

Report to National Conference, March 1975  
 Covering the period from September 28th, 1973 to February 21st,  
 1975

FIGURES FOR SEPTEMBER 1973 TO FEBRUARY 1975

Working days - 182  
 New Cases - 1342

A N A L Y S I S

PROBLEM:

NEW CASES:

Ordered to leave the Area	53
Issue of Reference Books	14
Housing Problems	71
Work Permits	902
Residential Permits	38
Section 10 Qualifications	9
Ex-Prisoners	2
Contract Problems	78
Pensions	4
Unemployment Insurance Fund Benefits	30
Workmens' Compensation Act	14
Pay Disputes	48
Miscellaneous	79
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TOTAL	1342
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INTRODUCTION:

In June 1974, the Advice Office moved from the James Bolton Hall to 2, Central Court, 125 Gale Street. The reason for this was that the African Trade Unions and in fact anyone working with Africans were given notice by the Garment Workers' Union, who control the Bolton Hall. At first we shared a room with the Benefit Fund (which is a fund operating for Africans) and then from the 13th January, 1975, we were given a room entirely to ourselves.

All the offices in Central Court from which the Trade Unions operate are controlled by the Central Administration Services, which is an all White body leasing these premises and therefore it is legal for Africans to be in the area.

The Black Sash office has been arranged by Central Administration Services and sanctioned by the lessor of 2, Central Court. For

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this we pay C.A.S. R10 a month rent and have full use of their facilities, viz. telephone, photostating, legal aid, and a typist when necessary.

We are in no way connected with the Trade Unions or the Benefit Fund - all our correspondence and verbal communications are done in the name of Sash.

We have taken legal advice re the question of affiliation with the African Trade Unions and have been assured that in no way can this be presumed under our present operational conditions.

1974 was a somewhat haphazard year one way and another, because of differences of opinion with the authorities, which resulted in the Advice Office twice having to close down, one of the periods being for over a month. Any break in continuity is not good and each time we had a struggle to re-establish ourselves - especially as people having been to the Advice Office were often harassed by the Authorities. Another reason, perhaps, is that our percentage of known successes was very low, maybe one or two cases a month, and this doesn't exactly encourage confidence in our ability to help people. However, the very fact that they did still come to us at an average of about 8 a day justified the existence of the Advice Office.

In June, all the Advice Office workers were "invited" to a meeting with the Senior Officials of the Port Natal Bantu Administration Board, which has now been in operation since August, 1973. This meeting was the result of a number of rather unpleasant "clashes" with the authorities owing to a series of misunderstandings and misinterpretations on their part concerning our activities. We spent three informative hours together and the end result was a clearer view of the entire structure of the Board and the functions of its various sections, however we were left in no doubt as to the sceptical attitude of the authorities towards the Advice Office - in fact the general feeling was that we were wasting our own and everyone else's time, especially as the Port Natal Aid Centre was about to open.

Regardless of the continual assurances that all the officials appointed to these Boards are experts in their own fields and all interested and dedicated people to Bantu administration, we find very little concern or consideration is given to the African who does not fall under the category of being a "Durban Native". In fact the function of the Board is not to change the legislation of the Pass Laws as such, but to review the legislation and perhaps improve it where necessary.

The Advice Office closed over the festive season from 13/12/74 to the 13/1/75. In the new year we were approached by the Benefit Fund and asked if we would consider taking on all the 'cases' of people needing advice and assistance with which the Benefit Fund used to deal. The reason for this was that the Benefit Fund had been prosecuted for operating illegally under the Friendly Societies Act. The case was concluded in January 1975 and the Benefit Fund was found guilty of not being registered. However, the presiding Judge was against the Benefit Fund closing down as a result of the prosecution, and advised them to continue operating, registered under the Friendly Societies Act. Which is what

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has been the case subsequently, however, whereas before the Benefit Fund also gave its' members medical aid and advice, it may now ONLY give funeral benefits to its' members which was the reason for starting the fund in the first place in 1972.

The Medical Aid has unfortunately fallen away completely and the 'advice' has been taken on by Sash. In short, this all means that instead of only dealing with Pass, Housing, Section 10 problems etc., we are now also assisting with Workers' problems, i.e., Unemployment Insurance Fund benefits, Workmens' Compensation Act and Pay Disputes.

We took legal advice re our authority as such, in dealing with the above mentioned workers' problems, and we were likewise assured that in no way were we breaking the law in doing so.

#### UNEMPLOYMENT INSURANCE FUND:

We advise people where and how to go about claiming U I F benefits. Often we have to contact firms on behalf of workers who have omitted to give 'them' their U I F cards, either because they were not aware of this law, or because the worker did not originally have one. By law every employee who earns over R10.50 a week, must contribute to the UIF (except Government employees). Also every employer must sign and hand this card over on his/her discharge. If the employee has not got one, the employer has got to apply for one for him/her. There is also often dispute over the reason for discharge entered on this UIF card.

#### WORKMENS' COMPENSATION ACT:

We find that people have to wait months before claims under the W.C.A. are eventually paid. If a worker has left the firm where he was originally injured on duty, there is a communications problem as to how to get the money owed to him. We have numerous cases of cheques going astray and, therefore, can assist by writing to Pretoria on behalf of a claimant. In most instances, when a worker is off sick due to being injured on duty, this can be anything from three weeks to a year or more, he is not paid during this period and has to wait for his money from the W.C.A. whereas the employer himself could pay the worker and then be refunded by the W.C.A. But he invariably does not, and the worker has no income for this period.

#### PAY DISPUTES:

Here we get complaints of insufficient Holiday pay or Notice pay on termination of service. No overtime, and deductions made for which the worker has no comprehension. We find that there is a great lack of communication between the employer and his African employees and their problems. Seldom are pay slips explained to the workers and the final one is usually a 'mumbo jumbo' of figures, codes and computerisation of which the worker is completely ignorant - through no fault of his own.

Workers can, however, go to the Department of Labour about their pay disputes, etc., however, this operates along the same lines as the Aid Centre, in so much as very little in effect is really done to assist with the basic problem - the employer nearly always being right, and in any case he just has to say that the worker

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in question was lazy, late for work, missed a day, refused to do overtime or would not clean the toilet etc., etc. the list of inane or rather petty accusations against workers - which cost them their jobs, is unending. Any excuse will do and the employer is in the right !

We used to average about 85 cases a month, but from the 13/1/75 to 21/2/75 we dealt with 233 new cases as opposed to 90 from 25/10/74 to 13/12/74. These 233 were cases on which correspondence was entered into, we also dealt with many inquiries plus continuing cases.

We have had 20 known successes this year.

THE AID CENTRE:- has been in operation since July last year. Its function is to investigate cases, make recommendations and endeavour to prevent cases going to Court. The few that we have sent to the Aid Centre have returned without having had any assistance given them whatsoever. In fact, as many people as possible are being "Endorsed Out" of Durban time and time again. This Stamp is the first used on everyone who is not a bona fide "Durban Native" even before any questions are asked, whether the person concerned is 16 or 60, has a registered job or not, and even has a house or not !

And the 'catch phrase of the day' on querying any unjust endorsement out - obvious or otherwise, is "if we give in to one, we have to do so for all" !! The aftermath is of no concern, even to the Aid Centre!

In fact, the Aid Centre will go so far as to pay for a person's fare to his/her Bantustan, to ensure that he/she goes.

#### WORK PERMITS:

Still the majority of our cases are people desperate for work permits. The authorities are well aware of the malfunction of the Tribal Labour Bureaux in the Bantustans surrounding the Port Natal area, but nothing is done to improve the situation - the main concern being only for the urban 'native'. We were told in June, 1974, that at any given time there are 4 - 8 thousand unemployed Durban 'Natives'. So the work-seeker from outside the area has very little hope of employment. (This number must run into hundreds of thousands - contrary to Dr. Diederick's statement recently that there is no unemployment.) However, we still try to assist these from within the Port Natal area by corresponding with prospective employers concerning the procedure for requisitioning a contract worker. Some Tribal Labour Bureaux are even refusing to register work-seekers without first having proof of pending employment. And there is still little evidence of any recruiting ever taking place at the majority of the Bantustan Labour Bureaux in Natal. Yet the officials at Influx Control are emphatic that no recruitment can take place other than at these Bureaux.

CONTRACT WORKERS may still only come into Durban in one of the three restricted categories, viz. Domestic, Flat Workers or Builders' Labourers and, once so classified, may definitely never change.

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A drastic change in the attitude of employers to Black employees is very necessary. Contracts are disregarded at will, and this insinuation that Blacks are dispensable because of the numbers needing employment, must go. Why should labour relations differ according to colour? Long loyal service means nothing, pensions and bonuses are virtually unheard of. This is something we must do, it has nothing whatsoever to do with the laws of the land. However, the plight of the Contract Worker seems as hopeless as ever.

HOUSING: There has certainly been no noticeable improvement in the housing situation for Africans, Coloureds or Indians in Durban. People who applied for houses in Umlazi in September 1970, and in KwaMashu in March/April, 1971, are NOW being given occupation in those two areas respectively. Raids are being carried out frequently around the clock, and people are being evicted from their homes for the slightest misdemeanour. It is a case of out first, appeal later. The waiting lists are getting longer and people more desperate and impatient. A man cannot be 'unmarried' for any length of time whatsoever, otherwise he loses his house instantly. Even if he gets divorced or widowed in say January, and remarries in February, the period as a single man qualifies him for Bachelor accommodation and disqualifies him from having a house!

The instant a contract worker becomes unemployed, his occupancy either in a house or a hostel must cease and he should immediately return to his Bantustan. Thus the urgency of re-employment is even greater in the case of these people lucky enough to have acquired some form of registered accommodation. This is another factor of which the majority of Employers are so ignorant.

Now that Umlazi falls under a Bantustan area, all its residents may only enter Durban for 72 hours at a time and consequently the Qualifications under Section 10 of the Urban Areas Act fall away completely and, therefore, according to some of the officials, are not a necessary factor when applying for a house. In fact we are told that any employed KwaZulu citizen may apply for a house in a KwaZulu Bantustan - in practice this simply cannot work and can only encourage further bribery etc.,

The latest date for KwaMashu to become part of KwaZulu is April, 1975 - when it will be run on the same lines as Umlazi.

Clermont Township is grossly overpopulated and even the present new hostels nearing completion are long overdue and cannot hope to alleviate the prevailing slum conditions.

LEGAL ASSISTANCE: We are having some problems as regards legal advice. Further considerations must be given to this in the future.

PRESS: We have had a fair amount of coverage, most of our Advice Office reports appear in part in one or other of the local newspapers.

VISITORS - We were visited by Mr. Lawrence Wood, M.P. for Berea

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and Mr. Graham McIntosh M.P. for Pinetown. Both were 'shocked' at the problems we were confronted with, and both promised to do all in their power to change the system.

Quite a few of our members have visited the office, but not enough.

OFFICE ADMINISTRATION: We have employed a new interpreter, Miss Faith Bengu, as our previous one joined the Benefit Fund and we are more than grateful for her services. Also, as I am not entirely full time in the Advice Office any longer, Mrs Ruth Sang is doing a wonderful job in running the office and her calm reassuring presence is very much appreciated. As also is the 'help' of our numerous workers, without whom the office could not function.

The Advice Office is now open every day from 8.30 - 12 midday and Miss Bengu has been staying on in the afternoons to deal with people coming into 2 Central Court for advice. She is extremely capable and any complicated cases she advises to return in the morning. We have to consider keeping the office open in the afternoons on a permanent basis.

CONCLUSION: As always the inevitable questions - Do we achieve anything? Are we raising false hopes?

Yes, even with often only one success, we are achieving something. We are helping many more, a place to talk about it, to vent frustrations, to ask why - to get some understanding of an impossible situation, to be spoken 'with' not 'at'; to advise and even to sympathise - more important to be a fellow Human Being!

Yes, we do raise false hopes, but if one hasn't any hope left - what has one?

Without a doubt the Pass Laws must go, this is the crux of the whole dreadful plight of our fellow Black South Africans - this and Apartheid.

ADVICE OFFICE SUPERVISOR

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