

# Around the advice offices

## ATHLONE

April to July — 1977

During May the Advice Office was approached with a request for assistance by representatives of a squatter community at Kraaifontein, the area being known as Everite and comprising almost entirely Africans. Adjoining it is a more mixed area, Jabulani, and several of the Africans from this section also wanted advice.

Workers from the Advice Office went out to Kraaifontein on several occasions and interviewed 66 residents of the Everite Camp in a nearby church hall to which they came.

Nearly all the residents of Everite are illegally in the area. Many of the men have had contracts which have expired. They have been joined by their wives and families who have mostly come into the area illegally from country districts.

They have constructed homes of a sort where they live despite the total lack of amenities such as water, sanitation, refuse removal and, on top of these discomforts, the constant risk of fines. Arrests are quite common in the vicinity and are followed by charges under Section 10(4) or Section 12 (for Transkeians).

The accused are brought to the Court at Kuils River and the usual fines with alternative prison sentences follow conviction. This is a long way out of town and it is proving very difficult both to get the necessary information and to arrange for attorneys to defend cases with pleas in mitigation such as have been found very helpful in the Langa Court.

The most distressing feature of the information given by the Everite squatters has been their accounts of not just demolition of their shanties but their total destruction by deliberate burning.

During late January, February and early March this year, according to all 66 of the people who brought their troubles to Advice Office workers in the church hall, shanties were demolished without notice, the zincs were removed by the Stellenbosch Divisional Council workers under inspectors responsible for the demolition and these same individuals then set fire to the piles of belongings of the occupants, destroying their pitiful all.

Cash was scraped together and more second-hand building materials bought, new shanties replaced the old with scantier contents and the people resumed occupation after a period of extreme discomfort, living under plastic sheets and other makeshift shelter in the bushes.

They naturally want to claim compensation for their destroyed belongings, and the value of the contents of the meanest hovel is high in the pre-

sent state of the economy. Lists of losses have been compiled in as much detail as possible and an attempt must be made to redress the grievous wrong of these acts of vandalism.

Injustice of a different kind seems to have been inflicted on a group of 17 township youths, involved in a long-drawn-out court case. During February of 1976, there was an unpleasant disturbance on a suburban train when groups of coloured and African youngsters ganged up against each other. An ugly fight developed, windows were broken and people were in danger of getting badly hurt when Railway Police intervened.

What happened to the coloured youths is not known to the Advice Office, but the 17 Africans, aged between 16 and 19 years found themselves facing charges arising from the violence. Initially the accused were not held in custody and after several remands the charges were dropped. Then in August a witness from the coloured group came forward with evidence which led to the reopening of the whole case. More remands followed.

From September, 1977, the African youths were all held in custody, the reason apparently being to prevent them from venting their anger on the State witness. One would have thought that he might have been protected more simply than by locking up 17 others.

Most were school-children who in the event missed no schooling because of the disturbances in the Peninsula throughout the time of their confinement. Others were already working in regular jobs. Their parents hurried to seek legal assistance but bail applications were refused.

A number of the parents at this stage brought the whole problem to the Advice Office and although this type of case is outside the usual scope of our work it was possible to refer them to the Legal Aid officer and thus to minimise the expenses incurred by the anxious parents.

Bail applications were not successful until two were taken on appeal. This was dealt with by an advocate as the case was scheduled for hearing in the Supreme Court. The appeals were finally successful and the other youths were then also granted bail of R50 each, but it was not until after a bleak Christmas in Pollsmoor Gaol that they were released with the stipulation that they report weekly at a police station.

The case was then transferred to the Regional Court and advocates prepared to defend the boys but remand again followed remand and finally, during April 77, all the charges were dropped. No explanation was offered nor were any regrets expressed for the youths' long period (four months) of pointless and possibly damaging confinement in Pollsmoor Gaol.

One of our drawerful of cases of couples seeking permission to reside together has been successful. This particular husband is in very bad health and it looks as if a senior official has used his discretion to make an humane and wise arrangement on their behalf. There are of course many others whose case seems no less deserving, especially several cases of wives entering the area from other prescribed areas to which they cannot return and yet not being able to get permission to join their husbands.

These husbands live with their parents or as lodgers in family housing but not as the 'occupiers' of houses, to be which they would have to have been recently widowed as one cannot become the 'occupier' of a township house unless one's wife is already lawfully with one.

The impasse is complete. The burden of struggle and disappointment suffered by couples in this predicament is the constant concern of the Advice Office.

A high proportion of cases seen concerns the Unemployment Insurance Fund, contributors who are out of work experiencing difficulty in placing or realising their claims at every stage of the complicated procedure. The steady stream of unemployed would-be workers passing through the Advice Office day after day shows clearly that the recession is the major anxiety of the present moment.

The case of GIDEON MTIMA, which is of the greatest importance to our work, was heard in the Appeal Court on May 20. Judgment was reserved and we await the outcome anxiously.

The sudden up-swing in the numbers of shantydwellers seen towards the end of July reflects the alarm of a long-established but hitherto little-known group living near Milnerton in an area known as Table View, or (among themselves) as Killarney. These people are facing demolition and the Press has already given much publicity to their plight.

It is to be hoped that the Divisional Council may yet relent. People have to live somewhere and the members of this community are earning their livelihood in useful jobs while maintaining peaceful if uncomfortable family homes.

It is often alleged by the authorities that Africans illegally in the area are robbing legal residents and especially coloured people of their avenues of employment. This is not the experience of the Advice Office, where we note that the majority of men in jobs are legally in the area, whether on annual contracts or permanently.

Women without passes are indeed frequently employed in domestic work for which they cannot get permits, however hard they try, but we observe that so pronounced is the preference of their employers for these particularly women, with their honesty and their eagerness to earn by decent work, that the jobs may probably remain vacant if they are forced to part with them.

More and more householders do without domestic help when unable to employ the women

of their choice. Much the same is happening with men caught illegally in casual jobs — employers often find it more convenient to retrench than to comb through lawful applicants for replacements.

From Crossroads, the Divisional Council's only emergency camp for Africans, there have been a number of accounts of misunderstandings with the inspectors administering the camp. In some cases the inspectors are no doubt justified in taking action against people who do not abide by the camp's regulations, bringing in new residents and selling them vacated shanties or making extensions which are not permitted.

It must be accepted that the Divisional Council will not allow the camp to grow any bigger. But sometimes great distress is caused to families evidently innocent of any offence through what can only be error. Care is taken to assist only people with genuine claims to appeal against demolition of their shacks, but so far these appeals lodged through lawyers, have met with little success.

The wet winter has brought serious problems for all at Crossroads, including the authorities administering the area, and it is a relief to know that arrangements to move to higher ground are now permitted when this is the only way to get out of pools of water.

MRS W is back in the Peninsula and back at Crossroads. She was one of our early Crossroads cases, having asked for help when arrested and charged with being illegally in the area in August and again in November 1975. After a third arrest in December 1975, the shack in which she lived with her husband and child was demolished by inspectors of the BAAB (this was long before the Divisional Council took over the area) and she was unceremoniously bundled onto a train at Bellville and forcibly 'repatriated' to Lady Frere.

Her husband was at work when all this occurred and she was obliged to sign a document requesting the removal of their household effects. These were sent off by goods train a few days after her, according to the consignment note. But they never arrived.

The search has gone on and on, the W's having strong feeling as well as needs with regard to their household goods. Mrs W has been backwards and forwards half-a-dozen times between Lady Frere, Indwe and Queenstown, the three possible destinations according to the railways, and is now for the second time back here having followed every clue in vain.

They still want their things, or compensation, which must now be sought, as is being done for another couple whose furniture eventually reached Natal badly broken. (The cases are in the hands of attorneys.)

Of the 600 odd cases seen during June and July, almost 200, ie one third, were people involuntarily unemployed. This is an unprecedented proportion. Some days we see nobody who is in

employment, and every case is seeking work and/unemployment insurance benefits.

We submit that more rigid enforcement of the long-standing policy of giving preference to coloured workers is not going to help the situation, nor even the coloured people who feel that when work is available they can get the employment they want on their merits and not by dint of keeping Africans out of it.

There has been an announcement in the Press that even Africans who are lawful and permanent residents of the area will not be allowed to take new jobs, and that all jobs must go to coloured work-seekers. What if these are not suitable or people do not care to do the work offered? What is to happen to the Africans who lose their jobs? How are they and their families to live?

How are they to pay the rent? Bantu Affairs Administration Boards are not subsidised, they struggle to make ends meet from income which they get from the rent on township houses, from their share of liquor takings at the township outlets and from employers' and employees' dues. It is most disquietening to consider how this arrangement affects the Africans in newer townships.

Rents are not subsidised, they have to be economic, and recently-built houses have cost a lot more than similar quality housing dating back some years. Thus in the new parts of Mbekweni, outside Paarl, and in the new township outside Somerset West, Mfuleni, rent is R25 to R27,85 per month, including water, a totally unrealistic figure for families subsisting on incomes which were on the bread-line without rental.

Many heads of households earn under or around R20,00 per week, and we have found cases where the family were expected to put fully one third of their total income into the rent, leaving far too little for the most basic food. The Government must urgently find a way of subsidising these rentals.

**R. N. ROBB** (director)  
**B. D. VERSFELD** (organiser)

## **NATAL COASTAL**

**March to September — 1977**

At least one third of all the people seen at the Advice Office during the period March to September 1977 had problems or queries relating to the Unemployment Insurance Fund. As a result we are doing an on-going analysis of the type of complaint received which we have divided into three categories, namely those relating to employers, those relating to administration of the Fund and miscellaneous.

Facts, figures and collected data from actual practical experiences, were sent to the Minister of Labour requesting that he urgently examines the maladministration of this Fund, both by employers and labour officials. (See page 18.)

In view of the present critical unemployment situation facing South Africans, the majority of

whom are Black workers, we strongly advise a thorough investigation into the labour market as a whole, with special emphasis on the UIF, influx control and perhaps a look into the almost daily occurrence of retrenching workers, very often hundreds at a time.

While firms will insist that economically they are faced with Hobson's choice, perhaps it is time for white South Africans who, although 'feeling the pinch' are still enjoying a fairly reasonable standard of living, to give a little and so allow a living existence for their fellow blacks.

Soup kitchens etc are fine and necessary in a crisis situation but are only temporary stop-gaps, and are a long way from solving the problem at grass roots level.

To quote a senior personnel manager from a large company employing hundreds of black workers, 'A repeat of the 1973 Durban strikes should have happened yesterday'. He went on to say that he was scared of what the future held and also, it seemed, scared to do anything to alleviate this eventuality; mainly because his company (and many others) was threatened economically against taking any steps openly to recognize the needs of the majority of its labour force, as for example Black trade unions, equal pay for equal works etc.

We have an unemployment problem that is definitely getting out of hand, and unless we tackle it objectively and constructively it can and will only worsen.

Exploitation must be exposed and stamped out — if necessary by law. With  $\pm$  7 000 unemployed African workers in Durban every month and another 1 000 more or less, in the Pinetown area it is so easy for people to be dismissed on the smallest pretext because the employer knows there are innumerable others waiting to fill that vacancy.

Working conditions should improve in such circumstances and not stagnate or deteriorate in the knowledge that people will accept anything just to keep their jobs. Workers are afraid to complain or discuss their grievances because of this threat.

**Mr S K** — worked for 27 years for one institution, and on losing his job received neither notice nor holiday pay. On questioning this his employer said he was not prepared to give him anything and anyway he (Mr K) is classified as a 'farm labourer'. There was no pension scheme either and he had to make special representation in order to get a certificate of service.

**Mr M M** — lost his job in November 1976, his work seeker's permit expired and he subsequently became ill. On recovery he went to apply for his UIF benefits which were refused as he was 'not willing or able to work'. Mr M is unable to get a further workseeker's permit as he has had a time-lapse from the expiry of his permit due to illness. Mr M is more than willing and able to work.

Mr M M — was treated for TB from January to June 1976 in hospital. During that period he only received nine days' salary from his employers. He lost his job in July and then applied for sick benefits under the UIF Act. Twice these were refused him on the basis that during his illness he received one third of his normal salary from his employer, despite his continuous objection that this was not so.

After one call to his ex-employer we established the true facts of the case which were presented to the Department of Labour and Mr M was paid out in full nine months after first making application. The Department of Labour offered no explanation except to say that Mr M's employer gave them the incorrect information in the first place. Mr M himself pointed this out to them on numerous occasions to no avail.

Mr E M — was dismissed on February 28, 1977, and only then did his employer make application for his UIF card. This was eventually given to him on June 3, 1977, and he has subsequently been refused UIF benefits on the grounds that the time allowed for making application has expired. Certainly through no fault of his.

The squatter problem, created by grossly inadequate housing, forced migratory labour, creation of homeland areas and influx control, to list but a few of its causes, is worsening as a result of the unemployment situation. In many instances people who are unable to pay their rent face resultant evictions and therefore have no alternative but to become squatters.

The Government overcomes this by introducing an 'illegal squatters' bill', making it easier to remove people from their dwellings and harder for them to seek any recourse to the law, for assistance.

In Clermont, two months ago, approximately 80 families (nearly 800 people) had their homes bulldozed without any prior notice or any alternative accommodation granted to them.

This was a callous, insensitive act on behalf of the housing manager who, while rightly adhering to a request by the landowner to have his property cleared, wrongly did so without taking into account at all the consequences this would have on the 80 odd families. Social concern for this community was completely lacking, as the bulldozers moved in and literally flattened every dwelling in sight.

There followed an outcry by people, churches and various organisations. A relief fund was set up and representations were made to the housing manager, BAC and CBAC for the area. These were to no avail, as the officials — without ever having met the people concerned — dismissed them as being illegal, unmarried, illegitimate and unemployed.

A survey carried out proved that many people had been in Clermont for well over 10 years, a large number were legally married and had

certificates to prove it, 90 per cent of the children were born in the area and many were attending school there, and most were in employment.

The official's answer was 'leave it to us to sort out'. When asked how this was to be done, because immediate shelter was urgently needed, the answer was that the men could go to the nearby hostels and the women and children back to the homelands — after all they (the men — husbands and fathers) can go home once a year to see their families!

Ten families were given alternative accommodation fairly quickly and subsequently a few more have been helped. Many have become absorbed back into the community, either by squeezing into already overcrowded rooms or back to squatting, and approximately 20 families are being housed in tents on the Catholic Church property in Clermont.

There has been no follow-up by the BAC or CBAC and the housing manager for the area has rejected the people's requests for re-housing. The powers of this housing manager are frighteningly autocratic.

However, the significance of this attitude on the squatter community has been an awakening awareness of their plight and their rights followed by a determination to find some means of acquiring, once again, a home where they can live as normally as this regime will allow.

Mr E MTHEMBU's father applied for a house in March 1971. Now 6½ years later his name has reached the top of the list and his house is available. However, unfortunately Mr Mthembu has recently suffered a stroke, and is at present bedridden but recuperating on a family farm.

In order to take possession of this house Mr Mthembu must personally present himself at the housing manager's office or lose his house. He has five school-going children in Umlazi who are at present lodging with his eldest son, who is himself a lodger and quite desperate about his father's plight.

Even though he has been assured that his father will get the next house that comes up one can understand this young man's anxiety and bewilderment at a system that will not allow him to sign on behalf of his father, no matter what the circumstances. The authorities have asked him to produce a doctor's certificate to verify his claim.

As Whites, we have become a nation of commissioners and inquisitors. If only we would stop to examine the necessity for the Wiehahn Commission into Labour, the Theron Commission on the Coloureds, the Cillie Commission into Black urban unrest, a committee to investigate the urban Africans etc, we would quickly realise that all the time, money and energy spent on these could and would be avoided if apartheid was abolished in its entirety and we became a nation of South Africans with equal opportunities and equal rights for all.

**SOLVEIG PIPER**