

ANNUAL REPORT - covering period from OCTOBER 21st 1975  
to FEBRUARY 28th 1977

REPORT TO NATIONAL CONFERENCE - MARCH 1977

- covering period from February 28th 1976 to February 28th  
1977.

FIGURES FOR OCTOBER 1975 to FEBRUARY 1977

WORKING DAYS - 316  
NEW CASES - 1062  
INTERVIEWS - 2309

FIGURES FOR FEBRUARY 1976 to February 1977

WORKING DAYS - 242  
NEW CASES - 758  
INTERVIEWS - 1902 - (not broken down in the analysis)

ANALYSIS

PROBLEM:

Ordered to leave the area	-	7
Housing Problems	-	5
Residential Permits	-	12
Section 10 Qualifications	-	9
Pensions	-	38
Work Permits	-	36
Contract Problems	-	96
Unemployment Insurance Fund Benefits	-	169
Workmens' Compensation Act	-	46
Pay Disputes	-	300
Miscellaneous	-	40
Interviews	-	<u>1902</u>

Total 2660

INTRODUCTION

It is significant to note that our 'new cases' as such have dropped by 44%, while our 'Interviews' have increased by 34%. The former are those for which correspondence is entered into and on these we keep record cards; whereas interviews are recorded in the Day Book only and these problems we deal with by direct contact with the relevant people involved. Consequently we can ensure a 90% success rate in solving the problems of those people interviewed.

647 of the 758 'new cases' dealt with this last year were those of workers' problems, plus 75% of people interviewed had complaints or queries pertaining to their work situation. This analysis shows that there is a decided lack of communication and interrelation between employers and their African employees who have little or no recourse to advice and assistance in combating the injustices dealt out to them.

Another pointer to our sick South African society and its' inhuman discriminatory laws, is the necessity of always having to categorize people on the basis of colour and race. There is NO such thing as Democracy in South Africa be it plural or otherwise and when looking at the plight of the African worker alone, especially in the present economic recession, one need contemplate no further on causes for the civil disturbances which began in Soweto last June.

The evidence speaks for itself, African unemployment figures at  $1\frac{1}{2}$  million, job reservation, unequal pay for equal work done, ~~lack~~ of job opportunities, unsatisfactory working conditions and inadequate community facilities. Exploitation of the African labourer in every aspect of his work situation is practised by a large number of employers, especially those in the Building and Engineering Industries.

The consequential social and political sideeffects could be devastating and it is the employer who can to a large degree right these wrongs as Africans form the majority of the working population and the majority of the unemployed.

The breakdown in communication between employer and employee seems in our experience at the Advice Office, to stem from the level of Middle-Management and not from the hierarchy of a firm or company. It is imperative that people in personnel and labour departments should be properly trained in race relations. African employees are people NOT works numbers or units or in fact 'coons and kaffirs' as quoted by one large engineering company, and they shall be regarded as such. Surely the productivity and level of profitability of a company depends on its employees and consequently inadequately trained and racially prejudiced middle management are a liability. The excuse that "we have hundreds of workers and therefore cannot be expected to cater for their every need", is totally unacceptable and any company using this as an excuse to contravene the law should be dealt with as severely as it tends to deal with its employees who step out of line.

Workers' needs should indeed be catered for; incentive encouraged not only on the basis of cash, but with promotion more responsibility, improved working conditions and most important of all, training. Employers should take into account the average African labourers' socio-economic requirements, his environment, living conditions and background and in so doing should not lose sight of the fact that it is solely due to white Government legislation that the majority of South Africans are under-privileged and under-educated and therefore their inadequacies should be viewed with understanding and sympathy.

#### WORK PERMITS:

The unemployment situation as mentioned previously is fast reaching critical proportions and the desperation just to subsist adequately is evident in the people who daily come to us for assistance.

The Contract Worker is one of the most exploited and abused victims of the present Government's wretchedly inhuman Influx Control and Migratory Labour systems. Today, no matter

how grim his working conditions, how unhappy, underpaid or overworked he is, he simply has no choice but to remain in his present state or starve. To lose his job means having to return to his Homeland area where invariably there are no employment opportunities and certainly any chance of work in the Urban areas is very remote indeed.

People qualified under Section 10 (1)(a)(b) or (d) of the Urban Areas Act of 1945 and who therefore are fortunate enough to get a 30 day work seekers' permit, are constantly being threatened with Section 29 of this Act (i.e. of being deemed - Idle and undesirable, and therefore liable for eviction from their homes and deportation to places unknown at the discretion of the local labour office) should their permits expire. This happens often after the first one has done so, but nearly always after the second. But what alternative is there, apart from a daily walking of the streets looking for work which is frustrating and humiliating enough without an added threat hanging over their heads. Mr. T.J.M. - who lives in his brother's house in Kwa Mashu, was refused a work seekers' permit until 1980 because he left Durban for a few weeks to go to Klerksdorp. Apart from that short period he has never been out of Durban plus he had a form from the housing manager assuring him registration as a lodger with his brother if he got employment.

Mr. D.B. - Born in Durban was last employed from 1971 to 3/11/76. He lost his job due to reduction in staff and got a workseekers' permit which expired on the 9/12/76. He didn't go for another one as it was the Xmas period and therefore pointless looking for work. Consequently he went to the Labour Bureau on the 13/1/77 and with no explanation or consultation was ordered to leave the area forthwith. When he enquired as to where he was to go, he was told back to Dundee, the birthplace of his late father and incidentally a place totally foreign to him as he has never been out of Durban. Mr. B. lives with his mother and mentally retarded brother and is the sole breadwinner of this family. We sent him to the Aid Centre and were successful in getting his endorsement out cancelled and a new workseekers' permit. However one wonders how many other people are so unjustly treated and with the growing unemployment what of the plight of future workseekers.

#### PAY DISPUTES:

The figures speak for themselves and here again the fault lies with the employer. Pay slips are never in the vernacular, pension schemes, deductions for board and lodging, tax, UIF etc. are not adequately explained. To say "we have spoken through interpreters to our employees time and again etc etc." is not sufficient, most often individual understanding is necessary and surely that is what personnel management is for.

Contracts likewise are signed and sealed' in seconds - a quick 'read out' to a prospective worker is not good enough, he should have his own copy in his own language to understand and interpret himself in his own time.



WORKMENS' COMPENSATION ACT:

People wait months before their claims are paid out and in every case handled by our office, they express gross indignation at having their money allocated to them at the rate of R15-20 per month. Only in extreme cases of need will lump sums be given and that, at the discretion of the Bantu Affairs Commissioner of the W.C.A. Commissioner.

Mr. J.C. - Injured on duty on the 5/8/74 when an iron bar fell on his head. He earned R15 per week and received R40 in lieu of wages after the accident. On the 2/3/76 over 18 months later he came to us for assistance in getting any compensation due to him. After writing to the Department of Labour, King Edward VIII Hospital, Pretoria and his old firm (letters too numerous to mention, as well as countless phone calls), and after further medical examinations it was established 9 months later that he was 70% permanently disabled and that compensation of R2670.00 was to be paid into a Post Office account, to be drawn at the rate of R20 per month.

UNEMPLOYMENT INSURANCE FUND ACT:

This Act is without doubt the one most abused and contravened by employers. It is also discriminatory, racialistic and unfair to African contributors and that is why there is now R207 million in this fund which is increasing monthly.

The Chambers of Commerce and Industry should conduct a survey into the management of the Unemployment Insurance Fund by companies and factories affiliated to the, Industrial councils and the Department of Labour too, should be more concerned as to the application of employers to this Act. The Building Industry is without doubt the worst for contravening this UIF Act and until the Department of Labour gets on and penalizes employers for their blatant and continuous contravention, the exploitation of African contributors will continue.

Once again it is high time we considered the majority people in South Africa and printed UIF cards for their use in their languages. So giving them a better and easier understanding of their rights. The majority of African workers have no idea whatsoever how to go about appealing against a 6 week penalty imposed on them. If they did a large proportion would more than likely win their appeals and so get the money due to them.

People with UF cards, no penalties and living in the area of their local BAC are having to wait 15 weeks and more before receiving their money. And what is more they dare not miss 1 week of signing the form, otherwise they have to start from scratch again and lose the weeks previously signed for.

There is quite obviously inefficiency at administration level and the numbers of people applying should not be an excuse for having to wait months before drawing benefits.

The Advice Office experiences daily the frustrations and 'red tape' hampering workers in their efforts to draw

UIF benefits - to which, incidentally they are justly entitled. To list all these would require a separate paper altogether. Let it be said that it is time employers took a more serious view of the implications and workings of this Act and likewise the people administering it. This would certainly help alleviate a few of the effects of the economic recession on the majority of the employable population in S.A.

#### THE DEPARTMENT OF LABOUR:

While the initial response to cases we refer to this department is good in that we receive a reasoned reply stating that "Mr. X's case is being investigated", any further follow up is not forthcoming. In fact we are concerned at the actual number of people whose complaints are satisfactorily concluded. Liaison and works Committees in factories and companies formed under the jurisdiction of this department are yet to prove successful and satisfactory to the majority of the African work force.

#### THE AID CENTRE:

WE find this centre helpful in dealing with people who have been obviously unjustly endorsed out of the area or refused workseekers' permits.

#### HOUSING:

The housing situation is as critical as ever with a 6 year waiting list and the 'red tape' even more confusing. As Kwa Mashu becomes part of Kwa Zulu on the 1/4/77, all the residents of that township automatically become part of a Homeland area and so lose their urban rights. But as in the case of Umlazi - also part of Kwa Zulu, people are still having to qualify under Section 10 1 (a) & (b) of the Urban Areas Act in order to apply for houses. Yet, as homeland citizens can no longer qualify as such under this Act, and in fact people resident in these townships, seeking employment, must do so as yearly contract workers.

#### LEGAL ASSISTANCE:

Is still available through the Legal Aid Society and via the Trade Union Advisory and Coordinating Councils legal sub-committee.

#### PRESS:

We have had fairly good press coverage this past year.

#### OFFICE ADMINISTRATION:

We now have the invaluable assistance of Mr. Ezekiel Mbele as interpreter and advisor. Up until recently Mr. T. Khumalo of the Trade Unions kindly lent us his vast knowledge and experience in dealing with the complaints of workers, for which we are extremely thankful. And so too for the Sash workers whose help is always appreciated. The office is open daily from 8am to 1 pm and we are indeed grateful for the continued benefits of the African Trade

Unions facilities viz. telephone, office equipment and typing.

Solveig Piper

ADVICE OFFICE SUPERVISOR.