

THE BLACK SASH - CAPE WESTERN REGION

"THE COLOURED LABOUR PREFERENCE AREA POLICY"

with special reference to Cape Town.

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INTRODUCTION:

This outline of the Coloured Labour Preference Area Policy (CLPAP) attempts to draw attention to official dogged determination to adhere to one of the most discriminatory measures in South Africa and to official efforts made to sustain the policy and see it to its logical conclusion, despite recommendations to scrap it.

The government claims to have abandoned job reservation based on race. The CLPAP is however evidence to the contrary. It is necessary to remind ourselves that despite the current reform rhetoric, the apartheid policy has not only been confirmed, but is being justified and praised.

Addressing the Pretoria Press Club, Dr Koornhof said that there were no plans to change the "successful" pattern of development (of the "homelands" et al) which in his opinion was "an example of the best cooperation in Africa" (1)

At the Cape congress of the National Party held in East London in October 1982, comment was invited on recent official raids on black residents in the Cape. Some responses included:

- Mr A.L. Jordaan (M.P. False Bay) "The coloureds should be protected in their natural habitat."
- Mr J. Rabie (M.P. Worcester) "From a farmer's point of view, you've got to do something or else they'll overcrowd us."
- Mr J. Meiring (M.P. Paarl) "People are people. If they don't listen, you will have to be strict." (re pass raids). (2)

Since the CLPAP inception, only the National Party (influenced by the Cape Nat M.P's (3) and the Theron Commission (4) have recommended the retention of the policy.

HISTORY OF RESIDENCE OF BLACK AFRICANS IN WESTERN CAPE.

Cilliers and Bekker (5) state that black people have been part of the labour structure since the first half of the 19th Century and point out that they were purposely involved in agricultural labour in the private sector and in road and other construction in the public sector during the same century.

Nash (6) illustrates that "black African labour has been integral to the Cape economy..... since the arrival of the Portuguese slave ship the Amersfoot with its cargo of Angolans intended for Brazil" by her reference to Boeseken's Slaves and Free Blacks at the Cape 1658 - 1700. She states: "As slaves, prisoners of war and migrant workers Africans have literally built Cape Town - the roads, harbour, railways, dwellings, hospitals, schools, factories, prisons - and still do."

In 1983 there are an estimated 250,000 black people living in Cape Town of whom at least half are "illegal". The vast majority of these people are Xhosa - speaking and therefore "foreigners" in view of Transkei having been proclaimed "independent" in 1976 and Ciskei in 1981.

HISTORY OF POLICY:

In January 1955 Dr. W.M.M. Eiselen (7), then secretary for Native Affairs, gave substance to a hint made in 1954 that the black population in the Western Cape was to be "controlled." He identified certain stages envisaged to accomplish this -

1. "The removal of foreign Africans and freezing of the number of African families, coupled with the limited importation of single migrant workers to meet the most urgent needs in industry;
2. Removal of Protectorate Africans and reduction of the number of African families, with gradual replacement of migrant workers by coloured workers;
3. Screening of the African population and classifying them in two groups:
 - i) Africans 'who have remained Bantu' and who in time can be moved back to the reserves where they can play an important role in the building up of an urban economy;
 - ii) Africans 'who have established relationships with Coloured women and who in all but colour belong to the Coloured community'. This category should obtain Coloured citizenship and qualify for residential rights within the Coloured community."

This policy was to be implemented west of certain magisterial districts including George, Beaufort West, Britstown, Prieska and Kenhardt. (The dividing line was known as the Eiselen line). The line has been altered twice subsequently. In May 1963 22 magisterial districts east of the Eiselen line were added (Port Elizabeth - Uitenhage were specifically excluded). In 1967 the area was again extended eastwards to include the Cape midlands (An additional 17 magisterial areas).

Two justifications for the policy were contained in Dr Eiselen's address. These continue to be used by those who support the policy.

"The Coloureds as a local population have a moral right to demand that their workers' interests be protected against the natives" and "early termination of the symbiosis between Coloured and native is advisable as it has a demoralising effect on both." (8)

Dr Martin West (9) postulates that "there is also hearsay evidence that Cape Nationalists envisaged, and in fact still envisage, the Western Cape as a potential White homeland in a last resort, and that it is therefore important to have a majority of whites in the area."

In December 1965 Black Labour Regulations were introduced which insisted on contracts being renewed in the "homelands" so as to prevent those with long records of service in the Western Cape from qualifying for residence rights under Section 10(1)(b) of the Urban Areas Act (no. 25 of 1945). (10)

In 1966 Mr Blaar Coetzee, then Deputy Minister of Bantu Development, announced an official freeze on family housing in the Western Cape, the intended reduction of black people from the area by an average 5% per annum and an official freeze on the African labour complement of the Western Cape employers. (11) As a result no black housing was built for 10 years.

It was stated that "additional Africans" who qualified for residence in the Cape could be employed (over and above the specified quota) provided their employment in preference to "coloured labour" was approved by the then Department of Labour. In the same year it was stated that no applications for African contract labour would be entertained for the following categories of work:

vehicle drivers, floor sweepers and cleaners, domestic servants, gardeners, newspaper and ice-cream vendors, stable assistants, grooms, delivery men, petrol pump attendants, clerks, packers, time-keepers.

MECHANICS OF IMPLEMENTATION:

If an employer wishes to employ an African, he is required to obtain a "coloured labour clearance certificate" from the Department of Manpower stating that no "suitable coloured" person is available to fill the position. When applying one is officially required to "state endeavours made to obtain Coloured Labour".

Recently it has been comparatively easy to obtain this certificate. Previously the Department of Manpower would advertise the position and the employer would be required to interview all "coloured" (or white!) applicants and then state that none was suitable.

The employer is then issued with a certificate (see Appendix A) copies of which are required to be lodged with the "relative labour bureau for Blacks".

SOME CONCESSIONS:

In certain areas outside the Western Cape there has been a relaxation of the policy when a shortage of "coloured labour" has occurred.

In the Western Cape a minimal concession was introduced in 1979 (12) when (contract-type) 6 - 12 monthly permits were introduced for "illegal" domestic workers who had a long record of service (arbitrarily determined) for one employer as a full-time, live-in employee. This "qualification" is essentially a contract between two people which is not transferable. The applicant is required to send away children who may be in the area before qualifying for such a contract.

It is possible to employ an African contract worker as a full-time gardener nowadays (provided the labour clearance certificate is obtained and approved accommodation is available).

The introduction of restricted lease-hold and the establishment of an old age home in Cape Town are significant concessions.

OPPOSITION TO THE POLICY:

There has been widespread opposition to and criticism of the policy from various quarters. These include Trade Unions (including the G.W.U, Food and Canning Workers Union, Fosatu and the Cape Town Municipal Workers' Association) (13); the black community in Cape Town is united in its opposition to the CLPAP (14); the Cape Town Chambers of Industries and Commerce; economists, sociologists, social workers, the Black Sash, the PFP and the Labour Party (15).

It is particularly significant that no "coloured" person - even those operating "within the system" - has advocated the CLPAP.

There are contrary views as to whether reserving the lowest jobs for a community tends to assist that community or to hold it down.

Significant recent criticism of the CLPAP came from the Director-General of the Department of Manpower, Dr P v.d. Merwe. In evidence to the economic affairs Committee of the Presidents Council, which is examining restrictions on the free enterprise system, Dr v.d. Merwe referred to the CLPAP as "a discriminating measure." He said it was "difficult to justify a system which allows a person to live in an area but which effectively prevents him from looking for work." (16) Dr v.d. Merwe is further quoted as supporting the Riekert Commission's recommendation that the movement of people should be restricted on the basis of availability of jobs and housing which "could be applied on a colour-blind basis".

SOME EFFECTS:

The effects of this policy have been far-reaching and have been extensively discussed e.g. in reports on the economic potential of the Western Cape. It is not possible to fully discuss the effects within the scope of this paper. However some of these include:

1. The appalling harrassment of black people - see the Athlone Advice Office and Langa Court reports.
2. Higher levies per black worker in the Western Cape were introduced in 1978.
3. The underemployment of skilled workers, and unemployment ; the policy "is seen by black Capetonians as a barrier to job opportunities and job advancement. The labour market, in their view, is regulated by political directives to their direct detriment." (17) It is a source of immense dissatisfaction and frustration.
4. The policy has contributed to the politicization of the youth. "The black youth in Cape Town see the labour market as being labour-repressive, functioning in line with Republican government's geo-political ideology and policy of Coloured Labour Preference". (18)
5. Certain privileges available in the rest of the country have been specifically denied to black people in the Western Cape. The possibility of transfer by "residentially qualified" persons from one prescribed area to another was withdrawn in the Cape in 1982. In the same year an exemption from Section 9(1) of the Urban Areas Act was withdrawn for Urban Areas in the Western Cape so permission has to be obtained from the Administration Board (and a fee paid) before employers may accommodate a "legal employee".
6. The Western Cape continues to be excluded from the provision of the 99 - year leasehold system to black people in the rest of the country.

As a result of negotiation, 30 - year leasehold, renewable for 30 years, was granted to a "black utility company" which in turn has made housing available. The occupier of these houses is not entitled to be lease-holder, however.

In reply to a question in parliament on 4.3.83 (19) Dr Koornhof advised Mrs Suzman that "no consideration was being given to extending the 99 - year leasehold system to the Western Cape because it was a coloured labour preferential area."

7. The "coloured" people are used as a political football in the persuance of the policy. Their opinion of the policy has been ignored. The name of the policy is misleading as preference over employing and providing for the needs of black people is obviously given to "whites" and "Indians" as well as to "coloureds".
8. THE SPECIAL EFFECTS ON SERVICE-DELIVERY IN OUR HOSPITALS.

We can look at the Nursing situation as an example. Official attitude has been that development in the area must adjust to it being a 'coloured preference area'. At the same time, official hospital policy is that each population Group must nurse members of her own population group. Despite the very

large numbers of African patients being attended at hospitals in the Western Cape, African women are prevented from training as nurses in the area and the number of posts available to them once trained has been severely restricted in the major hospitals. In 1980 at 7 large hospitals in Cape Town alone, 24,317 African in-patients and 357,607 African out-patients (20) were treated.

At the same 7 hospitals there were a total of 39 posts filled by full-time African nurses and 38 filled by African nursing assistants. A prominent nursing leader has queried these latter figures. At 5 of these hospitals there were no full-time African nurses and at 2, no nursing assistants. There were no posts for any part-time African nurses. (21) I know of no black clerical posts at these hospitals.

These hospitals do not employ translators. Use is commonly made of domestic staff as translators.

The M.E.C. for Hospitals in the Cape gave the following reply to a question about translators: "At the majority of hospitals where Black patients are admitted, staff includes Black nurses and use is made of their services as interpreters. At some of the larger urban hospitals use is also made of the services of the hospital's Black social workers." (22) To the best of my knowledge there is only one black social worker employed in the hospital service in Cape Town (at Groote Schuur Hospital). Professional staff obviously resent being "used" as translators in any event.

Despite the shortage of nurses in the Cape during recent years, there has been a sustained refusal to admit any African women for training as nurses in Cape Town, even if they have residential rights in the area. They are required to apply to Livingstone Hospital (Port Elizabeth) or Kimberley Hospital. Preference at both these hospitals is given to training local residents. At present it would seem possible for applicants from Cape Town to gain admission only at the Cecilia Makiwane Hospital in Mdantsane in the Ciskei. Many African residents of Cape Town choose not to take out the required Ciskeian citizenship in order to qualify for admission there.

In the first half of 1982 165 African residents of Cape Town applied for training as nurses at Cape Provincial Hospitals. (23) Of the total number of such applications received in 1982, none were accepted, 16 were rejected because preference was given to local applicants (from Kimberley) and 38 applications are still pending. (24)

This discrimination against African nurses (and patients) in the Western Cape is based upon the CLPAP.

While the CLPAP is being so rigidly implemented, allegedly to protect people with greater rights, thousands of whites from Namibia and

Zimbabwe are settling in the Western Cape without restriction.

It may be said that the CLPAP is not aimed at protecting any group, but specifically at discriminating against another group. One cannot help feeling that its ultimate object is to preserve the Western Cape as a "funk-hole" when the apartheid policy collapses.

REFERENCES

1. Die Burger. 24.8.82
2. Cape Times. 23.10.82
3. This is speculative information which has been verbally proffered in various quarters. The chief opponent of a change in policy is said to be Mr A van Breda M.P. for Tygervallei. The Deputy Minister of Cooperation and Development, Dr G. de V Morrison, M.P. for Cradock, is said to be similarly rigid in this regard.
4. Commission of Enquiry into Matters Relating to the Coloured Population Group. 1976
5. Cilliers, S.P. and Bekker, S.B. Die Arbeidsituasie van die Swartman in die Wes-Kaap, met besondere aandag aan die Toestand in die Kaapse Skiereiland. Universiteit van Stellenbosch. Pg.8.
6. NASH, Dr Margaret. Pass raids - beyond protest to active dissent. Text of address 9.11.82.
7. Eiselen, W.M.M. The Coloured People and the Natives. Paper read at 6th Annual Congress of the South African Bureau of Racial Affairs. 1955.
8. Eiselen, W.M.M. Ibid.
9. West, Martin. From Pass Courts to Deportation: Changing Patterns of Influx Control in Cape Town, S.A. In African Affairs, October 1982.
10. In 1968 a similar provision for contract workers was extended to the rest of the country.
11. S.A. Institute of Race Relations Survey. 1967 Pgs 167 - 171
12. Athlone Advice Office. Annual Report. October 1979 - September 1980. Pg. 3 and Annual Report. October 1980 - December 1981. Pg. 3.
13. Argus. 29.10.82
14. Bekker, S.B. and Coetzee, J.H. Black Urban Employment and Coloured Labour Preference. Working Paper No. 1 Institute of Social and Economic Research, Rhodes University. December 1980.
15. In an article in the Cape Times on 1.2.83, Mr David Curry wrote: "Do our critics think that we will rubberstamp the continuous harrassment of fellow blacks in the Western Province? We have objected strongly in the past and will continue to do so in the future. We are against any place being declared a preference area for employment for coloureds and whites only..... We strongly object that this must be done in our name. We certainly do not need job reservation."
16. Cape Times 23.10.83.

17. Bekker, S.B. and Coetzee, J.H. Op.cit pg. 33.
18. Bekker, S.B. and Coetzee, J.H. Op.cit pg. 33.
19. Cape Times. 5.3.82.
20. Provincial Hansards. Vol. 102 and 103. Questions -
3.8.81. and 10.8.81.
21. Provincial Hansards. As above.
22. Provincial Hansard Vol. 102. Questions 3.8.81.
23. Provincial Hansard Vol. 107. Questions 19.5.82.
24. Reply to a question in Provincial Council on 22.2.83.

DEPARTMENT OF MAN-POWER
CERTIFICATE IN RESPECT OF AVAILABILITY OF COLOURED LABOUR

It is hereby certified that Coloured Labour is not at present registered at this office to fill the (number) One (1) M + One (1) F vacancies for.....
(specify) One (1) F Domestic.....
One (1) M Gardener.....

Therefore, there is no objection that the above-named employer, during a period of Twelve (12) months from date hereof, may register Black Workers in employment, provided that at any time during this period he may not have more than One (1) F + One (1) M Blacks registered in employment.

WARNING: In the event of your undertaking being a factory in terms of the provisions of the Factories, Machinery and Building Work Act, 1941 and also being subject to the Environment Planning Act No.88 of 1967, this certificate is no authorisation to exceed your Black Labour strength as determined by the last-mentioned Act, without permission of the Department of Planning. In this regard you can establish your position at the office of the Department of Industries and Tourism, Private Bag.X342, Pretoria.0001.

- N.B.:**
- (1) This certificate does not indemnify the employer from his obligations in respect of the employment of Blacks in terms of any Act, Regulation or Instruction which is administered or issued from time to time by the Department of Co-operation and Development.
 - (2) A new certificate must be obtained before -
 - (a) additional Black Labour may be registered in employment during the currency of this certificate,
 - (b) vacancies which occur after the date of expiry of this certificate, may be filled by a Black worker.
 - (3) This certificate expires as soon as the employer ceases to be an employer in the area of the Labour Bureau of the Local Authority where he normally registers Black employees in his service.
 - (4) This certificate can be withdrawn or amended at any time.