

## Wiehahn and Riekert revisited : A review of prevailing Black labour conditions in South Africa

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Some five years have now passed since the Wiehahn Commission (on labour legislation) and the Riekert Commission (on manpower legislation) issued their reports<sup>1</sup> and since the respective White Papers recorded the South African Government's reactions to their recommendations. Those of the Wiehahn Commission in particular have been, and continue to be, described in South Africa as a source of fundamental change that opened up the labour field to Blacks and brought labour policies and practices substantially into line with international labour Conventions. The Riekert recommendations received rather less publicity. With world attention now focused on the recent events in South Africa, it seems appropriate to examine here the type and degree of change that has actually occurred for Blacks in the labour field so as to see just how far the Government can legitimately claim to have embarked, under a "reformist" President, on a process of broad fundamental change for Blacks.

Discrimination against non-Whites, particularly Blacks, has existed in extreme forms from the days of the early settlers in South Africa, but it was the National Party which, after coming to power in 1948, formalised and refined racial discrimination through new and wide-ranging legislation. These new racial separation policies and practices, grouped under the title "apartheid", quickly attracted world-wide attention and concern.

Separation of the races in South Africa was achieved in practice, however, not only through legislation, but also through the exercise of the power of the State and the furtherance of long-established attitudes, customs and prejudices. The National Party had come to power with the support of White trade unions, the price for which was enhanced protection for White labour against the growing number of Blacks in the expanding labour force. But apartheid also had the wider objective of physically separating the races by settling the Blacks in townships in White areas or in tribally based "bantustans" or "homelands". Separation policies thus had direct labour repercussions. Blacks who met specified legal criteria were allowed to live in

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townships in White urban areas and formed the regular, basic labour supply for the White economy; those who did not were compelled to live in the homelands and could only be recruited according to employers' needs, as single men, on contracts of not more than one year's duration, thus becoming migrants in their own country. But those in the townships were not to be allowed to challenge White prerogatives in the labour field. Blacks were denied even limited upward mobility by legislation that prohibited apprenticeship and access to skilled jobs for them, excluded them from membership of registered trade unions, severely restricted their employment in the Western Cape and reserved a wide range of jobs for Whites. In education, separate arrangements and grossly inferior standards ensured that Blacks were severely handicapped in job advancement generally. Migrants from the homelands, frequently housed in bad conditions, were inevitably given even less choice of employment. In order to prevent homeland Blacks from moving into White urban areas in search of work rather than waiting to be "requisitioned" under migrant labour procedures, other legislation required Blacks to carry "passes" and introduced "influx control", which was administered by police and White public servants with powers of arrest. During the 1970s between 100,000 and 200,000 Blacks were arrested annually under these "pass laws".

The 1950s and 1960s brought rapid economic growth to South Africa, owing partly to world economic growth with heavy foreign dependence on South African mineral resources, large-scale foreign investment and the availability of a captive and cheap Black labour force. However, that very growth led to problems for business leaders, who began in the early 1970s to complain that the labour system, too rigid to permit the maintenance of the growth rate, would inhibit their efforts to transform South Africa into a major economic power. They argued that, with Blacks forming 70 per cent of the total labour force, yet subject for political reasons to the prohibitions and controls described above as well as to cumbersome and expensive recruitment procedures, the White, Coloured and Asian population groups could not by themselves be expected to ensure the development of skills or the labour market flexibility that continued economic growth required. These pressures for change were accompanied in 1973-74 by widespread strikes in Natal by Black workers, some of them members of unregistered unions, who demanded improved wage rates. These, the first large-scale strikes by Black workers for several years, were generally successful in achieving short-term gains. They also had the effect of calling the attention of the Government and employers to the growth of the unregistered trade union movement, which was not recognised by either and was subjected to considerable official harassment. In addition, the strikes revived international concern about poverty wages in particular and the Black labour situation in general, and brought new pressures to bear on the Government. Matters came to a head in 1976 with the Soweto riots, which spread rapidly throughout much of the country. Although initially a protest against inadequate Black education, the

riots escalated into a demonstration against the overall limitations and restrictions placed on Blacks. The Government put down the 1976 riots with considerable loss of life among Blacks but, in a subsequent appraisal of the new situation created by the riots, concluded that fuller economic utilisation of Blacks, as proposed by business, would have political as well as economic advantages by damping down Black political protests and eventually creating a Black "middle class" which would be a stabilising influence within the Black population. The first steps consisted in promises to spend more on Black education, and the introduction of Black local authorities in townships. The other measures were the appointment of the Wiehahn and Riekert Commissions.

In appointing these two bodies to examine the labour situation, the Government made it clear that it was not renouncing its policy of racial separation. The Wiehahn Commission was asked to examine and make proposals on labour legislation governing workplace matters such as employer-employee relations, conditions of employment and job advancement. The broader issues of Black mobility, residence and labour recruitment, which in practice have strong labour implications, but social and political ones as well, were to be treated separately and were referred to the Riekert Commission. This arrangement allowed room for exploring both the economic advantages of greater utilisation of Blacks and possible means of making labour recruitment more efficient and control over the movement and residence of Blacks more effective.

## The Wiehahn Commission

The Wiehahn Commission was appointed in June 1977; its Chairman, Professor N. E. Wiehahn, an academic lawyer specialised in commercial law, was previously unconnected with labour matters. Although Black labour conditions had prompted the appointment of the Commission, only one Black was included, and he an academic of no standing in the Black community. The other members were one White academic, four White employers and seven trade unionists (five White, one Coloured and one Asian).

The Commission's terms of reference included the examination of labour and certain mining legislation;<sup>2</sup> the adjustment of the system of industrial relations to make it more effective for prevailing needs; the adjustment of the machinery for the settlement of disputes; the elimination of existing bottlenecks in the labour field; and the means of establishing sound labour relations. The Commission issued its report in six parts during the course of its work (covering a period of over three years); each of these was followed by a government White Paper. Broadly, those of the Commission's recommendations which were accepted by the Government were as follows:

- (1) A National Manpower Commission should be established to advise the State and to enable it to play a more dynamic role in the design and planning of labour policy, while pursuing a policy of minimum intervention in relations between employers and employees.
- (2) Blacks should be permitted to join registered trade unions, but the prohibition of political activities by trade unions should be maintained.
- (3) Legislated job reservation should be abolished, except in the mining industry.
- (4) An Industrial Court should be established to adjudicate issues such as the interpretation of labour law, unfair labour practices and unfair dismissals.
- (5) Everyone should be eligible for apprenticeship, subject both to acceptance by apprenticeship committees and to the "protection of group interests".
- (6) Legislation requiring separate workplace facilities according to race should be repealed and replaced by agreements between employers and employees.
- (7) A major overhaul and expansion of industrial training was needed as present training was inadequate given the educational levels of the majority labour force, productivity levels and skilled labour shortages.
- (8) The National Training Board should operate on the basis of non-discrimination.
- (9) While practical training during apprenticeship was the responsibility of employers, theoretical training for Blacks should be given in centres already providing lower-grade training for them. Exceptionally Blacks could be accepted at existing (White) facilities "if suitable arrangements could be made".
- (10) The National Training Board should keep abreast of developments in apprenticeship training with a view to raising admission qualifications.
- (11) Employment, vocational guidance and placement services should be improved.
- (12) Certain provisions of the Unemployment Insurance Act and Workmen's Compensation Act should be reviewed with a view to ensuring equity among population groups.
- (13) The Government (which withdrew from the International Labour Organisation in 1964) should resume submitting annual reports on the application of ratified Conventions, as required by the ILO Constitution. It should also explore means of establishing and improving contact with the international labour world.
- (14) Industrial work reservation should be removed by negotiation.

In addition to recommendations on specific matters as summarised above, the Commission urged the repeal of all racially discriminatory features of the labour laws. This was necessary for the implementation of certain recommendations and would, in its opinion, remove a source of international criticism.

## The Riekert Commission

This Commission was appointed in August 1977; its Chairman and sole member was Dr. P. J. Riekert, the Economic Adviser to the Prime Minister. His terms of reference included the examination of ten laws<sup>3</sup> related to the mobility, place of residence and recruitment of Black labour. The Commission's report was contained in one long, detailed and somewhat confusing volume, which was followed by a White Paper.

The main recommendations were:

- (1) Many laws were discriminatory and damaging to South Africa's image. They should be reviewed. (Some were, but not repealed.)
- (2) Influx control should be retained but related to the availability of jobs and housing rather than to formal legal criteria. (The Government's reaction to this recommendation was unclear.)
- (3) The 72-hour limit on Black visits to urban areas and arrests for pass offences should be scrapped. (This was rejected as likely to encourage Black movement to White areas.)
- (4) Prosecution for "pass" offences should be dropped and heavier penalties imposed for the employment of Blacks in an illegal situation. (The former recommendation was rejected but the latter was accepted.)
- (5) Recruitment procedures for Blacks in the homelands should be simplified; more job opportunities should be created in these; more trading opportunities should be made available to Blacks in townships; and home ownership for Blacks should be encouraged. (The Government accepted these recommendations.)
- (6) The curfew on Blacks living in White areas should be lifted, and Blacks legally resident in townships should be permitted to bring in their families, to move from one administrative area to another and to change jobs without losing the right to remain in a White urban area. (These recommendations were noted by the Government, which did not, however, state a position on them.)

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The earlier parts of the Wiehahn Report, the complete Riekert Report and the White Papers were published in fairly rapid succession. They were hailed by the Government and by many employers as major developments that would bring fundamental changes in South Africa for the Black population, and Black workers in particular, who would thenceforth enjoy

freedom of association, freedom from discrimination and full scope for job advancement based solely on merit. The Government launched an extensive publicity campaign with the idea of conveying this message to the international community. It was followed by a project launched jointly by the Government and employers, known as "Manpower 2000", with the stated objective of promoting a climate of change in the labour field. White trade unions were distrustful of the Government's intentions and did not welcome the prospect of the numerically superior Black labour force being able to compete with their members for jobs and status. The Blacks themselves, who had not been consulted, were sceptical that the changes proposed would affect their overall social, political and constitutional status: "separate development" was to continue, the only change consisting in greater recognition of the usefulness of Black labour within the White economy.

What, then, is the present position of Black workers in South Africa, and how far has it really been modified by the "reforms" of the past few years? For convenience of examination the labour field has been divided into broad areas as indicated by the headings which follow.

## **Industrial relations**

After hesitating about how and to what extent Wiehahn's recommendations concerning Black membership of registered trade unions should be implemented, the Government in 1980 finally amended the law to allow all employees, irrespective of race, to join registered trade unions. But workers in agriculture, domestic service, state and local authority employment and certain persons in educational institutions were excluded. All Blacks (other than those excluded), whether qualified urban residents or migrants from foreign countries or the homelands working in the central South African economy, were therefore permitted to join registered trade unions. This was an acknowledgement that the growth of the unregistered (but legal in common law) Black trade unions was a fact of life and that, if Black labour was to be more widely utilised, it would not be possible to maintain the Black exclusion from the official industrial relations system. Instead, the interests of the State would be better served by bringing Blacks under the control of the official system, rather than allowing their unregistered unions to flourish and grow independently, which could lead to the emergence of a more militant Black labour force. The Government stated that its policy would be one of "self-governance" for employers and employees in the determination of conditions of employment within the industrial relations system, with minimum official intervention.

The rapid growth of Black trade unions since 1980 has brought about a situation in which Black trade union membership is larger than the total figure for the three other population groups. Another consequence has been the high level of industrial unrest, mainly as a result of efforts by Black

workers to improve their working conditions and bargaining position, while many Black unions have refused to enter the official industrial relations system based on bureaucratic industrial councils, preferring to deal directly with employers at plant level. The unrest has led the authorities to intervene through the use of police, the introduction of new legislation to inhibit the functioning of trade unions, and the return of strikers to the homelands.

Police involvement has occurred on a large scale, either as a consequence of employers calling for a police presence or the police themselves intervening to disperse striking workers. Many Blacks have been arrested for striking, many others have been injured by brutal police methods and some have died in police custody. New laws such as the Intimidation Act, 1982, and the Trespass Act, 1983, though not specifically referring to trade unions, have been used extensively against Black strikers, resulting in many arrests and prison sentences. But the most significant legislative development was the amalgamation of security laws into a new Internal Security Act in 1982. This all-embracing legislation, with the extremely wide discretionary powers it confers and its loose definitions, provides considerable scope for action against trade unions, in particular through its "economic" clauses. Many trade unionists have since been detained without charge for long periods, and some charged with treason, under this Act, which has also frequently been used to ban trade union meetings. In the background, but making its presence felt in a variety of ways, the State Security Council supervises the trade unions through its "overall policy regarding trade unions", as was stated in Parliament by the leader of the Opposition.<sup>4</sup>

Since 1980 the Government has intensified its homelands policies; four homelands are now "independent" and others "self-governing". Either status enables a homeland to make its own laws, including labour law, a right which, in the labour field generally, and on the question of freedom of association in particular, has created a complex and confusing situation for workers and trade unions in South Africa as a whole. In "White South Africa" many factors still seriously undermine the exercise in practice of freedom of association; among the homelands, some permit locally based trade unions only, some permit those based in "White South Africa" and others ban them entirely.

Already weakened by the supervision and control outlined above, the position of Black trade unions is further undermined by the absence of any legislative definition or common law precedent on the question of unfair dismissal. The Government has done nothing to reduce the freedom of employers to hire and fire at will, and consequently dismissals on a large scale have occurred during or following strikes, whether legal or illegal, or when workers have become active in trade unions. These dismissals have frequently been followed by the recruitment of replacement labour from the homelands; the authorities also have stepped into disputes by returning workers to the homelands. This failure to define unfair dismissal, especially in the new situation created by the emergence of Black trade unions, is

compounded by the basic insecurity of Black employment generally, particularly for migrant workers.

Thus freedom of association in practice is seriously circumscribed in South Africa as a whole. Although legislation has been amended to remove the prohibition on Black trade union membership and freedom of association for all is, according to the Government, ensured by legislation, other methods, as we have seen, are employed as means of control. Black trade unions have been permitted, they have grown rapidly and they have achieved certain successes, but they continue to function only with considerable difficulty. Their survival has been partly due to international support and the knowledge that at this point the Government can hardly reverse its policies and once again ban Black trade union membership, but also largely to their recognition by Blacks as instruments in the struggle against apartheid, not only in economic but also in social and political matters.

## The Industrial Court

In implementing the recommendation for setting up an Industrial Court, the Government placed the Court within the jurisdiction of the Department of Manpower (formerly the Department of Manpower Utilisation) and gave it the authority to consider and determine cases of unfair labour practices. No right of appeal was provided for. Initially no specific guidance was given about what constitutes an unfair labour practice, and it was left to the Court to decide. Although later amending legislation contained some generalised definitions, these added very little by way of clarification. The emerging Black unions were at first very suspicious of the Court, but a number of early decisions in their favour encouraged them to make greater use of the new procedure. As a result, a clearer pattern of what constitutes an unfair labour practice seemed likely to evolve, but by 1983 employers and certain lawyers had begun to object to the Court's policies, claiming that it was establishing precedents that could erode employers' prerogatives and the control over labour which they had long exercised, particularly concerning dismissal.

New, usually temporary, chairmen then began to be appointed to the Court, frequently with little knowledge of labour law and practice as defined in international labour Conventions and relying largely on their own notions of fairness. Inevitably, given the long history of well-known White attitudes to Blacks in South Africa, such decisions often conflicted with acceptable labour practices and even with earlier Court decisions. In addition, the Department of Manpower began to interfere with certain processes and to impede access to the Court. As a result, the Court's credibility declined sharply, and the Government requested an investigation by the National Manpower Commission; but the Commission's report appears to have satisfied neither the Government nor the Court's critics. In addition, the Court's status was not enhanced by a recent Supreme Court decision that it was not a court but a government agency.<sup>5</sup>



There can be little doubt that any unbiased body considering unfair labour practices and reaching decisions based on international labour standards would, under the conditions prevailing in South Africa, normally giving rulings in favour of Black workers and their trade unions; but, just as clearly, such decisions would run counter to the system of apartheid itself, to the practices which, for generations, have governed the employment of Black labour and to what employers have come to regard as their inalienable prerogatives. Having witnessed the effects of earlier decisions, particularly in raising Black trade union confidence, the Government seems to have decided, under pressure from employers, that although the Court probably cannot be abolished, its decisions should not be allowed to alter significantly the influence or status of Black labour in the employment field.

## Training

The Wiehahn Commission emphasised the importance of industrial training for Blacks as a supplement to the improved system of Black education which the Government had promised after the 1976 riots.

In the training field, the decision to allow Black apprenticeship was the most significant. Apprenticeship, however, includes practical and theoretical training and the Government immediately weakened the impact of its decision by stating that while practical training would continue to be given at the place of work, theoretical training would, wherever possible, be segregated. Whites would attend an expanded system of "Technikons", while four institutions only, spread throughout the country, would cater for Blacks and where they proved difficult of access Blacks would receive training by correspondence course. The Government announced tax concessions for employers whose apprentices attended the institutions, thus underscoring the segregationist nature of the new measure; these concessions would not be available to employers who provided private theoretical training on their own premises, where it was more likely to be multiracial.

To supervise the national training effort the Government appointed a National Training Board of 70 members including, like the Wiehahn Commission, one "token" Black member, again a little-known individual. The selection of apprentices and the supervision of training were left with the long-established local apprenticeship committees (now training committees). These continue to be dominated by the White craft unions and, so far as it has been possible to check, do not appear to include any Blacks – and certainly none from the emerging Black unions. This system of selection and supervision, dominated by Whites, ensures that Whites go on receiving priority for apprenticeship, as illustrated by the 1984 figures of newly indentured apprentices: Whites 9,851, Coloureds 1,653, Asians 503 and Blacks 654.<sup>6</sup> Moreover, in the recession year 1983 the number of newly indentured White apprentices fell by about 7.4 per cent compared with the preceding year, while the corresponding figure for Blacks was about 11.5 per

cent.<sup>7</sup> In the sectors most directly influenced by the Government itself – aerospace, electricity supply, transport and state enterprises – only five Blacks were indentured in 1983. In coalmining, diamond cutting, hair-dressing and the jewellery trade not one was indentured.<sup>8</sup>

In addition to the control over admission to apprenticeship exercised by Whites through the training committees, the apartheid system as such restricts the opportunities of Blacks, since only those with urban residence rights may be indentured while those confined to the homelands (where apprenticeship is virtually unobtainable) or permitted to work in urban areas as migrants are in effect excluded. Thus roughly half the Black population are in practice denied any chance of apprenticeship.

In South Africa Whites who have not served an apprenticeship but have acquired substantial experience in certain trades have, under the Manpower Training Act, been able to attend courses in designated centres for practical training. Successful completion of such courses entitles trainees to be graded as artisans. Both the Wiehahn Commission and the Government were vague about the position of Blacks under this scheme but it is now clear that they have not been allowed to attend the designated centres and are excluded from these arrangements.

Lower-level training for Blacks at workplaces and at eight special training centres was initially greeted with enthusiasm by employers. Such training was largely concerned with introducing the trainees to the industrial working environment and was restricted to specific functions of a basic nature. The eight centres, funded by levies on employers who sent Black workers for training, initially paid their way but more recently have been supported by state funds, suggesting a substantial decline<sup>9</sup> in their use by employers and thus a setback for Black training.

Segregation and discrimination thus continue within the industrial training system, with little or no Black participation in its supervision, in spite of the removal of racial provisions from the legislation. Most Black training is basic, while apprenticeship arrangements are clearly discriminatory and operate in favour of Whites. Other forms of training, within companies, cater for Blacks at the technician level, but the numbers receiving such training are small nationally. Blacks are also seriously handicapped by inadequate basic education, and the restrictions on their freedom of movement and choice of residence inherent in apartheid exclude at least half of them from any opportunity for training, at any level.

## Employment

The recommendations to make more extensive use of Black labour were based essentially on economic considerations, as is clear from the *Commissions' published reports*. Any initiative aimed at uplifting the status of Blacks or increasing their influence in the South African community would, in any event, have held unacceptable social and political implications. What the

employers were interested in was greater mobility for Black labour, i.e. greater geographical mobility, and greater scope for its utilisation within existing job structures; upward mobility within those job structures was held to be of secondary and limited importance. Since the publication of the Wiehahn Report there have, for example, been no campaigns to promote upward job mobility of Blacks on any significant scale or to introduce policies of "positive discrimination" in their favour, in order to redress the gross inequalities of opportunity that characterise the South African labour scene. There have been no significant changes in the pattern of Black employment, while the factors militating against Black job advancement remain as entrenched as ever; these factors include the system of apartheid itself, White "protectionism" in employment matters, and the traditional attitudes and customs of Whites generally.

In the public sector official policy continues to dictate that Blacks, Coloureds and Asians may only be employed in positions where they serve their own groups, although Whites continue to occupy the senior posts everywhere. Despite severe shortages of manpower in the White public service, legal and administrative regulations prevent non-White employment, except in menial positions. In the public service generally, long regarded as a White preserve, 50 per cent of all employees are White even though Whites constitute only 20 per cent of the total population. To meet labour shortages in the public service sector, the Government has employed national servicemen in civil departments rather than engage non-Whites. This situation is documented by a number of answers to parliamentary questions as reported in the South African *Hansard* in 1985. In the Ministry of Health Services and Welfare 2,560 Whites, one Asian and six Blacks were permanent employees, but the Asian and the Blacks were not occupying jobs on the regular establishment. In the Ministry of Education and Culture the only permanent employees were White; those belonging to other races were all temporary staff. In the Post Office 2,090 White postmen were employed for a population of 5 million, while 1,520 Black postmen served a population of 25 million. In the Foreign Service 344 Whites and two Coloureds were serving in foreign missions, but no Blacks; in the Department of Foreign Affairs itself only 21 Blacks were employed, in minor positions. South African Airways, a state enterprise, employed no Blacks as air or ground hostesses, although there had been 1,138 applications for such posts by Blacks in 1984.

While the Government has frequently claimed that fundamental changes have occurred in the labour field, an eloquent illustration of its continuing discriminatory policies is afforded by SATS (South African Transport Services), a state monopoly directly controlled by the Government and the largest employer of labour in South Africa. In 1983 employees of SATS were excluded from the operation of the Labour Relations Act, 1956, and a new law, the Conditions of Employment (SATS) Act, was passed. This Act contains no explicit reference to racial discrimination, but employment in SATS is characterised by entrenched racism, no freedom to join a trade

union of one's choosing, no recognition of independent unions, and a ban on strikes. Only South African citizens may be permanent or temporary employees, while citizens of "independent homelands" (i.e. Blacks) as well as foreign Black migrant and contract workers may be taken on only as casual workers. Such practices clearly preclude job advancement and security of employment for the 150,000 Blacks and constitute a system of job reservation for Whites. It is significant that, in 1983, 1,906 White apprentices were indentured by SATS, but only two Blacks (for employment in the homelands).<sup>10</sup> In addition, only staff associations are allowed for Blacks, these being controlled in practice by White unions within a federation; strike action is prohibited. In 1984 SATS announced retrenchment measures; because of the redundancies these involved, working arrangements were changed to avoid racially mixed working. The Secretary of the White artisans' union in SATS, a member of the Wiehahn Commission, stated that "we don't have mixed working; it can only lead to friction". The Minister of Transport boasted in Parliament that "no permanent or temporary staff" (i.e. Whites) had been retrenched; redundancies had involved Blacks almost entirely, which led a National Party member to describe SATS as "still an Afrikaner welfare organisation". SATS thus provides a good example of the continuation and entrenchment of racism in practice, even though the removal of racist provisions from the legislation may create an impression of fundamental change.

In the private sector the migratory nature of a large part of the Black labour force precludes security and advancement for Black workers; the low quality and separate system of Black education also continue to act as a powerful brake on Black progress. Black advancement has to a large extent been characterised by "tokenism" – many companies can provide an example of their "progressive" policies by pointing to a Black manager. But the vast majority of Black managers are to be found in sales (selling in Black areas only) or personnel work (concerned with Black labour only); the majority have no standing or influence in the company as a whole and are socially separated from White managers by the effects of the Group Areas Act, 1966. Black supervisors are more numerous, but exercise authority solely over Black personnel; examples of Black supervision of Whites barely exist, and then only in special circumstances. While job reservation has been banned by law (except in the mining industry, where the Government now says it may go in 1986), it remains widespread in practice and operates in a multitude of subtle ways, through custom and as a consequence of more general apartheid policies. The private sector as well as the Government itself have, over the past five years, conducted large-scale campaigns to attract White immigrants (many with only basic skills) to South Africa. As a consequence, White immigration reached high levels between 1980 and 1984, thus further inhibiting job progress for Blacks.

The Government has attempted through development programmes to generate more employment in the homelands, but with little success. Public

sector employment there is extremely limited owing to lack of money and other resources and the consequent underdevelopment of public services. Private sector development has also been very limited and generally undertaken by South African companies, although some multinational companies are also participating.

Unemployment throughout South Africa continues to affect Blacks predominantly, although no accurate official figures are issued; unofficial, but expert, calculations show a long-term Black unemployment rate of 25 per cent, in addition to considerable underemployment. White unemployment is negligible and temporary.

In spite of the Wiehahn recommendations and government claims of progress and change, Blacks continue on the whole, even though they make up 70 per cent of the labour force, to occupy the lowest rungs on the job ladder, with very limited representation in the higher grades. A survey by the South African Centre for Black Advancement has concluded that at the present rate of progress it will be 96 years before 50 per cent of traditionally White jobs are occupied by non-Whites.<sup>11</sup> The prospects for Blacks will not be enhanced by a recent change in the membership of the National Manpower Commission, which includes two "token" Blacks (both of no standing in the Black community) but ignores the emerging trade unions and the Black leaders who are accepted by Black workers.<sup>12</sup>

## Conditions of employment and social security

The Wiehahn Commission devoted very little attention to the question of Black wages, in spite of international pressure on issues such as the Black-White wage gap and equal pay for equal work. Only one recommendation referred to wages, in which the Commission urged employers to introduce "steep wage curves" (i.e. increased skill differentials); the Government rejected this as a matter for employers and workers to decide.

Since the Commission reported, Black trade unions have made considerable efforts to improve wages but, overall, the incomes of Blacks have not changed in real terms in spite of the greater training and employment opportunities which the Government and the employers claim to have provided for them. In mid-1985 an analysis of official statistics of wages by prominent academics<sup>13</sup> showed that average Black real wages had remained unchanged at R100 per month from January 1980 to June 1985, whereas average real wages for Whites had risen from R400 to R480 (at an exchange rate, in June 1985, of just under US\$0.50 for one South African rand). Wages in rural areas, in particular in agriculture, were the lowest. There had been a sharp increase in the number of people in the homelands with no income whatsoever and at least 50 per cent of the economically active population there was unemployed. Professor J. Keenan of the University of Witwatersrand observes that "the Botha era of reform has been characterised by a general deterioration in most peoples' standard of living", adding

that it is not merely a case of the rich getting richer and the poor getting poorer, but above all of a growing number of the poor getting poorer. The Director-General of the ILO, in his Special Report on apartheid submitted to the International Labour Conference at its June 1985 Session, points out that in the modern sector (defined as excluding agriculture, private domestic service and homelands employment) official statistics have shown that, as a percentage of White wages, Black wages increased by an annual average of only 0.76 per cent between 1970 and 1983; the Report observes that at this rate it would take 100 years for the Black/White gap to close.<sup>14</sup> There is also a very considerable wage gap between the Black modern sector on the one hand, and the rural areas and homelands on the other; many companies which have set up plants in the homelands pay considerably less to Black employees there than they do for the same work in urban areas. The Wages Board, which in White South Africa sets minimum rates (albeit extremely low ones) in unorganised sectors, does not function in the homelands, and consequently Blacks there do not have even that meagre protection. Public sector employment opportunities in the homelands are, as already mentioned, extremely limited and wages consequently very low.

Conditions of employment for migrant workers, including both foreigners and those from the homelands, have changed very little; these workers must live in overcrowded conditions in large hostels as single men, without families, on contracts of one year at most, and they continue to be the most exposed to termination of employment. In such unstable employment conditions their prospects of job advancement remain negligible.

The Wiehahn Commission recommended the repeal of legislation prescribing separate facilities at the workplace according to race. Although this recommendation was accepted by the Government, provided the joint use of facilities did not "proceed beyond a prudent pace", segregation, particularly of toilet, dining and rest-room facilities, remains widespread in practice. For example, in reporting on company performance under the "Code of Conduct" adopted by the ten member States of the European Economic Community, European governments indicated<sup>15</sup> that very few of their companies operating in South Africa had introduced integrated facilities, owing to "legislation, attitudes, customs and practices which restricted progress in this area".

The apartheid and homelands systems have had a major impact on both unemployment insurance and workmen's compensation schemes. The Unemployment Insurance Fund has now been divided to enable the "independent homelands" to establish their own funds and for migrants returning from urban areas to receive unemployment benefits in the homelands. Blacks have, however, always experienced severe delays in receiving benefits<sup>16</sup> and many benefits have gone unclaimed as a consequence of maladministration, insensitivity and lack of diligence on the part of officials of the Fund, and of ignorance of the procedures on the part of Blacks. The creation of "homeland funds" has attracted widespread criticism

from Black trade unions, not least because, as has been the case with all developments in the field of labour, they were not consulted. In addition to the serious shortcomings of the system itself, large numbers of Black workers are still excluded from unemployment insurance, particularly those in agriculture, private domestic service and government service. Even when they qualify for unemployment benefit, they receive very little compared with Whites since it is paid at the rate of 45 per cent of the previous wage.

The workmen's compensation system is similarly affected as more of the independent homelands start up their own schemes – a development which, once again, has compounded the long-standing difficulties already faced by Blacks, for whom procedures are protracted and long delays created by the apartheid system itself. Nor are they paid anywhere near the same rate of compensation as Whites for the same type of injury. Compensation for mining diseases, for example, is provided under the Occupational Diseases in Mines and Works Act, 1973; under this Act, Whites are examined at a special Medical Bureau for Occupational Diseases, Blacks at the mines. Mining diseases are classified as of first- or second-degree severity; for first-degree severity a White is covered by the Act for R17,889 and receives an additional R8,945 if the disease develops to second degree. A Black is paid R1,491 for a first-degree disease and nothing extra for a second-degree one.<sup>17</sup>

In short, conditions of employment and social security have remained much the same for Blacks as before the setting up of the Wiehahn Commission. They continue to be adversely influenced by the apartheid system, by homeland development and by racial discrimination, in spite of the repeal of certain racial provisions in the legislation.

## Black labour recruitment and labour mobility

Nowhere does the Riekert Commission's report call in question the division of the Black population into urban and homeland residents, nor the separate treatment of Blacks in matters of labour recruitment and mobility. Having taken it for granted that the status quo was not to change, Riekert's proposals in effect merely confirmed the "two zone" structure of South Africa under apartheid, with one zone – the urban (White) area – being characterised by *relatively* high Black employment and income levels and the other – the homelands or "supply zone" – being characterised by high unemployment and low incomes and continuing to serve its traditional purpose of meeting the temporary labour needs of the urban areas or supplying workers on a daily basis to "border areas".

Riekert thus failed to challenge the system of separate development, with its far-reaching labour policy implications, and his broad concept was accepted by the Government. A number of Bills have since been submitted to Parliament: all of them have been withdrawn in turn, indicating the Government's difficulties in producing new legislation to govern the lives of Blacks in urban areas that would at the same time meet its own separation

criteria, contribute to economic growth and satisfy the international community, which was watching very closely. As a consequence, Blacks in urban areas remain subject to the same legislation as before the appointment of the Riekert Commission; in practice, however, existing regulations and controls have been strengthened by the introduction of administrative procedures recommended by Riekert. These include the linking of employment rights to the availability of housing – thus perpetuating *de facto* restrictions on Black geographical mobility, given the chronic housing shortages – and the separation of influx control from labour placement functions within urban areas. The latter are now exercised by the Department of Manpower (private employment agencies are not allowed to deal with Black applicants), but segregation continues. A consequence of tighter control resulting from the Riekert recommendations was the record number of 262,904 “pass arrests” in urban areas in 1983.

The homeland labour recruitment system has also changed. First, the Government raised the fine for the employment in urban areas of Blacks without residential qualifications from R100 to R500, making it more expensive for urban employers to ignore the regulations and inducing many Blacks to return to the homelands. This was followed by the centralisation of labour recruitment procedures in the homelands in order to increase efficiency and reduce costs as well as to further restrict Blacks’ access to work in urban areas.

Thus, contrary to the Government’s claim that Riekert’s recommendations heralded “the death of apartheid”, they have in practice created a more efficient form of labour control by tightening labour recruitment procedures and by strengthening influx control and the application of the pass laws. The recommendations have also served to accentuate differences in the relative economic positions of Blacks in the urban areas and in the homelands, at the same time maintaining serious restrictions on the basic labour rights of both categories. The recruitment and mobility of Black workers thus continue to be characterised by discrimination and segregation.

## The more things change . . .

As genuine labour “reforms”, the measures taken by the Government have clearly failed. Indeed, they contained the seeds of their own failure in that, as they were conceived, they could in no way enhance the fulfilment of basic human rights or improve the economic prospects of Blacks. Their purpose, one is forced to conclude, was solely to benefit the White economy, maintain White privileges, albeit by other means, and damp down international criticism of South Africa. They have certainly not brought about any significant change in the position of Blacks in the labour field or within the economy as a whole, in spite of official claims and promises.

During the past five years, not only have Blacks reaped no benefit from the Government’s labour policies, but they have also been excluded from any



guarantees under the new Constitution and have seen how ineffectual the Black local authorities that were supposed to cater for their political needs really are. They have learned to examine with great care the words used and promises made by the Government, which have so frequently been designed to buy time, to provide friendly governments with reassurance and to lift international pressures. They see little or no prospect of the Government voluntarily conceding the basic rights they demand in their own country and have, in recent months, resorted to tactics of confrontation and destabilisation. They also look to the international community for support in that struggle. But, if such support is to be effective, it is essential for the international community to understand that promises, claims and even legislative amendments are often nothing more than smokescreens for maintaining the status quo. Words such as "change", "reform", "adjustment", "humanise", "review", "make more efficient", which have been and still are being used to imply fundamental change in favour of Blacks, can no longer be taken at their face value. In particular, those in the international community claiming influence with the Government of South Africa must now make it plain that so-called change is not enough, that the minimum requirement, if they are to refrain from strong and inimical economic action, is the total abolition of the mechanisms of apartheid and of the policy itself, leading to full Black involvement in social, economic and political affairs. The true test of the Government's sincerity can only be the extent of real and effective participation by all Black South Africans, whether in the urban or the homeland areas, in the conduct of their country's affairs.

## Notes

<sup>1</sup> *Report of the Commission of Inquiry into Labour Legislation*, Part 1 (Pretoria, Departments of Labour and of Mines, 1979), and Parts 2 to 6 (Pretoria, Department of Manpower Utilisation, 1980) and *Report of the Commission of Inquiry into Legislation Affecting the Utilisation of Manpower (excluding the legislation administered by the Departments of Labour and Mines)* (Pretoria, 1978).

<sup>2</sup> Industrial Conciliation Act, 1956. Bantu Labour Relations Regulation Act, 1953. Wage Act, 1957. Factories, Machinery and Building Work Act, 1941. Shops and Offices Act, 1964. Apprenticeship Act, 1944. Training of Artisans Act, 1951. Bantu Building Workers Act, 1951. Electrical Wiremen and Contractors' Act, 1939. Workmen's Compensation Act, 1941. Unemployment Insurance Act, 1966. Registration for Employment Act, 1945.

<sup>3</sup> Blacks (Urban Areas) Consolidation Act, 1945. Development Trust and Land Act, 1936. Blacks (Abolition of Passes and Coordination of Documents) Act, 1952. Black Affairs Administration Act, 1971. Contributions in respect of Black Labour Act, 1972. Black Services Levy Act, 1952. Community Councils Act, 1977. Better Administration of Designated Areas Act, 1963. Blacks Resettlement Act, 1954. Black Labour Act, 1964.

<sup>4</sup> ILO: *Special Report of the Director-General on the application of the Declaration concerning the Policy of Apartheid in South Africa*, International Labour Conference, 70th Session, Geneva, 1984, p. 13.

<sup>5</sup> See "In a judicial limbo", in *Financial Mail* (Johannesburg), 12 Apr. 1985, pp. 36-39.

<sup>6</sup> Republic of South Africa: *Debates of the House of Assembly (Hansard)*, Second Session, Eighth Parliament, 4 to 7 March 1985, cols. 378-380.

<sup>7</sup> Department of Manpower: *Report of the National Manpower Commission for the period 1 January 1983 to 31 December 1983* (Pretoria, 1984), table 3.2.2, p. 382.

<sup>8</sup> *ibid.*, table 3.2.3, p. 383.

<sup>9</sup> *ibid.*, p. 220.

<sup>10</sup> ILO: *Special Report of the Director-General . . .*, 71st Session, Geneva, 1985, p. 41.

<sup>11</sup> *ibid.*: 69th Session, Geneva, 1983, p. 21.

<sup>12</sup> See *The Citizen* (Johannesburg), 7 May 1985.

<sup>13</sup> See *The Star* (Johannesburg), 3 June 1985, and *Financial Mail*, 12 July 1985.

<sup>14</sup> ILO: *Special Report of the Director-General . . .*, 71st Session, op. cit., p. 36.

<sup>15</sup> *ibid.*, p. 22.

<sup>16</sup> *ibid.*, p. 47.

<sup>17</sup> *ibid.*, pp. 44-45.

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