The receptions given the Report of the Commission of Inquiry into Labour Legislation headed by Dr. Nicholas Wiehahn were predictable: on one side was the blatant denunciation of the report by the South African right wing and reactionary white labor that called the report the “biggest slap in the face for white trade unions and workers in the history of the country.” *(South Africa Digest May 4, 1979).* On the other could be heard the platitudes of South African liberal industrialists congratulating themselves on the “great step” that was being taken in the history of black/white relations in South Africa. Bombarded by these two groups were the skeptical black supporters of the trade union movement who have not been impressed more South African government has taken in its most recent promotion of what Prime Minister Botha calls “apartheid without tears.”

Between the rock and the hard place is hardly a new place for South African blacks. The government has always conveniently placed them in that position in order to play other groups against them in its crucial maneuvers to control the state. In what the Wiehahn report calls a “new era,” Africans occupy a pivotal position which the government is attempting to neutralize.

The Nationalist government, which once represented an alliance between Afrikaner farmers and the white working class, now includes Afrikaner businessmen who see their future interests to be served by relying on a cheaper and more abundant labor force, the blacks. By creating an aristocracy of black labor, the Nationalist party wants to satisfy business interests while retaining its old political constituency.

Since World War II the South African policy of building an urban-based black workforce has produced important political and economic changes. David Davis in *African Workers and Apartheid* says that, politically, South Africa is faced with the “potential revolutionary capacity of an urban workforce more and more cut off from the land and possessed of a national rather than tribal consciousness.” Economically, he says that the government has always been forced to find new ways “to ensure continued production and reproduction of black labour under conditions which would continue to favor the lowest possible wages.” Apartheid has met these needs, by stripping blacks of any vestige of political rights and by limiting and controlling black residence rights in the cities. “Surplus Bantu” are shipped out to or kept in Bantustans, where millions of Africans live close to starvation. These reserve armies of the unemployed are a constant threat to workers’ wage levels. Over a million such workers are migratory or semimigratory.

The Wiehahn report and the complementary Riekert report on influx control are much more than reactions to the failure of the South African system of industrial relations or the odious nature of pass laws and influx control. They reflect a major reworking of two central components of a system, that Prime Minister P.W. Botha has determined should be a “total strategy ... to utilize all the means available to a state to achieve the national aims.”
In the Beginning

Robin Palmer has said in *The Roots of Rural Poverty in Southern and Central Africa* that the basis of South African economic growth and hence political control has been its access to and control of a huge pool of surplus labor, readily manageable and extremely cheap. This labor pool has always been black; however, its manageability and cheapness have fluctuated over the past sixty to seventy years.

Beginning in 1919 with South Africa’s first black trade union, the Industrial and Commercial Workers Union, and culminating with the banning of the leadership of the South African Congress of Trade Unions (SACTU) in the early seventies, the South African government has attempted to restrict the growth and control the existence of the black trade union movement through repressive legislation designed to exclude blacks from the collective bargaining process and certain job categories, to ban their right to strike, and to suppress the activity of black trade unionists in general. The Wiehahn and Riekert Commissions are the latest steps in this design. They are intended to deal with the challenge posed by the growth of independent, unregistered labor organizations such as the Black Allied Workers Union and the Federation of South African Trade Unions. Inherent in the government-sponsored commissions is the eradication or, at least, the neutralizing of the unregistered black labor union.

Bleeding Them Dry

With the 1973 amendment of the Bantu Labour Relations Act the Minister of Labour remarked that the legislation would “deprive . . . Bantu trade unions . . . of their life’s blood” (*South Africa News Agency Bulletin*, July, 1978). The salient feature of all South African legislation concerning African labor relations is to give as little direct representation as possible to black workers and to deny them any means to effectively defend themselves. The recommendations of the Wiehahn Commission offers no exceptions to that rule.

Blacks were excluded from registered trade unions with collective bargaining rights by the Industrial Conciliation Act of 1924. Still, the black worker might get out of hand. So the Bantu Labour Relations Act of 1953 established a committee system. African workers were authorized, if it suited them, to form a works committee that was supposed to represent the workers’ interests in communicating to the employer. The basic problem was that the committee was designed to communicate rather than negotiate; the employer was not obliged to communicate with the works committee, let alone respond to the workers’ demands. The works committee, however, was at least chosen by the workers; not so was the employer-sponsored liaison committee. By 1975 the Bantu Labour Relations Act was amended to allow company-dominated liaison committees the right to negotiate with the employer on labor-related matters. Moreover, the legislation dictated that, where liaison committees had already been established, workers could not form works committees. Hence labor was expected to be equitably represented in a committee system that allowed the management to preempt bargaining rights by establishing a committee composed mostly of people the employer named. Even the Wiehahn Commission commented on the contradictory nature of the committee system. But it still advocated its retention along with the introduction of union recognition for black labor. The Commission stated that the Committee system set up under the Bantu Labour Relations Act of 1953 could be interpreted as “company unions set up in opposition to Black trade unions.”

Numerous ways of diluting black unionization have been attempted. One has been the parallel union concept promoted by the moderate white Trade Union Council of South Africa (TUCSA). The *Financial Mail* says that the real reason why TUCSA and government proponents of the Wiehahn report like the parallel union is that it is harmless, neutered by the “looking out for the darker brother” paternalism of the white organizations which fear the threat that black trade unionists might pose to their privileged position. Management also finds it particularly attractive, in that it provides a safeguard against militancy among the member black trade unions by putting them under the watchful eye of groups like TUCSA, which keep African workers dependent on white expertise.

TUCSA’s liberal credentials are questionable, as it has in the past supported job reservation and placed its vacillating support behind blacks only after international pressure from other trade union groups. Its exclusion of Africans from its own ranks has been condemned as racism by the International Labor Organization.

The government has used legislation to attack black trade unions. For example, the 1953 Criminal Law Amendment Act has been used against passive resistance. The Riotous Assembly Act of 1956 has been vigorously applied against striking black unionists as well as other black protestors. The Unlawful Organizations Act of 1960 forbids the establishment of any African political organizations. The General Law Amendment Act of 1962, which is principally concerned with sabotage, has provisions excluding registered trade unions. It is applicable to African trade unionists because the bulk of them are unregistered. and that makes all the difference in the world. The General Law Amendment Act of 1962 defines sabotage as any acts which “further or encourage the achievement of any political aim, including the bringing about of any social or economic change in the Republic or which embarrass the administration of the affairs of state.”

Such sweeping provisions are typical of many other South African criminal laws designed to secure industrial peace by defining political dissent and action as criminal.

Wiehahn: Industrial Peace

*The Commission’s recommendations* may control rather than strengthen black unions.

Skakes Sikhahane,
Consultative Committee of Black Trade Unions

For a long time to come the trade union will be under white control. All the Commission should have done was allow black unions access to the negotiating table. Now the white unions with the experience and ready machinery will organize blacks and kill the black unions.

A black union official

It is the independent, unregistered trade union that the Wiehahn Commission and the government are most concerned about. A dynamic force and adversary in organizing the African workforce, the unregistered trade union is dangerous. Because it has been placed outside of the law, it is free to carry on activities such as political organizing that would be considered illegal if done by other unions. African political activity has never been tolerated in white South African tradition. If unregistered black trade unions engage in it, it becomes necessary to structure a “liberal” mechanism that will allow for control of these organizations.

The interest of members of black trade unions and the
The government fears that foreign ideology, concepts and training may serve as the foundation for the black trade unions' education and orientation. Therefore the Commission declared that black trade unions must be incorporated into the South African trade union structure and given exposure to "South Africa's trade union traditions and the existing institutions, thus inculcating a sense of responsibility and loyalty towards the free market system."

The key to this incorporation and exposure is the registration process recommended by Wiehahn that is both stringent and arbitrary. Registration is limited to the "bona fide" trade union, a definition which gives the registrar broad discretion. As the Wiehahn Commission Report puts it, "it seems necessary that the Industrial Registrar should have at his disposal certain broad or principal criteria," which identify worthy unions on the basis of relevancy and legitimacy vis-à-vis the "needs of the employer-employee relationship." The criteria should "serve to maintain peace and harmony within the undertaking, industry, trade or occupation, and the national interest in general."

In order to meet the terms of the registrar and "to preserve industrial peace . . . and serve the national interests" of apartheid, black trade unions wishing to meet the requirements but unsure of their present qualifications can be granted provisional registration. Provisional registration has a two-fold purpose: first it is a coercive instrument which dictates the policies black trade unions must follow in order to become fully registered. The failure to meet these requirements, based on the arbitrary decision of the registrar, would exclude those unions in spite of their preregistered status. Second, unions that refuse to comply, or cannot comply, could be prohibited from the registration process as a whole. Obviously the independent black union that serves black labor interests is not going to meet the registrar's requirements.

Because the government regards the unregistered union as a danger, and the Wiehahn Commission supports this view, there will be a concerted crackdown on all unregistered unions in the period following the registration process. Wiehahn simply offers a new twist to an old game. Formerly organizations have been banned for activity that the government defined as criminal. But now an organization, specifically a labor organization, can be banned on the basis of being unable or unwilling to participate in a registration process that the government can control and run arbitrarily. Registration can be withdrawn by the registrar on any grounds the registrar determines, without indicating the reason to the union.

The Wiehahn Commission report speaks of the right to "free association" but later denies it by arguing that while the individual should be free to decide which union to join, the union should be equally free to dictate who can join. By allowing white unions to continue all-white closed shop agreements, Wiehahn is continuing the very job reservation system that he believes must be uprooted if blacks are to have a stake in the system. The Financial Mail stated that, When the closed shop is seen in conjunction with the recommendation that unions may be uniracial if they wish, it is difficult to see how its use to bar Africans from skilled jobs can be stopped.

A Cynical Exercise

According to one opposition member of Parliament, the government's action on the Wiehahn Commission's findings has made the Commission's work a "cynical exercise."

The government introduced legislation that provided for the continuation of segregated unions unless the Minister of Labour decides otherwise. It also excluded 80 percent of the black labor force from the unionizing process because they were either migrants or commuters, according to Anthony Lewis of the New York Times.

Wiehahn, on the other hand, defended the government's action by pointing out the need to proceed gradually and to make capital of the government's acceptance of the commission's proposals for a National Manpower Commission, an Industrial Court, trade union membership for certain sectors of the black population, and the abolition of certain reserved job privileges.

Nic Wiehahn introduced his support for the government's legislation by saying that "we have started a new system in South Africa."

Anthony Lewis of the New York Times charac-
Riekert: A Stake in South Africa

The question is not whether there should be influx control, but what would be the right mechanism for influx control.

South Africa Digest, June 29

The Riekert Commission’s findings on manpower allocation dovetail tightly with those of the Wiehahn Commission. The contention that the majority of the black workforce should be excluded from living in the urban areas supports the Wiehahn move to also exclude those same workers from participation in labor organization because they are migrants or "frontier commuters."

Segments of the South African press have noted that “restrictive measures” are “essential in an orderly society”; therefore the “essence of influx control and the pass laws” is the 72-hour restriction on all unauthorized Africans in urban areas, which has been retained by Riekert. Those Africans who qualify for urban living privileges will find their living conditions considerably improved. That improvement will contribute what the Sunday Times termed:

... a solution in a system which divides blacks into a privileged class of urbanites who can move fairly freely, and the ‘rest’ who must be penned into the homelands and, presumably, forgotten.

The Riekert and Wiehahn solution not only solve the questions of black movement and labor control but they also attempt to build a new black class to aid the government in the process. It seems that the government is heeding Gatsha Buthelezi’s advice to provide blacks with the feeling “that they have something to lose if anything went wrong in South Africa.”

The International Gambit: Sullivan Principles for All

It would be naive to deny the fact or to ignore the effect of international attempts to influence labor and other policies in South Africa. The presence of subsidiaries of multinational enterprises within a country’s borders creates a strong conduit through which strong influences and pressure can be exerted on that country’s policies and practices. South Africa is no exception.

Riekert Commission Report

The government publication South Africa Digest noted recently that the introduction and passage of legislation in keeping with the Wiehahn Commission’s findings will be of “tremendous importance to South Africa’s international position.” Improved relations with the trade union movement would serve to diminish South Africa’s isolation. It would increase employment in South Africa and improve foreign investment.

Already multinationals are claiming credit for the changes proposed by Wiehahn. US corporations see them as vindication for their adoption of the Sullivan Principles. As the New York Times reported, “for American companies, the changes will give legal status to steps that have already been taken.”

The commissions contradict the so-called Oppenheimer thesis that economic growth in South Africa would break down apartheid. Tangibly, the Riekert Commission has insured the maintenance of a high profit margin by dictating that the majority of the black labor force be kept out of urban areas and by proposing that industrial development be located adjacent to the homelands and not in them. The process keeps labor prices that much lower, and reduces potential urban laborers to a migrant or frontier commuter status.

All the while the multinationals along with the South African government can say that they are partners in the effort to improve the situation of the black working class.

The position of the independent black trade unions and of SACTU is clear on the issue of codes such as the Sullivan Principles and the Wiehahn Commission itself. As far as codes are concerned, SACTU has said “we reject the codes principally because they are aimed at excusing continued investment.” Of Wiehahn it simply said:

"More Chains for Unions."