

ANNUAL REPORT - covering period from March 1st 1977
to February 28th 1978

REPORT TO NATIONAL CONFERENCE - MARCH 1978.

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<u>Working days</u>	239	
<u>New Cases</u>	768	
<u>Follow up cases</u>	403	
<u>Interviews</u>	1,592	(not included in the analysis)

ANALYSIS

Problem:

Housing Problems	7	
Residential Permits	2	
Section 10 Qualifications	7	
Pensions	49	
Work Permits	78	
Contract Problems	93	
Unemployment Insurance Fund Benefits	237	
Workmens' Compensation Act	38	
Pay Disputes	194	
Miscellaneous	63	
Follow up Cases	403	
Interviews	1,592	(of which + 545 were UIF queries)
TOTAL	<u>2,763</u>	

INTRODUCTION:

83,3% of the new cases and easily that percentage of the interviews dealt with in the past year, were those of workers' problems. This is indicative of the lack of 'power' the African worker has to control his needs and aspirations in his job situation - as opposed to his white, and to a lesser degree his Coloured and Indian counterparts.

It is also significant of the gross exploitation African workers are subjected to because of their impotence as employees. Why is this so? In the first instance they are not educated as to their rights and expectations. Then there are major contributory factors of Influx Control, Migrant Labour, job reservation, unfair salary practices based on race, controlled inequality of educational opportunity, to name but a few. Is it necessary to mention the NON recognition of African Trade Unions and the appallingly few training institutions for Black workers.

That it is by design is undoubtedly true. Many employers hide behind Government policy to protect their interests, whereas they could do far more to improve the lot of their Black

workers without in any way acting illegally. For example, it is NOT ILLEGAL for employers:

- To negotiate with Black Trade Unions in the interests of their Black workers.
- To pay above the basic minimum wages as laid down in Industrial Council Agreements, and Wage Determinations.
- To pay 'equal pay for equal work'.
- To give their Black employees also the enjoyment of fringe benefits, such as pension and medical aid schemes, holiday bonuses, housing subsidies, educational subsidies and leave, travelling allowances etc.
- To have NON-segregated eating, comfort and work facilities. All that the law stipulates is that Inspectors of the Dept. of Labour MAY (not shall) require separate facilities to be provided for the different racial groups. Now if they must be separate, they should at least be equal for all employees.

Today we have reached a situation in South Africa of racial confrontation that we cannot resolve by bannings, detentions and threats etc. (all of which are tried regularly). This confrontation has grown out of significant events such as the Soweto civil disturbances which began in June 1976 and which ricocheted around the country: the Rhodesian Angolan, Mozambican and South West African situations: Sharpville perhaps, or even from the 1922 strikes and subsequent introduction of the Industrial Conciliation Act entrenching job reservation and the powerlessness of the Black worker. Whatever the contributing factors are, it is a fact that as whites we have created it and we have to face a future entirely of our own making because it is we who have the vote, the power, the arms, the money and most importantly the means to 'share it all, equally with our fellow Black patriots. That or NO future at all! Where do we start - or rather what can we as individuals do? In our homes, offices, shops, construction sites and on the factory floors we interact with our fellow Black workers or Domestic workers for at least 45 hours a week. That is the place to begin - we don't have to change Government laws - but wherever we have power over others, we can change the exploitative conditions under which the mass of our population lives.

Black workers should be brought effectively into the decision-making sphere and consulted in a recognised manner with regard to their conditions of employment and grievances etc. Some practical guidelines for significant improvements, under which workers without trade union protection must work, (apart from those mentioned above) are:

- NO dismissal without a fair reason - this should be a condition of employment.
- NO overtime where additional workers can be employed.
- Rather a 4 day working week before retrenchments.
- Shift systems to employ the maximum number of workers e.g. 3 days on and 3 days off - rather than 4 days on and 2 days off.

These are just a few concrete instances which are easily implemented and yet can effect significant improvements.

WORK PERMITS & CONTRACT WORKERS:

In terms of Section 29 of the Urban Areas Act of 1945 read with Section 3 of the Bantu Laws Amendment Bill of 1978, Blacks who are unemployed for more than 122 days are to be 'endorsed out' of the urban areas if as registered workseekers they have not taken up employment offered to them during this period.

This type of legislation has the consequence of super exploitation. Not only are workers exploited by not having the right of collective bargaining, they are now obliged to accept any employment or risk losing their entire livelihood, homes, families and friends. Legislation of this sort makes a mockery of the Government's assertion that it has the best interests of the majority of the population at heart, and that it is moving away from the traditional instability generated by racial exploitation.

Contract workseekers have little or NO chance of getting employment in the present depressed labour market and those lucky enough to have jobs are constantly reminded of the many thousands ready and waiting to take their positions if they do'nt toe the line!

PAY DISPUTES:

Workers are continually coming to the advice Office for clarification of some aspect of their weekly or monthly earnings. If only wage clerks would take the trouble to explain to workers individually their rates of pay, overtime and deductions etc. Pension schemes are seldom adequately understood and on termination of employment the waiting period and amount due should be carefully 'spelt out', backed up by some form of written explanation. This would help people tremendously and save a lot of travelling back and forth for nonexistent monies.

We are continually having to contact employers re lack of notice pay and holiday pay. Domestic workers are particularly exploited in these areas, especially as they have no recourse to the law for their rights as workers apart from the Common law which lays down that an employee is entitled to 1 months notice if monthly paid or 1 weeks notice if weekly paid - and that only if a worker has not been fired for gross insubordination. That covers a multitude of reasons and seldom if ever is a domestic worker able to resort to a civil claim.

Miss B. Lukozi - worked for 8 years as a domestic. She received no holiday pay for the last 2 years of her employment and on asking for this, was told that if she was not satisfied she could leave. Miss B. was subsequently fired without notice or holiday pay - reason - 'she was too cheeky'!

The above case history is indicative of the majority of complaints we get from domestic workers.

UNEMPLOYMENT INSURANCE FUND:

28,3% of all cases dealt with this past year at the advice office were UIF queries of some sort or another. We had a very successful meeting with the Secretary for Labour, Mr. J. Cilliers, in July 1977 following a letter we wrote to the Minister of Labour re our experiences of the mal-administration of this fund. (The UIF question is discussed in a separate report).

HOUSING:

Although we only specifically corresponded on behalf of 7 people re their housing problems, we have continuous queries from people who have been on waiting lists for periods up to 6 years, and migrants desperate for accommodation for their families. There seems to be no solution to this interminable problem which daily gets progressively worse. Bash's involvement in the Clermont squatter crisis, lead us to look further into the whole question of squatting in South Africa. Why do people squat? There are numerous causes; namely:

- Inadequate housing - In 1975 the Secretary for the Interior in Kwazulu said then that we needed R250m to cope with Durban's housing backlog for Africans alone! There are + 20,000 families on the official waiting lists and if one assumes an average family size of 5 persons for each unit on the waiting lists - the total number of people awaiting housing is + 100,000. There is also a waiting list for some 25,000 hostel beds.

- Group Areas - Squatting is a consequence of Group areas provisions and historic patterns of settlement e.g. the removals from Mariannhill to Kwa Ndengezi. The plots in Mariannhill were large enough to hold heads of cattle and grow vegetables to supplement the family income. Community life was stable and secure with schools nearby and transport available. In 1964 the people were warned that the area had been declared Coloured under the Group Areas Act. During 1975 removals began. Some families were moved temporarily into corrugated iron rooms clustered together in bleak grey rows at Klaarwater - where they lived for over 2 years alienated from the Klaarwater community and then were moved to Kwa Ndengezi, some 15 kms from Mariannhill. Stripped of their right to make and participate in decisions that affect their lives so deeply under the Group Areas Act, these people have been uprooted left in a state of uncertainty.

- Migrant Labour - The Homelands cannot support the people - because they are not economically viable. The 1913 Land Act as amended in 1936 is the basic design of this non viability. It forced Blacks who had productive farms into other areas, crowding them on purpose, because then it was that the people would be forced to go to the mines to work. Now with the natural increase in population we have the forcing back of people into the Homeland areas, which are just too small for the population they are meant to support.

So with no food and no work, brute economic pressure is forcing people back into the towns.

- Single hostels - There are no family hostels, so people, in order to live in normal family units are forced to squat.

- Overcrowding and violence in the townships.
- Widowhood - A widow is often forced out of the house she shared with her late husband and she and her family have no alternative but to squat or live with someone else and cause overcrowding.
- Unemployment - No work, inability to pay rent resulting in eviction and so forced to squat.

Some Squatter figures for the Greater Durban area:

Malukazi	-	50,000	
Mariannahill	-	60,000	
St. Wendolines Mission		18,000	
Clermont	-	50,000	
Inanda	-	68,000	- official figure (one can safely double it).

The problems facing squatters are insurmountable, their illegality inadequate building facilities, lack of water, roads, transport and education - to name but a few. Squatter Upgrading should be a priority and not squatter removals.

THE AID CENTRE:

This centre continues to be helpful to people with 'rights' who have been unjustly endorsed out or refused work permits.

LEGAL ASSISTANCE:

Is readily available through the Trade Union and Co Ordinating Council's legal aid sub-committee.

PRESS:

We have had very good press coverage on our work in the Advice Office this past year.

OFFICE ADMINISTRATION:

Mr. Ezekial Mbele continues to give us his invaluable assistance for which we are most grateful and without which we could not manage. I personally would like to thank all the Advice Office workers for their time and help and tolerance of my infrequent presence and frequent criticism! The Office is open daily from 8 a.m. - 4 p.m. and we are ever thankful to the Trade Unions for the use of their facilities viz. telephone, printing and especially Ms. Thandi Sithole for her typing assistance.

SOLVEIG PIPER

ADVICE OFFICE SUPERVISOR.