

- Interim -

S U M M A R Y.

1. The object of the Bill is "to provide for the prevention and settlement of native Labour disputes and for the regulation of conditions of employment of natives; to amend the Industrial Conciliation Act, 1937".

2. It amends the Industrial Conciliation Act, by excluding all Africans from the Industrial Conciliation Act. Thus African women will, if this Bill becomes law, no longer come under the Industrial Conciliation Act, but under this Bill.

(Clause 35)

This Bill will therefore cover all African workers. But workers on farms, in domestic service or employed by the Government or the Railways and also teachers are excluded. So also are coal or gold miners, unless the Governor-General specially applies the Act to them. (Clause 2).

3. Strikes and lock-outs are forbidden. The penalties are fines up to £500, imprisonment up to three years or both fine and imprisonment. "Sympathy" strikes (where no demands are served on the strikers' own employers) are also included in the term "strike".

"Instigating" a strike carries the same penalty as taking part in one.

A person charged with the offence of striking must, in fact, prove that he did not take part in a strike, instead of the prosecution having to prove that he did. (Clause 17)

4. The Machinery for settling a dispute starts with:

(a) A Native Labour Officer:

If this officer finds a dispute, or believes that one will take place he reports to

(b) An Inspector; and

(c) A Regional Committee; and

(d) An Industrial Council (if there is one) (Clause 9)

Regional Committees consist of the native labour officer as chairman and at least three African members (all appointed by the Minister) (Clause 4)

If all these bodies cannot settle the dispute, they will refer it to

(e) The Central Native Labour Board.

This Board consists of Europeans appointed by the Minister after consultation with the Regional Committees.

If the dispute is not settled by the Regional Committee the Central Board shall refer it to (Clause 9)

(f) The Minister of Labour.

If the Board recommends it, the Minister shall ask

(g) The Wage Board

To investigate the dispute and to make recommendations to him. The Minister may turn these recommendations into an order. These orders shall have the force of law and are presumed to settle the dispute. (Clause 10)

5. While requests to the Wage Board to investigate a dispute must be notified in the gazette, the Board need only consult "such persons or bodies as its opinion ought to be consulted". (Section 10 (3))

Contrast this with clause II of the Wage Act, which provides that "the Board shall ... give to persons interested an opportunity of making representations to it".

2

3

Orders under this act, cannot be for more than three years. The Wage Board may recommend that bodies (composed of Europeans only) may be set up to administer orders, rather as Industrial Councils would administer agreements. Employers and employees may be asked to contribute to such bodies. (Clause 12)

7. Orders may be made applicable to employees other than Africans. Orders take precedence over all other wage regulating measures, unless the Minister suspends the order where he considers the other wage measure to be not less favourable. (Clause 13)
 8. Orders are enforced more or less as wage determinations, or (where there are administering bodies) Industrial Council agreements are enforced. (Clauses 14 to 16; 18 to 31).
 9. Orders take precedence over the Factories Act so far as hours of work and holidays are concerned. (Clause 34)
 10. Meetings of Industrial Councils or conciliation boards shall be attended by representatives of Regional Boards or Labour Department inspectors to watch over the proceedings as far as they affect Africans.

Agreements by these bodies must be submitted to the Central Board. If this Board disagrees with them, it may ask the Minister to cause an Order to be made. Such order, will, as we have seen, supersede any agreement. (Clause 8).
 11. No mention whatever is made of trade Unions for African Workers. Regional Committees are intended to maintain contact with African workers and "may" receive representations from them. Where there is no regional committee, or where it is unable to carry out its functions an inspector may fulfill its functions. (Clause 6)
 12. Attention is directed to the definition of "labour dispute". in Clause I (v), since only disputes as here defined come within the notice of "settling" machinery.
 13. This summary deals only with the content of this Bill, not with the obvious and extreme dangers it holds for the trade Union Movement, nor with its ineffectualness in enabling disputes to be settled.
-