

REFORMING APARTHEID'S INDUSTRIAL RELATIONS SYSTEM?: STATE, CAPITAL AND AFRICAN WORKERS OF DURBAN, 1973-1979

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INTRODUCTION

By the beginning of the 1970s, South Africa's industrial relations had been structured along racial lines: while white, coloured and Indian trade unions were recognised, African unions were wholly excluded. African workers were, however, represented by the State Labour Department officials and/or by registered unions on some industrial councils where wage rates and conditions were negotiated. That was in spite of the fact that the government had introduced works committees for Africans in 1953 (under the Bantu Labour (Settlement of Disputes) Act of 1953) as substitutes for unions. Trade unions were viewed by the state as unsuitable, even dangerous, forms of worker collectives for Africans and hence the establishment of works committees. In 1953, it was envisaged by the Minister of Labour, B Schoeman, that if such works committees were effective and successful, "trade unions for Africans would die a natural death".² However, the establishment of works committees was hardly a success: by 1973, only 24 statutory works committees existed throughout the country.³ By November 1972, only four works committees were registered in the Durban-Pinetown-Inanda industrial complex, an area where there were approximately 500 employers.⁴ It was only after the Durban strikes of 1973 that the 1953 Act was amended to provide new channels of

1 Department of History, University of South Africa.

2 P Bonner and E Webster, "Background", *South African Labour Bulletin* (SALB), Volume 5, No. 2, 1979, p. 4.

3 D Horner, "African labour representation and the draft bill to amend the Bantu Labour Relations Regulation Act", SALB, Vol. 2, No. 9 and 10, May/June 1976, p. 15; R Southall, *Imperialism or Solidarity?: International Labour and South African Trade Unions* (Cape Town, UCT Press, 1995), p. 56; and J Maree, "The emergence, struggles and achievements of Black trade unions in South Africa from 1973 to 1984", *Labour, Capital and Society*, Vol. 18, No. 2, 1985, p. 286.

4 Killie Campbell Africana Library (hereafter KCAL), Port Natal Administration Affairs Board (hereafter PNAAB), KCF 80, Roll 62, *Representation through Bantu works committees?* by LD Thorne, Director, Natal Employers' Association, 28 November 1972, p. 9.

communication between African workers and employers. These channels were meant to be complementary to the works committees and together they marked the birth of liaison committees. Of particular significance in the 1973 Act was the right of African workers to strike. The ulterior motive behind the establishment of liaison committees by the state - not only to block the formation of African trade unions, but also to obstruct the development of the works committees of the 1970s - created suspicion and distrust among African workers.

This article is about the new industrial relations system established between 1973 and 1979 and the response of Durban's African workers (from a few selected case studies) to the new dispensation.

THE STATE AND INDUSTRIAL RELATIONS IN THE 1970S

Faced with a new climate of worker militancy, the government and company managements had to look for ways of dealing with the situation. In response to the waves of strikes beginning in Durban in 1973, the government amended the labour laws to facilitate new channels of communication between labour and capital, and also to extend control over African labour. The amended Bantu Labour Regulations Act of 1973 was meant to counter African trade unionism through a system of management dominated in-plant committees, which had *de facto* negotiating powers, serving only as forums for consultation. The amended Act gave birth to three kinds of committees for representing African workers at the company level: works committees, which had existed in the previous Act but were snubbed as "tea and toilet committees" by African workers;⁵ co-ordinating works committees, which were supposed to co-ordinate various activities and represent African workers in industries, or at any workplace where there was more than one works committee; and finally, liaison committees.

A liaison committee was established through the initiative of the employer and half the members plus the chairperson of the committee were appointed by the employer while the remaining members were elected by those workers. Liaison committees made recommendations to employers on conditions of employment but were not empowered to negotiate agreements on wages and

5 S Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984* (Johannesburg, 1987), p. 54.

working conditions with employers.⁶

In the case of works committees, all their members were elected by workers and were only established in industries where no liaison committees existed. Because works committees comprised only African workers, a considerable number of workers had confidence in them and thus viewed them as their representative bodies.⁷

The 1973 Act was silent, however, on wage negotiations. Perhaps the intention of the government was to weaken works committees so that they would be unable to negotiate binding agreements with employers.

The right to strike, although enshrined in the 1973 Act, was extremely limited. Accordingly, the Trade Union Council of South Africa (TUCSA) commented that "the conditions under which African workers legally have the right to strike are severely circumscribed, and ... considerable procedures allowing for a 'cooling-off' period have to be followed".⁸ In any case, legal strikes could not take place as long as there was a wage determination by the Wage Board or, say, in an essential service industry or where an unresolved dispute had been notified to the Minister of Labour for a Wage Board recommendation.⁹ Moreover, the legality of strike action failed to protect strikers from being dismissed. The Act stipulated heavy penalties for employers who victimised their workers on the basis of their participation in the election or activities of a liaison or works committee. In theory, the Act provided some form of protection to workers but in practice "victimisations were widespread and prosecutions rare".¹⁰ In 1974, for instance, at Pilkingtons glass plant, African workers who had complied with all the procedural requirements to legalise strike action were simply classified by the government as deserters and dismissed *en masse* by the employer.¹¹ Thus the Tongaat Group of companies

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- 6 JGB Maree, *An Analysis of the Independent Trade Unions in South Africa in the 1970s* (unpublished Ph.D., University of Cape Town, 1986), p. 116. For the functions of both liaison and works committees, see South Africa, *Government Gazette*, No. 3963, Section 3 and 4 (4 July 1973).
- 7 LCG Douwes Dekker, J Kane-Berman and H Nxasana, "An assessment of existing forms of labour organisation: Work committees, liaison committees and trade unions", in South African Institute of Race Relations (SAIRR), *Labour Organisation and the African Worker* (Johannesburg, 1975), p. 36.
- 8 Trade Union Council of South Africa (TUCSA), *Trade Union Directory* (Johannesburg, 1975), p. 45.
- 9 JGB Maree, p. 118.
- 10 UW, WCL, HLP, SACTWU, *Stares, Black trade Unions*, p. 17.
- 11 University of Natal, Natal Room (hereafter NR), *David Hemson Papers* (hereafter DHP),

commented that "instances of failure to pursue and resolve allegations of victimisation have probably done more to destroy confidence and acceptance of the system than any other single consideration".¹²

The number of Africans involved in industrial disputes between 1973 and 1976 never fell below 30 000 per year with a peak of 100 000 in 1973, while those involved between the 1963 and 1972 strikes had decreased considerably to approximately 10 000 per year.¹³ In addition to industrial disputes, the country was to witness a new wave of urban unrest in 1976, which involved workers in August and September in a series of stay-aways. The government was further alarmed with those stay-aways which, for instance, had records of 300 000 workers being involved in Johannesburg, about 30 000 in Durban and 200 000 in the Cape Peninsula.¹⁴ The government felt considerable unease, as P Bonner puts it: "After the urban uprisings of 1976 - the threat of the politicisation of strike action was much feared if no effective trade union rights were to be granted - a prospect all too real, as the 'class of '76' began entering the factories."¹⁵

Perhaps the urban uprisings were not much of a factor in convincing the government to change legislation. M Lipton believes that it was a combination of factors: the refusal of African trade unions to accept liaison committees as an alternative to trade union rights, mounting international pressure, support from progressive employers, and the liberal press and lobbies.¹⁶ These factors led the government once again to review the Bantu Labour Relations Act, which culminated in the amended Act of 1977 and the appointment of the Wiehahn Commission (discussed below).

In August 1977, this amended Act came into effect and was in reality more anti-labour than both the 1953 and 1973 Acts. The Act allowed both liaison and works committees to be established at any workplace provided that all interested parties were in agreement to such structures. It gave higher status to liaison committees and downgraded works committees. Increased bargaining powers were given to liaison committees so that they "would become the principal piece of machinery through which representation would be

Trade unions in South Africa, p. 2.

12 Quoted in UW, WCL, HLP, SACTWU, p. 17.

13 Bonner and Webster, p. 5.

14 See, for instance, JGB Maree, p. 122.

15 P Bonner, "Independent trade unions since Wiehahn", SALB, Vol. 8, No. 4, 1983, p. 17.

16 M Lipton, *Capitalism and apartheid* (Cape Town, David Philip, 1986), p. 341.

facilitated".¹⁷ Liaison committees could now "negotiate and enter into agreements with the employer in relation to the wages or the conditions of employment...".¹⁸ As for works committees, their role was relegated to one of making recommendations to liaison committees. Furthermore, the Act stipulated that more than one liaison committee could be established in any industry and such committees could be linked together by a co-ordinating liaison committee, which had the power to negotiate with employers. Despite this increased muscle for liaison committees, by 1979 not even a single agreement had been negotiated between a liaison committee or co-ordinating liaison committee and employers.¹⁹

The Act also contained provisions which amounted to the exclusion of African trade unions from participation in the process of wage negotiations. While the government made attempts to develop liaison committees that were more acceptable to African workers, it further undermined the position of African trade unions.²⁰ It is clear that the government's intention in establishing those committees was an attempt to extend control through reformist moves and the aim in mind was still that African trade unions should die a natural death. In June 1977 the government appointed a Commission of Inquiry into Labour Legislation under the chairmanship of Nicholas Wiehahn (professor at the Institute of Labour Relations of the University of South Africa).²¹

Two months later Prime Minister PW Botha announced a second Commission of Inquiry into Legislation affecting the Utilisation of Manpower. The chairman and sole member of the Commission was Dr P Riekert (economic advisor to the Prime Minister), who was tasked to investigate the regulation and utilisation of African labour in other departments, falling outside the ambit of the Departments of Labour and Mines.²²

17 Bonner and Webster, p. 5.

18 South Africa, *Government Gazette*, No. 5613, Section 7 (2) of 1977.

19 JGB Maree, p. 120.

20 See UW, WCL, HLP, FOSATU, C3.15.4, *Nicholas Wiehahn and the end of classical labour ideology: The commission and its aftermath*.

21 Southern African Labour and Development Research Unit, "The Wiehahn Commission: A summary", in *The Wiehahn and Riekert Reports*, May 1979, pp. 13-52; and also Bonner and Webster, pp. 1-2.

22 For further details on this commission, see for instance, NT Sambureni, "State labour control policies and African workers of Durban, South Africa, 1960-1985", *South African Historical Journal*, Vol. 34, 1996, pp. 90-1.

The Wiehahn Commission released its report in 1979 and it must have come as some surprise to the government because it recommended the official recognition of African trade unions rather than continuing to "bleed the unions to death" as had been done in the past.²³ The government had no option but to accept the major recommendations of the Wiehahn Commission, and the Industrial Conciliation Act was amended to extend the definition of "employee" to include African workers.²⁴ The government's acceptance of what clearly amounted to a total back tracking on previous policy was because it had equated the de-racialisation of labour law as the end of apartheid in labour relations. This was a well-calculated move to depict South Africa as conceding to pressures from within and without and thus to provide a rationale for continued overseas investment in South Africa. However, even after Wiehahn, South Africa's industrial relations were not stable: successive drafts of the Industrial Conciliation legislation were tabled in parliament to address various concerns of both worker organisations and employers. It was only after the promulgation of the Labour Relations Act in 1981 that South Africa's industrial relations began to take a new shape; in fact, real collective bargaining between the new independent African trade union movement and management began to take place, though hesitantly. Nevertheless, African trade unions were granted full legal recognition and thus a new chapter in the labour history of South Africa began.

EMPLOYERS' ATTITUDE, 1973-1979

Before the Wiehahn Commission, liaison committees mushroomed throughout the country. In 1973 there were a mere 773, in 1976 they had increased to 2 382 (see Table A below.) Given a choice between liaison and works committees, employers preferred to establish the former, because employers had more control and say in them.

23 UW, WCL, HLP, FOSATU, C 3.15.4, p. 12.

24 For a detailed study on the recommendations, see, for instance, "The Wiehahn and Riekert Reports", in SALB, Vol. 5, No. 4, 1979; and UW, WCL, HLP, FOSATU, C 3.15.4.

Table ALiaison and Works Committees Established, 1973-1977²⁵

At 31 December	Liaison	Works	No. of workers represented	Co-ordinating works
1973	773	125	312 541	3
1974	1 482	207	521 624	4
1975	2 042	287	617 579	5
1976	2 382	299	-	5
1977	2 503	301	-	-

Because of the large number of liaison committees established, it was often thought by labour that employers were against the emerging independent but illegal African unions.²⁶ It has been argued that employers were assisted by the state to crush emerging unions, of which J Maree identified four means of doing so: "Legislation to assist management to try to undermine African trade unions; the adoption of policies and practices by the Labour Department that were specifically aimed against the advancement of African unions; harassment of union leaders and members by the security police; and outright repression of the unions by banning their leaders."²⁷

Obviously, until Wiehahn, the state never favoured the development of African unions, fearing their politicisation. However, not all employers agreed with state policy of "bleeding African trade unions to death",²⁸ as will be discussed below.

Employers of African labour in Durban were quite clear on their views with regard to African trade unionism even before the 1973 Act came into effect. As early as May 1960, Assocom's Committee on Non-European Affairs issued the following statement: "(T)rade unions should with the affluxion of time and with suitable safeguards become representative of workers of all races." In a meeting convened in September 1972, Assocom members expressed

25 UW, WCL, HLP, SACTWU, Stares, p. 18; JGB Marce, p. 119; and SAIRR, *Survey of Race Relations*, 1973, p. 302.

26 JGB Marce, pp. 115, 118; and Bonner and Webster, p. 4.

27 JGB Marce, p. 115.

28 Quoted also in DWF Bendix, "The new industrial relations system in South Africa", in BU Lombard (ed.), *The challenge of the new industrial relations dispensation in South Africa* (Pretoria, UNISA, 1979), p. 86.

reservations about the use of works committees because "they did relate only to a particular firm, and had no standing with regards to an industry as a whole". A Adler, a committee member of Assocom, commented: "Firms who adopted the works committee system were being accused of paternalism - there was an increasing demand for direct power representation, and this was a coming movement." The 1972 Assocom meeting ended with a call on the government to amend the Industrial Conciliation Act "so as to allow Bantu workers to participate in trade unions in some manner, and to be represented where applicable on Industrial Councils".²⁹

On 12 October 1972, the Durban Chamber of Commerce convened a meeting to consider "the problem of African trade unions and of employee representation generally". Wide-ranging views were expressed: some more progressive (and economically minded) members appealed for the legalisation of African trade unions. Others, for instance, A Adams and B Jackson, thought that government action was correct. Jackson said that "the main problem which would be encountered if Bantu trade unions were established was that these would be used for political purposes since the Bantu were not yet generally sufficiently industrially oriented", and that "the establishment of [works] committees was a better answer for the employer than the establishment of trade unions in respect of a group which was not yet socially ready to take proper advantage of such organisation". But the general feeling among members of the Durban Chamber of Commerce was that recognition of African trade unions was urgently required "in order to prevent unrest and dissatisfaction".³⁰

That African trade unions were the only legitimate representatives of African labour was recognised by the Natal Employers' Association, writing in 1972 about the equivalent process of nineteenth century Europe: "We believe that this article, with its message that trade unionism is a humanitarian movement based four-square on the principles of justice and equity, is more meaningful in the present situation than at any other time in the history of South Africa. ...One of the most effective means of achieving these ends is to remind the working men of the history of trade unionism, of its great achievements and the bitter struggles that were fought and won before the rule of industrial tyranny was effaced and collective bargaining installed in its place. Trade

29 KCAL, PNAAB, KCF 80, Roll 62, Public Relations, Durban Chamber of Commerce, Extract from Minutes of meeting of Assocom's Non-European Affairs Committee, 7 September 1972.

30 KCAL, PNAAB, Durban Chamber of Commerce, Minutes, 12 October 1972.

unionism did not spring from the wickedness and malice of the workers.... On the contrary, it sprang from the social conscience and humanitarianism of those who were determined to challenge the ruthless greed and inhumanity of the early Victorian industrialist. In the forefront of the giants who fought the battle was Robert Owen, paradoxically a wealthy industrialist but a man with conscience. The struggle went on for years, but in the end Owen and labour won."³¹

On 28 November 1972, the Natal Employers' Association organised a conference on "Industrial representation of the Bantu", at the Blue Water Hotel in Durban. It was opened by the Mayor of Durban, councillor R Williams, whose speech appealed to the government to consider removing barriers on African representation in industry: "It is my considered opinion that South Africa is indeed fortunate in its reserve of manpower, but the restrictions which prevent the full use of this reserve is holding back the economic development of this country, and it is essential that these restrictions should be removed as soon as possible." HB Edelstein, president of the Natal Employers' Association, agreed whole-heartedly: "We are all deeply concerned with the future economic well-being of South Africa, and the social and other consequences which both cause and spring from this. In this context it is no more than realism to acknowledge the contribution being made by the Bantu to our economy....If we agree on the contribution being made by the Bantu worker, his permanence in the framework of industry and commerce, and the enhanced contribution which should emanate from him in the future, then we are brought logically to consider the position of his relationship to employers and other employees, his rights as a human being and worker, and the best means of his representation for industrial peace and the most rapid promotion of the total economic welfare."³²

In 1973, soon after the outbreak of the Durban strikes, the Durban Chamber of Commerce warned the Minister of Labour what the non-recognition of African trade unions could lead to: "Although...government authorities did not recognise the existence of Bantu trade unions, these were not illegal and that employers might be forced to accord some recognition to such trade unions on a practical basis if approached with the demand for

31 KCAL, PNAAB, KCF 79, Roll 61, Public Relations, Natal Employers' Association, March 1972.

32 KCAL, PNAAB, KCF 79, Roll 61, Public Relations, Natal Employers' Association, March 1972.

negotiation." Members resolved that the government had to be "pressed to introduce legislation at an early stage to recognise and control such unions in order to ensure their orderly introduction".³³

Early 1974 the Durban Chamber of Commerce went further: "A possible de facto situation could arise where, despite the establishment of liaison or works committees, employers would find themselves obliged to accept either Bantu trade unions or Bantu homeland authorities as negotiating bodies for African labour."³⁴

Later that year, the Chamber established a sub-committee on labour relations, "to investigate the implications of African trade unionism in depth and to make recommendations regarding the policy thereon which should be adopted by the Chamber". In view of government policy, which remained implacably opposed to legalisation of African trade unions, the main object of the sub-committee was to provide a well-considered recommendation. "[I]t was... necessary to...keep abreast of developments relating to the growth of African trade unionism, to be able to assess their effect on employers and on the economy generally, and to be in a position if necessary to exert pressure for change along desirable lines." The Minister of Labour was adamantly opposed to this action by the Durban Chamber, and warned that any agreement reached between employers and African trade unions would be declared "null and void as being an evasion of the statutory negotiation procedures..."; and that tough action would be taken against employers who contravened government policy on labour relations. The sub-committee was consequently forced to tell the Chamber not to make any more public statements because "it would be wrong for the Chamber to encourage its members deliberately to place themselves in direct conflict with government policy in regard to the recognition of, and negotiation with African unions". Soon after the sub-committee had reported, the Durban Chamber endorsed the works and/or liaison committees required by the government but indicated that they had to "become effective bodies capable of negotiating conditions of service for Africans and capable of effective communication and consultation between management and employees". But the Chamber went further indicating that it "would like to see the works committee system developing into a forum for collective bargaining". The development of African trade unions was seen as "inevitable" and a situation where unions would negotiate conditions of employment generally while works committees

33 KCAL, PNAAB, *The Durban Chamber of Commerce, Minutes, 13 September 1973.*

34 KCAL, PNAAB, *The Durban Chamber of Commerce, Minutes, 14 February 1974.*

would deal with domestic issues at the plant level was envisaged. The Chamber thus came out strongly in favour of recognising African trade unions while making all possible attempts not to create conflict with the government. It noted: "In instances where African trade unions already exist and enjoy the obvious support of employees the Chamber advises employers to maintain contact and dialogue with the union organisation concerned."³⁵ After the 1973 Durban strikes, the Chamber was eager to recognise African trade unions in order to avoid similar disruptions taking place. Indeed, it had become obvious in the 1970s that the economy of the country was largely dependent on African workers and hence the legalisation of their unions was a necessity if employers had to attain industrial peace. The Chamber believed that the recognition of African trade unions meant their incorporation into the established industrial relations system where certain rules and strike procedures had to be followed.

These sentiments were also shared by the Natal Chamber of Industries, which expressed strong reservation about the lack of effectiveness of works and/or liaison committees in resolving industrial-related disputes. In its memorandum to the government dated 10 November 1974, the Natal Chamber of Industries wrote: "Employers have reservations about the ability of regional Bantu labour committees to play a meaningful role in the settlement of disputes primarily because of the apparent lack of status of the majority of current members of those committees. It would appear that African employees likewise have reservations against these committees possibly because of the fact that ministerial appointees are involved. The Bantu Labour Officer, being a state official, is viewed with some suspicion by Black workers... Black members of liaison committees do not necessarily have the support of the general worker."³⁶

In 1975 it was reported that: "The fact that labour unrest sparked by necessity, or the aspirations of workers, has not repeated itself this year is no ground for complacent self-congratulations, but should rather be welcomed as giving us further time, the commodity of which we are so desperately short, to improve these very communications and joint consultation channels."³⁷

35 KCAL, PNAAB, The Durban Chamber of Commerce, Minutes, Report and recommendations of the labour relations sub-committee on matters pertaining to African trade unions, 12 September 1974.

36 KCAL, PNAAB, KCF 80, Natal Chamber of Industries, Extract: "Memorandum reflecting the proposals of the NCI relative to amendments to the Bantu Labour Relations Regulation Act, 1953 and aimed at achieving greater participation by Blacks in negotiating wages and conditions of employment and in settling disputes."

37 NA, PNAAB, Labour, 1/2/1/1/2/27, Liaison Committees, Staff Advisory Bodies, 7 April 1974-30 July 1976, Natal Employers' Association, 20 May 1975.

There is no doubt from these public statements that many (but certainly not all) employers of African labour did not support the industrial labour relations system established in 1973. Others desired to see independent African trade unions become part of multi-racial industry unions, where it was probable that the balance of power would remain with the "old guard" registered trade union officials. Still others thought that this course of action would be too dangerous politically and preferred to develop the works committees' African membership under employer tutelage to the stage where approved individuals could be promoted to the ranks of the registered union officialdom.

By 1977 the issue of labour relations in South Africa had become a priority for the government owing on the one hand to the rising demands of the African working class for trade union rights and on the other from employer pressure for well-regulated labour relations. Government responses varied between schemes for reform to intensified repression of political and trade union activities. For capital, the government was offering either the recognition of African trade unions or rooting out completely any working class organisation in industry. Quite clearly, there was a contradiction between the discourse of recognition and the practice of non-recognition and reliance on repression by employers. By 1979, after Wiehahn, African trade unions had gained recognition: the trade union position had succeeded. In fact, the government had finally succumbed to mounting pressure from employers and working class action, particularly in the 1970s, as well as international pressure.

THE UNIONS' AND WORKERS' STRATEGIES

In 1970, A Grobbelaar, the general secretary of the Trade Union Council of South Africa (TUCSA), warned of a bloody industrial strike surpassing that of 1922 if African unions were not legally recognised: "There is no valid reason why Bantu trade union leaders and officials could not...be trained in a manner which will ensure industrial peace... If this is not done, a trade union movement which will probably not be to our liking is almost certain to emerge."³⁸

Three years later the strike wave that shocked government and employers caused African workers to flock to join the new independent trade union movement. Alarmed by this sudden rush to join unregistered unions, the

38 A Grobbelaar, *The trade union movement in South Africa - Its past, present and future directions* (Johannesburg, TUCSA, 1970), pp. 9-10.

government introduced plant-based committees as a further control mechanism. But were those committees acceptable to African unions and workers?

LCG Douwes-Dekker's study of worker preferences between works and liaison committees revealed that the majority of African workers opted for the former. This was especially so in Durban; in October 1973, at the Raleigh Cycles plant, 720 workers (against 40) voted in favour of a works committee; in February 1974, at Western Biscuits Company, 240 workers were in favour of a works committee while 40 opted for a liaison committee. At Van Leer Packaging, workers voted unanimously for a works committee. In general, however, workers preferred the independent trade unions which were now emerging on a large scale. These were preferred largely on the basis that they provided vital benefit schemes. But, as H Nxasana, from the Institute for Industrial Education, indicated, "some workers felt that the works committees could be used as a stepping stone towards forming a trade union".³⁹

"A works committee was better in the sense that we nominated our own people, real trade union leaders, unlike liaison committees which comprised many sell-outs, *indunas*, favoured by employers", according to Moses Biyela.⁴⁰ Or, as C Khumalo reflected, "Works committees were better compared to liaison committees. At least, in works committees we had more say, particularly at Frame where Jabu Gwala and Cele were leading figures in those committees. After all, our leaders were members of the National Union of Textile Workers.... We could always speak with one voice either in liaison or works committees."⁴¹

On what might the choice have been based? With the rapid growth of African unions in the 1970s, many of them at first rejected liaison committees but later realised that these could be useful and encouraged participation in works committees by voting in their members to such structures. Such a strategy was central to the survival of African unions, for instance the National Union of Textile Workers (NUTW) in the 1970s. As said before, some employers favoured the establishment of liaison committees, over which they had a greater control. Various attempts were made by Frame Textile Group, for example, to promote the establishment of liaison and, to a lesser extent, works committees. The NUTW experienced management hostility at different textile factories. By

39 Douwes Dekker et al., p. 36.

40 Interview with Moses Biyela, 16 May 1993.

41 Interview with C Khumalo, 10 September 1993.

1974, at Wentex, Frametex, Hammarsdale, Dano and SA Fabrics (members of the Natal Chamber of Industries), liaison committees were launched to resist the NUTW as a form of worker representation.⁴² Generally, the Trade Union Advisory Coordinating Council (TUACC)-affiliated unions were opposed to liaison committees and occasionally boycotted the elections of such committees.

At the Natal Cotton and Woollen Mills (NCWM) about 650 workers were employed, of whom half were African members of the NUTW and 150 were Indian members of the Textile Workers Industrial Union (TWIU) and the rest were not unionised.⁴³ The personnel manager, CJ Steenkamp, was not in favour of trade unions; he preferred a liaison committee. He dismissed workers who were members of the NUTW as part of his tactics to intimidate workers from joining trade unions and in just three months 20 long-serving workers lost their jobs. In this particular company, the NUTW had consistently boycotted liaison committees but later realised that its strategy was not going to bring about the recognition of the union. During early 1975, the NUTW decided not to boycott liaison committees but rather to participate in these structures.⁴⁴

Faced with the existence of the liaison committees at Frametex, Pinetex and Seltex/Nortex, the NUTW fostered good relations with members of those committees, and eventually had some influence in them. This facilitated the union's ability to focus on workers' grievances.⁴⁵ By 1978 the NUTW members at Frametex had completely taken over all elected liaison committee posts.⁴⁶ A similar situation occurred at Feltex in 1975, when the NUTW members won all elected liaison committee posts.⁴⁷

As already explained, African workers generally resisted liaison committees, and favoured trade unions. The Port Natal Affairs Administration Board (PNAAB) complained about the general indifference of African workers

42 UW, WCL, HLP, SACTWU, NUTW, *Staff Meeting Minutes*, 11 March 1974.

43 NUTW, "The Natal Cotton and Woollen Mills Confrontation", SALB, Vol. 3, No. 7, 1977, p. 8.

44 Interview with Jabulani Gwala, Bolton Hall, SACTWU Offices, 27 September 1993. Gwala was a prominent member of the Frametex works/liaison committee during the 1970s.

45 UW, WCL, HLP, SACTWU, NUTW, *Report to BEC Meeting*, 11 October 1975.

46 See *Minutes of a special meeting of the Frametex Committee*, 14 March 1978. Members of the Committee were: Jabulani Gwala, A Mthembu, DR Dhlamini, MD Cele, Q Sikobi, MB Mbele, PZ Khanyile, M Radebe, AS Bhengu and three women, FO Gumede, SD Mavimbela and LL Gqwani.

47 UW, WCL, HLP, SACTWU, *Minutes of Meeting*, June 1975.

towards liaison committees,⁴⁸ and up to the beginning of 1975, the Board continuously reported lack of interest among African workers in participating in liaison committee structures.⁴⁹ Several reports of various districts of the PNAAB indicated that "the response was equally disappointing and the labourers had to be asked to find persons sufficiently interested to accept nominations";⁵⁰ "the response ...to nominations was very poor".⁵¹ However, as mentioned above, when their use could be demonstrated, many African workers changed their strategies from confrontation to involvement in those structures.

As far as the PNAAB is concerned, in August 1973 it established works committees (dubbed Bantu works advisory committees), comprising six African workers elected by their workmates and two representatives from the Board, and a co-ordinating committee, of which two members were directly appointed by the Board. The works committees were launched in the Board's Administration and Business Undertakings Departments, the Central and Western Districts, and North and South Coast Districts, and their functions were, as defined by the PNAAB: "To provide a recognised and direct channel of communication and consultation between the Bantu employees and the respective Heads of Departments, and, via the Co-ordinating Committee, a channel of communication and consultation between such Bantu employees and the Chief Director and the Board...To provide a means whereby matters concerning the welfare, interests, and remuneration of the Bantu employees can be discussed by their representatives elected by them... To improve working conditions of the Bantu employees...[and the] prevention of waste of effort and materials and to reduce or eliminate absenteeism and the misuse of sick leave."⁵²

From 1 August 1974, six members of each respective works committee of the PNAAB were elected and functioned on an ad hoc basis. Those elected to office in the Central District were OOB Dlamini (chairman) and C Pitson (vice-chairman).⁵³ At the end of their first meeting, members of the Central District Works Committee listed a number of grievances that were presented to the Co-

48 NA, PNAAB, 1/2/1/1/2/27, Staff Advisory Boards, Liaison Committees, 7 April 1974-30 July 1976.

49 See, for instance, NA, PNAAB, Executive Committee Minutes, 4 May 1976.

50 NA, PNAAB, Department of Business Undertakings, May 1976.

51 NA, PNAAB, Western District Bantu Works Committee, May 1976.

52 NA, PNAAB, Bantu Works Advisory Committees, 21 June 1974.

53 NA, PNAAB, Minutes of the Meeting of the PNAAB Ad Hoc Bantu Works Advisory Committee, 21 August 1974.

ordinating Committee: these were an unsatisfactory holiday bonus, poor wages, unavailability of loans for houses and inadequate accommodation. The chairman and vice-chairman of the Co-ordinating Committee were PJ Retief and RC Throssell respectively. Other members of the committee comprised mainly chairpersons of various works committees.⁵⁴

In August 1975, the PNAAB discussed the establishment of liaison committees "on which management will be represented". Works committees were to retain their main functions and become, as PJ Neethling, the Director of Business Undertakings, noted, "the official mouthpiece of the workers".⁵⁵ Liaison committees, it was envisaged, would consist of the Director of Business Undertakings, General Manager, Principal Assistant (Administration), and the Assistant Director (Personnel) as chairperson, as well as four representatives of the works committees. However, such liaison committees only came into existence in June 1976.

In a meeting held by the Central District Works Committee on 9 September 1975, it was noted: "The Chief Director be advised that, we, ...members of the Central District Bantu Works Committee have been...perturbed that our deliberations appear to have little effect and we have no opportunity of meeting the Chief Director and his executive and also that the Chief Director be advised that workers of the Board appear to be losing faith in us individually and as a works committee."⁵⁶

The major complaint was that general labourers were not eligible to join the pension fund. Another grievance was that of the many deductions from wages of Africans employed in the Department of Business Undertakings at the end of September 1974, which were done without notice or explanation. The Chief Director, however, instructed the control officer (staff) to "immediately pay [wages deducted] as soon as possible so as to avoid unnecessary unrest".⁵⁷

Towards the end of 1975 and at the beginning of 1976, elections were held by the PNAAB for Bantu works advisory committees. The response was

54 NA, PNAAB, *Minutes of Meeting, 21 January 1975*.

55 NA, PNAAB, *Department of Business Undertakings*, Director, PJ Neethling, to Chief Director, Bourquin, 11 August 1975.

56 NA, PNAAB, GF Baker, Manager, Central District to the Chief Director, 18 September 1975.

57 NA, PNAAB, 1/2/1/1/2/26, *Bantu Building Workers*, T Ellis, Control Officer to Director of Finance, 3 October 1975.

generally low and little interest was shown by African workers, particularly in the South Coast and Western Districts, and in the Departments of Business Undertakings and Administration.⁵⁸ In the South Coast only one candidate, DO Bhengu, volunteered for the works committee, while none volunteered in the Department of Business Undertakings. The Director of the Department of Business Undertakings wrote: "The response in this Department was equally disappointing and the labourers had to be asked to find persons sufficiently interested to accept nominations." In the Western Districts and in the Department of Administration, no nominations at all were received by the closing dates, and considerable canvassing took place to convince African workers to join the works committee. It was reported by the Manager of the Western District that only "after considerable delay two nominations were received, namely M Sheyi and J Duma". Quite clearly, as the Director of Administration wrote, "the general consensus of opinion among works committees is that the present basis is impractical from the point of view of communication with the Board and its officials".⁵⁹ Undoubtedly, works committees were ineffective but were more liked than liaison committees.

On 21 May 1976, liaison committees were launched at the PNAAB because works committees could no longer function in its area of jurisdiction.⁶⁰ Elections were called for the first liaison committee members while others were appointed by the Board.⁶¹ The election of the liaison committee members was marked by indifference from African workers. As J Shabangu recounted: "Some workers called those who wanted to be elected in those liaison committees Bourquin's *impimpis* (sell-outs) since some of them were *indunas* who used to get some favours from authorities. Some of those elected received two votes others five. ... Workers were simply not interested in those liaison structures. However, some workers maintained that liaison committees were the only way out of this mess in which we found ourselves."⁶²

By contrast, trade unions were undoubtedly preferred by workers and in 1976, a considerable number had flocked to join the Black Allied Workers Union (BAWU), established also in the early 1970s. BAWU influenced its members not to participate in Board structures as they promoted the racially

58 NA, PNAAB, Executive Committee Meeting, 4 May 1976.

59 NA, PNAAB, Department of Business Undertakings, 4 May 1976.

60 NA, PNAAB, Board Minutes, 21 May 1976.

61 NA, PNAAB, LHM van Rensburg, Director, Technical and Building Services to the Chief Director, 30 July 1976.

62 Interview with J Shabangu, KwaMashu, 10 October 1993.

discriminatory laws of the government. BAWU also won over a large following in 1976, particularly from the PNAAB and the Durban City Council. Part of the success could have been attributed to the successful challenge of BAWU to the Durban City Council to pay K L Mdunyelwa, a union member, all his wages for the period between 30 December 1975 and 29 January 1976, during which time he was admitted to hospital.⁶³

Other workers of the PNAAB, as AM Zulu recalls, "had an idea of forming their own trade union since BAWU was rather too radical. We had major differences with BAWU, particularly when they refused to register in 1979 or participate in any form of liaison committee system when some FOSATU-aligned unions were doing so. Many of us decided to participate and nominate our members to liaison committees as a way forward for workers."⁶⁴

Before Wiehahn, the government moved swiftly to grant limited bargaining rights to factory workers and by enabling liaison committees to negotiate binding wage agreements. For the PNAAB, the chief director insisted that heads of departments should ensure that such liaison committees were viable and also acceptable to workers.⁶⁵ There was general agreement among African workers that shop-floor structures should be strengthened if they had to win major concessions from employers. J Zikhali, one of the members of the Central District Works Committee in 1976, explained the situation very well. "Liaison committees", he said, "were forced on us once again by the government in 1977. We had no choice at all, either we participated in them or nobody would listen to our problems. Employers, for example the PNAAB, always said that that is what the government wants us to do. But the PNAAB was a better devil because they listened to our problems although not all of them. In 1974 and 1977 we were given about 10 per cent increments after we raised concern. Not too bad after all for an employer like the PNAAB."⁶⁶

By 1979, as a result of the Wiehahn Commission's recommendations, the Industrial Conciliation Act was amended and conceded to African unions a legal recognition - a reality that African workers had thought would never exist during their life time. However, the Act retained the committee system (dubbed works councils) but these councils were expanded to include other workers to make

63 Interview with J Shabangu, KwaMasju, 10 October 1993.

64 Interview with AM Zulu, KwaMashu, 12 October 1994.

65 NA, PNAAB, **Memo to all Heads of Departments**, 20 August 1977.

66 Interview with J Zikhali, Umlazi, 21 August 1994.

them multi-racial. Such committees were to be established where there were no unions. Undoubtedly, the retention of liaison committees was welcomed by the Frame Group, which continued to utilise such structures and consistently refused to recognise the NUTW to early 1985. As B Smith, one of the directors of the Frame Group, remarked in 1983, "management would continue to use the works council members as a means of communication, education and guidance"⁶⁷ and that "he had been impressed with the positive discussions held in the past and hoped that [such an] avenue would remain open".⁶⁸ The Frame Group had remained hostile to African trade unions and was also an exceptional company in their low wages. It was precisely because of the Frame Group's attitude towards the NUTW that the period between 1980 and 1985 was dominated by work stoppages and continual Industrial and Supreme Court hearings, which eventually culminated in the granting of recognition to the NUTW by the Frame Group in August 1985.⁶⁹

CONCLUSION

This article has attempted to elucidate some of the complexities that developed in South Africa's industrial relations between 1973 and 1979. Quite clearly, the pre-1979 industrial relations systems were racially discriminatory. However, not all employers of African labour agreed with government policies: mixed feelings were expressed by various employers over the new industrial relations system instituted in 1973. In the context of complicated industrial relations, there emerged a new blend of African trade unionism with its own distinctive style of organisation.

In 1979, the Wiehahn Commission recommended that the emergent independent trade unions be drawn into a unitary system of collective bargaining which, although allowing their existence, also extended government control on them. Capital pressed for reforms in the labour market to safeguard its interests while government preferred control rather than reform. In a nutshell, the Wiehahn Commission's recommendations should be seen as

67 UW, WCL, SACTWU, G45.3, Minutes of meetings between management and workers' representatives, 27 September 1983.

68 UW, WCL, SACTWU, Minutes of Meeting, 5 February 1980.

69 See, for example, UW, WCL, SACTWU, G 45.12.9, In the Supreme Court of South Africa, Natal Provincial Division, Case number M 2459/83; G 45.12.8, Factories, Frame and Disputes, 1983, In the Industrial Court of South Africa, Pinetown, 10 November 1983; J Maree and S Godfrey, "Trends towards corporatism in South Africa: Industrial relations and industrial strategy in the textile industry", in A van der Merwe (ed.), *Industrial Sociology: A South African Perspective* (Johannesburg, Lexicon, 1995), p. 92.

government tightening control over African labour. As rightly noted by Lipton: "There [were] also uncertainties and fears about the risks and consequences of reform and about the likely black reaction ... These uncertainties and fears account for the characteristic 'two-track' policy of the Nationalists: striking out on a new route, but keeping in reserve remnants of the old, so that if it does not work, they will have a line of retreat."⁷⁰

70 Lipton, p. 385.