

JOB RESERVATION — CRUEL, HARMFUL AND UNJUST

By ALEX HEPPLÉ



ONE of the worst apartheid laws is job reservation. It strikes at the livelihood of hundreds of thousands of South Africa's Non-White workers. The Government defends it as a measure to prevent racial rivalry and friction in the field of employment. It gives reluctant and unambitious White workers a false sense of security. It hangs over the heads of Coloured, African and Indian workers as a constant threat to their economic security.

It is only because South Africa has enjoyed an almost uninterrupted run of industrial progress since the war that the cruel effects of job reservation have not been extensively felt or seen. While employment continues to run at a reasonably high level, the Minister of Labour is not pressed to use his extensive powers to replace Coloured workers by Whites and African workers by Coloureds.

The Nationalists claim that job reservation was introduced at the insistence of White workers. It is true that some White workers in some occupations asked to be protected by law from what they called "unfair competition" from cheaper Non-White labour. But it was the Nationalists themselves who seized upon this fear in the minds of a few workers to create a major political issue. It became a fiery cross in their general campaign, "Vote for a White South Africa".

What a Commission found.

Soon after coming to power in 1948, the Nationalist Government appointed the **Industrial Legislation Commission** to investigate the workings of South Africa's labour laws and the trade unions. Included in its terms of reference was a direction to inquire into and report upon whether existing laws operated "as an adequate protection for all races, and if not, the steps to be taken to ensure the desired protection".

This Nationalist-appointed Commission considered three possible forms of "protective measures", (i) job reservation on an occupational basis; (ii) job reservation on a quota basis; and (iii) industrial apartheid on a geographic basis. It rejected the first as "wasteful and uneconomic, especially if on a permanent basis", the second be-

cause "for practical and economic reasons it would not be feasible" and the third because it did not provide an immediate solution.

The finding of the Commission was that an expert scientific body should conduct a general survey of the nation's whole labour economy and, after careful study, submit concrete proposals to the Government.

This did not suit the Government, which had made up its mind to carry out its plan to compel employers to give preference to White workers, regardless of the injustice to Non-Whites and the cost to the economy of the country.

The real purpose.

Until 1951, there was only one legal colour bar in the sphere of employment. That was in the mines, where skilled work had been reserved for Whites only, in terms of regulations under the **Mines and Works Act of 1911**.

In 1951, Parliament enacted another "colour bar" law, the **Native Building Workers' Act**, making it an offence for Africans to perform skilled building work in so-called "White" areas. These are the towns, cities and industrial areas where most major building work is done.

In 1956, this legal colour discrimination in employment was extended further, when the Govern-

THE CRIME — APARTHEID

The Black Sash considers that the policy of enforced apartheid is responsible for most of South Africa's internal troubles and her growing isolation. The articles in this section of the Magazine deal with various aspects of the policy. Further articles will appear in our next issue.

ment took special powers to reserve employment on a racial basis in any industry, trade or occupation. The then Minister of Labour, Senator de Klerk, explaining the provisions of the law to Parliament, openly confessed that he was taking the power for use in a depression. He said:

"The Department of Labour has always managed to find employment for these women who clear out of the clothing factories, but how long will it last? Now is the time to tackle this matter, because when the recession comes, we will have the weapon."

The present Minister of Labour, Senator Trolip, has added another reason for the powers. In a Senate debate this year, Nationalist Senator Weichardt said, "Work reservation is essential for the decent type of immigrant who does not want to become mixed up with people of a lower mentality", and he was supported by the Minister, who boasted that he had told a Press conference when visiting Holland, "We have a law in South Africa called 'work reservation' under which our Whites are protected, and I can assure the speaker and the others present that if White 'ambagsmanne' come to South Africa, they will be protected".

These revealing statements expose in all its ugly nakedness the real purpose of job reservation. When times are bad and there is a shortage of jobs, the Minister will use his powers to compel employers to lay off Non-Whites and hand their jobs over to Whites. It is a declaration that not a single Non-White will be allowed to keep his job as long as there is a White who can be given it. What is even more cruel, is the prospect that a White immigrant will be given preference over South African Coloureds, Indians and Africans.

Exemptions.

The extension of the industrial colour bar in 1956 was done by way of an addition to the Industrial Conciliation Act. A new clause, Section 77, euphemistically entitled "Safeguard against inter-racial competition" was inserted to enable the Minister of Labour to declare any industry, trade,

occupation or class of work to be reserved for workers of a specified race, after an investigation by the Industrial Tribunal.

The first industry to be investigated was the Clothing Industry. After receiving its report the Minister decreed, in October, 1957, that four main categories of work in the industry could henceforth be done by White workers only. The jobs in question were at that date occupied by 4,500 Whites and 35,000 Non-Whites. The Minister's decree meant that 35,000 Non-Whites were to be discharged from their jobs and 35,000 equally competent Whites found to replace them. This was a palpably preposterous demand on the industry which had no hope of being fulfilled.

The Government was not in the least perturbed by this extraordinary situation. It overcame the difficulty by means of mass exemptions, which allowed employers to continue employing Non-Whites in the jobs reserved for Whites, under permit.

This is the essence of the job reservation law. The State takes the power to direct labour at its will. The Minister has the power to withdraw the exemptions at any time he wishes to place Whites in the jobs held by Non-Whites.

To date, fourteen job reservation determinations have been made and five investigations are proceeding. In all the undertakings affected, not only must the Non-White employees feel insecure, but their employers can no longer guarantee permanent employment or similar rewards for faithful service.

Economic objections.

Many experts have warned of the grave economic dangers in the policy of job reservation. The exclusion from specified occupations of Africans, Coloureds and Indians, merely because of their skin colour, bestows employment privileges upon Whites, which must weaken their incentive and seriously affect their standard of work.

Mr. J. D. Hampton, senior lecturer in commerce at the University of Cape Town, writing in the S.A. Journal of Economics, stated:

"Industrial apartheid prevents the free play of economic forces in determining the extent of employment of each racial group in the work of secondary industry. Labour mobility is severely reduced, both geographically and occupationally, so that workers cannot be employed in the jobs for which they are most suited. The form and pace of development of industries must necessarily be severely affected by these

(Continued Overleaf)

THE CRIME — APARTHEID

JOB RESERVATION (Continued)

restrictions, which raise costs and reduce the efficiency of all South African industrial firms."

Dr. S. Biesheuvel, former director of the National Institute of Personnel Research, has said that job reservation is neither ethical nor economic and that there could be no justification for ousting one ethnic group from jobs it was performing satisfactorily, for the sole purpose of advancing another ethnic group.

For a developing country like South Africa, which is constantly crying out for skilled workers, it is remarkable that the Government should persist in setting up artificial barriers against labour advancement in the form of laws such as job reservation.

Unions and Employers oppose

Job Reservation.

In spite of Government claims, the overwhelming majority of trade unions and employers are strongly opposed to job reservation. Two major trade union federations, the **Trade Union Council of South Africa** and the **S.A. Congress of Trade Unions**, representing 220,000 workers in 91 unions, have persistently appealed to the Government to repeal the job reservation law.

The **Federated Chamber of Industries** and the **Association of Chambers of Commerce of South Africa** are also opposed to job reservation, as are many of their affiliated employers' organizations.

In some industries, when the Industrial Tribunal has conducted job reservation investigations, the employers' organizations and the trade unions have made joint representations objecting to any Determinations being made. Such joint representations were made in the Clothing, Textile and Footwear industries.

Bad effect abroad.

In the international field, the laws to bar workers from jobs because of their race or colour have brought opprobrium upon South Africa. Racial discrimination in employment was probably the main reason for the decision of the 1961 conference of the **International Labour Organization** at Geneva, asking South Africa to withdraw from the organisation. The I.L.O., which comprises representatives of Governments, employers and employees of all countries of the world, had never taken a decision of this kind against any country before.

In 1958 the I.L.O. adopted a **Convention on Discrimination (Employment and Occupational)**,

which laid down that all member countries should promote equality of opportunity and treatment in respect of employment and occupation, for all persons, without discrimination or preference on the basis of race, colour, political opinion, sex, religion, national extraction or social origin.

South Africa has notified the I. L. O. that it cannot give effect to this Convention.

In the international trade union field, South Africa is constantly and widely attacked for its discriminatory labour laws. The **International Confederation of Free Trade Unions**, representing 56-million workers, including those of Britain and the United States, which recently urged the United Nations to apply economic and diplomatic sanctions against South Africa, bases its agitation on laws like job reservation.

Nobody hurt?

Speaking in the Senate last February, the Minister of Labour challenged the opposition to give him one instance where a worker had been displaced from his work on account of job reservation. He should have been reminded of the Clothing Industry, where a racial quota has been applied. The effect has been that Coloured workers in top positions in factories which close down or move, cannot be employed by other factories needing their services because of the racial quota. Only with the special permission of the Minister can such workers find new employment.

In any case, if no one is affected by job reservation orders, where is the necessity for them? As I showed earlier, the necessity lies in the ideological policies of the Government. They want the autocratic power to decide who shall work and where they shall work.

Unfortunately, too many South Africans have a tendency to accept the acts and decisions of the ruling political party without bothering to consider their justice, their practicability, their need or their reasonableness. Because the Government does a thing, they believe it is right. Many of them even think it is disloyal or unpatriotic to denounce unjust laws and protest against cruel racial discrimination.

This attitude towards job reservation will have sad results for many unthinking Whites. In the long run, it will really not give them the protection they expect. Yet it is building up a great bitterness and resentment among Non-White workers, which can have damaging effects upon race relations, industrial progress and the general economy.