

THE BLACK SASH

NATIONAL CONFERENCE 1981.

JOHANNESBURG ADVICE OFFICE.

ANNUAL REPORT : FEBRUARY 1980 to JANUARY 1981.

A. Last year we reported as follows : "Another very significant change in the statistics which are attached at the end of the report is the number of new files opened compared to the number of people who came to the office for the first time but for whom no files were opened because there was no point in doing so".

This trend has accelerated. It is a reflection of the greater severity with which influx control is now being enforced and of the increasing exclusion of black people who live in the bantustans from participation in the economic development of the so-called white core.

In 1978 2038 new files were opened and 2811 other people were dealt with in one interview only. No file was opened for them because nothing much could be done to assist them in getting the necessary permit to work in their jobs, to be where they want to be, to live in security with their families or to retain their South African citizenship.

In 1979 2138 new files were opened and 5837 other people dealt with in one interview only.

In 1980 1919 new files were opened and 7582 people fell into the second category.

These cold statistics are the measure of the tragedy of black existence in South Africa at the present time. The seven and a half thousand people can be roughly categorised as follows :

A. 1. Those who have jobs but are not allowed to work in them.

Approximately 20% of the people in the queue everyday fall into this group. They are people who have come to town from rural areas in order to work to support themselves and their families. Nearly all of them are landless and have no other means of survival. All of them come from places where there are no employment opportunities. Nearly all of them have dependents. They find a job, go to the Labour Bureau to be registered and are endorsed out. It is simply not true that anyone who has a job and accommodation will be registered. This applies only to people who have Section 10 rights in the urban areas. The only way in which a person from a rural area can obtain legal employment is to wait at the Labour Bureau in his home area until a requisition is received or a recruiting agent arrives. If he is lucky enough to be chosen from the hundreds of unemployed jobseekers waiting to be requisitioned he will be permitted to leave his home area after he has signed a contract and he will be registered in his job for one year only. According to all reports there has been a cut back in recruitment as was recommended by the Riekert Commission. Employers are being told that they must use "local" (i.e. Section 10 qualified) labour. Labour Bureaux in the bantustans are being closed down and recruitment is being centralised at Bureaux just inside or just outside bantustan borders (assembly points as recommended by the Riekert Commission). This makes it almost impossible for those people who live far inside the bantustans. They have to travel many miles to the Labour Bureaux and there is nowhere to stay while they wait and hope for a job offer.

MR. K. J. D. is a young/---

MR. K. J. D. is a young matriculant who comes from the Zeerust district in Bophuthatswana. He came to Johannesburg in 1973 to complete his schooling. His father has a house in Soweto. He had a good job in Sandton. He was endorsed out when he tried to register.

MR. L. D. R. was endorsed out on 15th January 1981 when he tried to register in a new job in Johannesburg. He has been working on annual contracts here since 1972 but was retrenched from his last employment. His wife and 4 children were all born in Johannesburg and live legally here. He is supposed to go back to the Potgietersrus district and wait there until some job is offered through the Labour Bureau. If he lucky enough to get offered a job he has no guarantee that it will be in Johannesburg. He may never again be able to live legally with his family.

MRS. T. N. is a widow from Msinga. Her husband died 6 years ago leaving her with 5 children who are now between 18 years and 6 years old. None are at school because she cannot afford to send them. Her brother who is old and unemployed shares his pension of R33. per month with them. When her husband died his only property was one cow which she sold and lived on the proceeds until they were exhausted. Then in 1976 she came to Johannesburg. She was endorsed out when she tried to register in 1977. She has had work, illegally, and managed to earn until the R500. fine was introduced in July 1979. This is the fine which can be imposed on any employer of an unregistered black worker. Now prospective employers insist that she be registered before she begins work and registration is always refused so she cannot work.

There are so many more like them and what is one to say when they tell you "My children are hungry" "What will my children eat?".

A. 2. "Farm Labour Only"

Black people who have grown up on white farms are not allowed to work in town. They are categorised as farm labour and whether they are employed on a farm or not they will not be registered in any job they find in town.

MR. N. E. C. was born in 1956 on a small holding at Lawley not far from Johannesburg. He grew up on the farms and his Reference book is stamped for "Landbou" in the Orange-Vaal Administration Area. His mother married a Johannesburg man in 1975 and was given permission to live with him because he had a house. Her son is not permitted to live or work in Johannesburg.

MR. X. Was born and grew up on the farms in the Krugersdorp district which is part of the West Rand Administration Board Area. When he left school he worked for one year on the farm where his father had been employed. He was paid R10. per month. He now has a job in Johannesburg at R35. per week and is refused registration. He has been told he must work on the farms.

The problems of these people who are condemned to do farm work was illustrated dramatically as the registrations made at the time of the moratorium expired.

When the fine of R500 was gazetted on 4th July 1979 there was an immediate panic by employers and large numbers of workers were discharged. Dr. Koornhof announced a moratorium which lasted from 13th July to 31st October 1979. During that period workers who had been illegally employed in one job for one full year or in several jobs for three years were registered in their employment for one year. At the end of the year they had to return to their home area with a Call-in-card to renew their contracts. (This can only be done if they are attesting a new contract with the same employer. Those who changed jobs could not register in a new one). Many of those who had originally come from "white" rural areas were not allowed to attest a new contract or to return to their jobs because they are "farm labour".

MR. M. J. N was born and grew up/---

MR. M. J. N. Was born and grew up on the farms in the Ermelo district. He came to Johannesburg in 1971 but was never allowed to register until the moratorium. At the beginning of November 1980 he went back to Ermelo to attest a new contract with the manufacturers for whom he worked. He was refused a new contract and was told that he must work on the farms.

A.3. The categorising of all migrant workers.

Migrant Workers who are caught up in the annual contract system are placed in categories of labour and are not allowed to change from those categories. Apart from "farm labour" domestic workers must always be domestics. Cleaners must always be cleaners. Building workers must always work as building labour and so on.

In the West Rand Board Area a contract worker who is retrenched before his contract expires may work out the contract in a new job provided that his first employer agrees but only if the new job is in the same category. This puts strict limits on the upward mobility of workers as they acquire new skills.

MR. N. N. Is from Tugela Ferry. He had a contract with a garage and lost his job when the firm was sold. He got a new job in a factory and was refused registration.

A.4. Foreigners. As white South Africa no longer needs so much labour from other countries as she has in the past she is jettisoning those who have contributed so greatly to her wealth. There were 100 000 fewer foreign black people registered in employment in 1979 than there were in 1970 and 46 712 less in 1980 than in 1979. (Hansard 26/2/81).

Foreign black people have no legal rights and never acquire them however long they may have lived and worked in South Africa. They are always here by permit only.

Last year we reported on the plight of Lesotho citizens who, even if they were born in and have always lived legally in S.A., have to travel to Maseru to get the passports they are compelled to carry.

In recent months it has been Zimbabweans who are coming to the office to seek help. Many Zimbabwean workers were registered in their employment in terms of an agreement between the Rhodesian government and South Africa. Now all those who were registered on one year contracts are being refused re-registration even when they are still in the same job. They are being ordered to return to Zimbabwe.

Over and over again black people, both South African citizens and foreigners, contrast with great bitterness the way they are treated compared to the encouragement and welcome laid on for white immigrants.

A.5. Housing.

These complaints occur everyday. The officially acknowledged waiting list in Soweto is now for 34,000 family housing units. The real need is very much greater. During 1980 the West Rand Board built no houses in Soweto. 420 houses were built by private owners. People come with documents to show that they have been on the waiting list since 1970. Even those who can afford to buy a house under the 99 year leasehold scheme are told that there are no houses. Complaints about bribery and corruption are rife. People say that you will never get a house unless you pay some official.

A.6. Citizenship. Since 1976 over 6 $\frac{3}{4}$  million black South Africans have ceased to be South African citizens through the independence of Transkei, Bophuthatswana and Venda and a further one million will in all likelihood be deprived of their citizenship when Ciskei becomes independent on 4th December this year. The horror of what this means is brought home to advice office workers every day as people come in to ask for an explanation of why they are refused Reference Books and are compelled to carry passports. It is bad enough having to tell a man whose family has lived on the Witwatersrand for as many generations as family history can relate that he is now no longer a citizen of South Africa but legally belongs to some place he has never seen. It is worse to have to explain to him that, in terms of the 1978 amendment to Section 12 of the Urban Areas Act, his children who are born after the date of independence of the bantustan to which he is assigned will have no legal/



bantustan to which he is assigned will have no legal rights in "white" South Africa but will be allowed to remain by permit as if they were "proper foreigners" from neighbouring countries.

B. This has been a year of frustration where contrary to Ministerial statements and many promises, things have become worse for the majority in every way.

B.1. The June 13th Amendments.

On 13th June 1980 amendments to the Black Labour Regulations were published which allow those people who have Section 10 (1)(a), or (b) or (c) qualifications to work in the Administration Board Area where they qualify without being registered and to register in another Administration Board Area provided they have a job and accommodation to go to. These amendments are welcome but have considerable negative effects on the majority. Employers now tend to tell job seekers that they are only interested in those with Section 10 qualifications. The so called "freedom of movement" conferred does not help the family man who has no hope of finding family accommodation. It does help those single people who qualify in platteland towns and who can now move to the big cities where there are employment opportunities but this movement is at the expense of rural people (See A.1 above).

There is no free labour market in South Africa and it is nonsense to talk about a free enterprise economic system. We do not have one and will not have one until all restraints on freedom of movement are removed.

B. 2. Even those who have Section 10 rights do not find it easy to take advantage of the amendments.

MR. V. G. L. has a Cape Peninsula 10(1)(a) endorsement in his Reference Book dated 20/1/1981. He has a job and accommodation on the East Rand. The East Rand Administration Board having sent him on the long journey to Cape Town and back to get the endorsement, then required him to go back again with forms to be filled in by the Labour Officer, Cape Peninsula, stating his qualification

B.3. The reluctance of the authorities to recognise Section 10(1) rights is pronounced. They are never proffered and must be proved and fought for. Sometimes they are inexplicably denied by officials. The West Rand Board's bureaucratic obstruction as detailed in our last annual report continues unchanged in spite of representations to the Chairman of the Board and to the Director of Labour.

MR. P. T. was endorsed out on 15th January 1981 in spite of the fact that his 10(1)(a) qualification was endorsed on his birth certificate in 1978 since when he has been registered in Johannesburg employment. His name is listed on his family's house permit in Soweto.

B.4. The Komani judgment was handed down by the Appeal Court in August 1980. In effect this judgment means that any wife, unmarried daughter or son under the age of 18 years who is in fact living with a Section 10(1)(a) or (b) qualified husband or parent in a black township has a Section 10(1)(c) right to be in the area concerned.

The joy with which we welcomed this long sought judgment was short-lived. In practice the administration is frustrating the judgment. Every case has to be fought through all the administrative procedures, ends up being referred to an attorney, and is only won when Supreme Court action is threatened.

B.5. The same technique is being used on the issue of Section 10(1)(b) rights for migrant workers

who have been continuously employed by one employer for ten years. 10(1)(b) rights have been denied because officialdom maintains that because a new contract is attested every year as required by law the employment is not continuous. Many workers have been in the same job for ten, twenty or more years. They and their employers have regarded the employment as being continuous and regard the attestation of a new contract each year as an administrative formality. This matter needs to be tested in the Courts and literally hundreds of people on our files are waiting for it to be so tested.

However the technique being used by the Boards and the Department of Co-Operation and Development appears to be to let the person concerned battle through all the administrative procedures and then to give an individual the desired endorsement when Supreme Court action is threatened.

- B. 6. The issue of Section 10(1)(b) rights is of particular importance to Johannesburg Municipal Workers. As detailed in our report of 14th August 1980 many of the workers who were said to be on strike in July last year had been working for the Council for many years. They were discharged, endorsed out and transported to the bantustans, irrespective of their legal rights when the Council broke the strike.

In December 1980 the Magistrate at Umzimkulu in Transkei sent out a message that Johannesburg Municipal Workers should return to their jobs. Many came back to Johannesburg. Some were re-employed but many were not. They had travelled to Johannesburg at their own expense and those who were not re-instated were then stranded without money to return home and were refused registration in other jobs they found. Many of them had worked for the Council for more than ten years or had lived lawfully in Council compounds for more than fifteen years and are now fighting desperately for their Section 10 rights so that they can remain in order to work and support their families.

- B. 7. Section 10 rights are now of over-riding importance.

The Black Community Development Bill published by Dr. Koornhof in October 1980 has been withdrawn and is to be redrafted. This Bill removed all possibility of acquiring permanent rights in the future but allowed certain exemptions from prosecution to those who had Section 10 rights when the new legislation was to have come into effect. Many people will await the new draft Bill with great anxiety.

MR. K. M. M. is a skilled technologist working for a giant S. African Manufacturer. He began working for them in 1968 but they could not register him because he came from a bantustan and skilled workers were not to be recruited. They organised a fiddle and had him registered as a cleaner by the service firm who clean their buildings. In 1975 they transferred the contract to themselves and he is now registered to them as a cleaner. They want to help him to buy a house but he cannot do so unless he is 10(1)(b). He has officially only worked for them since 1975 and cannot qualify until 1985 but if Section 10 is abolished he will never qualify, never be entitled to a house or to have his family live with him and never be able to change jobs.

MRS. N. J. N. is the sole breadwinner for 4 children in Kwa Zulu. She has been registered in her present job since 2nd September 1971. She is paid R50 per month and when she asked for an increase was told to stay on at that wage or leave. If she leaves she may not be allowed to register in a new job. If she stays she will qualify for 10(1)(b) on 2nd September 1981. The election has probably saved her. The chances now are that she will qualify before any legislation removing Section 10 can be promulgated.

- B. 8. The denial of Section 10 rights can be illustrated by many other cases in our files :-

MR. N. P. S. has worked for the G.P.O in Johannesburg since 1968. He was refused a 10(1)(b) because he was transferred to Kempton Park for one week in 1978 as a relief postman. The Labour Officer then said he had not been continuously employed in one town for one employer for 10 years and instructed him that he must in future work on annual contracts. Fortunately he was successful on appeal to the Commissioner.

MR. L. E. M worked for the Roodepoort Municipality from 10th December 1965 to the 24th March 1980. He was denied his 10(1)(b) and endorsed out of Roodepoort because in 1971 he was ill for 4 months, was discharged and re-employed when he recovered so his employment was not regarded as being continuous. He was told to go to Sibasa where he was born and to wait there for recruitment. He has a wife and two children to support, no fields and no cattle and is entirely dependent on being given his 10(1)(b) if he is to be able to work honestly.

C. 1. The promises.

Among the many promises that have been made was one that if a man bought a house his wife and family would be allowed to live with him in town.

Last year we reported on the case of a man, MR. L. who bought a house in Tembisa. He has twelve children. Five of the twelve were refused permission to live with him. One year and much correspondence with the Department of Co-Operation and Development later we are able to report that his 14 year old son and his unmarried daughter have now been permitted to live in his house. (They have Section 10(1)(c) rights so it is not a concession but a recognition of their legal position). But his three eldest sons aged 22, 20 and 18 are not to be permitted because they are over 18 years and have no rights. MR. L. first applied for a house in 1968 when they were 10, 8 and 6 years old but was refused a house because his wife was "not permitted" in the area. The Minister is unmoved by these arguments.

C O N C L U S I O N .

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We have never experienced a worse year than this one. It is useless to go on and on warning white South Africans of what they are doing.

We can only watch the anger and bitterness growing as promise after promise turns out to be hollow, as economic boom brings no hope to the majority, as people are deprived of land and citizenship and of all legal rights to participation in either the political or the economic structures of their country. It will give us no pleasure to say "we told you so". when the inevitable happens.