

**ATHLONE  
ADVICE  
OFFICE**

**ANNUAL  
REPORT  
OCT. 1974  
SEP. 1975**



under the auspices  
of the s.a. institute of race relations and the black sash



## BYWONINGSYFERS

### Totale vir die jaar in oorsig

Permitte (mans)	137	Plakkergevalle (nuwe)	327
Permitte (vroue)	154	Plakkergevalle (ou gevalle terug)	146
Kontrakwerkers	317		
Allerlei	719	Totaal	2 496
Ou Gevalle terug	696		
		Totaal (1974)	1 769

### BESOEKERS:

Dertig Suid-Afrikaners, drie-en-veertig uit ander lande.

## INKOMSTE EN UITGAWES

### VIR DIE TYDPERK 1 OKTOBER 1974 TOT 30 SEPTEMBER 1975

INKOMSTE		UITGAWES	
Instituut vir Rasseverhoudinge	750,00	Huur	440,00
Bantowesyntrust (2 jare)	1 600,00	Salarise en UF	3 159,17
Swart Serp, Streek Wes-Kaap	3 578,02	Pensioenfonds	53,00
		Registrasiefooi	49,50
		Skrifbehoefte en kantoorbenodigdhede	268,43
		Sekretariële uitgawes	170,00
		Regsfooi	1 264,26
		Busgeld	79,20
		Telefoon	169,81
		Druk van Jaarverslag	174,25
		Bydrae tot bouonkoste	100,00
	<u>R5 928,02</u>		<u>R5 928,02</u>

## INLEIDING

1975 het heelwat uitbreiding in die werksaamhede van die Athlone-advieskantoor meegebring. Die verwysingsdiens rakende alle soorte probleme wat oor die verloop van sewentien jaar aan inwoners en aspirant inwoners van die drie Bantoe-woongebiede aan Kaapstad gelewer is, is met enige toename voortgesit. Terselfdertyd is nuwe moontlikhede geopen met die buitengewone groei-tempo en konsolidasie van plakkersgemeenskappe, veral by die sogenaamde Crossroads (Nyanga, uitbreiding 3).

## CROSSROADS

Hierdie plakkersdorp het gedurende Februarie, Maart, April vanjaar ontstaan, grootliks op aansporing van inspekteurs van die Afdelingsraad wat klaar-



## CROSSROADS

This shanty-town arose among the wattles during February, March and April of this year, largely at the instigation of Divisional Council inspectors, who seem virtually to have rounded up the Africans from a number of camps scattered round the fringes of Greater Cape Town. The inspectors told these people that they could build again at Crossroads, which was to be a special area for them. Thus they were conveniently collected together in a place which the Bantu authorities evidently saw in a different light, in fact as a transit camp. Much of what followed has been vividly outlined by the Rev. David Russell in his pamphlet "Crossroads". The Advice Office has been brought into the picture by the people themselves, who began to come to us in large or small groups during March and who are still asking for help, particularly in the form of bail and legal backing in the courts. Hopeful, but acutely insecure and with an urgent awareness of some basic human right to peaceful dwellings with their families and within reach of a livelihood, these people have shown remarkable community spirit and courageous determination to pull together. It was very soon realised that the need for legal backing was greater than ever.

It is found that some people who have put up shacks at Crossroads have done so simply because they cannot find the lodgings to which they are entitled in the overcrowded townships. Many more houses are needed for people who are already lawfully here on a permanent basis, and clearly such people have the first claim on housing schemes. But few indeed are those with no good reason in terms of plain humanity for being here, and the picture which comes through is a facet of our inflationary times. It is one of extreme need in impoverished rural areas, with hunger, fear and loneliness driving the women to seek out their menfolk where the jobs are, and where they can reach hospitals for ailing children. It is thus usually possible for a lawyer at least to plead in mitigation when such people are brought before the courts. It has been found extremely well worth while to go into the background of each and every individual who asks for such assistance, so that individual circumstances are not overlooked in the pressure of long court rosters. A measure of leniency is generally shown to the accused when medical certificates or other evidence of special need can be produced. While the women are most frequently charged in terms of Sec. 10. (4) of the Act (being in the area for more than 72 hours without permits), the men are mostly here legally, either qualified as residents in terms of the Act but without accommodation for their wives, or as annual contract workers.

These men are being arrested in large numbers too, and are charged with "introducing" or harbouring their wives, under Sec. 11, or with staying without permission in a place other than a location set aside for them (Sec. 9. (9) (a)). Some of these men are old and frail, it is very moving to experience their appreciation of the sadly small amount of help we are able to offer. Upright and law-abiding by inclination (with exceptions no doubt, as in any haphazard group of people, but less so than commonly) the residents of Crossroads are not given to defiance, but few of them accept the suggestion that they should go away

from the Peninsula. Here they are and here they intend to remain. This is their own often-repeated statement. Mindful of our duty to explain to people their position vis-à-vis the law, Advice Office interviewers continue to follow this normal procedure, reminding each person without a reference book or without permission to be in the area of where he or she should lawfully be. We observe that many of the shanty-dwelling women have come to join their husbands from white-owned farms to which they will not be readmitted. Very many families have no homes and no footholds anywhere except among the bushes of the Cape Flats. These are "displaced persons" and together with the vast majority of "squatters" they are candid about their plans for the future.

In the words of an elderly resident of Crossroads: "I have been in Cape Town a long time and never have I seen such hardships as now. The inspectors keep saying that the husbands must be arrested because they have no permission to be in Crossroads. How can a wife be separated from her husband? The minister in the marriage service says that he shall be guilty on earth and in heaven who separates a man from his wife."

## HOMES AND MARRIAGES

The building of houses for men with Section 10 rights, who want to live with their families here, must be given top priority. It is unrealistic as well as falling short of justice to refuse this housing on the grounds that Bantu Affairs Administration Boards are required to be financially viable without subsidies. A re-think on the financing of the Boards is necessary alongside the needs for re-thinking on the whole subject of policy recently mentioned by Deputy Minister Janson at the Natal Congress of the National Party. Site and Service schemes, with areas of ground where shacks can be built by the owners at their own expense, can raise morale and incidentally standards if the people are secure from eviction; but rents paid to the Board for houses owned by the Board should be subsidised, so that repairs and improvements can be afforded. The Cape Peninsula Board would appear to be struggling against heavy odds in this regard. It is reported that residents of Guguletu who want electricity installed are required to bear the full cost, R400, and to sign away any hope of a refund in the event of future eviction.

A man whose wife is not allowed to live with him within reach of his livelihood is *de facto* a migrant even when as very often, he is fully qualified to reside here permanently. Nearly two hundred couples troubled by this predicament have come to the Advice Office during the year, seeking ways and means of getting permission to live together. Usually, the husband is obliged to pay rent for a bunk in the single quarters which he does not want but is not allowed to give up. This is then held as proof that the wife has a home elsewhere. This central aspect of the situation is observed over and over again in the course of our regular casework and has also been found to be part of the problem of many residents of



Crossroads, where the men are currently being given official warnings to take up their occupancy of registered single quarters accommodation within three days, failing which they can expect to be prosecuted. Their expectations are indeed rapidly fulfilled.

## VISITS

The law does allow married people to visit one another; if the husband has Section 10 rights in this area but his wife does not, he may apply for permission for her to come in about every second year providing he first finds a room which they can rent in that rarity, an uncrowded township family house. But his wife must under no circumstances come until the permit has been fixed up, otherwise the authorities will tell her to leave again directly.

In our 1974 Annual Report, the snag of compulsory registration in single quarters accommodation was illustrated with the case of sixty-year-old **Mr. Wilson Mkonjwa**. He had failed to get permission to cancel his zones rent and move lawfully into a suitable room he had found in family accommodation where his wife could at last join him permanently. We subsequently appealed to Deputy Minister T. N. H. Janson on his behalf and during March of this year we received a reply from the Minister's secretary stating that . . . "according to information furnished by this Department's Cape Town office the available accommodation for married couples in the Bantu residential area of Cape Town is already overcrowded, whilst many other Bantu who qualify for family accommodation are on the waiting list. Apart from the fact that the availability of accommodation is prerequisite for the consideration of applications for the admission of Bantu to Cape Town, it is declared state policy not to allow any Bantu to enter the Western Cape area from other areas - especially not from the Bantu homelands. In the circumstances it is unfortunately not possible to accede to your request at this stage."

That sounded so final that there seemed to be no way of taking this case further. The whole matter of the Western Cape being treated as a "Coloured preferential area" is central to the apparent insolubility of housing, permit and employment problems for Africans here. We do not find that the policy wins applause from Coloured people, who say if asked, that jobs should be allocated on merit and who evidently do not regard Africans as a threat to their security. (See *Sunday Times*, September 21.) A number of telephone inquiries about unobtainable permits for African women have come from Coloured householders, expressing sympathy for the women concerned and wanting to employ them as domestics

## CASES

**Mr. L. E. M.** was born in Retreat in 1949 and has lived in the Peninsula all his life. His home is still with his parents, his father being the registered occupier of a house in Guguletu in which he has been allowed to remain as a lodger. In 1973 he married a young woman in a church in the city. She had come here from the Ciskei without permission. It proved impossible for her to rectify this illegal entry so she went back to Alice although convinced that her relatives there would not be keen to have her for any length of time. Mr. M. then applied for permission for her to return to him but this did not materialise fast enough for the couple. Only "visiting" permission could be expected but two months went by and then, Mrs. M.'s parents both being dead, her aunt took her to the magistrate at Alice and signed an affidavit in which she asked the authorities to allow Mrs. M. to live with her lawful husband at their common home in Cape Town. Armed with hope, reason and this document, she returned, alas without the vital visiting permit. She was allowed to remain for three weeks.

**Mrs. E. B.** is also married to a man qualified under Section 10. (1) (a) of the Act. He is even the registered occupier of a house in Guguletu, which he shares with his mother and younger sisters. For a year after their marriage in 1973, Mrs. E. B.'s permit was extended, but in 1974 she was told that her time was up and she must return whence she came, which was Port Elizabeth. Had our attorney been briefed to put her case to the authorities at this stage, a claim to 10. (1) (c) rights might have been successful. But she left the area as instructed and only came to the Advice Office when alarmed by complications in an advanced stage of pregnancy, having returned illegally to be near her husband and for confinement in hospital here. Permission was not given but it was impossible for her to leave in the last stages of her pregnancy and the baby was safely born. Mrs. E. B. did not make a straightforward recovery however, and was given a strong medical certificate, countersigned by the hospital superintendent, explaining that she was receiving post-natal and hypertension treatment and should not leave for a few weeks. This cut no ice at Langa at all. She was told to go back to Port Elizabeth and enter the right way. Coming as she does from another proclaimed area, this woman could be expected to have her residential permit transferred without much difficulty. But the correct procedure takes precedence over personal crises.

It has been disturbing in other similar cases to note the scant attention accorded even to strong hospital certificates by officials with no knowledge of medicine, whose only concern seems to be with rubber stamps.

## LABOUR LEGISLATION

During 1974 Parliament repealed the antiquated Master and Servant's Act. Certain Sections of the Bantu Labour Act No. 67 of 1964 were also repealed. The effects have been far-reaching, especially for contract workers who no



longer commit a criminal offence the moment they absent themselves from work or fail to keep their contract in any way. The same applies on the side of the employer, who can cancel a contract without the former procedure of having to do so in the presence of a magistrate. This relaxation has had both good and bad results for all concerned. The police are no longer involved in ordinary disputes between employers and their contract labourers, which can only be handled by mutual agreement or by civil action. In itself a step forward which must be welcomed, this change is resulting in many more very disappointing situations for migrants who have come a long way to earn for themselves and their families, only to find themselves dropped within weeks and left to find their way home with empty pockets and sorely puzzled minds. While the migrant system exists, the evils it entails cannot be corrected. Amending clauses in legislation may relieve some aches but others spring up, and like lies confound and aggravate one another.

The Advice Office has found that a great deal of misunderstanding has followed in the wake of the abolition of the Masters and Servants Act. Washing their hands of disputes between domestic workers and their employers, the police and other authorities rightly point out that these are now matters for civil action only. But an important clause in the Labour Act has **not** been repealed, and this fact needs to be stressed as it gives some protection to African domestic and agricultural workers, who have no basic wage determination. **Section 16 of the Labour Act** makes it an offence for an employer to withhold wages, and an African employee is still entitled to lay a criminal charge against an employer who has refused to pay for work done. The Advice Office has had many queries this year in this regard.

Domestic workers' wages are still very often pitifully and absurdly low. Housework well done is skilled work, and merits recognition of its value. Many decent and clearly hard-working women accept wages of R40,00 a month or less for full-time "sleeping-in" jobs, having no option, from employers who in their comfortable ignorance congratulate themselves on their generosity. "I was so kind to the girl, she didn't even have a pass and yet I gave her R1,00 a day and a room with wall-to-wall carpeting." Yes, madam.

## SKILLS

The "Coloured preferential area" policy in regard to the Western Cape is particularly destructive from the educational angle. The acquisition of skills or of academic qualifications has negative value for Africans in the area, they are generally better off without them here because there are so very few opportunities for their productive use. The employer who has a job to offer often finds a skilled African whom he wants to engage, only to run up against the whole gamut of regulations. First, the Labour Department must be satisfied that the employer scanned the entire available field of Coloured labour without satisfaction. Then

he may very probably come up against the blank wall of Job Reservation, and be told that under no circumstances may the position he is offering be filled by an African. If the Labour Department agrees that Coloured labour is not available, he may get a document which entitles him to engage an African. With this, he can proceed to Langa or Nyanga where he will be allowed to engage his chosen African employee if this individual is entitled to reside in the area in terms of Section 10 of the Act. But he may not requisition a skilled worker from outside the area. Contracts in the Western Cape are almost exclusively for unskilled labourers and the wages offered must not be too **high**. Several employers have complained that they cannot afford to be truthful when filling in form B.A. 403 for engaging contract labourers, because if they state the wages actually paid for the work they actually want done, they will be told that such jobs are not permissible for contract workers. They are intended to be given to Coloured workers or at a special stretch to local skilled African employees. It follows that local Africans with special skills are apt to be unemployed or doing inferior jobs, and becoming discouraged and demoralised in the process. Other employers tend to take advantage of the situation and pay their African employees the wages of labourers while getting skilled work from them. This side of the coin, however, has been seen less at the Advice Office recently. We have noticed more cases than ever before of young men and women champing to make use of the skills and education they have been at great pains to acquire. It is doubly poignant to remember the sacrifice of their parents in helping them to get so far.

## THE UNEMPLOYMENT INSURANCE ACT

The Unemployment Insurance Act provides that Africans in industrial and most other forms of employment, except domestic and agricultural and certain other categories, who earn over R10,50 per week, should contribute to the Fund, own record cards kept by the employer while they are employed, and qualify for benefits in the event of illness or the unavailability of work. The instructions summarised in the official booklet UF 100 are obscurely worded in parts, but should most emphatically not be taken as meaning that Africans do not qualify for membership of the Fund. On the contrary, this is obligatory and the onus of arranging that contributions be made is on the employer. Workers are increasingly aware of their right to this form of insurance. When Africans are obliged to leave the area on termination of a job, because they are contract workers or not qualified to remain under Section 10 of the Act, they should take their indispensable UF 74 cards away with them and apply for benefits through their local labour bureau when not placed in fresh jobs within three weeks. The Unemployment Insurance Act states that only citizens of the Republic qualify to contribute to and draw benefits from the Fund. The need however is particularly vital for workers who come to urban areas from "Homelands". Reassurance is urgently needed concerning the future position of the Transkei after independence; will Transkeians forfeit membership of the Unemployment Fund? What about other forms of Social Security?

## LEGAL WORK

The assistance we get from our lawyers is a matter of great pride and reassurance to us. We have kept them busy as never before this year, and cannot express the extent of our appreciation of their unfailing support to us in our work. Most of our Crossroads cases have received some help from our attorneys, mainly in the form of pleas in mitigation for women found guilty under Sec. 10. (4) of the Act. In addition to new work being undertaken for individuals who specifically ask for lawyers, our regular legal case-work continues, moving very slowly on account of the attitudes of the Bantu Affairs Administration Board, which is in every instance very unwilling to yield. However, we can report a dozen cases successfully concluded, including the resounding success of Miss Elizabeth Pikashe's appeal heard in the Supreme Court in January. Her claim to qualify for permanent residence in the area, in terms of Sec. 10. (1) (a) of the Act, was upheld, as reported in some detail in our February report.

The following rough analysis indicates the types of cases with which our attorneys have been dealing during the past year, and the outcome where the matter has been concluded; only Miss Pikashe's case was actually heard in Court:

**Sec. 10. (1) (a) claims:** 3 successes, 1 failure, 11 pending.

**Sec. 10. (1) (b) claims:** 1 success, 1 failure, 2 pending.

**Sec. 10. (1) (c) claims:** 6 successes, 2 failures, 10 pending.

These cases concern the attempts of married couples to establish "ordinary" residence together and are of particular importance in the work of the Advice Office. After the total log-jam reported in our 1974 Annual Report, it is with relief that we note that a few people are now achieving their objective. How few!

**Other cases:** e.g. Race Classification appeals: 1 success, 4 pending.

**CONCLUSION:** We would like to end with the heartening words in which a particularly prominent visitor from overseas summed up his impression of the Advice Office: "This is clearly a peak effort for peaceful change", he said.

**R. N. ROBB,**  
(Director).

**B. D. VERSFELD,**  
(Secretary).

Athlone Advice Office,  
5 Princess Street,  
Mowbray, C.P. 7700.