

CONTRACT WORKERS~ WHO ARE THEY?

WHAT IS SECTION 10 ?

Section 10 of the Blacks (Urban Areas) Consolidation Act no. 25 of 1945, as amended, states that 'No Black shall remain for more than 72 hours in a prescribed area' unless he has a permit to do so. This permission is granted if the individual can prove (and the onus is on him to do so) that:

- #10 (1) (a) he has since birth, resided continuously in such area; or
- (b) he has worked continuously in such area for one employer for a period of not less than ten years or has lawfully resided continuously in such area for a period of not less than fifteen years, and has thereafter continued to reside in such area and is not employed outside such area and has not during either period or thereafter been sentenced to a fine exceeding five hundred rand or to imprisonment for a period exceeding six months; or
- (c) such Black is the wife, the unmarried daughter, or the son under the age of eighteen years, of any Black mentioned in paragraph (a) or (b) of this subsection and, after lawful entry into such prescribed area, ordinarily resides with that Black in such area; or
- (d) in the case of any other Black, permission to so remain has been granted by an officer appointed to manage a labour bureau ... due regard being had to the availability of accommodation in a Black residential area.'

This legislation is designed to control Black influx into so-called White areas and has a direct impact on the family life and employment opportunities of up to 250 000 people in the Greater Cape Town area.

This case was no exception. It reflects a daily occurrence in our city. Do we still react? On 6.7.82 in the Lange Commisseries (Pass Law) Court, a man was given a sentence of R70 or 70 days imprisonment because his contract was not valid - he had opted to stay in Cape Town to work here. The magistrate said to him:

"Jy kan nie hier kom op kontrak en dan pick en choose wat jy wil hê nie".

CONTRACT

WORKERS are men living unnaturally separated from their wives and families and they have no hope whatsoever of being able to bring their wives legally to join them

The contract labourer is a part of the rigid control of black labour for white use in South Africa. If there is not sufficient legally resident labour available, labour is recruited on a contract system, without the uncomfortable problems of housing a family

They are 'switched off and on' when it suits the employers and all care, benefits, welfare, housing, etc., are the responsibility of the homelands even if he spends his entire working life in the Western Cape, or wherever he might work. The contract labourer is a victim. He cannot withhold his labour or bargain with it, it is his means of survival. It would seem that contract workers will now be permitted to be members of Unions, perhaps some improvements in their lot will follow

Many contract workers come to us, often because their contract has been terminated early and they are without work - their employer can dismiss or retrench them. Sometimes they come to complain of the conditions of work or the treatment they receive. However, work is difficult to get, they know of the long queues at the labour bureaux, and they must keep their jobs.

EXTRACTS FROM REPORTS OF THE ATHLONE ADVICE OFFICE, 5 LONG ST., MOWBRAY

The contract labour system is rigidly controlled, and as of April 1979 contract workers can be dismissed for not occupying their hostel beds. This is a direct attempt to prevent contract workers from bringing in their families and living with them in squatter housing.

* Mr A.L.S. has been a contract worker with Royal Dairies for seven years. His contract was prematurely terminated because, after repeated warnings, he was not occupying his hostel bed. He and a fellow-worker were dismissed as an example and warning to the other workers.

Finally, contract workers from 'independent homelands' such as Transkei do not have the benefit of any social security protection as a result of their employment in South Africa. They cannot contribute to unemployment insurance or derive any benefits as a result of loss of employment, nor can their widows claim any benefits.

* Mr F.H.D., a 27 year old contract worker, died suddenly of natural causes. His wife received only those wages due to him, in this case R10. She is left, a young widow with two children, with no possibility of any widow's benefits. The firm carried no insurance for its contract workers.

1978-1979

1980-1981

This year, 52.8% of the contract workers who have come to the office have done so in the hope that they might qualify for permanent residence. They come because they have been in continuous employment with one employer for 10 years or more, and as such should qualify under section 10 (1) (b) of the Urban Areas Act. However, ever since the Labour regulations of 1968 which stipulated that all new recruitment for the 'homelands' had to be on an annual contract basis, the officials have deemed such employment to be non-continuous. Because of an administratively-imposed break, long-service employees have thus far been denied permanent local registration. This is highly coveted because only locally qualified men can hope to have their families with them in the area where they work. Contract workers are doomed to a lifetime of separation from their families, or else the perpetual worry of 'harbouring' their families illegally. They are forced to live in single sex hostels as labour units rather than men.

1979-1980

PAB refuses permits after court finding

By PHILLIP VAN NIEKERK

A CONTRACT worker's breakthrough in being granted permanent City residence rights by the Cape Supreme Court has not changed the Peninsula Administration Board's attitude to hundreds of similar cases.

On May 3, Mr Totosi Stanford Booii, a Fatti's and Moni's worker, was granted a court order by Mr Justice Schock entitling him to permanent residence rights in Cape Town because he had worked for one employer for more than 10 years.

This was seen as an important test case opening the way for hundreds of contract workers with the same qualification to gain Section 10 (1) (b) rights, enabling them to live with their families in the City, change jobs freely and move from town to town.

But the PAB has been refusing to grant permanent residence rights to the flood of workers whose hopes of gaining these rights were raised by Mr Booii's court victory.

Mrs Noel Robb, director of the Athlone Advice Office, says the office has had contact with more than 550 workers who qualify for permanent residence on the same basis as Mr Booii.

In addition, several major employers and the African Food and Canning Workers' Union, which took Mr Booii's case to the Supreme Court, have made numerous applications on behalf of workers.

Study

The chairman of PAB, Brigadier J H van der Westhuizen, said the board was carrying out a study of the matter and would decide later what to do with the applications.

He said one factor they were considering was the case of a Germiston contract worker, Mr Mehlole Tom Rikhoto, who, in a similar case, was granted Section 10 (i) (b) rights in the Rand Supreme Court last year.

It was held that Mr Rikhoto had worked "continuously" for one employer for 10 years, even though — in terms of a government regulation — he had to renew his contract yearly. It is this regulation which has enabled administration boards to systematically refuse permanent residence rights to contract workers.

Appeal

The East Rand Administration Board, however, appealed against the judgment and the case is still pending in the Appeal Court.

Mrs Robb said the PAB was making a "mockery of the law" by ignoring the decision in the Booii case. She said employers had been co-operative in providing evidence of the men's work records.

Mrs Di Bishop, Progressive Federal Party MPC for Gardens, who has interviewed many of the applicants, said she was enormously impressed with the men's long-term, loyal service to many firms in Cape Town.

"Their hopes have been raised and the government's delaying strategy is creating enormous resentment and unnecessary bitterness," she said.



Worker permits: Black Sash reacts

THE Black Sash today reacted strongly to an announcement that the West Cape Administration Board would delay dealing with applications from contract workers to stay permanently in the Peninsula.

The board received applications from workers in the wake of two separate but similar cases heard in the Cape and Rand Supreme Courts earlier this year. The courts granted permanent residence permits to two contract workers on the grounds that they had worked for one employer continually for 10 years.

A spokesman for the board confirmed today that applications had been received from workers, but said they would not be dealt with until the outcome of an appeal was known.

"This is a straightforward untruth," Mrs Duncan said. "People in the Witwatersrand who have lost their jobs are not having their work permits renewed."

The board spokesman said those workers who had made applications for work permits would have their contracts lengthened until the Appeal Court decision was known.

Mrs Sheena Duncan, national president of Black Sash, said the Cape was quite clear and the Government was legally obliged to grant the permits.

"In the Cape there was no appeal against the Supreme Court decision is now law," she said.

THE ARGUS, FRIDAY JULY 9 1982

Voluntary lay-offs help migrants

Labour Reporter

WORKERS at Trident Marine Engineering with rights to remain permanently in the Western Cape have volunteered to be retrenched to save their fellow contract workers from having to return to the homelands, where the chances of finding alternative employment are minimal.

Trident Marine retrenched 13 workers earlier this month because of a downturn in the dry-dock sectors of their operations, according to Industrial Relations manager, Mr G Cormack.

Mr Cormack said the retrenchment exercise had been made easier for both management and the workers because of a previously negotiated procedure with the workers and their union, the General Workers' Union.

According to a GWU spokesman, the workers were informed of the decision to retrench in advance. They decided that those with Section 10 1(a) and (b) rights, entitling them to remain permanently in Cape Town, would volunteer to be the first to go, rather than let the contract workers return to the homelands.

"The union and the workers are concerned that retrenchment will lead to increased rural poverty. Rather than let their fellow workers suffer the full burden of retrenchment, those with Section 10 rights gave up their jobs to protect the contract workers from unemployment," said the spokesman.

"The union is proud of the stand made by these workers. It is an example of the unity between migrants and Section 10 workers in our union," she added.