

In the post-Wiehahn period the centre of the industrial relations stage shifted unequivocally towards the emerging unions. Drawing largely on unskilled and semi-skilled black, predominantly African workers, these unions have expanded rapidly since 1979. Black workers joined these unions not primarily for the benefits they offered - they are usually modest, in most cases R 100 (R=Rand) funeral benefit! Nor

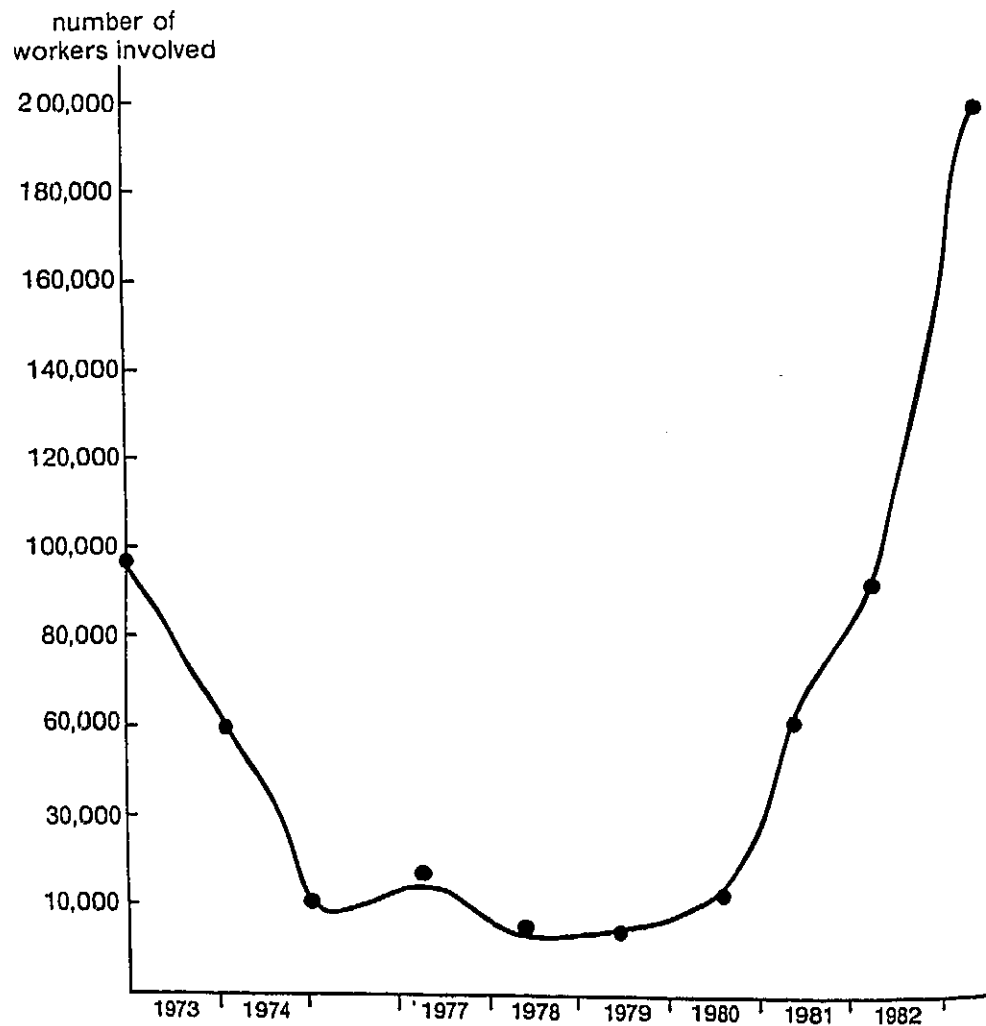
primarily for the wage increases they hoped to get - most of these unions are only beginning to be involved in wage bargaining. The majority joined these unions, I found in two separate surveys among union members in 1975 and 1982, out of a desire to defend their rights against what they saw as arbitrary and unfair treatment by management.

"I joined the union", one worker I interviewed said, "because workers are not treated like human beings by management".<sup>8)</sup>

While recruitment has been rapid, the total membership is still small at somewhere between 350 - 400,000 spread amongst two national federations - FOSATU (Federation of South African Trade Unions) and CUSA (Council of Unions of South Africa) - and at least another dozen groupings. However, with an economically active population of 10 million their potential for growth is considerable. With only 12,2 % of the total workforce in registered unions at the end of 1981, South Africa has the lowest percentage of workers unionised in the developed capitalist world - Sweden with 83 % is the highest, followed by the United Kingdom (50 %), Germany (38 %), Japan (33 %) and the United States (20 %).<sup>9)</sup> In addition South Africa's unions are still small by comparison with the "giant unions" of the United States and Europe. Of the 189 registered and unregistered unions operating at the end of 1980, 73 % had less than 5,000 members and 38 % had less than 500. Only 13 (7 %) had a membership of more than 20,000. The largest union in South Africa, the South African Boilermakers' Society (SABS), has a membership of only 54,000.<sup>10)</sup>

The most dramatic and public demonstration of this new assertion of black worker rights is the increase in the number of strikes. The number of black workers involved in strikes increased dramatically between 1979 and 1982. 22,803 workers struck in 1979, in contrast to 64,785 in 1980 and 92,842 in 1981.<sup>11)</sup> In 1982 strike activity was to reach a highpoint when 188,614 black workers were involved in strikes. (See Table 1).

**Table 1**  
Number of workers involved in strikes in South Africa, 1973-1982



● Figure for Agget work stoppage in 1982 have been excluded.  
If added the total number of strikers would be 290 074.

As can be seen from Table 1, the decline in strike activity coincided with the downswing in the economy in the period 1975-1978. Recession undoubtedly makes strike activity less effective for workers and the difficulty of obtaining concessions from management further complicates the task of the union organiser. With guestimates of the unemployed ranging between 2 and 3,5 million, employers have been increasingly prepared to "fire" and "selectively re-hire" when faced by strike action. The most demoralising aspect of recession for the union is of course retrenchment - retrenchment will inevitably find a union with its "back to the wall" fighting for the jobs of its members.<sup>12)</sup> From this it is reasonable to conclude that the strike weapon is likely to be used more cautiously in 1983.

However, it would be wrong to assume that this downswing in the economy will lead to a decline in union growth. For the emerging unions the onset of recession in 1982 was a different experience to that of 1975-1978 - during that period shop floor organisation was not as established as it is now.<sup>13)</sup> As a consequence of this current higher level of organisation on the shop floor, retrenched or dismissed workers have been able to prepare effective cases with labour lawyers winning reinstatement and back-pay in a number of recent cases such as Stobar, Brai, tex and Dunswart.<sup>14)</sup> In a pending case of an "unfair labour practice", for example, the 200 dismissed workers have been meeting daily for the seven months in a church hall in the township preparing their case to win reinstatement.<sup>15)</sup> Thus while the strike weapon is likely to be used more carefully in 1983, this is a temporary phenomenon. The broad trend is towards strikes becoming a normal part of the collective bargaining process in South Africa.

The most important trend in strike statistics is the growing involvement of trade unions in the resolution of industrial conflict. In 1982 the Metal and Allied Workers' Union (MAWU) was involved in the highest number of strikes (46), followed

by the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) with 43, and the National Automobile and Allied Workers' Union (NAAWU) with 28. Significantly strikes were longest where union penetration was highest. The motor industry had the longest average strikes at five days, followed by textile with four days, commerce with three, and metal and food with 3 1/2 days (see table 2).

In other words, as union organisation grows and they develop their own strike funds, their capacity to risk "trials of strength" with employers will increase. For example, for five months last year NAAWU was able to unite almost all motor workers in Volkswagen, Ford and General Motors in the Eastern Cape initially over a demand for a "living wage" and later against retrenchment and dismissals. In the level of shop floor organisation and sophisticated range of tactics (such as go-slows and 'demonstration' stoppages) these motor workers signal a new phase of strike activity in South Africa.<sup>16)</sup>

Not surprisingly wages (70 %) emerged as the major demand among striking workers in 1982, followed by dismissals 12 %, then retrenchment at 10 % (see table 3).

The emergence of the strike as a frequent weapon in collective bargaining is a step in the direction of 'normalising' industrial relations in South Africa. Yet it is important to place South Africa's strike statistics in comparative perspective - South Africa's strike figures are not yet as high as many of our main trading partners. In 1981-1982 Sweden had the highest number of working days lost per annum per 1,000 workers, i.e., 105. The United Kingdom was second with 45, the United States third with 32, while South Africa had 26. Germany and Japan had only one and two days respectively.<sup>17)</sup>

With some exceptions, in particular the motor industry, strikes tend to be single factory affairs - what have been called "rolling strikes". The factory based nature of

Table 2  
Sectoral breakdown of strikers, 1982

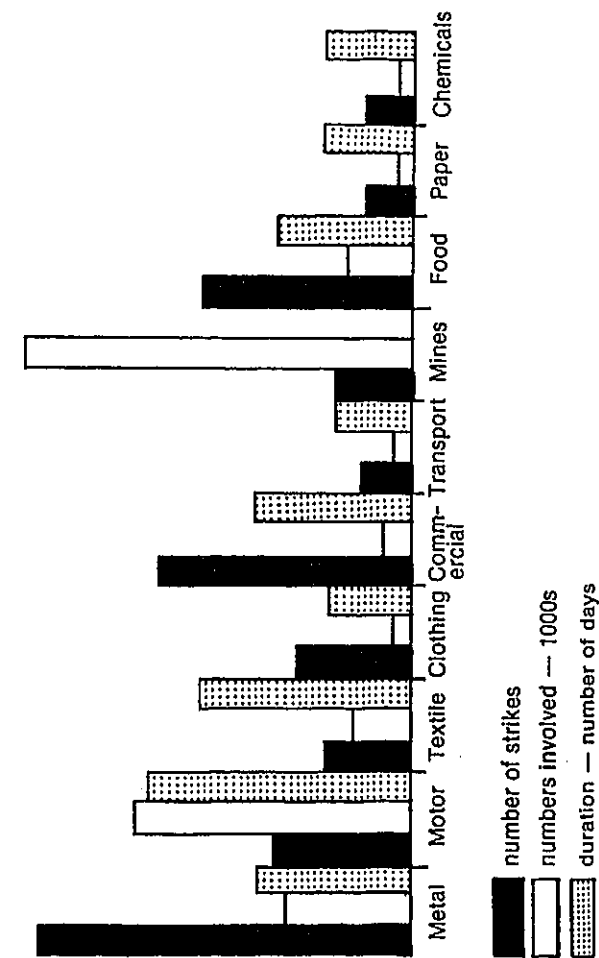
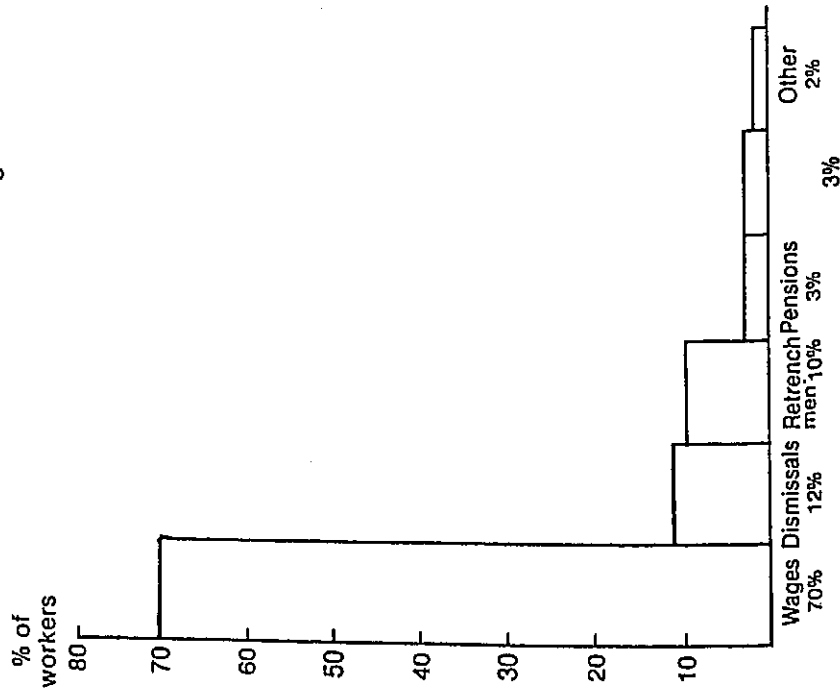


Table 3  
Main strike demands according to number of workers, 1982



organisation and action reflects an important feature of these emerging unions - their concentration on building shop steward structures in selected factories. In FOSATU, for example, that Federation reported in 1981 that its affiliates had established between them shop steward committees in some 138 organised factories, involving some 3,000 shop stewards around the country. In 1982 FOSATU reported that 173 factories now had functioning shop-steward committees recognised by management, with rights to grievance handling, regular meetings with management, time-off for shop steward meetings, training, and report-back meetings, negotiating rights and union rights such as stop orders and access.<sup>18)</sup>

Structuring of these committees and their incorporation in the constitution of the union was a significant innovation in South African trade unionism. First and foremost the shop steward's job is to represent the interests of the union members in their department, to protect the rights of workers against management and, if necessary, challenge their decisions. But as a member of the shop steward's committee they play a role in negotiating for the whole plant on things like wages and working conditions, and where an agreement exists, they must see that it is followed. However, the shop steward is also the key link between the fulltime union official and the members (see Diagram 1)

It is often wide-of the mark to describe the shop steward as a 'trouble-maker'. Their function, as they understand it, is to establish a stable relationship between management and worker. As a spokesperson for the workers in their department, it is their task to resolve grievances that are brought to them. "He is", one shop steward I interviewed said, "a representative of the workers in the factory. His job is to maintain discipline among the workers under him, and to take worker grievances to management, and to report back to the workers." He is rooted in the workplace and his power and position are largely dependent on the continuing support of the members. Any suspicion that the shop steward has been "bought" is likely to lead to their instant rejection by workers. Quite often, as we found in an examination of strikes in the East Rand

The shop steward is the link between membership and officials

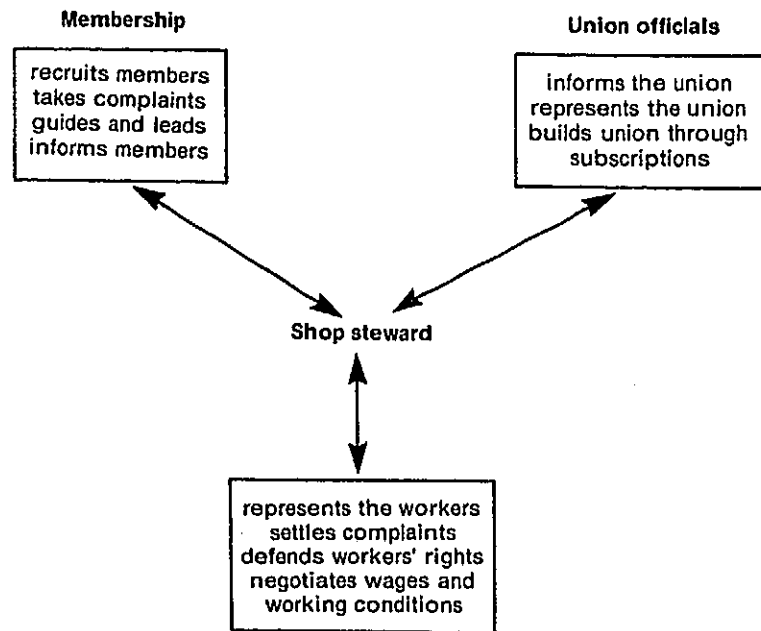


DIAGRAM I

metal industry in 1981, workers would stop work demanding that management remove a shop steward from the factory because he had become an "impimpi" - an informer.<sup>19)</sup> The important point is that shop stewards are directly accountable to the shop floor. It is, in other words, a form of direct democracy.

One of the most significant organisational developments in 1982 was the way in which shop stewards took responsibility for organising local areas into their own hands, creating structures by which this could be done. The principal means by which this has been accomplished is the shop steward council.<sup>20)</sup> Significantly these councils bring together different factories from different industries and provide a focus for workers as a *class* around issues beyond the factory in that area. The Germiston shop-steward council, for example, has concerned itself with opposing the demolition by the East Rand Administration Board (ERAB) of the thousands of shacks in the township of Katlehong where many of its migrant workers are forced to be housed.<sup>21)</sup> They recently proposed the novel idea of opposing the new Orderly Movement and Settlement of Black Persons Bill with a petition signed by workers in a factory and endorsed by their respective managements!

This growth of a shop steward movement has led to two further innovations: the establishment of shop steward combine committees, uniting shop steward representatives from the various establishments of large companies such as Barlow Rand, and the establishment of shop steward councils for a particular subsector of an industry such as foundries in the metal industry. The purpose of these committees varies from the simple exchange of information to the coordination of mutual support, the formulation of common objectives and even the joint conduct of negotiations between factories in the same company in Natal and the Transvaal.

A focus on building shop steward structures led to an emphasis on factory-level bargaining - negotiating, policing and en-

forcing a factory agreement on the shop floor. By stressing factory bargaining, the rank-and-file, in particular the shop stewards, are encouraged to participate in and control key decision-making in these emerging organisations. Thus the principle of workers' control became firmly established in these unions through the practise of accountability to the rank-and-file through the system of report backs and mandates.

Not surprisingly then the attempt by Wiehahn to incorporate black workers into the industrial council system and, at the same time, excluding wage bargaining from the shop floor by locating negotiation at industry level between union officials and employers once a year, was seen by these emerging unions as a direct threat to the principle of shop floor control.<sup>22)</sup> The first successful challenge to this strategy by an emerging union was at Colgate in 1981.<sup>23)</sup> After an 18 month battle for recognition, management told the Chemical Workers' Industrial Union (CWIU), that they would only grant recognition on condition that wages and working conditions were negotiated at the industrial council. The union refused, threatening a legal strike and launching a national boycott of Colgate-Palmolive products. Faced with the prospect of its market-share declining in the highly competitive and advertising-conscious detergents industry, and subjected to pressure from other employers on the East Rand, who feared a general strike, the company gave way two days before the planned strike.

The Colgate dispute made an important breach in the state and employers' incorporative strategy and it was followed by similar advances in the paper and sugar industries as well. The metal industry, which is at the heart of South Africa's manufacturing industry and boasts the strongest and most conservative employer federation SEIFSA (Steel and Engineering Industries Federation of South Africa) was to prove a rather tougher proposition for the strongest emerging union in the metal industry, MAWU.

The National Industrial Council (NIC) for the metal industry is the largest industrial council in the country, covering some 8,400 establishments with nearly half a million employees. In addition to a tough employer federation, the 14 unions party to the NIC have been dominated by the tightly controlled 'craft' union caucus, the Confederation of Metal and Building Union (CMBU). The NIC then is a highly centralised body that has operated effectively since its inception in 1944 in the interests of employers and, to a lesser extent white wage-earners. The limited but significant material benefits gained by the unions party to the NIC have often been at the expense of the less skilled, usually African wage-earners. For MAWU, then, the unrepresentative and bureaucratic nature of the NIC came to symbolise the worst features of established industrial relations in South Africa. This industrial council was to become an important, if not the most important, arena of struggle over the Wiehahn strategy of attempting to incorporate black workers into the industrial council system.

After a three-and-half year battle over MAWU's demand for wage bargaining at factory level, the union was forced to retreat applying for membership of the NIC in February 1983.<sup>24)</sup> In spite of the dramatic strike wave in the East Rand metal industry in 1981 and 1982, the union had failed to direct this militancy into an industry-wide challenge to the NIC.<sup>25)</sup> MAWU had been unable to transform a factory-by-factory struggle into a united industry-wide demand. Employer resistance had effectively defeated the worker offensive. MAWU needed to consolidate its rapid growth, having increased its membership between 1980 and 1982 from 10,000 to 30,000. This was the theme of the Secretary of the Transvaal branch of MAWU in his report to 5,000 members at the Watville soccer stadium at their AGM (Annual General Meeting) in May 1982.

"The union has grown very fast. Membership has grown by 200 % in a year. But this has led to big problems too because so many new factories are joining, the organisers have not been able to train shop stewards and meet and plan with members and shop stewards. So many workers have joined without being clear what the union is".<sup>26)</sup>



The magnitude of the problem facing the union was underlined further by the onset of recession and the beginning of large-scale retrenchments in the metal industry. The unions' strength in the East Rand is rooted in the hostels and the union leadership were quick to realise the vulnerability of migrant workers to being "endorsed out" in the wake of retrenchment. By the end of 1982 East Rand metal firms were retrenching an estimated 18 % of their workforce, with some such as Salcast as much as 25 %.<sup>27)</sup>

It was in this context of successful employer resistance to bargaining outside the NIC and the failure to coordinate workers on an industry-wide basis, that discussions on the need for some industry-wide bargaining took place inside the union in the second half of 1982. Entry into the NIC, like the earlier debate on registration, it was argued, was a tactical question. Provided certain conditions were met, the leadership argued, MAWU's principles could be retained inside the NIC. MAWU could still fight for the right of workers to negotiate at their own factory. When it bargained for union wages at the NIC it could insist that the factory based structures on which the union was built, be involved. Through the system of mandate and report-back at all levels of the organisation, MAWU could retain democratic control and the unspoken aim of management of divorcing bargaining from the shop-floor would not be achieved. In particular the importance of MAWU's voice being heard in the 1983 negotiations was stressed. Many members were angry with the way in which other unions party to the NIC took up demands originating from MAWU, such as shop floor recognition, retrenchment procedures, layoffs, etc., in the NIC and then handled them in a different way to that which MAWU wanted. The union also made clear to its members that they could withdraw from the NIC at any time and that they would not sign any agreement that was rejected by the membership.

Of course whether MAWU is able to achieve its objectives in the NIC remains to be seen.

Although they have not been able to win significant wage increase in this year's negotiations, they have refused to sign the agreement and successfully mobilised the membership nation-wide over a demand for a R90 a week minimum wage. Furthermore, they have opened up important divisions inside the CMBU caucus between those unions with a base largely or exclusively among white workers, such as the AEU (Amalgamated Engineering Union) and SAEWA (South African Electrical Workers Association) and those (such as SABS) who are attempting to recruit large numbers of African workers. The crucial test will be the extent to which MAWU will be able to retain its principles in the face of the tendency for a growing centralisation of decision-making and the division of labour that will be necessary to negotiate a complex technical industrial council agreement.<sup>28)</sup> The challenge facing MAWU will be to build representative structures which can be made accountable in a real way to the rank-and-file. A vital tension has emerged inside the the union between the growing need for stable organisation and the desire for mass participation in that organisation.

MAWU is the second FOSATU affiliate to join an industrial council since the new strategy towards labour - the National Union of Textile Workers (NUTW) applied in January 1983. These two unions share a number of experiences common to all the emerging unions - in particular the need to consolidate rapid growth and establish industry-wide bargaining. This development is, therefore likely to foreshadow changes and trends within the emerging trade unions as a whole. MAWU, as the largest of the emerging unions, shows to the others, the challenges in their own future.

How have the approximately 800,000 workers organised into the traditional unions responded to this "challenge from below" from the emerging unions? Amongst the traditional unions the conservative South African Confederation of Labour (SACLA) has steadily declined in membership with its two major affiliates (Yster & Staal and Mine Workers' Union) differing on how to respond to the new labour dispensation. Standing for

traditional white worker privilege the MWU (Mine Workers Union) have felt betrayed by the Nationalist party and would like to retain the status quo. Yster & Staal, by contrast showed a more pragmatic acceptance of the changes introduced by Wiehahn. Forced to negotiate side-by-side with FOSATU's black motor union (NAAWU) in the Eastern Cape Auto Manufacturer's Industrial Council, they have had first hand experience of the effect of NAAWU's tough bargaining and strong shop floor base. The effect of this Yster & Staal's members and officials has been dramatic - at the end of 1981 twenty-five white members resigned from Yster & Staal joining the black union. A few months later the Secretary announced a course to upgrade the bargaining skill and knowledge amongst their shop stewards. Because, the secretary said, white workers have been protected by job reservation, their unions have generally not relied on tough bargaining on the shop floor and have paid little attention to bargaining skills.<sup>29)</sup>

Most traditional unions, however, belong to TUCSA (Trade Union Council of South Africa) and were to welcome the changes introduced by Wiehahn. Many were to apply for an extension of their scope of registration to include Africans or set up parallel unions. Benefitting by close links with management and the closed shop provisions of many industrial council agreements, TUCSA was able by August 1982 to boost its membership to 430, 675, including 102,676 Africans.<sup>30)</sup> This strategy of "integration from above" is faced by a number of problems.<sup>31)</sup> In particular, the traditional unions have over the years found a reasonably comfortable niche in the industrial relations system and have come to rely on their access to industrial councils (in particular the closed shop), rather than on their organisational strength. The recognition of these unions is through their participation in the industrial council rather than at plant level. Consequently they do not have a specific grievance or dismissal procedure at plant level. They believe that the industrial council provides an adequate forum for individual grievances. They have in large part abandoned the strike weapon both of-

ficially and unofficially. They are against any involvement in issues that go beyond the factory. Workers join these unions, their officials believe, because of the benefits they offer. They have become, in many senses, benefit societies.<sup>32)</sup>

The "challenge from below" amongst the emerging unions has put pressure on employers to modify or abandon their closed shop agreements with emerging unions in favour of a ballot at the factory. It has also forced some traditional unions to reconsider past practises. The January 1983 edition of the official journal of the Amalgamated Engineering Union (AEU), for example, made the following observation:

"For many years, while we objected to employers abusing the system and taking advantage of the delays it permitted, we supported it, believing that its provisions were responsible for maintaining industrial peace. But, having observed the manner in which employers have backed down quickly in the face of strike action by the emerging unions, we have come to realise that the system, cumbersome as it was with its lengthy procedures deliberately designed to provide a so-called 'cooling-off' period was, in fact, weakening our bargaining power".

The response of TUCSA to the nation-wide stoppage over the death in detention of Dr Neil Aggett, Transvaal Regional Secretary of the Food and Canning Worker's Union (FCWU) in February 1982, illustrates the extent to which this federation has insulated itself from the struggle of the emerging unions. In a statement released after Dr Aggett's death, TUCSA "unhesitatingly distanced itself" from the stoppage, stating that "we cannot subscribe to strikes not related directly to the employer-employee relationship". This statement, however, was not without its consequences for TUCSA; one of its affiliates, the National Union of Distributive Worker's (NUDW), resigned shortly afterwards giving TUCSA's statement on Aggett as one of its reasons.

An important effect, then, of the powerful "challenge from below" in the post-Wiehahn period is that it has begun a process of revitalisation of some of the traditional unions whose choice is either to adapt to these challenges or gradually decline in membership and disappear.<sup>33)</sup>

## 2. ORGANISATIONAL ACHIEVEMENTS

What then are the organisational achievements of the emerging unions?

- a) The first and most important achievement of the emerging unions is the winning of certain rights in the factory through an emphasis on factory-floor organisation and the establishment of plant agreements. Black workers are winning enforceable rights in the factory, giving them a sense of dignity and pride. "I began to ask myself", said one worker, "why must I call another man 'baas' when I am not referred to as 'baas'".<sup>34)</sup>
- b) Secondly, they have laid the foundations for the first time in South Africa of national mass-based industrial unionism in the motor, metal, commerce, textile, food and transport sectors. The current moves towards unity between the emerging unions is likely to accelerate the trend towards merger, rationalisation and consolidation.<sup>35)</sup> This trend is, of course, simply the logical opposite of the trend towards centralisation within capital over the last two decades.<sup>36)</sup>
- c) Thirdly, they have, in spite of the amendments to the Act in 1982, established the de facto right to strike as part of the normal collective bargaining process.
- d) Fourthly, they have contributed to the establishment of a working class identity and created a significant cadre of working class leadership, most of whom are committed to non-tribal and non-racial principles. Equally important, these organisations cut across the rural/urban migrant/non-migrant divide.
- e) Fifthly, by establishing independent working class organisation they have created the embryo for a working class politics in South Africa. This is seen most clearly in the evolving shop steward councils which readily concern themselves with non-factory issues.<sup>37)</sup>

Among its more advanced leadership there is a growing awareness that worker control cannot simply mean control over one's organisation, or limitations by workers of managerial autonomy; workers' control is beginning to be felt by some to mean that workers must play a part in running the state. These two comments by shop stewards capture this evolving consciousness.

"Maybe in the future we can win the country and take all the powers from the government. Then we will find problems about doing some job because we are not getting real education. Maybe we can get independence, or maybe we conquer that government and get hold of it, then we must run the country. We can't run the country because we know nothing. But if we as the parents meet with the students and win the education issue, they will teach us the real education. Then it will be easy for us to run the country. It will be easy to demand the same wages as the white man if we are doing the same job. I don't mean that when we take over the powers we'll say therefore that the bosses must go out of the country. I want equal rights. If we have got the same education we must be equal at work."<sup>38)</sup>

This widening consciousness is most clearly captured in this quotation.

" We believe in democratically controlled organisations and the role of the union is seen as one of promoting democracy in the work place. We feel that management shouldn't be left alone to decide on what workers need, and we feel that factories should be run democratically so that things will be negotiated before management takes decisions. We are really working towards improving the standard of living of the working class and trying to get as much powers as possible for the working class, (rather than the petty bourgeoisie) and all the people that are really having a say in the running of affairs in this country, we feel that on the labour side of politics the people that should be having powers are the people that are producing the goods for the wealth of this country".<sup>39)</sup>

Joe Foster, General Secretary of FOSATU, spelt out some of the implications of workers impressing their own distinctive mark on the wider popular struggle in a key speech at the FOSATU congress in April 1982: he stressed their need to build a national presence within the trade union movement, to have their own newspapers to build a cadre of trained and accountable shop stewards and officials, to engage in com-

munity politics only to the extent that they can maintain their own worker identity. The workers' task, as Foster sees it, is to strive to build their own powerful and effective organisation within the wider popular struggle.<sup>40)</sup>

It still remains an open question, however, what comprises the actual content of this working class politics. Will it include the reserve army in the Bantustans, unorganised workers, and the growing number of marginalised women?<sup>41)</sup> Above all, the South African working class is not some collective tabula rasa waiting for the correct line - it contains its own traditions, political culture and consciousness which has to be confronted in any strategy to develop a working class politics.<sup>42)</sup> For many workers this involves a conditional and qualified support for the national political tradition. This is captured clearly in this interview with a shop steward in a recent study of shop steward councils.

"If we release Mandela, we can put Mandela as the Prime Minister ... but (he) must be controlled by the workers..."<sup>43)</sup>

The nationalist tradition has expressed itself most powerfully in the past in the African National Congress (ANC), an organisation which crystallises the symbols of popular struggle against apartheid and captures this continuity into the present. But the logic of Foster's argument is to defer alliances between the working class and other oppressed classes in the wider popular struggle until the working class has consolidated its own organisation. Is it possible to abstain from alliances and still retain leadership of the wider popular struggle or must the question of alliances be faced now? Or is the logic of Foster's argument that the working class requires its own separate political organisation? One could speculate at some length as to what the nature of such a political organisation could be. At this stage the nature of this politics is still in the process of formation and it would be premature to draw sharp distinctions within the labour movement on the basis of its alleged political differences. It is possible, however, to identify a common

principle that captures both the central role of the working class within the popular struggle and its self-activity over the last decade - the ambiguous but central principle of workers' control.

The specificity of South Africa lies in the way in which the state has intervened in the wider conflict between capital and labour, giving class struggle a racial form. As a consequence of this merging of race and class those concerned to develop a working class politics have traditionally categorised South Africa as a special type of colonialism.<sup>44)</sup> This has led them to stress that consciousness of class is not 'pure' - a challenge to the foreman on the shop floor, for example, is not usually expressed as a challenge to capital but as a challenge to the umlungu (the white man). On the other hand, it has meant that the state's intervention in production makes its racial form clear for all to see, linking directly the 'political' and the 'economic'. It is, of course, precisely in this merging of race and class, the economic and the political, that some see the guarantee and others the danger of revolution. However, changes within the nature of capitalism (such as the 'collapse' of the 'pre-capitalist' mode or the transition to monopoly capitalism) has led to increasing intellectual dissatisfaction with the colonial analogy and a belief that SACTU (South African Congress of Trade Unions) held a subordinate position within the alliance.<sup>45)</sup> The significance of Foster's speech is that it is, inter alia, a practical organisational expression of that dissatisfaction. It is both a recognition of the fact that the embryo of a working class politics is being created in the successful resistance of workers to the state's incorporative strategy and a statement of the importance of building the independent organisational strength of the Workers' movement within the wider popular struggle.

### 3. POTENTIAL ROLE

In sum then the five organisational achievements identified in Part II of this paper have increased the bargaining power of labour opening up, on a greater scale than ever before, the opportunity for black people to participate democratically in organisations that have significant potential for change. By gathering together large numbers of workers and linking them together technologically in production, monopoly capitalism has created the material conditions for mass based industrial unionism. Their potential manpower, daily access to their members and location in strategic sectors of the economy, has given them greater capacity for the mobilisation of power than any other organisation at present publically active within the black population in South Africa. This is possibly best illustrated by the ability of the emerging unions to unite and mobilise in the space of two days over 100,000 workers in a half hour nation-wide stoppage over Aggett's death. Thus in spite of the state's offensive against the unions in 1981-1982 they have not only survived but in many cases have grown. Of the 41 trade unionists detained in 1981-1982, only one (Fine), was charged and he was eventually acquitted. In essence these organisations are independent schools of democracy where substantial worker leadership has developed with the potential to play a central role in change in South Africa.

South Africa is at present at or near the head of the world's inequality league.<sup>46)</sup> Furthermore, recent research suggests that most real increases in black incomes that are generally considered to have taken place since 1970 took place between 1973-1975, and that since that period black incomes have remained relatively constant or perhaps even fallen.<sup>47)</sup> As can be seen from Table 3 wages are now beginning to emerge as the central demand in strikes. Although only a few of these demands were met, the significance of the post-Wiehahn period is that it has laid the organisational foundations for challenging this inequality. Although it is still too early to

give precise details, current research seems to indicate that in those sectors where unions exist wage increases have been greatest.

Economic growth has neither reinforced apartheid nor has it liberalised it; it has provided the opportunity for the creation of intermediate organisations that have begun to challenge it. It is, I have suggested in this paper, in the cross-union local structures, such as shop steward councils which are capable of taking up both factory and community-bases issues, that the working class can assert its politics, not in opposition to, but within the wider popular struggle. In this way it will be possible for these emerging unions to incorporate the strengths of the wide community struggles within a structure whose foundations are laid at the point of production through nation-wide industrial unions.<sup>48)</sup>

### FOOTNOTES

Note: For further detail on the surveys cited and diagrams, see E. Webster "The labour process and forms of workplace organisation in South African foundries", Doctoral thesis, University of the Witwatersrand, 1983. The figures from which Tables 1, 2, and 3 are drawn from R. & L. Lambert, "State Reform and Working Class Resistance, 1982". South African Review, Vol. 1, 1983.

1. For a summary of this debate see L. Schlemmer and E. Webster, Change, Reform and Economic Growth in South Africa. Ravan Press 1978.
2. For further information, see E. Webster, Ibid., Ch. 8. For information on international pressure see Chap 7. Of course there is a long history of black worker struggle in South Africa. I have tried to identify some of this in a collection of essays. E. Webster: Essays in Southern Africa Labour History: Ravan 1978. Of crucial importance for a new generation of union activists is the period of popular struggle that began with Soweto in 1976.
3. J. Copelyn "Problems in collective bargaining", South African Labour Bulletin (SALB), Vol. 8, No. 1, September 1982.

4. SALB, Vol. 5, No. 2, May 1979.
5. SALB, Vol. 5, No. 4.
6. SALB, Vol. 5, No. 6.
7. I focus in particular on developments in the last 18 months and on those unions that I have direct research knowledge. It is, in other words, not a survey of all the emerging unions. While this is a limitation it seems preferable to the common practise of making inaccurate or caricatured generalisations about unions that intellectuals like myself have little access to.
8. As unions move from the phase of struggling for recognition to negotiating and maintaining an agreement in the post-Wiehahn period, they have begun wage bargaining.
9. National Manpower Commission (NMC). Report of the NMC for the period 1 January 1981 to 31 January 1981, Table 5/6 p. 113.
10. S. Miller, Trade Unions in South Africa. A Directory and Statistics. SALDRU (South African Labour and Development Research Unit), Working Paper No. 43, p. xxi-xxxii.
11. NMC (National Manpower Commission), Ibid. p. 108.
12. D. Lewis, "Trade Unions Organisation and Economic Recession", SALB, Vol. 8, No. 5. The effect retrenched workers have on the rural areas is a subject that requires urgent investigation. Preliminary research suggests that the effect is contradictory: On one hand retrenched workers often turn their aggression inwards leading to excessive drinking and family conflicts. On the other hand, it can also trigger off a rising consciousness and a critical reflection on the very nature of capitalist society.
13. Ibid.
14. C. Nupen, "Recent Labour Law Cases", SALB, Vol. 8, No. 7.
15. "Industrial dispute at Brits", SALB, Vol. 8, No. 6.
16. R. & L. Lambert, Ibid. The crucial feature of industrial conflict over the last decade is that it have moved beyond the 'hidden' to take a direct organizational form. See my comment in Review of African Political Economy, 22.
17. NMC, Ibid., p. 108.
18. FOSATU Annual Report 1981 and 1982.
19. E. Webster and A. Sitas "Stoppages in the East Rand metal industry", FOSATU Occasional Publication No. 3.

20. Webster, op. cit., Ch. 11.
21. For further information on the Germiston shop steward's council, see J. Baskin, "The Germiston shop steward council", SALB, Vol. 7, No. 8, and Mark Swilling, "The Politics of Working class strategies in Germiston, 1979-1983", Honours dissertation, University of the Witwatersrand, 1983.
22. E. Webster, op. cit., Ch. 11.
23. P. Bonner, "Independent unions since Wiehahn", SALB, Vol. 8, No. 4.
24. For a more detailed account, see E. Webster "MAWU and the Industrial Council", SALB, Vol. 8, No. 5.
25. E. Webster, Ibid.
26. E. Webster, op. cit., Ch. 11.
27. I. Obery, "Recession and Retrenchment: Responses by capital and labour in the East Rand metal industry, 1982".
28. For an argument of the "inevitable" bureaucratizing tendencies of the NIC, see P. Dobson, "The National Industrial Council for the Engineering and Metal Industry - a case study", Honours dissertation, University of Cape Town, 1982.
29. Webster, op. cit., Ch. 10.
30. C. Cooper, "The Established Unions", South African Review, Vol. 1, 1983.
31. Ibid.
32. These conclusions are based on a survey of traditional unions in the engineering industry, Webster, op. cit., Appendix B.
33. The two other problems faced by the traditional unions is credibility and difficulties of deracialising in a society where statutory discrimination still exists. E. Webster, op. cit., Ch. 10.
34. Swilling, Ibid.
35. A useful way of distinguishing between the different types of mergers is the three-fold typology of *aggressive*, i.e., where two or more unions are in competition, *defensive*, i.e., where a union is losing membership, or *consolidatory*, i.e., where unions need to consolidate to become effective. All three types of mergers are likely in the next twelve months.
36. E. Webster, op. cit., Introduction, Part. II.

37. Two recent Honours dissertations address themselves to the difficult question of working class politics (Swilling, *Ibid.*, and C. van Heerden, "State, politics and trade unions: towards a politics of the working class".) While they both point to a 'duality' of consciousness, they express this duality in different ways. Van Heerden expresses this duality in terms of two different positions: an 'orthodox' nationalist one which he traces to the national-colonial debate of the 1920's, and an 'independent workers' position whose genesis he locates in the re-emergence of the workers' movement in the 1970's. Swilling, through a comprehensive analysis of the Germiston shop steward council, develops this point systematically. He concludes by suggesting that this working class politics contains a duality. "In the interviews, it was found that the political nature of the Germiston working class movement is caught between a committed emphasis to direct rank-and file control of production on the one hand, and a respect for the national-populist political tradition of the ANC on the other". (p. 168). Respect for this tradition is an important part of South Africa's political culture and Swilling's observation could, be extended. Worsley has written (more controversially), for example, that "White communists ... built up a tradition of mutual respect which has insulated South African liberals from joining in the usual denunciation of communism ...", P. Worsley, *The Third World* p. 98. He then goes on to make the more general point that communist parties developed in the Third World before social democratic parties, thus inverting the Western-European historical experiences. His explanation for this is worth repeating.

"It was the Russian Revolution of 1917 that made communism a 'material force' in the colonised world, not so much because its theory 'gripped the masses' but because its practise - the achievement of revolution and the construction of a new kind of society - inspired the hope that others might learn from the peoples of Russia".

It was (this achievement) ... that inspired men, rather than the intellectual coherence of historical materialism", *Ibid.*, p. 93. This observation explains in part why neither 'anti-communism' nor democratic socialism constitute strong forces in the consciousness of Third World workers. It would be interesting to know whether in South Africa attempts to develop 'democratic' varieties of socialism such as Rick Turner's Eye of the Needle or the experience of Solidarity and the Marxist-worker tendency has won any support among workers. The nature of black worker consciousness remains unclear. Recent research suggests that regional variations in worker consciousness are important and neglected areas for examination.

38. Baskin, Interview with ALUSEF (Aluminium Corporation of South Africa) shop steward, SALB, Vol. 7, No. 8, July 1982.
39. Interview with Rodney Mwambo, November 1981.
40. These questions are posed in the Editorial of Review of Africa Political Economy, 24.
41. The potential for the emergence of a "labour aristocracy" of privileged insiders who have access to permanent residence in the urban areas and therefore stable employment and housing is a real one. However, to date worker organization has effectively cut across the migrant/non migrant divide as I argue in point 1 of part 2 of this paper. In fact, my research suggests that migrant workers are more responsive to trade unions as they provide the only opportunity for improvement of work conditions. Of course, they are also more vulnerable which accounts for the volatility of migrant workers, their rapid recruitment and equally rapid decline in membership!
42. See unpublished comment on Foster's speech by O'Meara and R. Davies. "The Workers Struggle in South Africa: a comment".
43. Swilling, op. cit., p. 149.
44. The most comprehensive account of the historical evolution of this position is still Simons and Simons Class and Colour in South Africa 1850-1950. Penguin, London 1969.
45. For criticism of the concept of internal colonialism, see H. Wolpe "The theory of internal colonialism: the Southern African case" in Oxaal, Barret and Booth (eds.), Beyond the Sociology of Development. Routledge, Keegan & Paul, London 1975, and No Sizwe One Azania-One Nation. Zed Press, London 1978. For criticism of the nature of the alliance, see R. Lambert "Political Unionism in South Africa", SALB, Vol. 6, Nos. 2 & 3 (September 1980), and D. Innes, "Monopoly Capitalism and worker organisation South Africa", South African Review, Vol. 1, 1983.
46. C.E. Simkins, 1982, "Structural unemployment revisited" SALDRU Fact Sheet, University of Cape Town, December 1982.
47. J. Keenan, "The redistribution of wealth and problems of economic policy". Unpublished discussion paper given at politics Seminar 29.03.1983.
48. D. Hindson has extended this point in the context of the current unity moves by pointing out that the general unions, such as GAWU (General and Allied Workers' Union) are largely regionally based and that their strength could be incorporated into the new federation of industrial unions by providing for strong regional locals. SALB Vol. 8, No. 6.

Robert V. Lambert

THE CHANGING LABOUR MARKET OF THE SEVENTIES AND STATE  
STRATEGIES OF REFORM

"We know we are migrants who can be sent home. I am happy to notice that *we stand united* on what we have been fighting for over the years. We will not resist if they take us to our respective homelands to tell our families that *the worker has no word in in this country.*"

Vicetimized P.E. Railway Worker, August 1982

"The natives should only be allowed to enter urban areas, which are essentially the white man's creation, *when he is willing to minister to the needs of the white man*, and should depart therefrom when he ceases to minister."

Stallard, 1923

INTRODUCTION

In the late '70s those representing powerful political and economic interests in South Africa began to argue that 'blacks must get major concessions' if the 'social time bomb' is to be diffused.<sup>1)</sup> Meaningful and significant reforms needed to be instituted so as to enable 'as many people as possible to share prosperity and find their interests best served by an alliance with capitalism'.<sup>2)</sup> It was this intention that underlay the Wiehahn and Riekert proposals of 1979 and this paper will evaluate the Riekert reforms and their prospects for realizing that goal. Essentially I will argue that while the



Wiehahn Commission granted substantial concessions to the Black working class in the form of trade union rights, the changes introduced by Riekert were extremely limited and furthermore concessions were coupled with the intensification of controls and repression over a significant sector of the Black workforce.

To gain clarity and insight into the issues involved I intend to divide the paper as follows:

1. The emergence of a *segmented* labour market in contemporary South Africa.
2. Changing patterns of institutional controls in the labour market, 1910-1970.
3. Monopoly capitalism and the changing labour market in the '70s: Riekert's response.
4. The organized working class makes ready the challenge.

#### 1. THE EMERGENCE OF A SEGMENTED LABOUR MARKET IN SOUTH AFRICA

South Africa's modern capitalist economy had its origins in the mining industry, and it is here that a *racially segmented* labour market became institutionalized into a *primary* labour market, that is a market demanding skilled, high wage labour and a *secondary* market for cheap, unskilled labour. The technologically complex character of South Africa's gold mining industry, based as it was on deep level mining, generated a rapid influx of skilled immigrant workers who set out to protect their position through the establishment of trade unions. They used their unions to bargain hard with the employers over wages and they were quick to act against any attempts to undercut with cheap black labour. Coercive methods - land conquest, taxation - were used to ensure a supply of unskilled black labour. Deep level mining was expensive, and because the price of gold was fixed on world markets, the mine owners sought to secure their profit margins through trying to ensure that black labour was ultra-cheap. To this end a system of migratory labour, pass laws and compounds

emerged, all playing a central role in keeping black wages low. This created a wide differential between the wages of skilled, white workers, and unskilled black labour, giving mine owners a strong incentive to substitute expensive white labour with cheap black. This the white workers resisted by successfully pressurizing the state into legislating against such action in the form of colour bars. Thus in the 1911 Mines and Works Act race became a factor of exclusion from certain job categories.

This cursory account highlights the essential underlying features of South Africa's labour market. The primary and secondary markets are *racially* segmented, with the latter profoundly influenced by enforced migration and the pass laws. The primary market operated as does the market in any capitalist society: the market is free in the sense that the worker has freely sold himself and is free at any time to choose to sell elsewhere. He compares jobs open to him and to a degree chooses a job that suits his preference. Not so in the secondary market as we see here. The institutional framework functions as a vast mechanism that controls every aspect of the worker's life, not only drastically reducing choice, but also cheapening labour, and forcing the acceptance of almost any work conditions. To fully comprehend the labour market in South Africa, we need to examine the unfolding of these institutions, for the Riekert reforms of '79 did little more than *modify* these basic institutions.

#### 2. THE CHANGING PATTERN OF INSTITUTIONAL CONTROL IN THE LABOUR MARKET: 1910-1970

##### 2.1. Segregation and the Labour Market 1910-1940

In this early phase, while the vast majority of the population were still engaged in white agriculture as labour tenants or share croppers, manufacturing employment grew, with the African urban population increasing from 494 000 in 1911 to 649 000 in

1921 and to 1 142 000 by 1936. It was a period where there was an overriding use of political force to get people off the land (1913 Land Act) and into wage labour. Here the function of the pass laws in the labour market was to encourage labour out of the rural areas and into wage labour, and furthermore to ensure that the worker would not break his labour contract through imposing more rigorous penalties. A key issue affecting the worker's status and bargaining position on the labour market was the question of *rights* and as early as 1920 it was argued that a *distinction* should be made between an urban proletariat and a temporary migrant labour force.<sup>3)</sup> This became an even more urgent question as increasing numbers were ejected from white farms, swelling the ranks of the urban proletariat to the point where even rapid expansion of the manufacturing sector could not absorb all into active employment. Hence there came to exist a reserve army of labour, a surplus population, that the pass controls would seek to regulate. Debate around these issues was taken up in the early '20s, and different perspectives emerged. The one side argued that *market forces* should determine allocation, and that state intervention should be limited to a monitoring role only. However the 1923 *Urban Areas Act*, which became a corner-stone of labour market regulation, placed far greater weight on institutional controls over labour market movement. The Act embraced the principles of the Stallard Commission which stated:

*'The native should only be able to enter the urban areas, which are essentially the white man's creation, when he is willing to minister to the needs of the white man, and should depart therefrom when he ceases to minister.'*<sup>4)</sup>

It followed thus that any 'redundant native male or female who is not required to minister to the wants of the white group' should be removed. Powers of expulsion were therefore built into Section 17 of the Act whereby 'any native within the urban area ... who is habitually unemployed or is leading an idle, disorderly life',<sup>5)</sup> is required to depart. The Act instituted segregated residential areas, and workers entering an urban area had to obtain a permit in order to secure work.

Such work had to be found within a set day period, a service contract had to be signed or the individual faced expulsion.

In this early phase of industrialization - 1920s, 1930s - African workers were largely limited to the secondary labour market, to those low wage jobs requiring little skill and offering little security. Those able to obtain work could legally reside in the urban areas, while for those who 'couldn't', the pass system was increasingly utilized as a mechanism for the *relocation* of the surplus population in the rural areas. It is clear that at this stage the labour regulation and control system is still embryonic in form, and that the major divide within the black workforce is between those who have work, and the unemployed. In the next phase of economic expansion we witness two vitally important developments for the future shape of South African society: first, the manufacturing sector expands rapidly on the basis of new production techniques that broaden the semi-skilled work category, and which begins to draw in increasing numbers of black workers; second, with the coming to power of the Nationalist Government in 1948, there was devised on the foundations that had been laid during the period of segregation, one of the most notorious labour control systems ever. What was only hinted at in this early period - the need to draw sharp distinction between a settled urban workforce and temporary migrants - was entrenched in law and formed the basis of all future strategies, including Riekert. This divide has its material base in the changes in production, mentioned above.

## 2.2. Labour Control Solidifies: Section 10 and the Development of the Labour Bureaux System

The Second World War was a period of transition in the development of capitalism, characterized by a high annual average growth rate during the '40s of 9.9 %, the growing importance of manufacturing relative to other sectors, and a burgeoning urban African population. The crucial factor distinguishing

manufacturing industry in the post war years from earlier forms of capitalist production was the demand, actively encouraged by the state, for cost-reducing rationalization methods to promote competitiveness against imports through the use of semi-skilled operations. In 1945 the Board of Trade and Industries reported:

*'The extension of manufacturing industry can be stimulated by a reduction of the high cost structure through mechanization so as to derive the full benefit of the large resources of comparatively low paid non-European labour.'*<sup>6)</sup>

The overall trend was towards capital - labour substitution which would dissolve the old craft skills held and protected by the white working class into factory line production and substitute operative worked machinery for the mass of purely manual unskilled labouring jobs. This *changing labour market* required a workforce of a qualitatively different kind. The creation of a stable, semi-skilled workforce necessitated the 'provision of adequate and suitable housing for the worker and his family, educational and other social amenities'.<sup>7)</sup> It was further argued that the requirements for such a workforce were incompatible with the existing migratory labour system:

*'Because it moves constantly from country to town and back, and from job to job within the town, migrant labour tends to be casual and to produce less and earn less than stable labour ... Movement from job to job also enlarges the difficulty of training.'*<sup>8)</sup>

Industrial capital thus advocated the *residential stabilization* of a growing proportion of the African industrial workforce. Their interests were articulated by the United Party's Fagan Commission which argued for stabilization and a labour bureau system that would simply guide and regulate labour. But with the coming to power of the Nationalist Party in 1948, it was the Sauer Commission's proposals, articulating the interests of white farmers for an increase in the supply and a lowering of the costs of farm labour, that were implemented.

The legislation that followed flowed out of the Commission's doctrine that the native is a 'temporary resident and guest'

in European areas. To this end policy was translated into the Urban Areas Act, by the *Native Laws Amendment Act of 1952*. Sub-section 10(1) of the Act states the following:

'No native shall remain for more than 72 hours in an urban area or in a proclaimed area, unless:

- (a) he was born or permanently resides in such an area.
- (b) Worked continuously in an area for one employer for a period of not less than 10 years or has lawfully remained continuously in such an area for a period of not less than 15 years and has not during either period been convicted of any offence in respect of which he has been sentenced to imprisonment without the option of a fine for a period of more than 7 days or with the option of a fine for a period of more than a month; or,
- (c) Such native is the wife, unmarried daughter or son under the age at which he would become liable for the payment of general tax under the Native Taxation and Development Act, 1925, of any nature mentioned in paragraph (a) or (b) of this sub-section and ordinarily resides with that native.
- (d) Permission to so remain has been granted to him by a person designated for the purpose by that local authority.

Section 10 takes account both of industry's need for a stable workforce and the demands of agricultural capital by introducing the above ranking mechanism whereby the number of Africans living permanently in the urban areas could be expanded or reduced in a controlled fashion. The ranking system corresponded with the process of differentiation of African labour in industry as they were absorbed into grades of semi-skilled work, and it drew an entrenched line between the permanent and the temporary sections of the African working class. Those who gained Section 10 rights (1 (a) and (b)) were in the main semi-skilled operatives, while those involved in unskilled labouring jobs where wages were low and the work heavy, dangerous and insecure gain access to employment through Section 10 (1 (d)), as temporary migrants. There is thus a threefold segmentation in the labour market which carries through to the present:

1. An independent primary market, relating to jobs that require the skills of specialized schooling, and comprise White, Coloured and Indian artisans.
2. The subordinate primary market, relating to jobs in the semi-skilled, higher wage category, now being steadily, albeit unevenly filled by African workers.
3. The secondary labour market, relating to jobs of limited skill, involving black workers in mining, agriculture, steel foundries and the docks for instance.<sup>9)</sup>

To implement these controls an administrative system was constructed, so embracing that even Orwell's imagination would be challenged. The entire country was segmented into labour control areas - urban areas were designated prescribed areas, those outside non-prescribed - and movement in and out of these areas was to be controlled by labour bureaux. A worker could not move into an urban area in search of work without first obtaining permission from the local bureau. The local bureau would only grant permission, if having contacted the regional bureau, no local workseeker was available in the area into which the person wished to move. The principle of these bureaux is the regulation of movement into the towns and the ejection of the surplus unemployed population back into the rural districts. In practice workers from the subordinate primary market used the open market and avoided the bureaux, sealing their contracts before approaching the authorities, whereas workers from the secondary labour market, without experience or training ended up with the local labour bureau, as did employers in the low pay sectors.

The system, through establishing legal barriers against the influx of Africans to the urban areas, had the effect of allowing for the redistribution of permanent workers into better paid, more skilled work in each control area, while the temporary migrant was increasingly restricted to unskilled, heavy manual work. The differentiation was further entrenched in housing programmes: those with Section 10 rights obtained nuclear family housing, while migrants were housed in single sex compounds.

Thus by the '60s the system was operative entrenching deep divisions in the African working class. As pressures pushed the state towards a reform initiative in the late '70s, we need to examine closely the content of those reforms in the sphere of labour controls. Did the Riekert initiate herald the beginnings of a dismantling of this system, or its further development.

### 3. MONOPOLY CAPITALISM AND THE CHANGING LABOUR MARKET IN THE '70s: RIEKERT'S RESPONSE

The 1960s were years of relatively high growth and stable economic expansion - gross domestic product grew at an average annual rate of 6.2 % and employment 3.2 % - whereas the 1970s were marked by long phases of contraction - gross domestic product, 3.9 % average and employment 2.9 % - as well as significant changes in the structure of production and the labour market as a consequence of the process of monopolization.<sup>10)</sup> Whereas before World War II the South African economy was dominated by conditions of small scale competitive capitalism, large companies have come to play an increasingly important role since the war, with Anglo American a major force in the whole economy. The recession of the '70s intensified monopoly relations within South Africa as the large corporations merged with one another to protect themselves against the ravages of the international recession. Mergers took place within sectors: General Mining took over Union Corporation; the Sigma group emerged as the second largest car producer in the country after amalgamating a number of smaller car companies; the two fertilizer giants AECI and Triomf merged and there was the financial merger of Barclays and Western banks, to mention only of some the developments. There were also mergers between sectors - for instance mining and industry - when Thos Barlow and Son merged with Rand Mines to form the giant Barlow Rand Group. In fact by the end of the '70s only a handful of companies - often closely interconnected - dominated the South African economy, concentrating assets on a massive scale. Thus

information present to the 1977 Monopolies Commission revealed the following:

- a mere 5 % of the total number of firms in the manufacturing-sector between them accounted for 63 % of the sector's turnover.
- 5 % of those in construction accounted for 63 % of turnover.
- 5 % in the wholesale and retail sectors accounted for 69 % of turnover.
- 5 % in transport accounted for 73 % of turnover.

It is interesting to note that by 1982, Anglo American Corporation held 52,5 % of the total number of shares listed on the Johannesburg stock exchange.

This process of concentration can be further illustrated if we examine an individual sector within manufacturing - Basic Metals. The following picture emerges from the 1976 Manufacturing Census:

<u>No. of Firms</u>	<u>% Employees</u>	<u>% Output</u>	<u>% Assets</u>
6	70.68	73.48	92.49
12	77.76	82.97	95.83
19	82.88	88.19	97.28

These 19 firms comprise 15 % of the total number of companies, yet they own between them 97.28 % of the sector's assets, employ 82 % of its labour, and produce 88 % of its output - certainly a very high degree of concentration.

The increasing dominance of the large Corporations during the '60s, has had a major impact on the labour market and has consequently necessitated adjustments in the labour control system. Monopolization has enabled the large Corporations to further rationalize their production and marketing operations so as to secure maximum advantage from the larger economies of scale. This attained on the basis of developing their labour processes along highly mechanized lines so as to increase productivity and raise production levels. Thus, for example, the trend in the metal industry is towards numerically

controlled machinery, coupled with continuous machine processing.

At Dunswart during the '70s:

*'An older variety cross-mill was replaced with an in-line continuous train banning mill from Germany which had the effect of reducing manpower needs and increasing mill speeds and capacity.'*<sup>11)</sup>

The consequences of this dynamic are twofold: on the one side semi-automated and automated production techniques cheapen labour through undermining the skilled artisan and expanding the semi-skilled strata of the workforce; on the other, 'manpower needs' are reduced on a grand scale leading to high levels of unemployment.

Hence the labour market changed in that there was an increasing demand during the '70s for workers who were sufficiently trained and prepared for semi-skilled operative functions. The metal industry, for instance, required increasing numbers of labourers who were literate, numerate and who had ability to handle mathematical correlates and changes in a shifting production run. A 1974 Seifsa survey clearly reveals the expansion of this strata of workers.

#### COMPARISONS OF HOURLY RATED LABOUR FORCE

##### IN THE METAL INDUSTRY (Figures are % of Total)

	<u>1968</u>	<u>1974</u>
Artisans	13	11.7
Operators (White)	14	11.9
Semi-Skilled (Black)	23	29
Unskilled (Black)	<u>50</u>	<u>47.4</u>
	<u>100</u>	<u>100</u>

The Seifsa report noted that:

*'A substantial movement has taken place in the last 6 years of non-white employment upward into a higher grade work*

and also into occupations previously filled by white employees.'

These changes were introduced not without opposition from the predominantly white, craft unions. By controlling the scarcity of skills in the industry these unions had bargained hard for substantial wage increases and a *de facto* closed shop by 1967. They managed to negotiate through the Industrial Council that no worker could be employed in the top four categories of skills, that is A B C and D skills, in which C and D involve semi-skilled jobs, unless they were a member of the union. The fact that no Africans could belong to these unions protected these union members from undercutting. In the face of this SEIFSA went onto the offensive and started meeting skilled labour shortages by fragmenting skilled jobs, and handing the tasks over to blacks. As a result of the pressure, the established unions agreed to drop their monopoly over category D jobs in 1972, and in 1973 they surrendered control over category C jobs, opening the way for black workers in these semi-skilled tasks.<sup>12)</sup>

This more rapid expansion of the semi-skilled strata of the black workforce during the '70s was not limited to the metal industry, but reflected rather a general, albeit uneven trend.<sup>13)</sup> In 1969, 18 % of African workers were in semi-skilled jobs, and 79 % in unskilled, while in 1977 23 % were in semi-skilled and 72 % in unskilled.<sup>14)</sup>

As we have said, this was not the only significant change in the labour market during the '70s as a result of the process of monopolization - there was a concomitant increase in the level of unemployment to the extent that B.J. Voster commented, 'The biggest danger in South Africa today is not terrorism, but unemployment'.

As the large monopolies that came to dominate the economy develop their labour processes along more highly mechanized lines, so labour is extruded from production. It has been estimated that between 1970 and 1980 the capital-labour ratio

in the non-agricultural sectors rose from a base of 100 to 143.1, with African unemployment rising from 11.8 % in 1970 to a massive 21.1 % in 1980.<sup>15)</sup> Within this a vital element in labour market developments during the '70s was the absolute expulsion of African workers from capitalist agriculture. In this sector the total number of casual and regular labourers grew at an average rate of 1.1 % per annum between 1960 and 1971, but thereafter it declined at a rate of 5.1 % per annum between 1971 and 1976, adding significantly to the reserve army of the unemployed, as agriculture itself expanded its production base through increasing concentration and mechanization.<sup>16)</sup> In addition the Bantustans generated unemployment through the capitalization of agriculture under state investment corporations and through the creation of a small class of farmers under 'land rehabilitation schemes'.

All these developments - capital intensive industrialization in the urban centres and workers squeezed off white farms, and off the land in the reserves created a surplus labour problem in the market of a considerable dimension. For the purposes of this paper, the essential question is: how was the machinery of labour control - the labour bureaux system - adapted to these changing conditions in the labour market?

The Riekert proposals advanced in 1979, were an attempt by the state to respond to these changing conditions. The brief of the Manpower Utilization (Riekert) Commission was to make recommendations for the reform of the official institutional and statutory framework of the labour market in South Africa. That framework had grown massively during the '70s in response to the problems generated by capitalist expansion, and relatedly in response to the ideological needs of the apartheid state. In terms of the *Bantu Affairs Administration Act* of 1971 Bantu Affairs Administration Boards (BAAB) were established, both to increase the mobility of workers with permanent rights within enlarged control areas, and to reduce the size of the African population in the urban areas through more effective *efflux* controls. This would be achieved

through tribal labour bureaux.

Riekert intervened along the following lines. As with Wiehahn, Riekert argued that it was guided in its recommendations by the following fundamental principle:

*'The effective functioning of the free labour market mechanism should be the object.'*<sup>17)</sup>

The state should intervene *only* where this failed to give economically optimal results. What this has meant in reality is that this free market freedom could only be contemplated for the urban African with permanent rights under Section 10.1(a), (b) and (c), while those defined as temporary residents under 10.1(d) would face an intensification of movement controls. For the first category, comprising the increasing numbers of semi-skilled operatives referred to earlier, that is, those in the *subordinate primary market*, Riekert liberalized in the following areas:

- Such workers should be given standing authority to change employers, without reporting to a labour bureau.
- They should be able to transfer from one area to another, subject to the approval of the labour bureau concerned.
- They should be allowed to have their wives and families with them, irrespective of the area of origin of their families.

This increased mobility would place such workers at a relative advantage in the labour market and would undoubtedly strengthen the tendency already present for this section of the workforce to occupy the better paid, more skilled places in production. These limited reforms were made conditional on the increased efficiency and severity of controls over Section 10.1(d) workers. To this end labour bureaux should exercise strict control over the admission of contract workers whose acceptance should be subject to the availability of housing, a firm offer of employment, and the non-availability of suitable local work seekers. Urban Africans should be given

preference over existing job opportunities and housing. To block out the practice of the employment of illegals - those who take up employment regardless of their legal status - the emphasis should shift to the prosecution of employers. Administration control areas in the country should be redefined. Administration boundaries between urban areas (prescribed areas) and rural areas (non-prescribed areas) should be dismantled, thereby creating a free labour movement zone covering all administration districts under direct white control. South Africa would then be divided into two sectors - a high employment and incomes sector, and other areas of high unemployment and low incomes. The latter would be in Bantustans, and Riekert contended that a system of assembly centres should be established on the 'borders' to control influx into the urban areas.<sup>18)</sup>

These Riekert recommendations eventually found their way into proposed legislation in the form of the 1972, *Orderly Movement and Settlement of Black Persons Bill*, which because of a wide spectrum of intense opposition, found its way back into a select committee. The Bill, dubbed the 'Genocide Bill', introduces the category, *permanent urban resident*, who must be a citizen of South Africa and excludes all who have lost that status with homeland independence. People not excluded in this way can gain this status after 10 years continuous residence in the area, if they can prove that both parents were permanent urban residents, or that they became owners of fixed property. For those who fail to attain this status, control measures are infinitely harsher.

- The imposition of a 23h00 to 5h00 curfew for those without permits, making it extremely difficult for unauthorized Africans to seek work in, or even visit an urban area.
- The Minister will have the power to close an urban area or a class of work within an area completely to the outsider if, in his opinion, a state of unemployment prevails.
- Visitors will only be allowed to stay in urban areas for 14 days a year, and the present 3 month renewable visitors permit will be scrapped.

- And most importantly, employers of 'unauthorized' blacks will be fined R5 000, as against the present R500.
- People who accommodated 'illegals' as well as the illegals themselves will be fined R500.

These details of the proposals and the legislation are an attempt by the state to respond to the *political implications* of the labour market restructuring generated by monopoly capitalism. The influx control system had reinforced the divide generated by the development of the production process itself as the black workforce stratified along semi-skilled, unskilled lines. The tribal labour bureaux instituted a practice of employment categorization which restricted these workers to the lowest paying sectors, and labour zoning, whereby workers from particular geographic areas could only find work in a specific economic sector, such as mining and agriculture. As against this secondary labour market, permanent urban residents will find greater scope for employment in semi-skilled categories. Many analysts argue that this development foreshadows *political concession* that will eventually be granted to these workers, as a further step in the process of reform once the new constitution incorporating Coloureds and Indians is operative. What is certain is that the increasing numbers of unemployed are outside of the scope of any such reform consideration, relocated as they are on the outer fringes.<sup>19)</sup>

But the objects of these measures - the black working class - have never been the *passive victims* of what sociologist John Rex has termed, 'The most ingenious system of labour exploitation ever devised'.<sup>20)</sup> Throughout the period we have examined, they have *actively resisted* these measures.<sup>21)</sup> In the present phase, with the rapid growth of strong, shop floor based democratic unions on a national level, there is every indication that workers are developing unique structures that will facilitate resistance so enabling them to counter these measures more effectively than at any previous stage in history.

#### 4. THE ORGANIZED WORKING CLASS MAKES READY THE CHALLENGE

In the face of the massive state machinery of control there is little the *individual* worker can do, as an isolated individual. In any labour market there is competition between workers for jobs, and especially for the better paid, more popular jobs. On approaching the factory gates, the individual worker stands at the mercy of management's judgement which is based as much on qualitative assessments of the worker's character and traits of cooperativeness as on education and skill level from previous jobs.<sup>22)</sup> In South Africa black workers face an added burden of insecurity as they struggle through the bureaucratic tangle of influx laws.

*'I started when the official was shouting at me to hand over my papers. So I asked him what was wrong. He looks at the form, tears out another form from another book and gives it over. "Go get from your previous employer the reasons for you not working for him."'*<sup>23)</sup>

He is trapped for he has an entry made by the previous production manager:

*'Lucas Tshabalala has automatically cancelled his contract of employment by going together with 54 others on an illegal strike. For further information contact Mr. X ... at the Department of Labour, who will give you further details.'*<sup>24)</sup>

After months of unemployment, two migrants, Lucas and Phineas illustrate at the level of experience many of the issues raised earlier in the paper, as well as emphasizing the *powerlessness* of the individual:

Lucas:

*'I agree that all our dreams turned bad. When you are out of a job, you realize that the boss and the government have the power to condemn you to death. If they send you back home - and back home there is a drought - and you realize that you can't get a job, it is a death sentence. The countryside is pushing you in the cities to survive. The cities are pushing you in the countryside to die. You get scared. It's a fear that you come to know after a week without any food.'*



Phineas:

*'That is right. The fear tells you: you have to keep your mouth shut, you have to accept everything without a whisper; you have to accept that for the rest of your life you will be a rat, making other people rich for nothing.'* (25)

But the emergence of the new independent unions has transformed this overriding sense of fear, this sense of worthlessness that comes from the experience of harsh exploitation.

As a result of strong, shop floor based, democratic unions there now exists an incredible sense of *optimism*, a sense that with organization and a carefully thought through strategy that takes account of the contours in the economy, workers can resist the state's attempts to tighten up on influx control.

*'This influx control is a danger for everyone, not just the people who stay in the homelands. I was born and brought up here, but it doesn't matter. They just say to my children he or she doesn't qualify. I'm a South Sotho, I'm from Qua Qua. That's why we've all decided to take this up seriously, not to leave it hanging, because it's putting everybody in a dangerous position.'* (26)

To this end, a unique organizational structure - the Shop Steward Council - has come to play a crucial role around the issue of influx control and shack demolitions in Katlehong township. Shop stewards from factories in the Germiston area, living in Katlehong meet weekly to discuss issues that affect them as workers. There exists an extraordinary level of commitment to the Council for they began meeting weekly drawing anywhere between 100-300 local shop stewards. They then tried monthly meetings but by popular demand the weekly meetings were reinstated. They begin meeting at 6 p.m. and often continue to midnight.<sup>27)</sup> In addition the Council is subdivided into action committees dealing for example with worker education. One committee reviews the state of organization of the factories on a weekly basis and then delegates shop stewards to respond with specific visits. Most importantly, this structure enables the trade union movement to transcend a narrow economic, factory bound orientation. It has become

ever more evident that trade union organizers are increasingly bounded by the demands of developing and maintaining strong factory floor structures. Now that the movement has increased in size they are trapped into a never ending round of negotiating and policing factory agreements, which have to be renegotiated every year. They are also heavily involved in shop steward education programmes. It is unrealistic therefore to expect this level of union leadership to become directly involved in the cut and thrust of broader questions of political oppression such as influx control. The community based shop stewards council transcends the factory - community divide, enabling factory floor leadership to take the initiative. M spells out this new consciousness:

*'Workers feel that they must overcome this. (Shack removals/influx control.) Now they are more militant than before. These things make them militant and I can see hatred starting now. Now a worker doesn't only have to look at the factory's condition - he's got to look outside as well. Before, when we started, we only used to look at the factory issues. Now we are challenging everything from the community upwards. We feel we have got to act, it's our part.'* (28)

Strong unions in the area have developed a completely new sense of *solidarity*, that cuts through previously narrow boundaries:

*'Now wherever you go in the township you find that people know you. Unions are becoming the in thing. People are getting a sense of each other as brothers in the struggle together. They feel that whatever they've got to tackle, they've got to tackle it now. It's no longer like before when people said that one's a Xhosa, I don't have to worry. Now they feel a problem of someone is their problem. Everybody feels that today he must unionize each and every worker.'* (29)

Not only have ethnic boundaries been transcended, organizational ones have as well.

*'Now we don't even say I'm a FOSATU worker anymore. I meet CUSA shop stewards and we discuss the problems we encounter as workers. We don't see a difference. People have started to understand each other and one day we are going to combine ourselves and come together and make a real*

*worker movement. Some of the top guys are blocking the whole thing, but nothing will stop the workers.*<sup>30)</sup>

Solidarity includes factory struggle, and the example of a strike at Cross Brothers was cited. Striking workers outside the gates, singing, soon found themselves joined by workers delivering goods from other factories. Trucks were simply parked, goods and all, while the drivers spent the day with the strikes. Food is collected and distributed. M commented, 'You don't suffer that much today, even if you lose your job because others take you into consideration.'<sup>31)</sup>

The impetus of organization has transformed consciousness and has led to a profound *cultural* transformation in Katlehong township to the extent that workers *feel* that they can seriously debate strategies of resistance around the more directly political issue of influx control. The Shop Stewards Council has become generally known in the township and as a result of a new sense of direction the crime rate has dropped dramatically. Workers now feel free to walk home alone after union meetings, without fear. Instead of being clubbed and robbed, passers by ask, 'Have you been to the meeting, what happened there tonight?' The issues are now constantly discussed in the shebeens. 'Before, people mostly spoke about football. Now all you hear them speaking about is the struggle.'<sup>32)</sup> There has developed a sense that *workers should control* community politics, and the Council is debating alternate structures to the Community Council.

*'We've got to run the township, as workers. We're in the factories and we know what we need. We want structures from the factory, to the location and back to the factory again. We've got confidence that one day we're going to win.'*<sup>33)</sup>

It is this dynamism that has resulted in a positive response to the issue of influx control and shack removals. At present they are holding back because of recessionary conditions, despite pressure from the base to 'take action now'. Shop stewards are utilizing this phase to visit other townships, and to raise the issue generally in the union structures.

They are preparing for a mass meeting in Katlehong to take up the issue of influx and shack removals. In the immediate term, workers are supporting those whose shacks are being demolished. The state is not 'winning because as soon as they start to demolish on this side, we build again on the other'.<sup>34)</sup> The Rikhoto case has also been used to the advantage of workers.

Mr. Mehlolo Rikhoto came from a Transvaal homeland to work on the East Rand where he was registered under Section 10.1(d) on a year's contract basis. He was always registered in the same job but in terms of influx control had to return home every year to sign a new contract. After 10 years with the same firm he asked the East Rand Administration Board to give him the 10.1(b) stamp, entitling him to permanent urban rights, which they refused. In September 1981, the Transvaal Supreme Court ruled in Rikhoto's favour and when the judgement was taken to the Appeal Court on 30th May 1983, the decision was upheld, meaning that all *contract* workers who are registered in the same job for 10 years, are entitled to 10.1(b) rights. This added to an earlier judgement in 1980, relating to the Komani family. From 1964 to 1980 no wives and children were given permission to come to town, if they were from a rural area. The Appeal Court decided that wives and children did not need to have a permit, if the husband or father or mother has Section 10.1(a) and 10.1(b) rights.

M contended that the Rikhoto judgement has assisted the worker struggle in that more and more people are now qualifying under 10.1(b). Shop stewards are demanding to keep a check on company records so that companies apply *immediately* any contract worker has completed a 10 year period. These rights facilitate organization.

Gone therefore are the days when 'you have to keep your mouth shut', where 'you have to accept everything without a whisper' so that 'for the rest of your life you will be a rat, making other people rich for nothing'.<sup>35)</sup> The individual worker has been lifted out of his isolation, and within the independent labour movement he has discovered new horizons.

I do not end on a note of naive optimism. As this paper has shown, racist structures of labour control have evolved over a long historical period, and they are backed with the full coercive power of the state. But organized workers no longer stand in awe of that machinery.

*'People are not afraid anymore. Now nothing threatens or frightens them because there is unity. Even if the police come, nobody cares about them. They just carry on with whatever they feel like doing. When they see the police coming, they jaer.'*<sup>36)</sup>

As I said at the outset, the Wiehahn and Riekert reforms were intended to enable 'as many people as possible to share in prosperity and find their interests best served by an alliance with capitalism.'<sup>37)</sup> As the concluding part of this paper has shown, workers have moved into the space created by the Wiehahn reforms, generating not only organization, but a new militant consciousness and commitment. We have shown that the intention of the Riekert reforms is the creation of a *substantial divide* between unionized urban workers, and the migrants and the unemployed, the latter facing a bleak future in the homelands. If the response of the East Rand workers is the trend of the future, the independent trade union movement in South Africa is likely to resist these measures more actively in the future, and in so doing the ensuing struggle will serve to reinforce what workers have discovered at the level of experience - employers stand in an alliance with the apartheid state in practice. The intention underlying the reform moves, lie in shreds.<sup>38)</sup>

#### NOTES

I am indebted to workers on the East Rand, and to Doug Hindson for his Ph.D. on the Pass System, from which the historical section of this paper is largely drawn.

1. Financial Mail, February 1, 1980.
2. *ibid.*, June 6, 1980.

3. See Native Pass Laws Committee, 1920 (UG 41, 1922).
4. Report of the Local Government Commission, 1921, paras 42 and 267, and Appendix VII, para 5.
5. *ibid.*, para. 278 and Appendix VII, para. 5.
6. South African Board of Trade and Industries Report, 1945.
7. Federated Chamber of Industries, Native Labour in Industry, 1946.
8. *ibid.*, 1951.
9. E. Webster, Ph. D. thesis on Steel Foundries in South Africa, forthcoming book *Cast in a Racial Mould*, where he adopts the threefold classification in Ch. 9, 'Workers Divided - Labour Market Segmentation in the Foundry'.
10. South African Statistics, 1980, pp. 7.5, 21.6., 21.7; South African Reserve Bank Quarterly Bulletin, March 1981, p. 6.
11. *Engineering Worker*, Vol. 2, No. 13 'Steel Producer Moots R30m Expansion'.
12. In 1973 the General Council of the South African Boiler-makers Society took the decision to organize Africans. The society has voiced its opposition to parallel unions, believing in a unitary system as the means to ensure 'decent conditions of employment'.
13. For instance, this development took place in the textile industry much earlier. See Union of South Africa, Board of Trade and Industries Report, p. 323.
14. C. Simkins and D. Hindson, *The Division of Labour in South Africa 1969-1977*. Working Paper No. 7, Development Studies Unit, University of Natal, Table 36.
15. J. Keenan, 'Trickle Up; African Income and Employment' in *South African Review*, 1983, p. 189.
16. South African Statistics, 1980, p. 7.8.
17. Manpower Utilization Commission 1979, para. 1.1 and 1.8.
18. See *South African Labour Bulletin*, Vol. 8, No. 4, Greenberg and Giliomee, 'Labour Bureaucracies'.
19. It is beyond the scope of this paper to detail the extensive removals that have taken place. For those interested, see *South African Review*, p. 83-97, Laurine Platzby and Cheryl Walker, 'Review of Relocation'. For detailed research see 'Surplus Peoples Project'.

20. South African Labour Bulletin, Vol. 1, No. 4, J. Rex, 'The Compound, the Reserve and the Urban Location: The Essential Institutions of Labour Exploitation in South Africa'.
21. It is beyond the scope of this paper to detail this resistance. I would however point to the 1928 Economic and Political Programme of the Industrial and Commercial Workers Union; the Mine Workers Union and the 1946 mine strike; the Campaigns of the Congress Alliance during the 1950s, culminating in pass burning in 1960.
22. See R.M. Blackburn and M. Mann, The Working Class on the Labour Market, p.7.
23. A. Sitas, forthcoming Ph.D. thesis on the Metal Industry.
24. ibid.
25. ibid.
26. Interview with M, 4:10:83.
27. At one stage they organized buses to transport shop stewards home, but when the buses demanded to leave at 11 p.m., the workers again started walking, indicating the high level of commitment to the structure.
28. ibid.
29. ibid.
30. ibid.
31. ibid.
32. ibid.
33. ibid.
34. ibid.
35. op. cit., A. Sitas
36. Interview, 4:10:83.
37. Financial Mail, February 1, 1980.
38. This is why to describe the independent labour movement in South Africa as economistic, as many overseas are wont to do, is to miss the real nature of developments altogether. In a highly charged political climate, workers make no distinctions. They are black, and exploited as workers.

Charles Nupen

## DEVELOPMENTS IN SOUTH AFRICAN LABOUR LEGISLATION SINCE WIEHAHN

### INTRODUCTION

In the period since 1979 when the first report of the Wiehahn Commission<sup>1)</sup> was published, the South African state has legislated vigorously to restructure South African Labour legislation.

This paper seeks to explain the most significant developments in this legislative programme and examines some of the factors which gave rise to it.

#### 1. THE COMMON LAW

In several important respects the South African common law<sup>2)</sup> affords little protection to workers.

Unlike much of our statute law, it does not consciously discriminate on the grounds of race. On the contrary it operates on the premise that individuals are equal before the law and this, paradoxically, is at the root of its failure to protect workers against unfair treatment.

It does not, for example, recognise the inherent inequality in bargaining power that exists between the parties to a contract of employment. The employer is thus largely free to impose his will in determining the terms and conditions of the contract. Whilst this feature may exist in the common law of most western countries, its significance in South Africa is greatly magnified by the vast social inequality which exists between black workers and their white employers.

Motive on the part of an employer in dismissing an employee

is irrelevant at common law<sup>3)</sup>. The traditional management prerogative to fire at will, no matter how arbitrary or unfair such action might appear, is endorsed. As long as an employer gives the requisite notice he may terminate a contract of employment for whatever reason and the worker has no legal redress.

There is in addition no common law protection against dismissal for trade union activities and in this context the right to freedom of association is merely notional.

Workers have for many years organised themselves into trade unions as a protection against exploitation, but this development has gone largely unrecognised by the common law. There is no common law principle that requires employers to recognise and bargain collectively with representative trade unions.

Even in circumstances where an employer terminates a contract of employment wrongfully, for example, summarily without good cause, a worker's only redress until recently has been to claim damages and not reinstatement<sup>4)</sup>. A recent Supreme Court judgment<sup>5)</sup> has however suggested that in certain circumstances an employee at common law might claim reinstatement when wrongfully dismissed.

The question of workers securing such relief at common law is in any event largely academic. Civil litigation in the conventional courts is expensive and therefore beyond the reach of workers and many South African unions. It is also characterised by long delays which render the courts highly inappropriate fora for hearing industrial disputes.

## 2. STATE INTERVENTION IN THE PRE-WIEHANN PERIOD

Historically the South African state has been forced to intervene to offset the severe limitations in the common law in affording protection to workers against unfair treatment.

It has enacted legislation setting minimum standards in respect of hours of work, overtime, leave, sick leave, and notice<sup>6)</sup> and for state determination of minimum wages in certain industries<sup>7)</sup>. Breach of these standards constitutes a criminal offence. It has set basic requirements for health and safety on the factory floor<sup>8)</sup> and has provided a state controlled system for compensating victims of work related injuries and industrial diseases<sup>9)</sup>.

The minimum standards legislation touched little on the lives of white workers who for decades had been able to organise freely and bargain collectively for substantially better terms and conditions of employment. The health and safety legislation has been poorly policed and this has affected workers who in the main fill those unskilled and semi-skilled jobs where exposure to risk of injury and disease is greatest. Compensation for injuries and diseases has been income related and the much higher earnings of white workers has meant that they have derived greater benefit from the system.

The real racial and class character of South African industrial legislation was however to be found in the crucial areas of trade union recognition, collective bargaining and dispute resolution.

The State's key enactment in this area was the Industrial Conciliation Act, first introduced in 1924 in the aftermath of a period of severe industrial upheaval.<sup>10)</sup> The Act has been amended several times and now exists as the Labour Relations Act 1956, but its basic structure and purpose have remained substantially the same. The Act seeks to maintain industrial peace and to regulate conflict by requiring employers, trade unions and employees to follow prescribed conciliation procedures before resorting to lock-outs or strikes. It does this by prohibiting strikes and lockouts unless and until such procedures have been exhausted. Severe penalties are attached to transgressions. It accordingly provides comprehensive conciliation<sup>11)</sup> and arbitration procedures<sup>12)</sup> to settle

industrial disputes and it institutionalises collective bargaining arrangements between employers and trade unions through a system of industry-based industrial councils<sup>13)</sup>.

The Act provides also for a system of trade union registration<sup>14)</sup> which is a prerequisite to participation in the Industrial Council system. Freedom of association is protected<sup>15)</sup> and victimisation<sup>16)</sup> outlawed.

In the pre-Wiehahn era the racial character of the Act was evident in two respects. It provided for a system of job reservation<sup>17)</sup> and the closed shop<sup>18)</sup> through which certain categories of work could be reserved for members of a particular racial group. Secondly the Act excluded blacks from the definition of employee and in this way denied black workers and their unions statutory protection<sup>19)</sup> and access to its collective bargaining and conciliation machinery.

In the pre-Wiehahn period there was no law which prevented black workers from forming trade unions, but these unions were accorded no formal recognition at law. Where black unions emerged they generally failed to secure recognition from employers and were subject to state and employer harassment. The state also sought to undermine the development of these unions by introducing an inplant committee system<sup>20)</sup> for black workers under the Black Labour Relations Regulation Act of 1953. This Act provided machinery for the settlement of disputes not by direct negotiation but through the intervention of state appointed officials. Strikes were declared illegal under all circumstances until 1973. No machinery existed for collective bargaining until it was introduced in limited form in 1977<sup>21)</sup>.

The legislation gave rise then to a dualistic structure of industrial relations which led to the racial and economic stratification of South African workers. White workers comprised a labour elite. They were unionised and their unions enjoyed management recognition. They held skilled jobs protected by the operation of the closed shop and job

reservation and earned relatively high wages. Nevertheless incorporation into the state regulated industrial relations system meant greater state control<sup>22)</sup>. Unqualified participation in the machinery created by the Act with its emphasis on constitutionalism, complicated procedures for the resolution of disputes, and industry as opposed to plant based bargaining did much to bureaucratise the white unions and alienate them from their own rank and file.

The industrial relations machinery set up under the Black Labour Relations Regulation Act found little favour with black workers. Between 1953 and 1973 only thirty statutory works committees were formed. In 1973 following unprecedented strike activity by black workers, the state introduced a system of liaison committees<sup>23)</sup>. In the ensuing four years prior to the appointment of the Wiehahn Commission over two thousand liaison committees were launched, primarily at the instance of management. These institutions were clearly ineffective in representing the interests of black workers which was apparent from the increasing incidence of strikes and work stoppages in which they were involved and from the manner in which these strikes were dealt with.

The main features of this kind of industrial action became more or less predictable. Workers would strike to express grievances or to secure demands. Relying on the assumption that strikes were caused by politically motivated agitators, management would often seek police intervention. Workers would be ordered back to work or dispersed, on occasion by force. Worker leaders would be arrested and workers fired en masse. Depending on the skill requirements of the industry, management would recruit a new work force or re-employ selectively weeding out what it perceived to be the "principal trouble makers".

By the end of the 1970s the state was forced to address this essentially crude approach to industrial relations. It was affecting production. It had attracted national and international criticism. The disinvestment lobby abroad was

gaining momentum and some overseas unions were threatening to boycott the handling of South African products. The domestic political implications were readily apparent. As one commentator put it:

"After the urban uprisings of 1976 the threat of the politicisation of strike action was much feared if no effective trade union rights were granted - a prospect all too real as the class of '76 began entering the factories."<sup>24)</sup>

Equally significant, was a resurgence of an independent black trade union movement during the 1970s which was growing in strength and influence as black workers perceived their interests best protected and advanced through these unions<sup>25)</sup>.

With a strong democratic base the independent unions were proving resilient in the face of state and employer harassment. Though they lacked formal recognition from employers their membership clearly exerted an influence on the shop floor. There were other considerations. The independent unions operated outside the state regulated industrial relations system. They emphasised the importance of plant level bargaining and dispute resolution. This loomed as a potential threat to the statutory industrial council system. Some of the independent unions had developed ties with international worker federations and received considerable financial support from abroad.

There were stirrings in certain management circles as well which began to pose a challenge to the prevailing dispensation for black workers. Faced with increasing domestic criticism for reaping the profits of apartheid, multi-nationals began to pressurise their South African subsidiaries to desegregate facilities, increase wages and recognise black trade unions. The move for progressive employment practices was embodied in codes of conduct which began to emerge from Europe and the United States of America<sup>26)</sup>.

### 3. THE WIEHAHN COMMISSION AND CHANGES IN THE LAW

When the Wiehahn Commission was appointed in 1977 it had to address these issues and anticipate their consequences with a view to modernising South Africa's industrial relations system. Perhaps the most important underlying aims of this process of modernisation would be to regulate the activities of the black labour movement by incorporating it within a unitary system of industrial relations and to contain and institutionalise any conflict that might result from the movement's emergence.

The Commission canvassed the entire spectrum of existing labour legislation and published a wealth of recommendations in six reports over a two-year period<sup>27)</sup>. What will be attempted here is a distillation of the major recommendations and the extent to which they have been incorporated in subsequent legislation.

#### (a) Recommendation 1:

The establishment of a unitary and integrated industrial relations system<sup>28)</sup>.

#### Implementation:

The statutory machinery for collective bargaining and procedures for dispute resolution under the Labour Relations Act have been opened to black workers<sup>29)</sup>. Unions with black membership can now apply for registration and for admission to Industrial Councils. The dualistic system of industrial relations has been terminated by the repeal of the Black Labour Relations Regulation Act<sup>30)</sup>.

All reference to race has in fact been deleted from the Labour Relations Act.

#### (b) Recommendation 2:

Full freedom of association for trade unions and individuals<sup>31)</sup> and the deletion of existing

restrictions on racially mixed membership of trade unions<sup>32)</sup>.

Implementation:

The existing protection of freedom of association, in the limited statutory sense, has been extended to black workers<sup>33)</sup>. The prohibition on the registration of mixed unions has been repealed<sup>34)</sup>.

(c) Recommendation 3:

Employers and employees should be encouraged to make maximum use of the statutory system of industrial relations. Legislative adjustments should provide incentives for using the statutory system as well as disincentives for by-passing the system<sup>35)</sup>. Legislative provisions covering registered unions should be extended to unregistered unions<sup>36)</sup>.

The Commission had noted in its report:

"That black trade unions were subject neither to the protective and stabilising elements of the system nor its essential discipline and control; they in fact enjoyed much greater freedom than registered unions to the extent that they were free if they so wished to participate in politics and to utilise their funds for whatever purpose they saw fit"<sup>37)</sup>.

Implementation:

Prior to Wiehahn, provisions of the Labour Relations Act regulated the financial and administrative affairs of registered trade unions and required such unions to produce on demand information relating to their affairs to a state official. These provisions have now been extended to unregistered unions<sup>38)</sup>.

Prior to Wiehahn registered trade unions were prohibited from affiliating or giving financial assistance to a political party. This prohibition has now been extended to cover any activity or influence over members to assist a political party or candidate in an election<sup>39)</sup>.

The controls are now also extended to unregistered unions and employer organisations<sup>40)</sup> and to union and employer federations whether registered or unregistered<sup>41)</sup>.

The penalty for participation in illegal strikes or lockouts has been drastically increased<sup>42)</sup>, and a new offence has been introduced. Trade unions or their federations whether registered or unregistered are prohibited from granting financial assistance to a person with the object of inducing or enabling him to take part in an illegal strike<sup>43)</sup>. A similar prohibition applies to an employers' organisation or federation in respect of lockouts<sup>44)</sup>.

Prior to Wiehahn an employer could grant stop order facilities to any trade union whether registered or unregistered. It is now an offence for an employer to grant stop order facilities to an unregistered union without the consent of the state<sup>45)</sup>.

(d) Recommendation 4:

Statutory job reservation should be abolished<sup>46)</sup>.

Implementation:

This has been done in all sectors of the economy except the Mining Industry<sup>47)</sup>. The Commission however recommended retention of the closed shop which has operated in practice to exclude blacks from certain skilled jobs.

(e) Recommendation 5:

Legislation providing for separate facilities for employers in factories, shops and offices should be repealed and left to be decided by employers and employees<sup>48)</sup>.

Implementation:

This recommendation has been put into effect.<sup>49)</sup> However agreements forged in Industrial Councils relating to the terms and conditions of employment may



contain provisions for separate racial facilities<sup>50</sup>).

(f) Recommendation 6:

Health and safety legislation should be concolidated and a Directorate of Health and Safety be established<sup>51</sup>).

Implementation:

Prior to Wiehahn health and safety legislation made no provision for in-house monitoring of health and safety standards<sup>52</sup>).

A new law, the Machinery and Occupational Safety Act has been introduced<sup>53</sup>). It provides for the appointment by employers of in-house safety representatives whose broad function is to check and report on safety standards in the plant. It provides for the establishment of plant based safety committees whose composition is determined by the employer. The committees are empowered to make recommendations to the employer regarding safety standards in the workplace and to issue reports to state safety inspectors. The Act makes provision for the appointment of state inspectors whose broad function is to ensure compliance with health and safety standards.

(g) Recommendation 7:

Legislation should be amended to remove discrimination against women in employment<sup>54</sup>).

Implementation:

In the pre-Wiehahn period wage regulating measures<sup>55</sup>) which set minimum wages and conditions of employment in certain industries were able to discriminate on the basis of sex. This is now specifically prohibited<sup>56</sup>).

(h) Recommendation 8:

State employees, farm workers and domestic workers who were previously excluded from state-regulated industrial relations machinery be incorporated within the ambit of the new system<sup>57</sup>).

Implementation:

This recommendation has not been implemented.

(i) Recommendation 9:

The introduction of an Industrial Court whose function would be *inter alia* to develop a body of law which by judicial precedent would contribute to the formulation of fair employment guidelines<sup>58</sup>).

Implementation:

An Industrial Court has been created<sup>59</sup>). It is empowered to conduct arbitrations and to determine demarcation disputes. It also functions as a court of law in regard to disputes or matters arising out labour legislation but it has no criminal jurisdiction. It can grant *status quo* orders<sup>60</sup>) and can determine disputes concerning alleged unfair labour practices. A new concept, the unfair labour practice<sup>61</sup>), has been introduced to promote adherence to fair employment practices.

(j) Recommendation 10:

Any person should be eligible for indentureship as an apprentice in the Republic of South Africa<sup>62</sup>).

Implementation:

In the pre-Wiehahn period, various statutes provided for the apprenticeship and training of workers<sup>63</sup>). The law relating to the indentureship of apprentices did not formally discriminate on the grounds of race but job reservation and the operation of the closed shop excluded blacks from most skilled occupations. The balance of the legislation was specifically discriminatory in character providing for separate training schemes and separate training facilities on the grounds of race.

The various statutes have been repealed and replaced by a single statute, the Manpower Training Act of 1981.

This Act regulates the apprenticeship and training of workers and contains no reference to race.

#### 4. SOME OBSERVATIONS ON THE IMPLICATIONS OF DEVELOPMENTS IN THE LAW SINCE WIEHAHN

South Africa has entered a new era of industrial relations since the Wiehahn Commission issued its first report. Its dualistic character has been replaced by a single unitary system in which racial criteria for participation has been removed. Job reservation outside the mining industry has been terminated as has statutory provision for racially separate facilities on the shop floor.

It has opened the way for non-racial unions with predominantly black membership to register under the Labour Relations Act. The Act however admits of the possibility that racially exclusive unions, by defining their scope racially, might comply with the requirements for registration.

At the same time the new dispensation has extended state control over black unions by regulating their administrative affairs and their participation in political activity. It has attempted to secure participation in statutory dispute resolution procedures by increasing penalties for strikes and prohibiting financial aid to strikers. It has anticipated that some unions would reject participation by extending these controls to unregistered unions.

The issue of registration under the new dispensation generated a vigorous debate among the independent black unions<sup>64</sup>. The principal argument for registration was that it would enhance the prospect of recognition from employers and reduce state harassment. The argument against was that it would lead to a sacrifice of union independence and greater state control.

In the event, whether unions have registered or not does not in itself appear to have materially affected their progress in the post-Wiehahn era. Among the factors which have proved

crucial to this progress are the economic recession in South Africa and issues intrinsic to the unions themselves, such as organisational ability and discipline, administrative competence, training, negotiating skills and democratic participation by the rank and file.

There is no evidence to suggest that the new dispensation has led to effective state control of the independent black union movement. It has however conferred upon the movement a certain legitimacy in the eyes of employers which has enabled black unions to develop in an unprecedented way.

The independent black unions have maintained a preference for plant-level recognition and collective bargaining arrangements. They have, with a few significant exceptions elected not to apply for entry to the state regulated Industrial Council system. They have tended to regard Industrial Councils as partial institutions which have been used by the established racially exclusive unions to entrench their position of privilege at the expense of black workers. This view was reinforced when legislation was introduced in 1980 which prohibited entry to Industrial Councils unless all existing members consented<sup>65</sup>.

Employers have generally been more amenable in the post-Wiehahn era to union recognition and collective bargaining at plant level. There nevertheless remains considerable opposition and recognition is still a major priority.

Access by black workers to statutory machinery for the settlement of disputes has made little impact on the incidence of illegal strikes which has in fact increased in the post-Wiehahn period. Police have continued to intervene in strikes but black union involvement in the settlement of disputes has increased significantly.

The Industrial Court and the concept of the unfair labour practice have also been used to advantage by unions<sup>66</sup> in protecting their members against unfair treatment.

The court has ruled that in determining disputes in which an unfair labour practice has been alleged, it is neither bound by common law principles nor common law remedies but is guided by the principles of fairness<sup>67</sup>).

It has for example ruled that the following labour practices are unfair:

- (a) Refusal by management to negotiate with a registered representative union<sup>68</sup>).
- (b) Dismissals found to be unfair<sup>69</sup>).
- (c) The failure by an employer to negotiate disciplinary and grievance procedures with a representative union<sup>70</sup>).
- (d) The failure by an employer to follow fair retrenchment procedures<sup>71</sup>).
- (e) The use by an employer of disparaging and insulting language to employees<sup>72</sup>).
- (f) The refusal by an employer to bargain in good faith<sup>73</sup>).

It has ordered the reinstatement of workers unfairly dismissed and has required an employer to bargain in good faith with a union. In the crucial areas of job security and union recognition its decisions are a significant development on the common law. The prospect of Industrial Court action on unfair labour practices will increasingly become an important tactical consideration in negotiations to resolve disputes. In this respect the body of law relating to fair employment practices which is emerging from the Industrial Court is a newly acquired card for unions at the negotiating table.

Employers are now finding themselves in a position where they have to bear the burden of a more enlightened industrial relations system in the interests of industrial peace. They do not always however understand the value to themselves of this limited sacrifice and have begun to criticise the role of the Industrial Court<sup>74</sup>).

The new health and safety legislation admits of the possibility of worker participation in monitoring safety standards on the factory floor, an advance on the pre-Wiehahn legislation, but it does not ensure it.

The legislation must be criticised for giving employers the sole discretion to appoint safety representatives and to determine the composition of safety committees. The issue of health and safety has become an important issue for the independent union movement and the state appears bent on minimising its impact in this field by failing to provide for union participation in the new system.

The need for skilled manpower was one of the major reasons for the state's decision to remove obstacles to the training of black artisans. Nevertheless the number of blacks admitted as apprentices under the new legislation is small compared with the number of white apprentices<sup>75</sup>) and training is still conducted in racially separate institutions.

#### 5. CONCLUSION

The developments in labour legislation since Wiehahn have paved the way for some important advances by black workers and their unions. But beyond the formal industrial relations legislation considerable obstacles to freedom of association and freedom of movement remain.

The arsenal of laws at the disposal of the South African state and 'homeland governments' are still used with alarming frequency against trade unions. Trade union officials have been banned and many have been detained for indefinite periods in the post-Wiehahn period<sup>76</sup>). Recently an unregistered black union, the South African Allied Workers Union, was banned from operating in the Ciskei, a homeland area where most of its membership is based.

There is a blanket ban on open air gatherings throughout South Africa and state officials have the power to prohibit any particular gathering where they believe that the public peace would be seriously endangered. No reasons are required to be given for such prohibition<sup>77</sup>).

In addition the prospect of economic and social advancement for black workers is crucially affected by South Africa's influx control laws. These laws remain unaffected by the post-Wiehahn dispensation and operate to enforce residential apartheid and restrict job mobility.

Industrial and commercial centres where employment opportunities exist are in what is known as prescribed areas. In terms of the Urban Areas Act<sup>78)</sup> blacks are prohibited from remaining in prescribed areas for a period of more than 72 hours<sup>79)</sup>. There are certain exemptions to this blanket prohibition which are afforded to essentially two classes of black persons:

- (a) Those who qualify<sup>80)</sup> to be in a prescribed area by virtue of the existence of certain factors. These factors are birth and continuous residence in the area, or continuous employment in the area with one employer for a period of not less than 10 years or continuous residence in the area for a period of not less than 15 years, or being the wife or dependent child of such person lawfully residing with him in such area. These 'qualified persons' live in separate black residential areas and may take up work in the prescribed area for which they qualify. They may only take up employment in another prescribed area if they are able to obtain officially approved accommodation<sup>81)</sup>. There is a drastic shortage of housing for blacks and the prospect of job mobility for 'qualified persons' is thus severely inhibited.
- (b) The other class of persons exempt from the 72-hour rule are in a more disadvantageous position. They are persons who do not qualify to be in a prescribed area by virtue of the factors described above but who require official permission<sup>82)</sup> to be in that area for a period in excess of 72 hours. This permission, if obtained, authorises the presence in the area only of the individual concerned and does not carry with it the right of the individual to have his family with

him. It is into this category that a significant sector of the workforce namely black migrant workers, fall. Permission granted to a migrant worker to be in a prescribed area is subject to rigid controls. It specifies the period for which he may be in the area, for whom he may work and in what capacity<sup>83)</sup>. The permission automatically lapses if he loses his employment and he is then required to leave the area within 72 hours and return to a black 'homeland'.

Criminal penalties in the form of fines and imprisonment attach to black persons who transgress the 72-hour rule<sup>84)</sup>.

A further provision of the Urban Areas Act<sup>85)</sup> provides for the expulsion from prescribed areas of black persons who are found to be 'idle and undesirable'. Economic recession and the high rate of unemployment increases the threat of such classification to black persons who might otherwise qualify to be in prescribed areas.

These controls on freedom of association and movement weigh heavily on the lives of black workers. As long as these controls remain, they can only serve to neutralise the legislative advances which have been made in the field of industrial relations in the post-Wiehahn era.

#### NOTES

1. Officially known as the 'Commission of Enquiry into Labour Legislation', but popularly known as the 'Wiehahn Commission' after its Chairman Professor Nic Wiehahn. The Commission was appointed in July 1977.
2. Common law is the law of the land created by custom and judicial decisions but excluding that created by legislation.
3. Kubheka and Another v Imextra (Pty) Ltd 1975-4 South African Law Reports (SALR) at page 488.
4. Schierhout v Minister of Justice 1926 AD 107. See also Kubheka's case above.

5. National Union of Textile Workers and Others v Stag Packings (PTY) Ltd 1982-4 SALR page 151.
6. See provisions of Factories Machinery and Building Work Act No 22 of 1941; Shops and Offices Act 75 of 1964. The provisions have now been repealed and replaced by those contained in the Basic Conditions of Employment Act No 3 of 1983.
7. These determinations are promulgated in terms of the Wage Act No 5 of 1957.
8. See provisions of the Factories Act and the regulation promulgated thereunder.
9. See Workmen's Compensation Act 1941.
10. Occasioned by the 1922 white mineworkers strike on the Witwatersrand which was broken by force of arms.
11. See Sections 23, 35 and 44 of the Labour Relations Act which provide for the settlement of disputes through Industrial Councils, State appointed conciliation boards and through mediation.
12. See Sections 45 and 46 of the Labour Relations Act.
13. See Sections 19 - 33 of the Labour Relations Act.
14. See Section 4 of the Labour Relations Act.
15. See Section 78 of the Labour Relations Act which prohibits the inclusion of any term in a contract of employment which would prevent an employee from becoming a member of a trade union.
16. See Section 66 of the Labour Relations Act which prohibits dismissal or adverse alteration of the terms and conditions of employment of an employee by reason of his trade union affiliations.
17. Section 77 of the (then) Industrial Conciliation Act 1956.
18. Section 24(1)(x) of the Labour Relations Act.
19. Of freedom of association and against victimisation: see footnotes 15 and 16 above.
20. When the Act was introduced in 1953 it provided for a system of worker-elected works committees to represent black workers in the plant. In 1973 a system of liaison committees was introduced comprising equal representation from workers and management but giving management the discretion to elect the chairperson. A works committee could only be established in a plant

- which employed more than 20 black workers and in which no liaison committee existed.
21. Certain liaison committees were given statutory powers to negotiate agreements on wages and working conditions.
  22. For comments on state control over registered unions see below under heading 'The Wiehahn Commission and Changes in the Law'.
  23. See explanation in Footnote 20 above.
  24. Phil. Bonner: 'Independent Trade Unions since Wiehahns': South African Labour Bulletin (SALB) volume 8 No. 4 February 1983.
  25. Many of these unions are open to membership of all races, but they have concentrated their efforts on organising black workers. For the sake of convenience they are referred to in this article as independent black trade unions or independent unions or black unions.
  26. See for example the E.E.C. Code and the Sullivan Principles.
  27. These reports were published under the following headings:
    1. Key Issues
    2. Training
    3. Employment and Social Security
    4. Protection of the Safety and Health of Workers in South Africa
    5. Industrial Relations
    6. Industrial Relations in the Mining Industry.
  28. Para 3.153, Part 1 Commission Report.
  29. By amendments to the definition of 'employee'. These amendments ultimately deleted all reference to race in the definition. See Labour Relations Amendment Act No 57 of 1981.
  30. In terms of the Labour Relations Amendment Act No 57 of 1981.
  31. Para 3.153, Part 1 Commission Report.
  32. Para 4.28.1, Part 5 Commission Report.
  33. Black workers are now covered by the protective provisions of Section 78 of the Labour Relations Act.

34. This prohibition, introduced in 1957, was contained in Section 4(6) of the Industrial Conciliation Act. It prohibited the registration of unions comprising coloured and white membership save where the Minister of Labour granted an exemption for such registration.
35. Para 4.13.1, Part 5 Commission Report.
36. Para 4.39.5 and 7, Part 5 Commission Report.
37. Para 3.35.5, Part 1 Commission Report.
38. Section 4A, Section 8(8) and Section 11(6) of the Labour Relations Act.
39. See Section 8(6)(d) of the Labour Relations Act.
40. Section 8(8) of the Labour Relations Act.
41. Section 80(8) of the Labour Relations Act.
42. Section 82(1)(b) of the Labour Relations Act.
43. Section 65(3A) of the Labour Relations Act.
44. Section 65(3A) of the Labour Relations Act.
45. Section 78(1C)(a) of the Labour Relations Act.
46. Para 3.159, Part 1 Commission Report.
47. By the repeal of Section 77 of the Labour Relations Act. Five work reservation determinations which were in existence were allowed to stand but they have now been phased out. Job reservation in the Mining Industry is provided for in terms of Section 12(1)(n) read with Section 12(2) of the Mines and Works Act which allows the Minister of Manpower Utilisation to make regulations requiring certain work to be done by holders of 'certificates of competency'. Blacks are excluded from those categories of persons who may hold 'certificates of competency'.
48. Para 6.8 and 6.17, Part 1 Commission Report.
49. Section 51(1)(h) *bis* of the Factories Act and Section 31(1)(g) of the Shops and Offices Act which made provision for separate racial facilities. These provisions have been repealed and replaced by the Basic Conditions of Employment Act 3 of 1983 which does not contain similar provisions.
50. See for example Section 25 of the Industrial Council Agreement for the Building and Monumental Masonry Industry (Transvaal) - Main Agreement. Government Gazette 7 January 1983 - which requires a main contractor to ensure that proper sanitary accommodation

- is provided on all contract sites and working premises for whites and blacks separately.
51. Para 3.12, Part 4 Commission Report.
  52. Provisions relating to health and safety in industry were contained in the Factories, Machinery and Building Work Act No 22 of 1941.
  53. No 6 of 1983. This Act has yet to be put into effect.
  54. Para 5.15, Part 5 Commission Report.
  55. Wage regulating measures include Industrial Council Agreements under the Labour Relations Act and Wage Determinations under the Wage Act.
  56. Section 24(2) of the Labour Relations Act. Section 8(4) of the Wage Act.
  57. Paras 4.35 and 4.70, Part 5 Commission Report.
  58. Paras 4.28.1 and 4.28.6, Part 1 Commission Report.
  59. Section 17 of the Labour Relations Act. Its powers and functions are set out in Section 17(11) of the Labour Relations Act.
  60. A status quo order is a form of interim relief which has the effect of preserving or restoring the status quo pending the settlement of a dispute concerning a suspension or dismissal of an employee, or change or proposed change in the terms and conditions of employment of an employee, or an alleged unfair labour practice. -Section 43 of the Labour Relations Act.
  61. An unfair labour practice is defined in the labour Relations Act as:
    - (a) Any labour practice or change in any labour practice, other than a strike or a lock-out which has or may have the effect that -
      - (i) Any employee or class of employees is or may be unfairly affected or that his or their employment opportunities, work security or physical, economic, moral or social welfare is or may be prejudiced or jeopardised thereby;
      - (ii) The business of any employer or class of employers is or may be unfairly affected or disrupted thereby;
      - (iii) Labour unrest is or may be created or promoted thereby;

- (iv) The relationship between employer and employee is or may be detrimentally affected thereby; or
  - (b) Any other labour practice or any other change in any labour practice which has or may have an effect which is similar or related to any effect mentioned in paragraph (c).
62. Para 5.32.1, Part 1 Commission Report.
  63. Apprenticeship Act 37 of 1944; Training of Artisans Act 38 of 1951, which applied to whites, coloureds and indians; Black Building Workers Act 27 of 1951 which applied to blacks; In-service Training Act No 95 of 1977 which applied to whites, coloureds and indians; Black Employees In-service Training Act 1976 which applied to blacks.
  64. See for example: Fine, de Clercq, Innes 'Trade Unions and the State: The Question of Legality' SALB Vol 7 Nos 1 and 2, September 1981; General Workers Union 'Reply to Fine, de Clercq, Innes'; Fink Haysom 'In Search of Concessions - A Reply'; Hirsch, Nicol 'Trade Unions and the State - A Response' SALB Vol 7 No 3 November 1981.
  65. The Industrial Conciliation Amendment Act 1980. The amendment does provide for an appeal to the Industrial Court in the event of an application for admission being refused.
  66. It appears that the independent black unions have made most frequent use of the court.
  67. SA Diamond Workers Union v The Master Diamond Cutters Association of SA. Industrial Law Journal Vol 3 Part 2 1982 page 87.
  68. United African and Allied Workers Union v Fodens (South Africa) (Pty) Ltd - to be reported in Industrial Law Journal Vol 4 No 3 1983.
  69. Diamond Cutters case above.
  70. Foden's case above.
  71. Foden's case above.
  72. Foden's case above.
  73. This is a conclusion drawn from the reasoning in the judgment of the court in the matter of Bleazard and Others v The Argus Printing and Publishing Co Ltd and Others. Industrial Law Journal Vol 4 No 1 1983.

74. See for example Bobby Godsell 'Concern about the Court' Financial Mail 9 September 1983; Steven Friedman Rand Daily Mail 26 September 1983.
75. See statistics of apprentices according to population groups in report of National Manpower Commission 1981 which indicates that in that year there were 9 232 registered white apprentices and 495 registered black apprentices.
76. In terms of the Internal Security Act 1950 and its successor the Internal Security Act 1982.
77. In terms of Section 46 of the Internal Security Act 1982.
78. The Blacks (Urban Areas) Consolidation Act 25 of 1945.
79. Section 10(1) of the Urban Areas Act.
80. In terms of Sections 10(1) (a), (b) or (c) of the Urban Areas Act.
81. In terms of Regulation 14(4) of Chapter VIII of the 1965 Black Labour Regulations. This would apply where employment is obtained in a prescribed area where a different Administration Board has Jurisdiction. Administration Boards may have jurisdiction over several adjacent prescribed areas.
82. In terms of Section 10(1) (d) of the Urban Areas Act.
83. In terms of Section 10(2) of the Urban Areas Act.
84. In terms of Section 10(4) of the Urban Areas Act which provides for a maximum fine of R100,00 or three months imprisonment or both.
85. Section 29 of the Urban Areas Act. A person found to be 'idle and undesirable' may be removed from the prescribed area, detained in a 'retreat' or rehabilitation centre, or detained at a farm colony or other institution established under the Prisons Act 1959 for a period up to two years.

Mike Murphy

## SOME PROBLEMS OF INTERNATIONAL LABOUR POLICIES TOWARDS SOUTH AFRICA

### PREFATORY NOTE

This paper concerns itself with the policies of organised labour in the Western Industrialised Countries towards South Africa. This is not to suggest that there are no problems in the policies on South Africa of organised labour in the Eastern Bloc, or that the policies on South Africa of "Third World" or "Less developed Countries" are irrelevant. The focus has been narrowed simply to allow of slightly more in-depth discussion of a complex subject within the constraints of the available space.

### INTRODUCTION

The Prime Minister would be "betraying freedom" and "insulting the Falklands dead" if the contractors for the islands' new airstrip used South Africa as a staging post, an MP claimed in the Commons yesterday.

Mr. Robert Hughes (Lab. Aberdeen N), an anti-apartheid campaigner, challenged Mrs. Thatcher, during question time, "to square defending the interests of 1,800 Falklanders with involving the assistance of South Africa - a government which denies freedom to 18 million of its citizens. This betrays entirely and besmirches the principle of freedom and is an insult to those who died in the Falklands", he said.

Mrs. Thatcher said that the contracts for the work had been awarded and she insisted: "The Arrangements made for people to get there to fulfil that contract is purely a commercial contract for those who won the contract."

She said to jeering Labour MPs: "If you are suggesting that we should have no commercial relations with South Africa whatsoever, may I remind you there would be 150,000 jobs at stake in the UK - perhaps that's what you would like."

(The Guardian, 29.6.83)



Mrs. Thatcher's question to Labour Party critics of Conservative Party policies towards South Africa highlights the dilemma confronting policy makers on the side of organised labour in more countries than Britain alone. In respect of British economic involvement in South Africa, research has been conducted concerning the effects of economic disengagement which has drawn attention to the view that (a) there are in most cases alternative trading partners and investment opportunities available and (b) that it would be wise to switch trade and investment away from South Africa and towards the alternatives, considering the instability inherent in the South African political system, and the adverse effect on British employment in the event of a rapid escalation of social turmoil in South Africa. Similar research has been conducted in other countries with strong anti-apartheid lobbies in their labour movements and similar policy proposals have been advanced.

The problem for organised labour in each country is that, until national capital in each country does effect the trading and investment switches that have been proposed, labour is inevitably involved in deriving considerable material benefit from the economic engagement with a country to whose domestic policies they are opposed.

This complexity is compounded by the current political situation in the majority of the Western Industrialised Countries (WICs) where the return of right wing governments by the electorates has considerably reduced the influence of organised labour on government policy. In the economic climate of the recession, with mass unemployment widespread, can organised labour credibly demand policy initiatives which

contain even a limited risk of exacerbating the national unemployment problem? Moreover, with the weakening political influence of organised labour in the WICs, and the corresponding ascendancy of anti-labour economic ideology, the argument (from the "left") that political instability in South Africa threatens economic engagement in that country can be accepted (by the "right") but then turned on its head, resulting in a policy of increased support for the oppressive regime to ensure its "stability". This would appear to be the basis of the South African policy of, for example, the Reagan administration, (although masked to some extent by the rhetorical utterances to the contrary). This political policy reflects the view that economic policy should be primarily dictated by the ability of the market to yield profitable returns. Since the market performs well in South Africa the political corollary is evident.

In this context, what attitude does organised labour adopt towards involvement with South Africa by national capital in each country? Is it best to withdraw under protest from involvement with governments' foreign concerns? Or is it best to be involved as a force which may moderate the worst aspects of essentially unsatisfactory policies?

In considering the response of organised labour in the WICs to this dilemma, this paper firstly examines in general terms, a range of the policies that have been widely proposed as appropriate pressures on the South African regime, to hasten the demise of apartheid. Secondly the paper considers which of these pressures are supported or adopted, typically, by organised labour in the WICs. Thirdly the paper makes an evaluation of the position commonly adopted by labour. Fourthly, there is an attempt to interpret the policies which organised labour in the WICs has tended to follow from the perspective of black trade unionists in South Africa.

## 1. ANTI-APARTHEID PRESSURES

Among the major pressures against the South African regime can be listed the following:

- a) There is the worldwide moral condemnation of apartheid. The U.N. condemns apartheid (defined as legally but-tressed racism) as "a crime against humanity". The obvious problem with the nearly-universal condemnation of apartheid is that condemnation is easy, while effective action is less so. This is not to say that condemnation is unnecessary.
- b) There is the call for limitation of economic involvement. This call varies from those who advocate cutting off all trade and withdrawing all capital investment, through a wide variety of gradations, to those who maintain that any such pressure is not yet appropriate, since economic expansion - i.e. changes wrought in South African economy with foreign capital assistance - comprise the best way of reducing racism.
- c) There is the sanctions call. This appears in various forms, for example - the U.N. arms embargo (which has not however been adequate to stop South Africa developing its own war industry and to enhance the sales value of its products since they are "combat-tested.")
  - the call for an embargo on sales of oil to South Africa and the transportation of oil to South Africa. (The failure of the oil embargo in respect of Rhodesia indicates the practical and political problems associated with this proposal).
  - the call for a U.N.-imposed blockade of all South African imports and exports.
- d) There is the cultural and sports boycott call. This call cannot easily be ignored by those who support the moral condemnation of apartheid, without appearing hypocritical, and has proved one of the pressures which it has been possible to develop with some success.

- e) There is the pressure constituted by the existence of the banned and exiled Liberation Movements, primarily the ANC. In the 1960's and until the latter part of the 1970's, the pressures exerted by the Liberation Movements consisted of two main forms:

- There was the promotion and co-ordination of the pressures listed above, as well as self-promotion in the manner of a government-in-exile, in the diplomatic arena.
- There was the threat (whether realised or not) of the "armed struggle", demanding the constantly escalating counter commitment by the South African military, with ripple effects in the racially restricted skilled labour market.

With the re-emergence of widespread internal resistance to the South African regime in the 1970's, the Liberation Movements (after some delay, and then gradually), began to offer moral support to the new generation of resistance, despite its organisational autonomy from the exiles.

- f) There are the "internal pressures" against apartheid, i.e. the non-acceptance of apartheid by the people adversely affected by it. Support from outside South Africa for these pressures within South Africa can take a wide range of forms:
  - Support for individuals to overcome their disadvantaged position, e.g. by provision of educational grants.
  - Support for organised resistance such as independent trade union development, legal defence of persons indicted for political reasons, etc. Support for independent trade union development can be in the form of financial support, moral support (e.g. telegrams at moments of crisis) or concrete acts of solidarity (e.g. pressure from trade unions on a variety of levels against companies' denial of representational rights etc.).

All these pressures, taken as a whole, constitute a climate of antagonism towards apartheid which is a constant concern for the South African regime, and a major reference point in the various commissions appointed by the regime in the latter part of the 1970's to examine the potential for reform of the

apartheid system.

## 2. TYPICAL POLICIES OF ORGANISED LABOUR TOWARDS SOUTH AFRICA

Turning now to an examination of the broad trends in the policy of organised labour in the WICs towards apartheid in South Africa, it is worth noting that current policies need evaluation in the light of historical perspective. The notion that legalised racial discrimination is a "crime against humanity" is a product of the last 30 years, the result of the "decolonisation" and "neo-colonisation" of Africa. In the heyday of the great Colonial empires racism was an integral (although sometimes latent) element in the justification offered by the imperial powers for their aggressive behaviour. This created contradictions for the policy makers of organised labour in the imperial homelands, contradictions which emerged in some cases only relatively recently. For example, in Britain the TUC found itself in the mid-70's saddled with a range of cordial relations with establishment trade unions in South Africa, some of which had been founded as branches of British TUC (Trade Union Council) affiliate unions about 50 years previously. In this context it was not altogether surprising that, confronted with the emergence of a new generation of unions in South Africa in the 1970's, the initial response of the TUC was to simply express disquiet at the "disunity" in the "labour movement" that the new unions were creating.

Turning to current TUC policy we observe considerable change of emphasis:

Congress welcomes the development of independent black trade unions in South Africa. This is part of the process of national liberation in Southern Africa.

(TUC, Blackpool Conference, 1981).

The resolution goes on to condemn the UK government for vetoing U.N. sanctions against South Africa, affirms support

for SWAPO (South West African Peoples Organisation), and condemns South African aggression against Angola and other neighbouring states. The British Labour Party is more explicit about their support for the Liberation Movements:

We will ... give direct financial aid to the liberation movements after discussion with the OAU (Organisation of African Unity) and the U.N.

(Labour's Programme 1981)

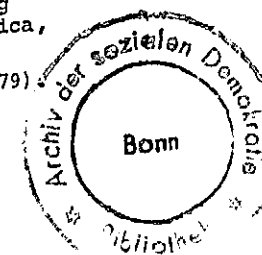
To the independent South African trade unions, the Labour Party, apart from giving moral support, sees itself as relating by working" ... with our trade union colleagues to provide training and support to the non-racial trade union movement." (i.e. via the TUC unions).

Whereas organised labour in Britain stops short of promising that the next Labour Government will stop further UK investment in South Africa, a different position obtains in Scandinavia. While the Nordic Trade Unions' Council (NFS) agrees that pressures should be exerted at UN level to stop all new investments in South Africa, it also calls on all Nordic governments to stop all investment in South Africa forthwith. For example in 1978 the Norwegian Government (under Labour) withheld all licences for investments in South Africa, which effectively stopped new investment. At the level of support for trade union and political organisations the NFS advocates government support for the Nordic trade unions "... in their efforts to provide the black and coloured workers of South Africa with the opportunity of trade union education, as well as legal and economic support". Furthermore, the NFS calls for increased state humanitarian aid for the liberation movements in South Africa.

A noteworthy extra facet of the NFS position is information and conscientization work in Scandinavia:

That the government actively contribute in spreading knowledge about the radical oppression in South Africa, through the educational system and in other ways.

(NFS Revised 14 point program on South Africa, 1979)



An example of how this is done in practice would be the 1981-1982 campaign run by the Norwegian Labour Movement (with state financial assistance), which involved free distribution of a series of brochures on South Africa to all trade union and labour party branches and to interested persons.

Comparing the two European examples above with the policy position of the AFL-CIO (American Federation of Labour/Congress of Industrial Organization) in the United States, certain similarities and certain notable differences are evident. The AFL-CIO policy is, for example, markedly less concerned about support for the liberation movements<sup>1)</sup>. Before concentrating its attention on what steps it intends to take in its "Program of action in support of black trade unions in South Africa" (1981), the AFL-CIO makes clear that it intends to seek non-violent solutions to the problems of South Africa. That this is not seen as a division of labour in the task of liberating South Africa (as seems to be the European view) is made clear, albeit indirectly.

The AFL-CIO urges the South African Government not only to permit the peaceful process towards black trade union development now under way, but to actively encourage it ... The AFL-CIO stands ready, even at this eleventh hour, to assist toward this goal in concert with all who are still committed to peaceful change before it is too late.

Presumably, the AFL-CIO does not see itself, however indirectly, as supporting the liberation struggle, although the hope is expressed that AFL-CIO assistance will hasten "majority rule." The AFL-CIO, in encouraging the South African government to follow a course of liberalisation before it is "too late" (a

<sup>1)</sup> It should be pointed out, however, that the AFL-CIO uses the term "liberation movement" differently from the European centres. For example, Chief Buthelezis "Inkatha" organisation is described by the AFL-CIO as "the largest liberation movement in South Africa". The European centres' use of the term refers to the banned and exiled ANC and PAC (Pan Africanist Congress). It would be difficult to find any independent union in South Africa which sees "Inkatha" as part of the liberation struggle, however defined.

course incidentally, which, in many respects, the South African Government appears to have embarked upon for identical reasons some years before the announcement of the AFL-CIO program) is clearly more willing than its European counterparts to enter into some form of dialogue with the South African regime.

At the level of support to black trade unions in South Africa, the AFL-CIO program appears more comprehensive and systematic than the programs of the European centres of organised labour. However, this is presumably the result of the AFL-CIO's relatively late entry into the area. The European centres' programs developed in a more ad hoc way out of the relationships that they developed over some years with the unions in South Africa, and have thus been influenced by the complexities of the trade union situation in South Africa. The AFL-CIO programme had the advantage (in terms of clarity of objective) of being formulated *after* the independent unions had established themselves as a permanent and important feature of the South African labour framework, but *before* the AFL-CIO had entered into any serious interaction with them as to their needs. The complications arising from this approach will be referred to below.

### 3. AN EVALUATION OF TYPICAL LABOUR POLICIES TOWARDS SOUTH AFRICA

In attempting to interpret the policies of organised labour in the WICs towards South Africa, it is tempting to argue that the degrees of willingness to impose the more economically damaging pressures such as economic sanctions is simply related to the degree to which the effects of such a policy would be damaging in the home country concerned. This is an explanation sometimes offered, for example, in British labour circles, when the stronger policy of the Nordic countries is held up for recommendation. The implication is that the Nordic labour

movements would not advance such policies if they had as much to lose as British workers in the implementation of such policies.

However, that such economic explanations are not sufficient is apparent if we compare the TUC position with the AFL-CIO attitude. According to the logic of the equation: "greatest involvement = most circumspection in applying economic sanctions", organised labour in Britain should be far less willing than organised labour in the US to consider economic sanctions. British involvement, relative to the numbers of the UK labour force likely to be affected adversely by economic sanctions against South Africa, is proportionately far greater than US involvement. Yet organised labour policy in the US is far "softer" on the South African regime than is British policy.

More general critiques of international labour solidarity (i.e. not concerned with South Africa alone) have argued that it is the *degree* of organised labour's involvement with the state in foreign policy questions that is the determining factor in organised labour developing "pro-imperialist" positions. (This is the underlying argument, for example, of Thomson and Larsen in "Where Were You Brother?" (War on Want, 1978).)

Yet this argument is questionable if we apply it to the positions of organised labour towards South Africa in Scandinavia, Britain and the United States, since the greatest involvement in government over the past several decades has been in Scandinavia (with Sweden being the most extreme case) and it can not easily be argued that the Scandinavian positions on South Africa are the most "imperialist" of the three.

It may be more fruitful, in attempting to interpret to policies of organised labour in the WICs, to look more closely, not at the *degree* of involvement with the state, but the *nature* of that involvement. For example, if we consider the case of the

British Labour Movement, we may inquire as to the significance of a TUC argument, as presented by a TUC delegation to the (then) Foreign Secretary in 1983, that the British (Conservative) Government should increase the amount of money paid to the TUC for trade union education work in less developed countries. It was argued that the provision of such education had a stabilising effect in the recipient countries and prevented the spread of communist influence. The communality of interest between the (Conservative) government and the TUC was stressed. (Cf. TUC record of meeting with Francis Pym, January 5th, 1983)

Of course, this example might be nothing other than an indication of TUC negotiating technique in obtaining funds from an unsympathetic government, i.e. actual TUC intentions in launching trade union education work in foreign countries (e.g. South Africa) may be motivated entirely by genuine concern for trade union rights and not at all by the motives presented to the UK Government representative. It is noteworthy, however, that so noticeably conservative a government does continue to finance such TUC initiatives, and in the final analysis the question that must be answered is "Who is using whom?"

Similar considerations spring to mind if we consider the situation in the USA. A June 23rd 1983 statement on Southern African questions by the Reagan Administration's Under-Secretary of state revealed that

... In co-operation with the AFL-CIO, programs of support are being initiated to train labor leaders in South Africa in skills which will improve the collective bargaining ability of black and mixed trade unions and enhance the dialogue between the American and South African labor communities. The US contribution to this program will increase from 190,000 dollars this fiscal year to 875,000 dollars next year ...

It would be difficult not to see this announcement in the context of President Reagan's earlier statement of intention to promote "democracy" in less developed countries by programs in support of trade union development. The June 23rd announce-

ment goes on to add that \$ 4 million per year will be spent to bring black South African students to the US for university studies, that \$ 3 million will be spent on "small business development" in the South African "black community" over the next two years, that a million-dollar-a-year school tutorial project for black South African high school students is being launched, and that a \$ 5 million project is being launched for black university scholarships inside South Africa.

Significant elements of these programs would be in accordance with the AFL-CIO policy on support for South African trade unions, described in section 2 above. The AFL-CIO policy lists as its final point, for example:

Support the expansion and use of existing skill-training facilities including selective scholarship aid to open up the restricted upward mobility for black workers.

In this instance the question asked of the TUC's involvement with the Conservative government, can be asked of the AFL-CIO's involvement with the Reagan administration: Is there a communality of interest, or does organised labour have a different policy from government which it hopes to advance by manoeuvring tactically?

Since the strength of organised labour varies from one WIC to another, the extent to which it can "wheel and deal" with governments must vary considerably. The question of "strength" is not simply a numerical one, of course, but must relate to percentage of labour organised and such factors as the strategic location of the organised workers. An additional dimension of "strength", especially in respect of foreign policy, would be the degree of political consciousness of organised labour in a particular country, and the degree to which trade union membership is informed about the issues.

According to such criteria one would expect, concerning the apartheid issue, that well developed informational campaigns in organised labour's grass roots constituency, as attempted in the Nordic countries, in the context of a politically well

organised labour movement, would result in a strong negotiating position for organised labour in dealings with the state. The same criteria applied to organised labour in the USA would incline one towards the view that AFL-CIO dealings with the state on the apartheid issue would be conducted from a considerably weaker bargaining position.

But aside from these relativities there is a further question that requires consideration. This concerns the degree of communality of interest between capital and labour in the WICs on foreign policy questions. Since these countries are in competition with one another over markets, and sources of raw materials, it follows that workers in these countries are in competition with one another also. From the point of view of international labour solidarity this is not ideal, but it is the reality which flows from the ownership patterns in the WICs. However, the consequences of this reality for those sections of organised labour in South Africa which are fundamentally opposed to the apartheid system deserve consideration, and this is the focus of the following section.

#### 4. PERSPECTIVES FROM INSIDE SOUTH AFRICA

Some measure of the different perspective on political and industrial relations matters obtaining among black workers in South Africa can be gleaned from the following quotes, both of which came as spontaneous expressions of surprise:

A VW (South Africa) shop steward visiting the UK for the first time in mid-1979, shortly after the UK General Election -

*How can the people in a country where there are 50 % of workers in trade unions elect a prime minister like Mrs. Thatcher?*

A Metal trades union organiser, shortly after attending a course on industrial relations in the FRG (Federal Republic of Germany), in mid-1977;

This co-determination in Germany is not really different from the liaison committees in South Africa. It is just playing games. The employers have all the real power still.

However one interprets the South Africa regime's "reforms" in industrial relations and labour supply control over the past five years, there remains the fundamental reality of apartheid stretching back decades, even generations, and this is ultimately what conditions black workers' response to the system. The oppression has been, and remains, severe, and has generated a resistance which is not described in polite terms such as "opposition", but in terminology evocative of a total commitment - "the struggle". The opposing forces are extremely polarised.

In this highly-charged context, the acceptance of any regime-offered reform can be easily equated with having compromised oneself in "the struggle". In the debate around the issue of trade union registration, for example, those who sought to use the proposed changes in the legal system tactically were branded as "sellouts" by others who adopted the attitude that the regime was such a devil that not even the longest spoon would permit of safe supping.

Even those unions who have considered it possible to deal tactically with the regime have laid very great stress in their organising activities on independence from government interference. The crude attempts by the government, in alliance with employers, to substitute liaison committees for black workers' trade unions during the 1970's, had the effect of helping to crystallize, at a vital formative stage of the independent unions growth, a concentration on shop floor democracy which came to be expressed in the slogan "workers' control". In short, the particularities of the South African social context have led to a particularly sharp perception of the conflict between exploiters and exploited and their irreconcilable hostility. The recent talk of "reform" amongst government and employers thus rings hollow, and is regarded with deep suspicion.

This situation could not but have a profound effect on what black South African workers perceive as they gaze outwards to the WICs. In conditions far more conducive to "worker control" (or as it has also increasingly been labelled, "participatory democracy") there is seemingly less emphasis on this than in South Africa. In the context of far greater freedom of speech, information and association than obtaining in South Africa, trade unionists vote for leaders like Reagan, Thatcher and Kohl. With trade unions enjoying far greater resources, membership depth and political weight than in South Africa so much effort appears to be directed upward to persuasion of governments at UN and other such forums while comparatively little effort appears directed at direct action and campaigns amongst the membership. There is no lack of respect for the notable achievement of organised labour in the WICs - such social welfare systems and wage levels would be very welcome in South Africa - but this aspect helps to complicate matters rather than simplify them. White workers in South Africa also have fine living conditions, but these were achieved at the expense of black workers. What is the relationship between the high wages paid to e.g. German workers and the high profits made by German companies in South Africa? It is one thing to talk about trade union solidarity, and another thing to practise it - white South African workers' unions have talked solidarity, and joined forces with employers against blacks at industrial council negotiations for 60 years.

In the light of the above complexities it is not surprising that the independent unions which have developed over the last ten years in South Africa have adopted a positive but cautious approach to the question of international labour solidarity. In respect of interventions by organised labour in the WICs into the developing labour movement in South Africa, the element of caution has been particularly pronounced, with the two largest independent trade union groupings agreeing that visits to South Africa should be made only at the invitation of the independent unions, and for

the purpose of practical solidarity concerns that will benefit ordinary workers. At its 1983 congress in Oslo, the ICFTU (International Confederation of Free Trade Unions) endorsed these policy orientations in broad terms, in a move that may serve to allay the suspicions raised among South African black workers about the intentions behind the foreign interest shown in South African labour affairs by the visit of the AALC (African-American Labour Center)/AFL-CIO delegation visit in 1982.

Although the American visit took place under an alarming cloud of press allegations that the AALC, the AFL-CIO international affairs department and the CIA (Central Intelligence Agency) worked hand in glove, what was possibly of more concern to the independent unions in South Africa was the arrival of the delegation without prior consultation with the independent unions, seemingly on the basis of some informal arrangement with TUCSA. When it emerged that the AALC was looking for "Programs" to support, with considerable sums of money available, the caution of the independent unions became more pronounced, and the offers of assistance were declined.

The essential problem in this intervention was the failure to consult. The AFL-CIO executive statement of 1981 which outlined the principles and content of the programme (see section 3, above) was made before consultation with the potential recipients, and the AFL-CIO New York convention in November of the same year, passed a resolution (No. 186, submitted by the AFL-CIO Executive Council) clause 2 of which reads as follows:

The elements of a program have been drawn up following discussion with interested organizations both outside and inside South Africa. It is expected that there will be close co-ordination with the ICFTU on this program.

Anyone at the AFL-CIO convention who had interpreted this resolution to mean that consultation with the independent unions had taken place about the need for a separate (i.e. non-ICFTU) program, or its elements, would have been mistaken.

That the failure of the AFL-CIO to consult before establishing a program and mapping out its elements could not be seen as merely a lapse in protocol derives from the specificities of the South African situation: black workers' unions in South Africa have for decades been subjected to arrogant paternalism by government and employers: "We know what the Bantu need" and "We know what our employees want". To the extent that the Americans' procedure reproduced this attitude, it made a mockery of the principles of "democracy" which were so repeatedly professed by the members of the AFL-CIO delegation.

One effect of the problematic AFL-CIO intervention in South Africa has been to sharpen the critical perspective of the independent trade unions in South Africa as they look outward at the organised labour movements in the WICs. Are the "helping hands" that extend to them from Europe, for example, really tokens of solidarity, or are they merely more subtly presented versions of Reaganite "democracy?"

Behind this particular question lies the more general question posed indirectly by Mrs. Thatcher at the beginning of this paper: Where exactly do the interests of capital and labour coincide, and where are they divergent? It would be very sobering, given the conventional understanding of international labour solidarity, to hypothesize that, in the framework of competing national capitals in the WICs, it is in the area of national foreign policy that the interests of national capital and national labour tend most to converge.

##### 5. CONCLUSION

There was a tendency during the 1970's for trade unionists in the WICs to conceive of trade union development in the less developed countries (LDCs) as if it would follow some naturally predetermined path through various stages, in a pattern similar to that experienced in the WICs, e.g. an infancy marked by repression, an adolescence marked by militancy and



growth, and a maturity marked by stability and responsibility as caretakers (with capital) of the nation's wellbeing.

What was missing in this conception was any consideration that, as in human life, after maturity lies old age, weakness and death. However, before this cyclical progression could take its anticipated course, the collapse of the postwar boom and the end of "full-employment" in the WICs have challenged the Keynesian notions of controlled capitalist growth on which the "maturity stage" theory of trade union development rested.

This has provoked intense discussion in domestic organised labour in the WICs. Trade Union leadership has engaged in self-criticism, confessing themselves to have failed in the political education of their members, and even going so far in some instances as to claim that the trade union leadership is out of touch with the membership. More critical elements within the unions have argued that the trade union leadership has become so used to having polite discussions with government during boom times that they have forgotten how to mobilise membership to exert pressure on governments which refuse to respond.

In the intensity of such domestic discussion around the glaring social issues of poverty and mass unemployment, there may lie the seeds for a better understanding of the problems of organised labour in places like South Africa, and thus the basis for a deeper solidarity.

However, there are contradictory forces at work here: domestic crises in the WICs may turn the attention of organised labour to exclusively domestic issues, to the neglect of international solidarity questions. Alternately, conservative governments and employers may seek to turn the perceived weakness of organised labour domestically to their advantage, pressing for labour support for foreign trade and investment policies which, however exploitative of the LDCs where they are carried out, can be "sold" to the WICs trade unions because they offer at least a few jobs in a very lean period.

Perhaps the most problematic of all the problems in the policies of organised labour in the WICs towards South Africa "Arises when South Africa" is considered, non from the viewpoint of being a unique problem in terms of legalised racial discrimination, but from the aspect of its similarity to so many other IDC's, where transnational corporations based in the WICs impose wages and working conditions that could not be imposed on their domestic labour forces. If the problems of workers in South Africa are considered alongside the problems of workers in Southern Asia and Latin America, the broader challenges facing organised labour in the WICs start to become apparent.

## INDEX OF ABBREVIATIONS

AALC	African-American Labour Center
AEU	Amalgamated Engineering Union
AFL-CIO	American Federation of Labour - Congress of Industrial Organizations
AGM	Annual General Meeting
ALUSAF	Aluminium Corporation of South Africa
ANC	African National Congress
BAAB	Bantu Affairs Administration Boards
CCAWUSA	Commercial, Catering and Allied Workers' Union of South Africa
CIA	Central Intelligence Agency
CMBU	Confederation of Metal and Building Unions
CUSA	Council of Unions of South Africa
CWIU	Chemical Workers' Industrial Union
ERAB	East Rand Administration Board
FCWU	Food and Canning Workers' Union
FOSATU	Federation of South African Trade Unions
GAWU	General and Allied Workers' Union
ICFTU	International Confederation of Free Trade Unions
LDC	Less Developed Countries
MAWU	Metal and Allied Workers' Union
MWU	Mine Workers' Union
NAAWU	National Automobile and Allied Workers' Union
NFS	Nordic Trade Union's Council
NIC	National Industrial Council
NMC	National Manpower Commission

NUDW	National Union of Distributive Workers
NUTW	National Union of Textile Workers
OUA	Organisation of African Unity
SABS	South African Boilermakers' Society
SACLA	South African Confederation of Labour
SAEWA	South African Electrical Workers' Association
SALB	South African Labour Bulletin
SALDRU	Southern African Labour and Development Research Unit
SALR	South African Law Reports
SEIFSA	Steel and Engineering Industries Federation of South Africa
SWAPO	South West Africa Peoples' Organisation
TUC	Trade Union Council
TUCSA	Trade Union Council of South Africa
WICS	Western Industrialised Countries

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