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THE 'CIVILISED LABOUR POLICY' AND  
THE PRIVATE SECTOR : THE OPERATION  
OF THE SOUTH AFRICAN WAGE ACT,  
1925 - 1937

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## ABBREVIATIONS

A C T U	Advisory Council of Trade Unions
A D	Appellate Division
C F L U	Cape Federation of Labour Unions
C P D	Cape Provincial Division of the Supreme Court of South Africa
C P S A	Communist Party of South Africa
E L D	Eastern Districts Local Division of the Supreme Court of South Africa
E P H	Eastern Province Herald
F E C	Federal Executive Council
G L D	Griqualand West Local Division of the Supreme Court of South Africa
G P C	Gold Producers' Committee of the Transvaal Chamber of Mines
I C U	Industrial and Commercial Workers' Union
N E C	National Executive Committee
N P D	Natal Provincial Division of the Supreme Court of South Africa
N W C	Native Wages Commission
O P D	Orange Free State Provincial Division of the Supreme Court of South Africa
R D M	Rand Daily Mail
S A A E O	South African Association of Employees' Organisations
S A I F	South African Industrial Federation
S A I R R	South African Institute of Race Relations
S A L P	South African Labour Policy
S A M W U	South African Mine Workers Union

S A P	South African Party
S A T L C	South African Trades and Labour Council
S A T U C	South African Trades Union Congress
T P D	Transvaal Provincial Division of the Supreme Court of South Africa
T U C S A	Trade Union Council of South Africa
V F P C	Victoria Falls Power Company
W W M A	Witwatersrand White Miners' Association

## CITATION FORMAT

An 208-1934	Annexure 208 of 1934 to the Votes and Proceedings of Parliament
R vs Lewin (1930 AD 344)	Court case of Rex vs Lewin, 1930, heard in the Appellate Division of the Supreme Court, reported in the <u>South African Law Reports</u> for 1930 at p 344
SC 9 - 1913	Select Committee Report 9 of 1913
Smuts (Standerton)	Used in reference to parliamentary debates to indicate the MP's constituency
UG 21-1914	Union Government Report 21 of 1914
1929 WBR	Report to the Honourable the Minister of Labour by the Wage Board upon the work of the Board for the Three Years Ended 28 February 1929. 2443-26/3/29
1931 WBR	Report to the Honourable the Minister of Labour by the Wage Board upon the work of the Board for the period 1st March, 1929, to 31st December 1931. An 108-1933

**ABSTRACT**

The early history of South African industrial development has been approached from essentially two angles. One body of thought has concentrated on the adverse effect colour bars have had on the development of South Africa. It is argued that racial discrimination in industry originated from the racial prejudice of white workers and from state intervention in the economy. Opposed to that view is the interpretation that the colour bar originated out of the specific character and subsequent development of South African capitalism. This study approaches the debates and arguments through an analysis of the Wage Act of 1925.

The industrial relations system which operates in South Africa has its origins in the legislation of the 1920s. It is based on the Industrial Conciliation Act of 1924 and the Wage Act of 1925.

Very few systematic analyses of the Wage Act have been produced hitherto. Most commentators have focussed on single aspects of the Act, but very few have attempted an examination of the operation of the Wage Board which was established by the Act.

The Wage Board was instituted as an element to promote the civilised labour policy in the private sector. Whereas the

Industrial Conciliation Act operated to protect organised labour, the Wage Act concentrated on unorganised trades and sections of trades. Although empowered to investigate conditions in the mining industry, the Wage Board was never used to regulate wages in that industry under the Wage Act due to opposition from the industry. It was concerned solely with secondary industrial and manufacturing establishments because agriculture and domestic service were excluded from the Wage Act.

The Wage Act was based on the principle of compulsory regulation. Determinations in terms of the Board's recommendations were binding on employees and employers alike. Complex procedures hampered the activity of the Board until 1930 when the Act was amended and simplified. The Board faced a great deal of opposition from manufacturers in its early years. But a cautious approach and the gradual implementation of determinations ensured that employers' opposition soon changed to support when it became clear the Board was not an arbitrary one.

The Board had to take a number of strict considerations into account. It could not recommend wages if its recommendation would affect the particular trade concerned adversely. It concerned itself with the promotion of efficiency in business, production costs, consumerism, the wasteful employment of labour, the length of the working day and the productivity of employees. As such it was used as a means to assist the necessary rationalisation and reorganisation of South African industry.

It could not recommend wages without the Minister's express instructions if all the employees covered by a reference could not receive a civilised wage. Civilised wages were classified as wages at which employees could enjoy white standards of living. This clause effectively introduced a colour bar into wage determinations. It operated before 1930 to buttress Industrial Council Agreements to prevent the displacement of whites by Africans at lower rates.

The Wage Board also considered investigations from unskilled, African workers. The Board was not permitted by law to discriminate against people of colour. Apart from the potential colour bar of wage regulation in general in South Africa, the Board was instructed in 1930 to refrain from issuing recommendations for African workers. Regulations were also altered to exclude Africans.

The Wage Act declined in importance after the Great Depression as white workers were drawn closer to the wider-reaching Industrial Conciliation Act. The need to regulate African wages and to control African labour became more evident during the period of economic expansion in the 1930s. The Act was replaced in 1937 and the restrictions formerly placed on Africans were removed. The workforce had finally been separated with the provision of different industrial relations apparatuses.

" ... Every industrial and commercial centre in England now possesses a working class divided into two hostile camps, English proletarians and Irish proletarians. The ordinary English worker hates the Irish worker as a competitor who lowers his standard of life. In relation to the Irish worker he feels himself a member of the ruling nation and so turns himself into a tool of the aristocrats and capitalists of his country against Ireland, thus strengthening their domination over himself. He cherishes religious, social, and national prejudices against the Irish worker. His attitude towards him is much the same as that of the 'poor whites' to the 'niggers' in the former slave states of the USA. The Irishman pays him back with interest in his own money. He sees in the English worker at once the accomplice and the stupid tool of the English rule in Ireland.

This antagonism is artificially kept alive and intensified by the press, the pulpit, the comic papers, in short, by all the means at the disposal of the ruling classes. This antagonism is the secret of the impotence of the English working class, despite its organisation. It is the secret by which the capitalist class maintains its power. And that class is fully aware of it."

Marx to Siegfried Meyer and August Vogt April 9 1870

Marx and Engels Ireland and the Irish Question pp 407-408

## INTRODUCTION

On the occasion of the Union of South Africa's golden jubilee in 1960, the government of the day claimed that the "sympathetic labour policy pursued by all Governments" had spared the country from revolutionary industrial unrest.<sup>1</sup> The strike wave of 1973 and the re-emergence of an organised, increasingly militant black working class forced the state onto the defensive. Intense attention was focussed on the industrial relations apparatus, with an eye to its modification, during the 1970s and beyond. In 1979, Professor Nic Wiehahn, government labour advisor and propagandist, accredited industrial peace in the country to the statutory structure of industrial relations introduced after 1924. The present system had its roots in the Hertzog era at a time when South Africa set out on its "industrial trek" in earnest.<sup>2</sup>

This study is an attempt to unravel a number of the features of the labour policies of early governments - as exemplified by the Wage Act between 1925 and 1937. It proceeds from a general analysis of some important historiographical frameworks which have sought to explain South Africa's industrial development, to a particular

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1. Union of South Africa, Our First Half Century, pp 92-98
  2. Wiehahn, N "South Africa: The Historical Development of Labour and Industrial Relations".

examination of how the Wage Act itself has been treated in the literature. The questions which form the essence of this study's concern are identified next and the method of inquiry mapped out.

The following section focuses on five analysts whose contributions are considered to be representative of attempts to explain industrial development in South Africa by a large and growing number of students of different persuasions and disciplines. W H Hutt represents the conservative wing of laissez-faire economists. Sheila van der Horst's work has inspired many liberal historians and economists. Frederick Johnstone brought a mature marxism to the study of mining. His work was developed and extended by a group best represented by Rob Davies. The reaction to Davies within radical circles produced a more encompassing analysis which thrust the role and development of ideology and hegemony to the fore. This group is examined here through the recent work of Belinda Bozzoli.

Hutt's Economics of the Colour Bar began with a quotation from Milton Friedman which stated that

the pressures of discrimination in any society are the areas that are most monopolistic in character, whereas discrimination against groups of particular colour or religion is least in those areas where there is the greatest freedom of competition. 3

Friedman thus set the tone for Hutt's analysis of "the economic origins and consequences of racial segregation in South Africa." Discrimination was to be found in economic fields where a group exercised a monopoly over certain resources. It was not to be found where competition, free from restraints, existed. Hutt noted that his was a twofold task. He identified, first, the liberating forces which operated against colour prejudice and second, "the opposing forces - constituting the injustice - that have tended, deliberately or otherwise, to perpetuate" the inferiority and subordination of the "non-white classes"<sup>4</sup>. Injustice was attributed to "any policy or action which is intended to perpetuate the inferiority of material standards or status of any racial group." An inherited status of "inferiority" or subordination could not be construed as 'unjust'

except to the extent which developed countries or colonising powers can be shown to be deliberately withholding opportunities from underdeveloped areas or colonial powers. 5

Colour prejudice, that "manifestation of powerful custom"<sup>6</sup> was forced into the background because Hutt initially found that it was not "the chief incentive for legislative or collusively enforced

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4. *ibid*, p 12

5. *ibid*, pp 9-10

6. *ibid*, p 12

colour bars." Rather, "the consequences of economic exclusiveness" caused the perpetuation of "irrational racial prejudice".<sup>7</sup> Hutt explained:

I have been led to believe that colour prejudice has persisted through economic factors - through the perpetuation of the economic inferiority of the non-white peoples. In the pages which follow, I shall try to explain why I regard the economic colour discriminations in the Republic as an independent cause rather than a symptom of colour injustices. 8

Johnstone acknowledged that Hutt realised that the source of the colour bar lay in "the preservation of 'certain economic relationships between the races'"<sup>9</sup> But Hutt himself reversed his position. After starting out from the assumption that colour prejudice was rooted in economic discrimination, he ended up by ascribing economic injustice to colour prejudice. Hutt was anxious to explain the solution to the poor white problem during the boom of the 1930s. His conclusion had direct bearing on his final interpretation of the relationship between colour prejudice and economic injustice. He noted that, after the gold standard crisis and the end of the depression in 1932/3,

entrepreneurial ingenuities under the profit incentive had broken through some of the barriers of custom and law which had been restraining the more effective economic

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7. *ibid*, p 29

8. *ibid*, pp 30-1, emphasis added

9. Johnstone, F A "Industrial Colour Bars in South Africa," p232. Hutt, *ibid*, p 27

integration of the white and non-white races. In so doing, successful profit-seekers created - almost miraculously - opportunities for the absorption of the Poor Whites into relatively well-paid industrial or commercial occupations. The barriers had had their origins in tradition and prejudice, but they had survived through labour union pressures and measures such as the Wage Act, the Apprenticeship Act, and the Industrial Conciliation Act. 10

The above passage marked the real beginning of Hutt's analysis. His volte face can be attributed to the limits of his definition of injustice, which in turn lead on to the definition of the two bêtes noires of South Africa industrial development. Injustice was defined within the parameters of the economic order itself, hence the exclusion of structural injustice or prejudice from the definition. Injustice resulted from deliberate policies or actions within the particular capitalist system. Since the economic system itself was not responsible for injustice, its source had to be sought within the parameters of that system, among its constituent actors. Thus, state intervention through industrial legislation represented the curtailment of free competition, and white union pressures caused the monopoly of the job colour bars. These two created the barriers which had restrained "the more effective economic integration of the white and non-white races." Hutt concluded that "entrepreneurial ingenuities under the profit incentive" destroyed the barriers set up by the state and white labour, and "successful profit seekers" solved the poor

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10. Hutt, *ibid*, pp 35-36, emphasis added

white problem en route.

Johnstone correctly noted that Hutt's "perspective on the colour bar is too restricted".<sup>11</sup> Hutt's argument led him to believe that the "mines never exploited African labour in the bad sense, as legislation ... certainly did."<sup>12</sup> He failed to consider what Johnstone called the wage or exploitation colour bars which operated coterminously with the job colour bar.<sup>13</sup> In short, Hutt did not consider that the peculiar structure of the mining industry demanded economies which could only have been realised through the purposeful, deliberate coercion and subordination of the African miners by mine owners themselves. Among the coercive instruments used were the maximum average system whereby wages were regulated at low rates to prevent competition between mines,<sup>14</sup> and the loafer ticket which operated to deny African miners any remuneration if set drilling minima were not carried out in the set time,<sup>15</sup> neither of which received Hutt's attention. Similarly the crucial role the mining companies played to create the pass laws in the 1890s in the Transvaal to regulate their labour intake was neglected.<sup>16</sup> Hutt's

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11. Johnstone, R A "Industrial Colour Bars in South Africa," p 230
  12. Hutt, *ibid*, p 54. Johnstone, *ibid*, pp 233-4
  13. The difference between these types of colour bar is discussed in more detail below, pp 14-20
  14. van der Horst, S T Native Labour in South Africa, p 192 and Johnstone, F A "Industrial Colour Bars in South Africa" pp 53-58 and Class, Race and Gold, pp 42-45, 286-8 provide details of this system
  15. Johnstone, F A Class, Race and Gold pp 43-4, 186-7 provides more details of how this system worked
  16. van der Horst, S T "The Effects of Industrialisation on Race Relations in South Africa" p 114 and Levy, N The Foundation of the South African Cheap Labour System p 76-9, provides further details

analysis of the recruiting monopsony, compound system, migrant labour, the reserves and cheap labour generally was restricted by his approach. His contention that neither "the shareholders nor the administrators of the mines were responsible for colour bars" or indeed of "withholding ... opportunities of advancement from Africans."<sup>17</sup> must fall in the light of the comparatively more recent work of, among others, Johnstone and Levy. Hutt concluded that "had the mining magnates been free to insist on their interests as investors ... they would have opened the door, by slow degrees, to African advancement".<sup>18</sup> In fact, mine owners played a decisive role in the creation of the colour bar on the mines.<sup>19</sup> They also failed to eradicate the colour bar after the Rand strike.<sup>20</sup> Finally, a consideration of state policy towards the poor white problem clearly indicates that their employment was not merely the almost miraculous result of activities by "successful profit-seekers". Hutt's view that entrepreneurs as a class battled furiously against the irrational prejudices of both government and labour unions was oversimplified. As will become evident in the course of this study, employers and employees were divided amongst themselves about the merits or otherwise of colour bars from time to time.

The conservatism of Hutt's approach was contrasted to the liberal reformist stance of Sheila van der Horst. She recognised that group

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17. Hutt, *ibid*, pp 53-4. For his discussion of the topics mentioned earlier, cf pp 47-54

18. *ibid*, p 54

19. Levy, N The Foundation of the South African Cheap Labour System pp 222-6 is particularly useful on this.

20. These questions are further examined in chapter 1

behaviour was important for adequate analyses of South Africa's industrial development. The divisions within society resulted from the interplay of "cultural differences between the racial groups and particular historical conditions."<sup>21</sup> The mining industry was hampered by the continued existence of the colour bar, instituted by white labour, and government policy.<sup>22</sup> The industry's problem of profitability could be solved by allowing "the mines to maximise their taxable output, by adopting freely every cost-reducing innovation."<sup>23</sup> Van der Horst was aware of the action of 'internal administrative colour bars' within the mining industry.<sup>24</sup> Furthermore, she acknowledged the occasional interdependence of "relatively low wages, the compound system and the colour bar"<sup>25</sup> as well as the operation of the maximum average system to prevent rises in wages through inter-mine competition.<sup>26</sup> The differences between job colour bars and exploitation barriers created by capital were not clearly demarcated.

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21. van der Horst, S T "Labour" p 105; "The Economic Implications of Political Democracy" p 4; "The Effects of Industrialisation on Race Relations in South Africa" pp 99-100
  22. van der Horst, S T "Equal Pay for Equal Work" p 191
  23. van der Horst, S T Native Labour in South Africa, p 185
  24. "Labour" p 111
  25. "The Effects of Industrialisation on Race Relations in South Africa" p 129
  26. ibid, p 132; "Equal Pay for Equal Work" p 201; "Labour" p 130; Native Labour in South Africa p 193

Van der Horst foresaw Johnstone's statement that the wage colour bar was both more serious and harmful than job colour bars as far as blacks were concerned.<sup>27</sup> Similarly, she was aware of the relationship between the (artificial) labour shortage and the low wages African mineworkers received,<sup>28</sup> and realised the importance to capital of the employment of foreign labour.<sup>29</sup>

Van der Horst argued that the employment of whites in preference to blacks, resultant of white labour pressure and government policy, adversely affected industrial productivity and growth.<sup>30</sup> Industrial development had been built "upon the joint efforts of black and white" and "despite areas of competition, complementarity [was] the overriding condition" of that development.<sup>31</sup> State policies of discrimination had created impediments on productivity which were not "in the interests of labour, let alone the whole of <sup>the</sup> country." Industrial growth had taken place "despite the impediment of the colour bar, and not because of it."<sup>32</sup> Such policies prevented "the more effective and productive use of labour"<sup>33</sup> and retarded the fruitful "combination of white capital and enterprise with African labour."<sup>34</sup>

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27. Johnstone, Class Race and Gold p214; "Industrial Colour Bars in South Africa" p 222 and van der Horst, "The Effects of Industrialisation on Race Relations in South Africa" pp 132-3
28. "Equal pay for equal work" p 191
29. "Labour" p 129
30. Native Labour in South Africa pp 319-325
31. "The Effects of Industrialisation on Race Relations in South Africa" pp 100-1
32. "Equal Pay for Equal Work" p 198, emphasis added
33. "The Economic Implications of Democracy" p 43.
34. *ibid*, p 14

In short, the argument was that progressive economic development had been and was incompatible with racial discriminatory policies as evidenced in colour bars. The question addressed elicited a reply which focused on the dysfunctional features of the total system and did not attempt to ask why industrial growth occurred at all. Van der Horst concentrated a good deal more than Hutt did on secondary industry and manufacture. Evidence of the greater flexibility of the colour bars in industry compared to mining was clear to both of them. Van der Horst went further than Hutt with the acknowledgement that in some instances mine owners purposefully implemented racially discriminatory policies for the sake of the profit motive. Essentially both analysts came to similar conclusions about the manufacturing sector. The subordinate position of blacks in general and Africans in particular arose from the dysfunctional intrusion of politics and ideology into an otherwise rationally organised and progressive economic system, capitalism. The preservation of political and ideological dominance, encapsulated in white employment preference policies, perpetuated the subordination of blacks and retarded further economic growth. A "lack of sufficient integration into and participation" by blacks in the system was the cause of the injustice to people and the retrogression of the economy.<sup>35</sup>

An essential consideration remained. To what extent was the economic boom of the 1930s the cause or the result of the higher level of integration within the economic framework which the liberals

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35. Johnstone, F A Class, Race and Gold p 205

identified? Because their argument was predicated on a belief in the dysfunctional influence of politics on economics and the consequent waste of (black) labour power, their conclusions remained inadequate. Johnstone noted that the

long established and still predominant preoccupation with job colour bars and the more productive employment of non-white labour may be said to be a preoccupation with the interests not of the non-white workers but of employers, a preoccupation not with social justice but with capital accumulation. 36

Translated into methodological terms, what neo-classical analysts lacked was a more thorough investigation of "who was doing what to whom and why? What social groups were making and benefitting from what arrangements, and why and how?"<sup>37</sup> A different approach to the problem of race and capitalist development was needed. That approach would be based on an interrogation of the actions and policies of groups within society, as they actually operated, and not in terms of what those actions or policies might have been, or, indeed, should have been.

Frederick Johnstone's work opened up a number of avenues, based as it was on a different approach. He adopted "a marxist structuralist approach" which explained "the system of racial discrimination as a

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36. *ibid*, p 214

37. Johnstone, F A "'Most Painful to our Hearts': South Africa through the eyes of the New School." p 6. Johnstone expanded the questions in a later passage: "Who owns what? Who does what? Who gets what? Who does what to whom? Who does what for whom? How are who does what and who gets what linked to who owns what and controls what? How is all this linked to what is going on in society and history?" p 8

product of the system of production of which it formed a part." The capitalist system of production actually determined the racial discriminatory systems "specific forms, functions and nature."<sup>38</sup> The difference between Johnstone's line of attack and that of the neo-classicists was not in a denial of "the existence and importance of racist ideology and racial prejudice." Rather, because racism arose out of class struggle, it required explanation itself and could not be construed as "the 'self-evident' starting point of all 'analysis' and 'explanation'"<sup>39</sup> As already noted in the discussion of Hutt, the formulation of the question in this way was not new. Johnstone, and marxists in general, advanced beyond Hutt's limitations by following their argument through. Johnstone was quick to point out that his approach was "not perfect or infallible".<sup>40</sup> It forced an examination of

the development of a racially structured capitalism, in which the exploitability and exploitation of the bulk of the labour force were intensified by a system of racial discrimination which secured the economic and political powerlessness of the bulk of the population. 41

The marxists thus tended to examine colour discrimination and economic development as a positively interdependent system of relationships

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38. Class, Race and Gold p 2

39. Davies, R Capital, State and White Labour p 3

40. Class, Race and Gold, p 218

41. Johnstone, F A "Most Painful to our Hearts" p 12

rather than as rational mutually exclusive components of the system.

Johnstone wanted to

develop a valid account and explanation of the system of racial discrimination in the gold mines, and of historical developments concerning this system during and following the war. 42

He criticized the "idealist tendency" for its "neglect" or "inadequate recognition of the material determinants of social reality."<sup>43</sup>

As noted, Hutt committed the former, and van der Horst of the latter type of oversimplification. Johnstone attempted to rectify the situation by providing an analysis of the operation of the gold mines against the background of the structures of society in general.

In his early study Johnstone failed to provide a clear exposition of the system of racial discrimination within which the mining industry operated.<sup>44</sup> This tended to confuse issues somewhat, but his approach was not wholly different from the far tighter, close-knit analysis he presented in Class, Race and Gold. In contrast to van der Horst's attempts to reconstruct the historical background, Johnstone's discussion of the developments which split the races along their respective occupational lines within the division of labour was far better.<sup>45</sup> He was

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42. Class, Race and Gold pp 3 - 4

43. *ibid*, p 8

44. "Industrial Colour Bars in South Africa"

45. van der Horst's "Labour", p 109. Johnstone, F A Class, Race and Gold PP 20 -25. Chapter 1 below briefly sketches the historical background

more concerned with the operation of the gold mining companies than industry in general within the system thus created:

Such a situation was just what the gold mining companies needed. Their most imperative requirement was a large supply of ultra-cheap labour. And the ultra-exploitability of non-white labour in the system of production established by the white property owners in South Africa provided the companies with the means of realising this requirement. 46

In other words, contrary to what some critics might think, Johnstone accepted that the mining companies did not create the system of racial discrimination.<sup>47</sup> All that he attempted to do was show how they adapted the system to suit their own particular needs. The most important of their needs were the reproduction of a cheap labour force in the reserves, and its continued cheapness or exploitability on the mines themselves.

Johnstone's discussion of the colour bar in South Africa formed a central and most important contribution to the extant work on the subject. The concept as used by Johnstone was also the most significant aspect which developed in his own writing.

In effect Johnstone redefined the concept of the colour bar. It is essential to outline what Johnstone perceived the 'colour bar'

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46. Johnstone, F A Class, Race and Gold p 24

47. eg Yudelman, D "The Quest for a Neo-Marxist Approach to Contemporary South Africa" p 203

to be before examining the validity or otherwise of his definition. Johnstone's thinking on the subject began within very narrow confines. "Two main colour bars" existed for Johnstone: "the job colour bar, which reserved jobs to whites, and the wage colour bar, or wage exploitation of African labour, which secured cheap labour to the mining companies."<sup>48</sup> Put more succinctly, the job colour bar "was a barrier to keep Africans out of skilled occupations, the wage colour bar was a barrier to keep African wages low."<sup>49</sup> The most important of the two for Johnstone's initial purposes was the wage colour bar. At first this comprised both wage-rate standardisation policies and the maximum average system. The wage colour bar was later subsumed under the concept "exploitation colour bar" which, along with the "employment colour bar", was a specific part of the general concept "class colour bars." Class colour bars were defined as "racially discriminatory class instruments serving to secure class interests."<sup>50</sup> The exploitation colour bar benefitted the mining companies; the employment colour bar benefitted the white working class. Johnstone identified the specific interest of the mining companies as "the ultra-minimisation of labour costs." To achieve that objective they firstly had to secure a large supply of "ultra-exploitable labour", and secondly, to maintain the "ultra-cheapness" of that labour.<sup>51</sup> The 'voluntary' labour supply from the reserves was not nearly adequate for the mines needs. Cheap labour had to be forced

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48. Johnstone, F A "Industrial Colour Bars in South Africa," p ii

49. *ibid*, p 6 note 1

50. Class, Race and Gold, p 49

51. *ibid*, p 26

to the mines. This was accomplished in three ways. First, the companies introduced a "system of loan advancement and debt inducement" to complement the taxation system which operated in an haphazard way.<sup>52</sup> Second, labour recruitment was monopsonised in an attempt to regulate the supply.<sup>53</sup> Third, they organised the recruitment of foreign labour which effectively cut out internal competition for this particular source of cheap labour.<sup>54</sup> The ultra-cheapness of that African labour was secured through "extra-economic compulsion: the contract system, the pass system and the compound system."<sup>55</sup> Whereas wage minimisation was secured by the elimination of competition between mines through the various recruitment arrangements, it was secured and maintained underground in at least three ways. Time and piece wages for Africans were set at very low levels. A "maximum average system" set low upper limits on the rate of pay for African workers engaged in piece work. This meant that even if output exceeded what was normally construed as sufficient for the wage, that extra output went unacknowledged in the workers' pay packet. The operation of the loafer ticket system was the third arrangement used by mine owners to reap more benefits from unpaid work. It was "a system of unpaid and extra-contractual labour." Workers would have to perform two or more duties but receive remuneration for only one, that for which they were contracted. Furthermore, all the

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52. *ibid*, pp 26-28. Beinart, W The Political Economy of Pondoland pp 54-69 provides the most useful account of the system's operation and consequences.

53. *ibid*, pp 29-32. Jeeves, A "The Control of Migratory Labour" further examines this particular topic

54. *ibid* pp 32-34

55. *ibid*, pp 35-9

work was performed during set shifts and if the worker failed to fulfill the minimum quota of his contractual work for the shift, he received no pay whatever.<sup>56</sup>

The class colour bars of the white workers were embodied in the employment colour bars. At issue here were the different interests of skilled and unskilled white workers. Johnstone wrote that

For the skilled white workers, the employment colour bar meant the control and restriction of the supply and distribution of skilled labour. For the unskilled white workers, it meant the creation and improvement of employment opportunities in unskilled work. 57

These different interests came to be represented in their racially discriminatory form in different ways. For the skilled workers, in a "job colour bar in skilled work", and for the unskilled in "a specific form of system, known as the 'white labour policy'."<sup>58</sup>

This view was not in itself new. Both Hutt and van der Horst saw the problem. Johnstone went further.

Johnstone's initial break with the conventional interpretation rested, then, not on the idea that the employment colour bar secured the position of white workers. The break occurred with Hutt and to a lesser extent with van der Horst in his identification of the mine owners interests in the continuation and reproduction of the systemic obstructions to African advancement, namely the exploitation colour bars. Johnstone's final break occurred when he moved away from negative to

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56. *ibid*, pp 39-48

57. *ibid*, p 65

58. *ibid*, pp 65-6

positive analysis. The colour bars of each group affected the other group as well. Liberals had argued that mineowners, for example, had nothing to gain from the job colour bar. Johnstone proposed that the evident contradictions were mediated in particular ways to benefit the parties involved. In other words, the job colour bar benefitted the mineowners in certain ways, and the exploitation colour bars benefitted white labour.

The mining companies' need for absolute profit maximisation was contradicted by the employment colour bar which involved the payment of high wages to white workers. Johnstone followed Blumer<sup>59</sup> by arguing that employers were prepared to accommodate white worker benefits in order to maintain stability. The contradiction was mediated in three ways. The actual costs of the contradiction were offset by the extremely low wages of African miners. The potential cost of white worker action was removed by protecting their place in the occupational hierarchy. The actual benefit was ultimately that the labour force was stabilised.<sup>60</sup>

For their part, white workers were threatened by the increased possibility of African employment at lower wages in areas presumed to be white preserves. The super-exploitation of African labour

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59. Blumer, G "Industrialisation and Race Relations" in Hunter, G Industrialisation and Race Relations

60. Johnstone, F A Class, Race and Gold, pp 76-81, 86

threatened the security of white workers. The economic benefit which accrued to white workers rested solidly on the super-exploitation of African miners. White workers inclined towards a conservative economism which further pushed them towards monitoring and maximising their benefits within the status quo.<sup>61</sup>

Johnstone concluded that

i was the involvement of the employers - notably the mining capitalist - in racial discrimination which generated the involvement of the white workers - notably the white mine workers - in racial discrimination. 62

This statement must be examined against the larger background of Johnstone's analysis. Yudelman incorrectly read into Johnstone's analysis the notion that race prejudice was ultimately "the invention of the mineowners".<sup>63</sup> Johnstone included "property colour bars", which seemed "to secure and maintain the separation of non-whites from ownership of property in the means of production". Exploitation colour bars and property colour bars were the class colour bars of the property owning class.<sup>64</sup> The existence, perpetuation and modification of property colour bars, enabled the exploitation colour bars to operate. Johnstone was fully aware of the importance of "racial ideology and status"<sup>65</sup>, but refused to accept them as primary causal phenonema.

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61. *ibid*, pp 86-88

62. *ibid*, p 75

63. Yudelman, D "The Quest for a Neo-Marxist Approach to Contemporary South Africa" pp 203

64. Johnstone, Class, Race and Gold pp 49, 23-24

65. *ibid*, pp 87-88

To summarize briefly. Society in late nineteenth century southern Africa was organised in particular ways to ensure the dominance of whites over blacks. Property colour bars were defined as a set of instruments which restricted the rights of blacks in general and Africans in particular to own property. They structured society in a way that split the region roughly along racial lines "to perpetuate the economic dependence" of blacks on white property owners.<sup>66</sup> The peculiar problems of the mining industry demanded that costs be kept as low as possible. This was achieved largely by the adoption of the discriminatory property system to suit the needs of the industry. Exploitation colour bars, the system which ensured the ultra-exploitation and exploitability of black workers, rested on the property colour bars. Attempts to intensify the utilisation of cheap black labour in place of more expensive, politically free and skilled white workers forced these white workers to demand protection. This they achieved through occupational or job colour bars which provided them with a measure of security. Although the mines were aware of the higher costs of white workers, they were prepared to accept the system in return for the possibility of greater stability subsequent to the pacification of white, worker conscious, employees. For their part, white workers' security

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66. *ibid*, p 23

rested firmly on the adoption of exploitation colour bars.

Yudelman has stated that Johnstone's use of the term exploitation colour bar was "a mere play of words" and as such not very useful:

At the discriminatory measures were exclusively imposed on blacks; but they were not an exclusion (or bar)- rather the opposite. The concept of "exploitation colour bars" is confusing and mistaken because the (racial) coercion encouraged by the mineowners was not an act of (racial) exclusion. 67

It is clear that Johnstone expanded his original notion that the wage colour bar involved wage minimisation. He redefined the colour bar. The colour bar was not restricted to the status of an exclusionary bar within South Africa's social structure. It was extended to cover all measures, both of and within the social structure, which obstructed groups' advancement. Colour bars, as a concept, covered the whole system of discrimination, through an examination of the organisation of that system in society as a whole. Hence the triad of property, exploitation and employment colour bars. Property relations set the scene for worker subordination; coercive instruments prevented the acquisition by Africans of higher wages; and exclusion instruments were enforced to ensure their inability to rise up the hierarchical ladder. Yudelman neglected Johnstone's property colour bars, and thus mistook the interaction of the different class colour bars as ahistorical, mono-causal phenomena.

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67. Yudelman, "The Quest for a Neo-Marxist Approach to Contemporary South Africa" p 203, emphasis added

Johnstone, finally, through his reformation of the basic questions redefined the issue and turned the subject on its head.

Even if Johnstone's schema was logically structured, he tended to overlook and simplify a number of issues. We have seen that Johnstone concluded that the involvement of employers generally prompted white workers to establish employment colour bars.<sup>68</sup>

In Class, Race and Gold Johnstone did not allude to non-mining industries as he had done in his earlier work.<sup>69</sup> Thus there was no basis for Johnstone to conclude the general case from the particular. Similarly, he did not argue in the later work to what extent white workers felt threatened in the 1890s, although he was clearly aware of this.<sup>70</sup>

The larger question which poses itself is, simply, when, how and why, did the economic or class interests of the white workers give way to the ideological racist component in response to the position of blacks in the labouring hierarchy.

Johnstone's period terminated in 1926 with the passage of the Industrial Conciliation Act and the consequent legalisation of the colour bar in industry.<sup>71</sup> He noted the origins and introduction of the civilised labour policy but did not analyse its implementation in any great

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68. cf above, p 19

69. Industrial Colour Bars in South Africa, pp 142-3

70. ibid, pp 132-3. Class, Race and Gold, p 66

71. These points are dealt with in greater detail in chapter 1

detail. Furthermore, the emphasis on gold-mining meant that secondary industrial development was neglected. Johnstone in effect admitted that his class analysis of the Pact as an alliance between white workers and small property owners was not exhaustive. Indeed, the alliance required "further systematic exploration" which could not be embodied in his own work.<sup>72</sup> Other marxist analysts turned to examine these points in greater detail.<sup>73</sup> It was left to Rob Davies and the fractionalists to extend the marxist perspective.

Davies attempted an "historical materialist analysis of class formation and class relations" in South Africa for the period 1910-60. It is perhaps the boldest attempt yet made by a marxist theorist influenced to a large degree by Poulantzas. Conventional analyses saw the state apparatus as essentially separate from society, and its actions in society as interventionist and hence contrary to full economic growth. Davies focussed on the relation of the state to society as a whole. The Poulantzians considered the state "as an integral part of South African capitalist development". Hence the state could be seen as a positive actor in society which not only organised and ran society but actually established the rules of the game as well.<sup>74</sup> The analysis which flowed out of that definition

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72. Class, Race and Gold, p 153

73. For a brief overview of this literature, cf Davies Capital, State and White Labour, pp 4-5

74. *ibid* pp 25-32 for an exposition of the theory of the state in capitalist society

of the state's role was pitched at "the system level". For Mason, its importance lay "in its identification of limited policy options open to the State, given the necessity of maintaining the viability of the economic system which underpin~~ned~~ it".<sup>75</sup> Solomons summarised the foundations of the fractionalist analysis in these terms:

- 1) Firstly it is agreed that social classes are not just to be analysed in terms of production relations, rather they have to be shown to exist in terms of a definite articulation of economic, political and ideological factors.
- 2) Secondly it is agreed that the positions of classes and fractions in definite class struggles cannot be immediately determined from the relation of production. 76

Davies was concerned with the nature of the white working class, the division of the capitalist class into 'fractions' representative of different dominant interests, and the interrelation of these elements within society as a whole. His study was neither one of synthesis nor a general study of the period. He wanted to remove "a particular lacuna in the analysis of the South African social formation."

Translated into the terms of his analysis, Davies sought

to make some contribution towards an understanding of social relations in the South African social formation by examining in detail how and why the South African state as a capitalist state in a capitalist social framework should have become involved in intervening during the major formative period between 1900 and the early 1960s

- 1) to work out particular places in the division of labour

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75. Mason, D "Industrialisation, race and class conflict in South Africa" p 150

76. Solomons, J "The Marxist Theory of the state and the Problem of Fractions" p 143

exclusively for whites and  
2) to incorporate white wage-earners into a particularly  
racially discriminatory 'industrial relations' system. 77

Davies' fractions were defined "in concrete class struggle and were recognized, inter alia, by a specific presence as ... fractions".<sup>78</sup>

The state operated as an organiser of the dominant classes, but because conflicting interest existed between the different fractions, "their political organisation ... was feasible only through the formation of a particular contradictory unit." This latter unit was called a "power bloc".<sup>79</sup> An essential feature of the power bloc was the dominance in it of one of the fractions. The hegemonic fraction, elevated to that status "through struggle within the power bloc," was first, "the most dominant of all the dominant classes and fractions," and second, was the one able to "set up its own particular interests as the general interest of the body politic." More specifically, the

politically hegemonic fraction, which need not necessarily be the economically dominant fraction, is thus the class which in the last analysis holds political power. But it need not necessarily be either the 'governing class' (the class whose political representatives form the regime) or the 'class in charge of the state' (the class from which the personnel who occupy the heights of the state are drawn) 80

Clearly, the power bloc needed some props from within the social framework to keep it in power. Classes which supported the power

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77. Davies Capital, State and White Labour, p 6

78. *ibid*, p 25

79. *ibid*, p 27

80. *ibid*, p 28

bloc on its own terms without receiving any "specific political concessions [s] in [their] favour" were called "supportive classes." Contrasted to that group were "allied classes." The support of an allied class was based largely on its ability to gain "some particular concessions, usually a political concession, in its favour".<sup>81</sup> The last actor within the scenario was the state which was

not some omnipotent entity existing above society but a particular level of the class relations in a social formation, and it cannot therefore transcend the limitations of the basic social relationships of which it is a part. 82

A number of criticisms have been levelled at the fractionalist approach as a whole. We turn, first, to look at the position of the state and the role of fractions, and second, to Davies' utilisation of hegemony as an analytical concept.

In general terms, the critics concentrated on two points. First, the role of the state in the actual studies themselves, ie divorced from their theoretical mould; and second the general conclusions which the fractionalists reach. As Mason put it, the

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81. *ibid*, pp 30-1

82. *ibid*, p 31

problem now became "the explanation of the course taken by the state" within the parameters as outlined above.<sup>83</sup> The state was

too often treated (implicitly or explicitly) as an agency (having a greater or lesser degree of autonomy) rather than as an aspect of the structures of inter-dependency in which groupings are bound up. As a result there appeared considerable difficulties in determining the nature of the relationships among such groups and the state. 84

Or, as Simon Clarke indicated, contra the view expressed by Solomons above,

Instead of showing how political conflicts arise as developed forms of class struggles constituted at the level of the relations of production by showing how various political and semi-political institutions developed on the basis of struggles centred on specific barriers to the valorisation of capital in South Africa, the process is reversed and simplified and the key to the class struggle is sought immediately in the relation between political organisations. The analyses therefore degenerate into an account of pressure group activities interpreted in terms of a theory of class. 85

Classes were no longer analysed as "purposive social actors," but became "passive recipients of state action."<sup>86</sup>

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83. Mason, D "Industrialisation, Race and Class Conflict in South Africa" p 150

84. *ibid*, p 141

85. Clarke, S "Capital, 'Fractions' of Capital, and the State" p 36

86. Mason, D "Industrialisation, Race and Class Conflict in South Africa, p 151. For similar criticisms, see Innes, D and Plaut, M "Class Struggle and Economic Development in South Africa" p 87 and Clarke, S "Capital, 'Fractions' of Capital, and the State" pp 50-1

Innes and Plaut cited one instance which had serious implications for the fractionalist approach. In his discussion of the component elements of the Pact government, Davies insisted that it was the "political manifestation of an alliance between national capital and white wage-earners." In terms of the allied class definition which he provided concessions must then have been granted to the white wage-earners, but at the same time the state was acting in the interests of capital as a whole. How, asked Innes and Plaut, was this contradiction to be resolved? It could only be resolved if

they assume that there is no contradiction between the interest of capital and labour. It is partly because the Poulantzians recognise this conflict between Marxist theory and the analysis which they actually present that they introduce the notion of white workers being a part of the 'new petit bourgeoisie' rather than the working class. For it is only by severing white workers from their own class that the Poulantzians are able to maintain the contradiction between capital and labour. 87

Innes and Plaut do not point out that this type of analysis led the fractionalists to underestimate the essentially working class reactions of white labour which Johnstone so ably described. Davies redefined the working class in terms of "the role of political and ideological relations".<sup>88</sup> White workers qua workers were effectively defined out of the class struggle which the fractionalists had held to be the "motor of history".<sup>89</sup> Their analysis of the interaction

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87. Innes, D and Plaut, M "Class Struggle and Economic Development in South Africa" p 93

88. Davies, R Capital, State and White Labour, p 21

89. Davies, R; Kaplan, M; Morris, M; O'Meara, D "Class Struggle and the Periodisation of the State in South Africa" p 4

between classes was approached from the perspective of the various intra-class struggles of the 'fractions of capital'.<sup>90</sup>

Another problem was Davies's use of the concept "hegemony". The power bloc, in his terms, could only materialise if one fraction assumed "leadership, [or] hegemony in it."<sup>91</sup> Davies's notion of hegemony, as outlined already<sup>92</sup> suggested a conflict between economic and political factors. That conflict was not clearly resolved in Capital, State and White Labour. His analysis of the Pact, for example, was instructive. It was an "alliance between national capital and white wage earners which enabled national capital to displace mining capital as hegemonic fraction."<sup>93</sup> National capital was only later described as the "politically hegemonic fraction".<sup>94</sup> The analysis bordered on tautology when Davies stated that "national capital remained capital and its hegemony was therefore the hegemony of a capitalist fraction in a capitalist state."<sup>95</sup> The suggestion that the hegemony

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90. Davies, R Capital, State and White Labour, for example, p 79 (poor whitism ), pp 231-2(dissolution of the Pact). See also Clarke, S "Capital, 'Fractions' of Capital, and the State" pp50-1; Innes D and Plaut, M "Class Struggle and Economic Development in South Africa" p 87

91. Davies, R Capital, State and White Labour, p 28

92. cf, above, p 25

93. Davies, R Capital, State and White Labour, p 34

94. *ibid*, p 179, emphasis added

95. *ibid*, p 181

exercised was also economic was based on the <sup>(questionable)</sup> evidence that agriculture and industry were both subsidised to a far greater degree from mining taxes after the 1924 Pact victory.<sup>96</sup> The explanation of historical development in terms of fractions of capital and the need for one fraction to assert its hegemony over other fractions provided some insights but clouded other factors. The importance of the divisions within the capitalist class was vigorously asserted, indicating that capital was not necessarily monolithic in itself. The danger was that an understanding of the interests of Capital as a whole could be retarded by the emphasis on the particularities of different capitals or fractions. Further, working class fractions or divisions tended to be neglected. Davies' commitment to the analysis of the struggles between capitalist fractions over against the working class as defined by him occurred despite his reliance on the work of H J and R E Simons.<sup>97</sup> Critics tended to concentrate more on the difficulties of the fractionalist analysis at the level of the capitalist class.

The rigidity which that analysis reintroduced (after Johnstone) has since been challenged. Belinda Bozzoli attempted "an explanation of the connection between capitalism itself, as an economic system, and the political and ideological forms that accompany it."<sup>98</sup> She thus did not differ from earlier analysts in her identification of the problem. The importance of her contribution lay in its unusual and

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96. *ibid*, pp 169, 252

97. Simon, HJ and RE Class and Colour in South Africa. Davies, Capital State and White Labour pp 7, 37 note 23

98. Bozzoli, B The Political Nature of a Ruling Class p 2

remarkable nature. Bozzoli set out to present an alternative marxist analysis of class formation and historical development to that presented by the fractionalists. She clarified their conception of the state, expanded but tightened the concept of hegemony, and questioned the validity of 'fractions of capital' as a heuristic device.

The state was defined in both a narrow and a wide sense. The narrow sense meant "the immediate system of government" which included actors like parliament, political parties, the civil service, law and order, and "other recognisable and central institutions." At the more general level, the state represented "the entire system through which the ruling class's dominance is exercised." That system included the "class structures [of society] as moulded by capital, the ideology propagated by capital, and its manifestation in a variety of structural forms."<sup>99</sup>

Just as Bozzoli's definition of the state echoed Gramsci, so did her definition of hegemony. Hegemony for Gramsci represented class rule: the system in which a particular world view is dominant, where

one concept of reality is diffused through society in all its institutional, and private manifestations, informing with its spirit all taste, morality, customs, religions and political principles and all social relations, particularly in their intellectual and moral connotations. 100

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99. *ibid*, p 215

100. *ibid*, p 18

Hegemony is not exercised in isolation, but is located in "the struggle between and within classes." Its exercise involved "the 'acquiescence' of workers, [rather] than ... the exercise of force over them."<sup>101</sup> Bozzoli nevertheless correctly stressed that "it would be incorrect and ahistorical to treat the concept of 'hegemony' as a holistic, all-embracing, reified 'thing'." Thus her study attempted to

seek out the ways in which the development of a system of hegemonic domination by capitalists both succeeds and fails, and the relationships between repression, force and acquiescence. 102

Bozzoli argued that "political and ideological forces must be combined with economic factors in an interpretation which must be as multi-faceted as hegemony itself."<sup>103</sup> Bozzoli broke with the tendency within fractionalist analysis to reify hegemony by rooting it in a reductionist analysis based on the rise and fall of groups or fractions identified in terms of economic interest.<sup>104</sup> The term class referred

not only to the relationship of particular groups of people to the means and the process of economic production under capitalism, but also to their political, cultural and ideological characteristics and their relationship in a range of economic and non-economic sphere, to other classes and to the state. 105

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101. *ibid*, pp 18-19

102. *ibid*, p 19

103. *ibid*, p 143

104. Bozzoli, B "History, Experience and Culture" in Bozzoli, B (ed) Town and Countryside in the Transvaal pp 18-19

105. Bozzoli, B The Political Nature of a Ruling Class pp 5 - 6

She argued that that definition indicated the existence of two bourgeoisies, not one.<sup>106</sup> Bozzoli argued against the idea that change occurred "within a single capitalist class," as well as the notion that a change occurred "from imperial capital to national capital, [in] a unilinear progression." Instead, simultaneous change took place in the respective natures of the two different classes of the bourgeoisie. A process of give and take occurred. The effects of war, depression, unemployment, labour struggles and the like reacted differently on the two classes. Imperial capital's influence waned whilst national capital's waxed.<sup>107</sup> But the classes were not wholly different. At least two common interests prevailed. First, the "exclusion of blacks from the legitimate state" and, second, "the unacceptability of any unity between the black working class and the white working class."<sup>108</sup> Furthermore, Bozzoli argued that in the 1920s and 1930s the once clear demarcation between national and imperial capital with manufacturing and mining respectively became blurred. The split became in fact "far more complex."<sup>109</sup>

Bozzoli used her redefinitions of state, class and hegemony to answer what she classified as her "basic historical question" :

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106. *ibid*, pp 171, 260-2

107. *ibid*, p 171

108. *ibid*, pp 129, 138

109. *ibid*, p 154

how did capitalists themselves in South Africa bridge the gap between their more or less abstract economic needs, and the concrete social implications thereof? 110

Her answer represents one of the boldest attempts yet to suggest a solution to the problem. A thorough analysis of capitalist media, defined largely as commercial, mining and manufacturing magazines, was conducted with four factors in mind. First, Gramsci's notion of "organic intellectuals"<sup>111</sup> was used to classify members of the aspirant bourgeoisie who addressed themselves, as strategists and policy initiators, directly to that class of people through the pages of their journals. Second, Bozzoli examined the "audience", the bourgeoisie as such divided into its different sections, in order to ascertain why organic intellectuals were needed at all. Third, the actual ideas of the ideologies were examined in relation to what particular world-view and/or vision they propagated. Fourth, the first three factors were placed against the background of the general historical context of the period.<sup>112</sup> The interrelation of intellectuals, audience, ideas and historical context showed that different classes were at different stages of class formation. Differences between 'advanced' and 'retrogressive' capitalists were identified. Some capitalists clearly saw themselves as members of a class for itself, whilst others did not. Organic intellectuals became the link between the individual actors themselves and the general class itself.

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110. *ibid*, p 8

111. Gramsci, A "The Intellectuals" in Selections from the Prison Notebooks, pp 5-14

112. Bozzoli, B The Political Nature of a Ruling Class, pp 10-17

Notwithstanding the hope that the work "makes up in theoretical and comparative insights what it lacks in detail,"<sup>113</sup> Bozzoli contributed an excellent guide into the minds of the leading ideological protagonists of the bourgeois classes she identified. It represents the first real attempt to show that capitalists did at times act rationally, did plan policies and did participate willingly - for a variety of reasons - in state interventionist politics. Bozzoli's work is representative of recent attempts to break "the strong hold over radical scholarship in this country of an Althusserian, and/or structuralist method of analysis."<sup>114</sup> . As such it remains firmly within a general marxist framework which produces a more vibrant, less mechanical perspective to the study of South African history.

To summarize: the different approaches outlined in the preceding pages present different problems and produce different parameters of analysis. W H Hutt represented a group of conservative analysts who ascribed the subordinate position of blacks in South Africa to state intervention and the racist prejudices of white workers. Economic development was seriously hampered by state policies. He argued that employers, if left to themselves, would have removed the customary barriers and in that way contributed to the establishment of a just state. Justice was a concept analysed in terms of the capitalist economic system. Sheila van der Horst, one of Hutt's contemporaries,

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113. *ibid*, p 24

114. Bozzoli, B "History, Experience and Culture" in Bozzoli, B (ed) Town and Countryside in the Transvaal p 2

recognised that some features of the racist system had benefited employers. Ultimately though, the intrusion of government and worker prejudice would ensure the continued subordination of blacks generally and affect adversely future economic growth. Hutt and van der Horst were first and foremost economists. The question they asked was not why economic growth had taken place given the presumed dysfunctional system, but was rather to what extent *that system had* operated against economic growth.

Radical scholars also approached the larger problem of "race" and "capitalism". They were more concerned with the lengthy dominance of a racist system in South Africa given the rapid and remarkable economic growth which had taken place. Thus the positive, and in the long run more useful, question was posed: was the system as dysfunctional as the neo-classicists thought?

Marxist analysts have come to dominate South African historiography. They questioned the so-called neutrality of the capitalist economic system and the innocence of capitalists, and concluded that direct beneficial links in the chain of causation existed between economy and racist structures. It was shown how, in fact, different groups within the capitalist class had different sectional interests, and that development depended on which group was in power at a particular time. Thus, what at first appeared to be irrational or dysfunctional, was in fact the opposite. The racism of white labour was rooted in their

position of structural insecurity and subsequent cooption by the capitalist state. Similarly, the difference in organisation between national and imperial capital resulted in different approaches to the problems of capital cumulation. Johnstone analysed the structural parameters of the gold mining industry, Davies examined different 'fractions' in the capitalist class, and Bozzoli, in response to the fractionalists, produce a less sterile and richer analysis based on the articulation of ideas, policies and ideology by capitalist themselves.

Such different approaches naturally led to different interpretations of specific events and phenomena. The position of industrial legislation in general and the Wage Act in particular is a case in point.

Commentators are generally agreed on a number of points concerning the Wage Act. It was not the first law to provide for the regulation of the payment of wages and working conditions. It operated in conjunction with such Acts as the 1922 Apprenticeship Act and the 1924 Industrial Conciliation Act. It formed part of the cluster of laws through which the government attempted to implement its 'civilised labour policy'. That policy ostensibly entailed the extension of employment opportunities for whites in the economy generally.

Differences between analysts, of emphasis, nuance and interpretation, arise concerning the effects of the civilized labour policy on the body politic itself. But whilst most commentators, whether they be historians, economists or sociologists, mention the Wage Act in passing, few have attempted to make a systematic analysis of its origins, operation and role in South African history. In the following section, attention is turned first to a select number of analysts who have mentioned the Wage Act but who failed to look at it in any real depth. Second, three unpublished works which dealt directly with the Act are analysed.

Hutt admitted that his concern was "solely" with the relationship of civilised labour legislation "to 'injustice', real or imagined, between one race or colour and another".<sup>115</sup> The Wage Act was responsible for keeping African wage rates low.<sup>116</sup> This was done partly because it was applied to occupations where "the entrepreneurial search for cheap labour was tending most directly to raise relative non-white standards" because "no labour unions had then been formed"<sup>117</sup>, and partly because political action by blacks was "wholly impotent".<sup>118</sup> The Act was introduced to ease the poor white problem and to preserve "white

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115. Economics of the Colour Bar, p 74

116. *ibid.* p 29

117. *ibid.* p 75

118. *ibid.* p 81

civilisation by restricting competition from non-whites".<sup>119</sup> The arguments that wage regulation was instituted to prevent sweating<sup>120</sup> in industry as well as to improve efficiency he sweepingly dismissed as "red-herrings".<sup>121</sup> Hutt argued that the Wage Board did not concern itself with "the remuneration of work performed by non-whites in which there was virtually no competition with whites" until after 1937. He correctly noted that the Act was not overtly discriminatory but that later amendments made it more so.<sup>122</sup> On the other hand, the Wage Act entrenched the principle of the rate for the job which operated to

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119. *ibid.* p 75

120. The term "sweating" or "sweated labour" is used in two ways in this thesis. The first, or general and most common, usage refers to the production of goods by workers working under poor conditions (bad lighting, ventilation, overcrowding, long hours etc.) for starvation wages. Presumably, this was how Hutt used the term. The second, or technical, sense refers to the system whereby a "sweater" interposed himself between worker and buyer. This system was well illustrated by Marx: "A sweater is someone who undertakes to deliver a certain quantity of work at normal prices to an entrepreneur, but who then has it carried out for a lower price by others. The difference, which goes to make up his profit, is sweated out of the workers who actually perform the labour and represents nothing but the difference between the value of the labour-power that is paid by the first entrepreneur and the price which is equivalent to less than the value of that labour-power and which is paid by the sweater to the actual workers." Marx, K "Results of the Immediate Process of Production." p 1071 in Marx, K Capital vol 1; cf. also Capital vol 1 p 695

121. Hutt. W Economics of the Colour Bar. p 75

122. *ibid*

create "the most powerful yet most subtle colour bar that has ever operated." The system of equal pay for equal work. Hutt argued,

is a result of the neutrality of the free non-discriminatory market. It is no method of achieving such a market. When the standard wage-rate is forced above the free market level (whether through legal enactment or the strike threat), thereby reducing the output which can be produced profitably, it must have the effect of preventing the entry of subordinate races or classes into the protected field or of actually excluding them from it. 123

Once again Hutt's essentially intra-system assumptions protrude. Hutt's reasons for calling the Wage Act a colour bar instrument - in the sense that it operated against "subordinate races or classes", ie largely unskilled Africans - were based on theoretical assumptions and not rooted in material life. He merely suggested that only white workers and the state supported it and that entrepreneurs resisted it. Because entrepreneurs could not be blamed, the possibility of sweating and managerial and business inefficiency had to be denied.

Van der Horst on the other hand provided a brief outline of the Act which acknowledged the practical racism of the measure, that the Wage Board was concerned with an apparent lack of business efficiency, and that determinations markedly affected the racial composition of the industrial workforce.<sup>124</sup> Her main concern was the effective exclusion of, or discrimination against workers who fell into lower wage brackets than those prescribed by determinations. Those workers were affected.

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123. *ibid.* p 72

124. Native Labour in South Africa pp 252-259

it was argued, because their value to the employer was less than the prescribed rates. Similarly, the decrease in profitability resultant from increased wage costs meant the restriction of employment positions and opportunities.<sup>125</sup> Van der Horst did not examine the motivations, support or otherwise, to the Act, nor was the Act examined beyond the terrain of employment patterns.

For Bozzoli, the Wage Act played but a very small part, but her comments are suggestive. The Act was a "symbol of state autonomy" during the 1920s. By this she meant that although the Pact had received significant electoral support from national capital it was not bound to it. The Pact soon showed its independence from national capital through the Wage Act, an act which had the potential to upset the wage-scale applecart.<sup>126</sup> The appointment of the personnel for the first Board and their first reports caused initial manufacturing and commercial support to turn into opposition.<sup>127</sup> Bozzoli appeared to accept the view that determinations laid down high wages during the 1920s.<sup>128</sup> Her identification of the Act as symbolic restricted her terms of reference; the activities of the Wage Board during the depression and the Fusion period were not mentioned. Instead, the analysis turned to the next "symbol of state autonomy",

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125. *ibid*, pp 255-6, 259

126. Bozzoli, B The Political Nature of a Ruling Class pp 225, 245

127. *ibid*, pp 178, 226

128. *ibid*, p 192

the gold standard crisis.<sup>129</sup> Bozzoli succeeded, nevertheless, in shedding some light on the nature of at least one section of capital's support for the Wage Act. She also suggested that one reason why white workers were favoured during the civilised labour period of the 1920s and 1930s was their potential as an internal consumer market.<sup>130</sup> A rational argument for what for a long time was considered a racial phenomenon was thus proposed as one explanation for the civilized labour policy.

With closer regard to African workers, Roux suggested that the Wage Board, through its ability to take evidence from any quarters it wished, contributed towards the organisation of African trade unions in the late 1920s.<sup>131</sup> Lewis extended Roux's point to declare that the effective restrictions placed on African access to the Board perhaps contributed to the decline of African trade unions during the early 1930s.<sup>132</sup> Wickins's analysis of the Industrial and Commercial Workers' Union indicated that at least within the ICU itself the Wage Act's existence led to the retention of faith in both Hertzog and Creswell as "fine fellow[s]".<sup>133</sup> A determination at Bloemfontein

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129. *ibid*, p 245

130. *ibid*, pp 198-203

131. Roux, E Time Longer Than Rope, p 209

132. Lewis, J "'The New Unionism': Industrialisation and Industrial Unions in South Africa 1925-1930" in Webster, E (ed) Essays in Southern African Labour History p 130

133. Wickins, P The ICU of Africa, p 83

for unskilled workers further encouraged Africans to seek redress through the medium of the Wage Board.<sup>134</sup> Wickins was able to conclude that the "Wage Act was used on behalf of Black workers".<sup>135</sup> Because the Wage Act itself was peripheral to the larger concerns of Roux, Lewis and Wickins, their interesting points were not pursued.

Davies attempted a more thorough analysis of the Wage Act as an element of the civilised labour policy. He claimed that mining and manufacturing were united in their opposition to the Wage Act, but also noted that that opposition disappeared. Mining capital's fears were allayed before 1930 when the Wage Board itself practically washed its hands of a wage dispute in the industry.<sup>136</sup> Larger capitals in manufacturing were soon won over because the Wage Board operated within the bounds of their "existing wage structures." The state used wage regulation to promote mechanisation by determining wage levels acceptable to the most advanced capitals in industry.<sup>137</sup> After dealing with the groups who either benefitted or were not affected by the determination, Davies turned his attention to those who suffered. Two groups were involved: small, manufacturing capital and unskilled workers who were

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134. *ibid*, pp 99, 133, 172, 182-3

135. *ibid*, p 207

136. Davies, R Capital, State and White Labour, pp 183-7, 213

137. *ibid*, pp 213-4

predominantly Africans. Small capitalists were forced out of operation because of higher costs, and unskilled workers were retrenched because they had become too expensive.<sup>138</sup> Davies noted that the increase in wages for Africans who remained in employment was offset by the containment of "the heightened class struggle by African workers."<sup>139</sup> He attributed the decline in Wage Board activity after the depression to two factors. The number of semi-skilled places in the job market trailed <sup>behind</sup> the rate of general industrial growth, and the increased influx of Africans into urban areas caused problems for white workers and the industrial relations system. Industrial courts which operated under the Industrial Conciliation Act were then used to protect whites. The 1937 Wage Act, Davies argued, was introduced to control African wages in the face of African worker organisation,<sup>140</sup> but his discussion of how the Act affected Africans was deficient.<sup>141</sup> Whilst Davies focussed attention on who benefitted and who did not benefit from Wage Board determinations, he neglected to consider how the Act itself was administered after the depression.

At least three unpublished dissertations paid closer attention to the Wage Act itself.<sup>142</sup> Pursell was anxious to trace the development

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138. *ibid*, p 216

139. *ibid*, p 217

140. *ibid*, pp 264-5

141. Davies partly admits to this criticism, cf. *ibid* p 218

142. Pursell, D "Minimum Wage Regulations Under the South African Wage Act; Bolitho, J "The South African Wage Board, 1925-1945"; Budlender, D "Labour Legislation in South Africa 1924-1945"

of the Wage Act from its inception in 1925 to the 1960s. He noted that the Wage Board supplemented the Industrial Conciliation Act,<sup>143</sup> that it concerned itself with promoting efficiency in industry,<sup>144</sup> and that it attempted to improve and regulate conditions of labour during the 1920s.<sup>145</sup> The regulation of wages also provided means to control white unorganised labour in a climate which recalled the general strike of 1922.<sup>146</sup> He did not provide any specific details in support of the argument that the system operated to promote white employment.<sup>147</sup> He further urged that the shift in emphasis from whites to Africans occurred after the introduction of the 1937 Act,<sup>148</sup> and he suggested that the Bloemfontein unskilled wage determination "was probably more the result of the Bloemfontein riots than a desire to regulate unskilled wages."<sup>149</sup> He attributed the support which the Board received from the business community after the depression to a change from principle (involving employee upliftment, wages, hours, conditions, etc., for their own sake) to pragmatism (raising wages piecemeal and not determining general conditions of labour) on the Board's part.<sup>150</sup> This

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143. Pursell, D "Minimum Wage Regulations under the South African Wage Act" pp 9; 95-6; 237

144. *ibid*, pp 57, 64

145. *ibid*, p 8

146. *ibid*, p 52

147. *ibid*, p 55

148. *ibid*, p iii

149. *ibid*, p 65

150. *ibid*, p 254

suggestive proposition was not pursued in any great depth. Pursell was mainly concerned to identify the changes which took place in the nature of the differentiation between skilled and unskilled wages after 1937.<sup>151</sup> The wage board's period from 1926 to 1937 he treated more as as aberration than as a period worthy of study in its own right.

Bolitho covered the same ground as previous analysts. The strength of her contribution lay in her treatment of the role of the Wage Act vis-à-vis African workers. The state dithered over whether to apply the Act to Africans even while the Bloemfontein investigation was progressing. She cautiously concluded that the State decided to deny Africans their rights under the Act by amending the regulations. The decision "to resist further wage increases for unskilled labour" after 1930 was not actually pinpointed.<sup>152</sup> On the other hand her fuller treatment of the relationship between the Wage Board and African trade unions prior to 1930 clearly indicated that the former promoted the organisation of the latter.<sup>153</sup>

Budlender placed the Wage Act in the context of industrial legislation generally. Moreover, the Riotous Assemblies Act and related measures were linked to labour laws in an attempt to show that coercion and control were implemented through overt and covert means. Unfortunately, Budlender transposed trends she identified in the period

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151. *ibid*, pp 110-111

152. Bolitho, J "The South African Wage Board 1925-1945" pp 11-14

153. *ibid*, pp 20-23

after 1937 back into the 1920s and 1930s. This occurred largely because she erroneously thought that it was

only after the 1935 Industrial Legislation Commission officially 'recognised' the importance of the colour aspect that any colour breakdown is given in the statistical information on the overall operation of the Act. 154

The result was that Budlender partly misread the period from 1926 to 1937. Her general statement that changing "economic and political conditions occasioned amendments, and resulted in blacks being included to an increasing extent "<sup>155</sup> needs further examination, even in the light of secondary source material. The 1929 restrictions on Africans were referred to only with regard to their removal in 1937 which made it easier for Africans to utilise the Wage Board.<sup>156</sup> She pointed out that the general division of labour merited attention, but failed to focus on it "because of its importance and the lengthy treatment needed".<sup>157</sup> Similarly, the argument that higher wages were necessary in order to create a market which could consume commodities was only touched on.<sup>158</sup> In general terms, Budlender's treatment of the Wage Act was seriously marred by the inadequate basis on which she built.

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154. Budlender, D "Labour Legislation in South Africa 1924-1945" p 110 Budlender depended on the summarised reports of the Wage Board which were published as part of the annual reports of the Department of Labour (Budlender, p294). As can be seen from the Bibliography (p 478-9 below), these reports were included from 1932. Thus, the activities of the Board were not covered from 1926 to 1932. This shortcoming compounded the weakness of some parts of her analysis.

155. *ibid*, p 110

156. *ibid*, pp 116-7

157. *ibid*, p 127 note 4

158. *ibid*, p117

It is quite clear from the foregoing that South African historical development in general and the Wage Act as an instrument of the civilised labour policy in particular have been variously treated. A perspective, characterised in the most general terms as one which consciously approaches the subject in terms of class conflict has become dominant. Similarly, the one dimensional view which saw the Wage Act as an instrument of state intervention acting against rules of economic rationality has been superseded. There has appeared in its place a view which suggests that the Act as state intervention meant different things for different classes and sections of classes, did not necessarily act dysfunctionally within the economy, and in fact materially affected many aspects of industrial and social life.

This thesis attempts to examine the Wage Act's operation generally during the period 1925 to 1937.

Chapter one addresses itself to the question of context. It outlines briefly the backdrop created by the mining revolution, the rise of manufacturing and commerce, the poor white problem and salient political events. A more detailed section attempts a descriptive analysis of South Africa's secondary industrial world during the 1920s and 1930s, the sector in which the Wage Act was implemented. Lastly, a brief sketch of the history of the labour movements identifies the people whom the Act affected in the factories and workhouses described in the previous section.

Chapter two examines the origins of the civilised labour policy itself and attempts to define what that policy entailed, given the number of fluctuations and changes that took place during the period. It also plots the history of wage regulation, with specific reference to wage board style legislation, down to the enactment of the Wage Act in 1925. The next four chapters address themselves directly to the issues raised by the critics. Chapter three considers the general features, development and administration of the Act. This includes identifying which groups were ultimately affected by the legislation and how they reacted. The discussion revolves around such issues as evasion of determinations, the role of courts of law, delays, the Act's relation to the Industrial Conciliation Act and labour reactions. Chapter four concentrates on the effects of wage board determinations in industry. It examines how these determinations were linked to questions like consumerism, efficiency, production costs, unemployment, competition, hours and the effects on employers generally. Chapter five looks at the Wage Act in its specific role as an instrument of the civilised labour policy. It sets out to detail precisely what the Board saw itself as doing, and second, how it went about its task. The chapter deals with case studies to show how it supplemented the Industrial Conciliation Act, and how the determination of specified minimum wages affected the racial composition of the work force. The manner in which the Wage Act was applied specifically to Africans as unskilled labourers is dealt with in chapter six. Here we not only examine investigations into unskilled work, but also attempt to pinpoint and explain why Africans were at first included,

then excluded and later brought back under the aegis of the Act. The Conclusion draws all the pieces together and attempts to explain the role of the Wage Act as a whole in the context of South African development generally.

**CHAPTER 1 South Africa: the period c1900-1939, a general background**

This chapter attempts three tasks. *Initially*, it traces, in very general terms, developments in South Africa from about the turn of the century to the collapse of the Fusion Government in 1939.

*Next*, it examines in greater detail the nature of working conditions, labour processes and industrial development in manufacture generally but more particularly in some trades and industries which fell under the scrutiny of the Wage Board. The task here is more descriptive than analytical, partly because of the paucity of readily available evidence on the individual industries and partly from choice so as to provide a general picture of a number of South African industries during the period under review. *Finally*, the chapter provides a summary of developments within the labour movements during the period. First, labour ostensibly was supposed to benefit from labour legislation. Second, until fairly recently much of the literature has tended to restrict its careful attention to the bourgeois classes and the differences between sections of the bourgeoisie. The working classes for their part have tended with few exceptions to be the victims of harsh generalisation, have been seen more as reacted upon than as actors in their own right, or alternatively have been ignored completely.

Prior to the discovery of diamonds in 1867 and the major gold discoveries on the Witwatersrand some nineteen years later, South

Africa was largely a pastoral, agricultural region. Industries as such appear to have been restricted to small-scale endeavours such as sugar-refining, carriage building, leather, tanning, milling, soap-making, building and printing.<sup>1</sup> Such trades were undertaken throughout the country where pockets of people lived but the main areas of activity were naturally situated at coastal centres or towns adjacent to them.

The discovery of diamonds and the rapid development of the Kimberley diamond mines, initially for a short time in the hands of many individual diggers, but ultimately of a small group of capitalists, provided South Africa with "groups of entrepreneurs with good connections in the international capital markets, and a supply of investible capital."<sup>2</sup> The early development of small-time diamond mining encouraged the migration of white fortune-seekers, many of whom were later to become white proletarians. As the diamond mines grew the heightened demand for cheap labour ensured the entrenchment of African migrant labour. Admittedly, in the case of Africans, labour migrancy had existed amongst certain groups such as the Sotho and the Pedi but it became somewhat more generalised after the discovery of diamonds and

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1. Van der Horst, S Native Labour in South Africa, p 235

2. Johnstone, F Class, Race and Gold, p 13

later, of gold.<sup>3</sup> But even after the discovery of gold and the development of deep-level mining, migrant labour had to be forced from certain areas like Pondoland and Mocambique to work the mines.<sup>4</sup> The rudiments of the compound system and the forced migrant labour system became established after the diamond discoveries of the last century.

It is clear that the recruitment of African labour was not an easy task. At first, a certain amount of voluntary migrancy took place but was not sufficient to supply the growing needs of the industry. A process of recruitment was devised. The Chamber of Mines only really established its monopsony in this field well after Union with state assistance. The activities of independent recruiters, who were mainly traders in the reserve areas, surpassed attempts by mining company representatives to get labourers, partly because they were in closer contact with the population and partly because they could control potential migrants through systems of advancement or debt inducement.

The recruitment of contractual labour was organised in many different ways. The Chamber of Mines for its part attempted to

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3. Delius, P "Migrant Labour and the Pedi, 1840-80" in Marks and Atmore, Economy and Society in Pre-Industrial South Africa pp 292-312; Kimble, J "Labour Migration in Basutoland, c 1870-1885" in Marks and Rathbone, Industrialisation and Social Change in South Africa pp 119-141
  4. Beinart, W The Political Economy of Pondoland 1860-1930 pp 54-63; Harries, P "Kinship, ideology and the nature of pre-colonial migration" in Marks and Rathbone, Industrialisation and Social Change in South Africa, pp 142-166

control recruitment through the creation of co-operative companies like the Rand Native Labour Association in the 1890s, its successor, the Witwatersrand Native Labour Association, in 1900, and then in 1912 the Native Recruiting Corporation which eventually became the instrument through which the Chamber established its monopoly. The Chamber's task was difficult to undertake and labour recruitment remained unstable and expensive.<sup>5</sup>

Once recruited or engaged on the mines, the African men had to be accommodated. At first, workers on the diamond mines were housed on their employers' property but later, ostensibly because of illicit diamond buying and theft but mainly through the need for adequate control and organisation of the labour force, the African diggers' compounds and camps on the outskirts of Kimberley developed into closed compounds. White workers successfully resisted mineowner attempts to compound them, and the incarceration of Africans in

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5. These points are elaborated in Beinart, W The Political Economy of Pondoland, pp 54-69, and Jeeves, A "The Control of Migratory Labour on the South African Gold Mines in the Era of Kruger and Milner" and "Migrant Labour and the Colour Bar on the South African Gold Mines". Examples of Contracts are housed in the Cory Library for Historical Research: 1. Memorandum of Agreement between the Companhia do Nyassa, registered in Lisbon, and WNLA dated 1903, for recruitment by WNLA in the "Territories of the Company"; 2. Agreement between Simmer Deep Ltd and Andrew Mauritz Mostert, an independent contractor who was to supply not less than 1 000 Africans, dated 1909; and 3. the Agreement between Rand Mines Ltd., H Eckstein and Co., Consolidated Gold Fields of S A Ltd., and H M Taberer, formerly an official of the Transvaal Native Affairs Department, who was now appointed as sole recruiter, dated 6 January 1909. Gold Fields Collection, MS 14 948 (folder)

barracks behind fences "determined the maintenance of an African migrant labour policy and the development of a labour aristocracy of supervisory and skilled white workers."<sup>6</sup> The compound system as it developed in Kimberley was later extended and refined on the gold mines.<sup>7</sup> The white mine workers for their part were housed largely in boarding houses, or mining company single quarters establishments. The authorities' concern for their living conditions, sparked by anxiety at the political menace of a white working class movement, ensured that white working class housing projects were undertaken. The result rapidly extended the growth of working class suburbs in Johannesburg like Jeppe and Fordsburg.<sup>8</sup>

The discovery of gold on the Witwatersrand "brought to an end a distinct period in the economic history of southern Africa "<sup>9</sup> and ushered in a new one which has given rise to much debate. The industry was plagued from its very inception with various problems related to geological features on the Rand. It was soon noticed

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6. Turrell, R "Kimberley: Labour and Compounds, 1871-88" in Marks and Rathbone, Industrialisation and Social Change in South Africa p 64
  7. Van Onselen, C Chibaro, although dealing with the structures of control in the Rhodesian context, provides a pioneering analysis of compound life and its role in the gold mining industry
  8. Van Onselen, C "The world the mine-owners made" in Studies in the Social and Economic History of the Witwatersrand 1886-1914 vol 1, pp 24-40
  9. Richardson and van Helten, "Labour in the South African gold mining industry, 1886-1914" in Marks and Rathbone Industrialisation and Social Change in South Africa, p 77

that the outcrop or surface reef of gold dipped away to the south. When the mine owners attempted to reach the deeper gold fields the hazards of deep-level mining came to the fore. Not only did the mine owners need the services of shaft diggers but also men with the necessary skills of underground mining. Skilled miners were obtained mainly from Britain and Australia. They brought with them trade union experience and realised that the mine owners were dependent on them for their skills. As such they were able to demand and receive higher wages than those they had received back home. Furthermore, although some good ore was extracted, a lot was of a poorer quality than that mined in Australia and Canada, and was not always consistent in quality. Chemical processes had to be devised to extract ore from the pyritic rock in which deep-level gold was deposited. South African gold, like other gold, was sold at a fixed price on world markets which were themselves susceptible to depression. All heavy machinery needed for mining operations was initially imported, the administrative structure and the economy of the South African Republic was built to suit a pastoral country, not one which could support advanced mining technology. Although the capital accumulated in the diamond industry assisted the initial development of the gold mines, the industry did not benefit from a reliable, constant inflow of capital. All these factors together made mining financially precarious, and mine owners sought to reduce costs internally.

The high cost of irreplaceable skilled labour forced the mine magnates to organise the labour structure of mining in such a way as to minimise that cost. The solution lay in the development of "a production process which satisfactorily exploited the growing reservoirs of cheap unskilled African labour whilst restricting the scope and extent of white employment in a manner consistent with the difficulties of Witwatersrand production".<sup>10</sup> White, skilled workers were increasingly concentrated on the surface, especially after the mid-1890s when the deep-level mines developed. Conversely, African labour increasingly moved underground.<sup>11</sup>

An important part of the story of gold-mining in South Africa is capital's attempts to reduce production costs wherever possible, the most important area being the employment of cheaper labour, and the opposition of workers who felt threatened by the employment of lower valued workers. In other words it revolves essentially around the issue of the colour bar in the mining industry and the fragmentation of skilled jobs.

The colour bar was first introduced in 1893. Law No 3, 1893, restricted blasting work to whites. A number of amendments were made and were consolidated in 1898. After the South African War, the British administration in the Transvaal maintained and

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10. *ibid*, p 81. Richardson and Van Helten have produced what must rate as the best, succinct analysis to date of the labour structure of mining between 1886 and 1914. A lot of their material is drawn from Johnstone, Davies, et al., and the analysis presented here owes much to their synthesis.

11. *ibid*, p 83

extended the colour bar in 1903 and again in 1906. The colour bars contained in the regulations were not statutory and the Chamber of Mines objected, not to the principle of the colour bar, but only to some of its more extreme applications.<sup>12</sup> Levy has noted that the extension of the colour bar under Milner's administration was used to reduce white commercial, agricultural and miners' fears that the introduction of indentured, poorly paid Chinese labour (to offset the shortage of African wages resulting from wage reductions) would jeopardize their commercial, farming and mining occupations. Furthermore, he indicated that the incorporation of the restrictions against Chinese labour imposed by the Transvaal Labour Importation Ordinance of 1904 under the 1903 Mines, Works and Machinery Ordinance by government notices from time to time actually extended the bar against Chinese workers to cover Africans as well. The latter ordinance in effect "removed the colour bar legislation of the old republican laws and cemented the Chamber's wage structure by enabling the government to frame regulations where necessary under the Ordinance."<sup>13</sup>

Johnstone considered the early colour bar from two angles. First, the colour bars on the mines were well-established before 1910. Second, "their history reveals that the idea that skilled

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12. Johnstone, F A "Industrial Colour Bars in South Africa 1910-26" pp 130-144 provides an excellent overview of the regulations, ordinances and statutes from 1893-1926 which established colour bars.

13. Levy, N The Foundations of the South African Cheap Labour System p 225

work had always been the exclusive preserve of whites while Africans had always been restricted to unskilled work is false."<sup>14</sup> In 1907 the Transvaal Mining Industry Commission was informed that Africans and Chinese workers performed skilled tasks. They drove air winches, were in charge of "pumping machinery, sorting tables, waste rock and tailing elevators, mechanical haulages, shop boilers and engines, motors and machinery." Africans also worked as drill sharpeners, brickmakers and in crushing mills.<sup>15</sup> As Johnstone indicated, all the above jobs with the exception of drill sharpening "became, but had not always been, the exclusive preserve of whites."<sup>16</sup> Africans were displaced by whites in such a way as to ensure that the "white monopoly over most skilled occupations was not a traditional but an acquired monopoly." The 1904 Ordinance was the "first explicit legal expression of the conventional division of skilled and unskilled labour on a racial basis."<sup>17</sup>

The Mines and Works Act of 1911 did not decree a colour bar. The Governor-General was only empowered to issue regulations under the Act and the colour bar was institutionalised in regulations which dealt with certificates of competency. Thirty five occupations were reserved for whites in terms of the regulations. The colour bar in the regulations was buttressed in 1918 by the Status Quo

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14. Johnstone, F A "The Industrial Colour Bars in South Africa, 1910-1926" p 132

15. Cited by Alexander, R Job Reservation and the Trade Unions, p 4; Johnstone, F A "The Industrial Colour Bar in South Africa, 1910-1926" p 132

16. Johnstone, F A "The Industrial Colour Bars in South Africa, 1910-1926" p 133

17. *ibid*, p 133

Agreement, which was reached between the Chamber of Mines and white workers at the end of the war to safeguard the white workers from the threat of redundancy as a result of rising costs. This agreement was a voluntary accord between white miners and mine owners which in effect extended the colour bar to another 19 occupations. The agreement stipulated that

the status quo as existing in each mine with regard to the relative scope of employment of European and coloured employees should be maintained, that is to say that no billets which are held by European workmen should be given to coloured workmen and vice versa. 18

The Rand Revolt of 1922 was not the first time that white miners had struck. The outbreaks in 1902, 1907, 1913 and 1914 over wages and attempts by mine owners to reorganise the labour process at the expense of the white workers' privileged position were the forerunners of 1922.<sup>19</sup> Discontent had simmered for a while but matters came to a head when the Chamber of Mines, more mindful of high costs during the economic recession which followed the end of the war and the drop in the price of gold, finally announced wage reduction for higher paid workers, would be reduced, the abolition of the Status Quo Agreement and the reorganisation of underground work. The revolt was savagely put down by Smuts's

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18. Quoted in Johnstone, *ibid*, p 136. The list of occupations, both prescribed and not prescribed for whites on the mines is reproduced as Appendix B pp 448 below

19. For the 1907 strike, cf Yudelman, D "Lord Rothschild, Afrikaner Scabs and the 1907 Strike"; Davies, R Capital, State and White Labour, pp 67-71, 115-116; 1902, 1913: Katz, E A Trade Union Aristocracy, *passim*.

government. Smuts's action came to be seen as evidence of a strong association between the Chamber of Mines and the SAP Government.<sup>20</sup>

The routing of the white trade unionists preceded the decision by the Supreme Court to rule that the colour bar in the mining regulations was ultra vires. The manager of the Eastern Section of the Crown Mines, Gavin Hildick-Smith had failed to carry out Regulation 179 which stipulated that only competent whites should operate electric locomotives when he allowed an African, known to the court only as Stephen, to drive an engine underground. The court found that the Mines and Works Act did not permit discrimination and as such the Regulations which were discriminatory were declared invalid.<sup>21</sup> Although white miners feared that they would now be ousted from their privileged positions, their fears were largely unfounded. The Chamber successfully reorganised work underground by extending the responsibilities of individual white miners without extra remuneration, the voluntary semi-skilled colour bar contained in the Status Quo Agreement was annulled and the South African Mine Workers Union was in disarray following the 1922 Revolt. From the workers' point of view, the importance of the events of 1922-23 lay rather in the defeat of an arrogant Prime Minister and his party<sup>in 1924</sup> and their replacement by

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20. Johnstone, F A Class, Race and Gold, pp 119-136; Simons and Simons, Class and Colour in South Africa ch 13, deal with 1922 in fair detail. Hessian, V "An Investigation into the causes of the labour agitation on the Witwatersrand January - March 1922" and Auld, C R "General Smuts' attitude to White Labour Disputes between 1907 and 1922" provide interesting synopses if somewhat restricted because of lack of access to sources.

21. R vs Hildick-Smith (1923 TPD 69)

a deceptively congenial coalition government.

Ever since Botha's and Smuts's flirtation with the Chamber of Mines in the Transvaal prior to Union, they, and the party they represented, increasingly became identified as supporters of mining interests. As a result, their political fortunes were directly linked to the strength of the various constituencies ranged against them. Smuts's defeat in 1924 was the culmination of a slow process and was triggered by the cohesion of contradictory elements against his party and his policies. These elements arose essentially from within the social framework itself: The South African Party and mining capital failed to come to terms with a growing, Union-based industrial/manufacturing sector, the challenge of working class organisation and rural developments that accompanied the growth of the Union's economy. We examine each in turn.

It was noted above that secondary industries did exist before the discovery of minerals. The development of mining industry and the free trade status of the colonies in South Africa which were closely linked with Britain even after they received responsible government ensured that South African manufacture was subordinated to foreign, mainly British, interests. As often occurs, manufacturing industries in South Africa received a boost during wartime. The artificial markets created during the South African War assisted the small, struggling industries which were dotted around the country

but most notably in the Transvaal and the Cape. Bozzoli places the origins of the national bourgeoisie as a class in the first decade of the century.<sup>22</sup> It was during this time that ideologists first attempted to build up a collective interest among individual manufacturers by playing down differences between different groups of manufacturers, working out arguments against 'enemies' and the like.<sup>23</sup>

From an early stage the merits or otherwise of 'free trade' and 'protectionism' were hotly debated. It was from this crucible that manufacturing came to be aligned against mining and commerce when they claimed to uphold the interests of South Africa above their own particular interests. Bozzoli clearly shows that most sections of the economy, including agriculture, and the white working class, were themselves divided over the issue of protection.<sup>24</sup>

But manufacturing capital did not form the only section of the so-called national bourgeoisie, nor was it the largest or most

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22. Bozzoli, B The Political Nature of a Ruling Class p 110; p 312, n 8 provides a table derived from the 1904 census. The summary provided in this section is based largely on Bozzoli's analysis of early manufacturing, except where otherwise stated. Bozzoli defined national capital as a class comprised of "industrialists, traders, certain mining companies, and farmers", with manufacturers taking the lead, at the end of the period,; ie, c1933. *ibid* pp 170-171.
23. *ibid*, pp 116-117
24. *ibid*, pp 116-125

powerful. Agricultural interests were divided into two branches. Landowners as such were contrasted to agriculturalists proper. The difference between the two lay in their attitude towards agricultural expansion: many landowners owned large stretches of land and were conservative economically whilst <sup>other</sup> agriculturalists were interested in markets and the capitalisation of farming. This latter group was a potential ally for an increasingly important manufacturing sector.<sup>25</sup> The outbreak of war did much to alter the situation. South African industries boomed, and regional differences between manufacturers were appeased. The trend was highlighted when the Federated Chamber of Industries was formed in 1917. Depression followed the war and gains made during the war had to be maintained or, at the very least, not lost completely. The falling off of imports during the war had seriously affected the position of commerce based on imports, but the increase in domestic manufacturing had boosted commercial enterprises linked to the internal market. Strident agricultural calls for the provision of some kind of protection for South African goods were now joined by important voices within the Association of Chambers of Commerce.<sup>26</sup>

The calls for protection were based on the correct notion that South African goods could not compete in the internal market with goods imported from the more highly capitalised United Kingdom which could produce cheaper products. The argument that tariff protection

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25. *ibid*, pp 120-122

26. *ibid*, pp 145-6

would also provide jobs for whites was also heard, and the 1914 Customs Tariff Act made the specific provision that the "not very expensive tariff protection<sup>27</sup> accorded employers was dependent upon the employment of a 'fair amount of white labour'".<sup>27</sup>

The 1914 Act was based on pre-Union colonial tariffs which were aimed chiefly at increasing State revenues. Only a certain measure of protection was granted to "some classes of boots and shoes, biscuits, blankets and rugs, confectionery, soap, sugar, the printing industry, harness and saddlery, and animal drawn vehicles" in the Cape,<sup>28</sup> whilst customs tariffs in the Transvaal Republic were aimed at a number of local industries or the mining industry.<sup>29</sup> Although Botha's government introduced the Customs Tariff Act of 1914, it did not indicate a shift in emphasis away from imperial interests in favour of South African industrial undertakings, small as they were in 1914. The 1914 tariff had a "revenue bias" for "out of some 193 items of that tariff at least 120 items were for admission free of duty or at the low rate of 3 per cent, but free from the United Kingdom."<sup>30</sup> The tariff was amended piecemeal after 1914 and was supervised after 1921 by the Board of Trade and Industries, established in July 1921, for that purpose.<sup>31</sup> Largely ignored at first by government, the Board did not produce many recommendations for "effective tariff duties and even fewer duties were actually intro-

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27. Davies, R Capital, State and White Labour, pp 107, 129

28. Board of Trade and Industries, Investigation into Manufacturing Industries in the Union of South Africa, hereafter Report No 282, p101

29. Bozzoli, B The Political Nature of a Ruling Class pp 43-5

30. Report No 282, p 102

31. *ibid.* Davies, R. Capital, State and White Labour, incorrectly insists that the BTI was established in 1922, *ibid.*, p 148, 162

duced as a result of its deliberations."<sup>32</sup>

A further reason exists to explain why manufacturers were not appeased by the introduction of minimal tariff protection and the constitution of a Board of Trade and Industries. The Board itself was extremely conservative. The tariff structure was examined industry by industry and never in terms of general policy. The Board endorsed a report shortly after its creation that effectively "condemned protection as a means of fostering local industries." Again, in 1924 the Board condemned a suggestion that a new tariff should be implemented which incorporated greater protection. Manufacturer's discontent was summed up by L Serocold Skeets, President of the Transvaal Manufacturer's Association, when he wrote<sup>to</sup> a member of the Board:

Manufacturers are utterly tired of a Government that promises so much in respect of the support of local industries and performs so little. 33

One of the first actions of the new Nationalist-Labour Party Pact government which was supported by large sections of agriculture and industrial manufacturers, was to recast the Board of Trade and Industries and to instruct it to revise the tariff. Some industries previously refused protection were now granted <sup>it</sup> and others were granted additional protection. The Board of Trade and Industries later

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32. Davies, R Capital, State and White Labour p 148; Kaplan, D "The Politics of Industrial Protection in South Africa" provides a somewhat rigid, fractionalist account of the protection issue.

33. Quoted in Kaplan, D "The Politics of Industrial Protection in South Africa" p 75

remarked that the Tariff and Excise Duties Amendment Act of 1925 marked a definite change in state policy. The change lay not in that the revenue aspect of the tariff was henceforth neglected, but rather that "Government had made up its mind to encourage the development of local industries through the aid of the Customs Tariff."<sup>35</sup>

Whereas, in 1921 the customs tariff, motivated by revenue considerations was described as "accidental and haphazard", the change in policy had a great effect on South African industry.<sup>36</sup> The Board noted the extreme difficulty of working out the cost/benefit aspects of tariff protection but it was of the opinion that "the policy of moderate protection brought into operation in the Union has enhanced the real net welfare of the country."<sup>37</sup> The United Kingdom's senior trade commissioner in South Africa at the height of the depression, N Emslie, was able to claim that tariff protection had been of "immense advantage to certain productive industries." He singled out the sugar, wheat and dairy industries as being wholly dependent for their development on the tariff system and added that

many of the secondary industries could not have been built up to their present size and could not now continue to exist in face of competition from more highly industrialised countries with lower production costs and longer scale production. 38

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35. Report No 282, p 102

36. United Kingdom Department of Overseas Trade, Report on the Economic and Financial Conditions in South Africa, June 1921, p16

37. Report No 282, p 104

38. United Kingdom Department of Overseas Trade, Report on the Economic Conditions in South Africa, July 1931, p 42

Emslie also indicated that protection was widely popular in the Union "even at the cost of some sacrifice on the part of other interests."<sup>39</sup> Bozzoli concluded that the Tariff Act of 1925 "made it possible for the industrialisation of South Africa to get under way."<sup>40</sup> In 1935, the British trade commission in the Union complained that the self-sufficiency of the Union's economy had caused the failure of overseas trade to expand.<sup>41</sup> It will be argued below that although this assertion is correct, it neglects the role of wage regulation machinery, which also played an important role in preparing and coaxing manufacturers and industrialists to improve economic efficiency in the Union.<sup>42</sup>

To what extent the Tariff Act promoted the employment of whites is difficult to gauge. One of the considerations which underlay the customs tariff in 1925 was

the creation of a wider field of employment for civilized labour, tariff assistance to industries being partly conditional on good labour conditions and on the understanding that wherever possible a larger proportion of civilized labour would be employed. 43

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39. United Kingdom Department of Overseas Trade, Report on the Economic Conditions in South Africa, June 1928, p 34

40. Bozzoli B, The Political Nature of a Ruling Class p 158

41. United Kingdom Department of Overseas Trade Report on the Economic Conditions in South Africa, October 1935, p 2

42. cf ch 4 below

43. Report No 282, p 105

The Board of Trade and Industries later claimed that "it was definitely expected that efforts to promote the employment of civilized labour would not be relaxed."<sup>44</sup> 'Civilized labour' was a term introduced into official jargon to mean essentially white labour, but included coloured labour, and was based on the economic criteria necessary for subsistence at white standards of living. The development of the concept is traced in detail in chapter two below. Davies noted that industrial expansion brought about by protection led to greater white employment rather than to the actual implementation of the civilised or fair labour clauses of the tariff.<sup>45</sup> That trend had been identified as early as 1935 by the United Kingdom Department of Overseas Trade.<sup>46</sup> The operation of the Tariff Act, in conjunction with other civilised labour style legislation such as the Wage Act which forms the major concern of this study, contributed to the promotion of white employment and industrial expansion through the protection of South African industrial undertakings. Agriculture supported the policy because many of the industries afforded protection, such as the sugar and dairy industries, were involved with processing agricultural products and the tariff ensured farmers a market. Commercial interests came more and more to support protectionist tariffs as they became more involved with the industries which established themselves as a result of protection. White labour came to support the policy largely because of the promise of job security.

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44. *ibid*

45. Davies, R Capital, State and White Labour, p 208-9

46. United Kingdom Department of Overseas Trade, Report on the Economic Conditions in South Africa, October 1935, p 3

The protection the Pact Government bestowed upon industry involved, then, a number of issues. One of the arguments used to promote the idea of protection and the necessity of industrial expansion was the provision of jobs for white work-seekers. These arguments rested on experiments to solve and to find solutions to what was known as the 'poor white problem'. The problem can be defined simply as the social challenge or threat presented to an industrialising state of the rapid growth in the number of indigent people, who were generally classified as white, in that society's midst. That governing authorities expressed increasing concern with the phenomenon is evidenced by the number of state-sponsored investigations into the problem. These included a number of Commissions and select committee reports.<sup>47</sup>

A mixture of traditional customs within the Afrikaner community and the problems of developing agriculture in the region gave rise to the poor white problem.

The development of the system of private ownership of land in the independent Republics in the nineteenth century led to "rapid accumulation among Afrikaner notables" and the dispossession or

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47. Van der Horst, S Native Labour in South Africa, p 238, provides a short list: a Cape Select Committee on the Poor Whites (SC10-1906); Transvaal Indigency Commission Report (1906-8); Select Committee on European Employment and Labour Conditions (SC9-1913); Economic Commission Report (UG 12-1914) and the Relief and Grants-in-Aid Commission (1916). The Carnegie Commission report into the poor white problem in the early 'thirties was a private affair, as were the various conferences organised by the Dutch Reformed Church

loss of land among poorer farmers.<sup>48</sup> Pressure on landowners was exacerbated by the Roman-Dutch law of inheritance "whereby every son was entitled to a legitimate share of his father's land." The increasing sub-division of farms into equal parts eventually resulted in the creation of sub-economic units. Very often these units were purchased from people who could not operate viably. The relative impoverishment of white farmers in this way steadily increased. Natural disasters such as drought and disease, almost endemic to certain areas of southern Africa, combined with the ravages of the South African war to force more whites with hardly any skills off the land. Many had their farms seized by African chiefs, only to get them back after the war, and many had their land bought up both by Africans and whites. With nowhere to invest whatever agricultural skills they had, the impoverished families moved to the towns. Their numbers were increased as the capitalisation of agriculture led to the creation of large, mechanised farms. The Transvaal countryside was the most affected area in the early part of the century, but the problem was not exclusively a rural one.<sup>49</sup>

It has long been assumed that the poor white problem was essentially caused by an involuntary drift of whites from rural impoverishment to the hope of urban employment. Recent work by Van Onselen focussed

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48. Trapido, S "Reflections on Land, office and wealth in the South African Republic, 1850-1900" in Marks and Atmore, Economy and Society in Pre-Industrial South Africa, p 350

49. Grosskopf, J Rural Impoverishment and Rural Exodus: Economic Report of the Carnegie Commission into the Poor White Problem in South Africa, passim; and De Kiewiet, C A History of South Africa, pp 178-197, provide useful accounts of the origins of the problem. Johnstone, F A Class, Race and Gold pp 49-57 provides a concise radical examination of the question

attention on the development of the working class in Johannesburg. It is clear that as towns developed in South Africa, the accumulation and centralisation of capital in fewer hands proceeded apace. A proportion of the self-employed were forced into the working class and some into the ranks of the poor whites and unemployed by being forced out of numerous occupations, the most notable being the provision of urban transport, clothing, cabinet-making and the like.<sup>50</sup> Many of the unemployed in the towns were semi-skilled workers, the majority of whom were white men, and skilled tradesmen.<sup>51</sup> It is possible that a great deal of the militancy of white labour in the early years of the century was directly linked to the harsh experience of many workers who had descended in the scale of privilege.

At first attempts were made to alleviate the lot of many poor whites by establishing relief works in rural areas, introducing afforestation schemes and promoting a back-to-the-land scheme. Conditions, generally, left much to be desired. The back-to-the-land scheme was buttressed by the 1912 Land Settlements Act and its various amendments which made provision for whites to take out interest free loans to purchase land and equipment. The drought in 1916, as well as the distraction of the industries which attracted more workers because of the war, put an effectual end to the scheme. Rapid urbanisation increased to the extent that in 1926 the white population living in the

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50. cf especially van Onselen, C "The Main Reef Road into the working class: proletarianisation, unemployment and class consciousness amongst Johannesburg's Afrikaner Poor, 1890-1914" in Studies in the Social and Economic History of the Witwatersrand pp 111-170

51. Department of Mines and Industries, Factories Division Annual Reports: UG 8-1922, p 109, and UG 14-1923, p 117

urban areas had risen by 23% to 58% compared to 1891.<sup>52</sup> The fact of urbanisation, linked to the question of the poor white problem had to be faced.

We have seen that most white mine workers either lived in boarding houses, single-quarter residences or moved into the working class areas of Jeppe, Fordsburg and the like. Slums developed on the outskirts of and in towns as overcrowding and unsanitary living conditions became commonplace. Many workers engaged in outwork<sup>53</sup> worked, ate and slept in the same room which often was the sole living space for entire families. Boarding houses blossomed in Cape Town along the railway line, workers' shanties erupted in the North End of Port Elizabeth, and very often black and white mixed freely. During the 'twenties a few attempts were made to establish hostels for white girls, the most successful being in Port Elizabeth which had an unusually high proportion of young girls who had been sent to work in town to eke out a living because no prospects existed at home in the rural areas surrounding the town. Further attempts to provide hostels in other towns did not meet with much success and practically no hostels for men were contemplated. The late 'twenties and the 'thirties witnessed an improvement in working class living conditions and a number of recreation clubs which sported libraries, card-rooms

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52. Johnstone, F A Class, Race and Gold, p 53

53. "Outwork" was work performed away from the factory, normally at the outworkers home, and commissioned by the factory owner or trader. It was badly paid, promoted inefficiency and was generally a social hazard. cf Department of Mines and Industries, Factories Division, Annual Report, UG 14-1923, p 137

and cheap eating facilities sprang up.<sup>54</sup> Apart from other charitable comment, the Department of Labour commented approvingly on these attempts to provide workers with better accommodation and recreation facilities as they all contributed to the creation of a healthier type of worker.

Work for poor whites was sought through a variety of channels. The various schemes in rural areas do not concern us here, but the entry of poor whites and other unskilled or semi-skilled whites into industry does. The mines, as already noted, had no need nor desire to employ more whites than they had to. Apart from municipal and state enterprises like ISCOR, which began production in 1934 with an all-white workforce<sup>55</sup>, the State attempted to facilitate the entry of whites into private industry.

Juveniles in industry were eventually controlled in at least two ways. Juvenile Affairs Boards or Juvenile Advisory Boards were established during the war years in a number of towns. By 1921,

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54. cf Department of Mines and Industries, Factories Division, Annual Reports: UG 8-1922, pp 156-157; UG 9-1924, p 107; UG 15-1925, pp 430-432; Department of Labour Factories Division, Annual Reports: UG 21-1926, pp 511-512; UG 6-1927 p 436; Department of Labour Chief Inspector of Factories Annual Reports: UG 31-1927, pp 18-19; UG 38-1928, pp 16-17; UG 47-1929, p 14; UG 33-1930, p 19; UG 24-1931, pp 15-16; UG 25-1932, pp 17-18; Department of Labour Annual Reports: UG 37-1933, p 26; UG 43-1934, p 32; UG 11-1936, p 38; UG 4-1937, p 55; UG 44-1937, p 47; UG 30-1938, p 80

55. Davies, R Capital, State and White Labour p 258

10 centres boasted 11 Boards.<sup>56</sup> The state argued that it had become commonly accepted that school leavers should be "safeguarded and guided in a systematic and properly organised manner" because the citizenry recognized "the immense importance to the future of South Africa of the maintenance of a white civilisation based on the competence, efficiency and character of its white citizens". The Boards evolved "a system of juvenile control"; prospects for apprenticeship training; they ran juvenile labour employment bureaux and other general matters.<sup>57</sup> One of their chairmen claimed that their function was "to gain 'industrial benefits from them (the poor whites)' by giving them training which would 'make men and women of them, and not the kind of industrial half breeds we have tended to produce (hitherto)'".<sup>58</sup>

The other way in which juveniles, amongst others, were controlled was through the Apprenticeship Act which, although initiated in 1921 at the behest of Juvenile Affairs Boards, only became law in 1922. It was justified in terms of the close relations between apprenticeship

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56. Pretoria, Johannesburg, Germiston, Krugersdorp, Durban, Port Elizabeth, Grahamstown, Bloemfontein and Pietermaritzburg each had one, and the Cape Peninsula two. Department of Mines and Industries Factories Division, Annual Report UG 8-1922 p 125

57. *ibid*, pp 124-125

58. quoted in Davies R Capital, State and White Labour, p 111

and training in industry as "essential part[s] of the education system", the necessity of state control, and was bent on producing skilled South African labour instead of relying on imported labour from overseas.<sup>59</sup> Apprenticeship was to be used not only to promote the employment of whites - the Act stipulated that apprentices had to achieve Standard 6 before the age of 18, an easy enough qualification for whites with compulsory education<sup>60</sup> - but to protect operatives who risked retrenchment through the use of child-labour or badly paid adult labour. By the end of 1932, for example, some 6 900 white youths were undergoing training to become artisans.<sup>61</sup>

The colour bar operated on the mines and in engineering works, building, certain areas of woodwork and metal working even after it was declared ultra vires. One of the first actions of the Pact was to legislate the necessary amendment to the 1911 Mines and Works Act. The Bill eventually became law, after two stormy sessions of Parliament, in 1926.<sup>62</sup> Parliamentary opposition to the measure revolved

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59. Department of Mines and Industries, Factories Division, Annual Report, UG 8-1922, p 125-6. De Kiewiet, C A History of South Africa, p 271
60. De Kiewiet, C A History of South Africa, p 229. Davies, R Capital, State and White Labour, p 162
61. Department of Labour, Annual Report, for 1932, UG 37-1933, p 44
62. Johnstone, F A Class, Race and Gold, pp 157-167 provides a useful summary of the background to the Act and the subsequent parliamentary debates.

around the issue of naked discrimination. The SAP, responsible for the original Regulations upset in 1923, was opposed to having the preservation of jobs for whites, coloureds, malays, Mauritian Creoles or St Helenes placed in a statute. In practice the Act did not acutally extend the job colour bar. It stabilised the status quo as far as some classes of white workers were concerned, but it did not represent a rebuff as such either to mining in particular or capital in general. The Colour Bar Act followed in the wake of attempts by white mine workers to restore their pre-1922 wage levels and to secure a Mineworkers' (Minimum Rates of Pay) Act which directly affected the cost structure of the mining labour hierarchy. Their defeat in this attempt was of more significance to the mining industry than the concession of the job colour bar. This particular struggle within the mining industry is examined in detail in chapter three below.<sup>63</sup>

White labour's job security was also vested in the Industrial Conciliation Act. This piece of legislation dated from the end of Smuts's period in office and was promulgated with an eye to preventing strike activity among workers. This Act laid out an elaborate scheme for the registration of trade unions and procedures for conciliation which severely curtailed the right to strike. Not all workers were included. The definition of employee in the Act excluded pass-bearing Africans, ie., Africans in Transvaal<sup>OFS</sup> and Natal until such time as passes were introduced in the other provinces and were also extended

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63. cf pp 179-206 below

to women, as well as indentured Indians. The right to organise in trade unions was inhibited. General unions could not register under the Act because "trade union" was defined as an association of persons

for the purpose of regulating relations between themselves and their employers or for protecting or furthering the interests of employees in any particular undertaking, trade or occupation in relation to their employers. [ Emphasis added. IP ] 64

Thus an organisation like the Industrial and Commercial Workers' Union, comprised of farm workers, factory workers, intellectuals and bureaucrats, could not be registered. This Union is dealt with in more detail below.

The Conciliation Act provided for the establishment of, amongst other bodies, industrial councils made up of equal numbers of employees and employers as defined. They had authority to enter into agreements under a system of home rule in industry. In this way the state and industry hoped to prevent the type of impasse which marked mining labour relations. The strike weapon could only be used once all other measures had failed, but subsequent amendments to the Act operated practically to forbid strike activity. One such amendment for example, extended the definition of essential services in which strikes were illegal, to cover public transport.<sup>65</sup> The amendment purposefully followed a lengthy strike by Cape Town bus

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64. Act 11-1924 section 24

65. Act 7-1933 section 1

drivers over the non-enforcement of a wage determination which ended in 1932.<sup>66</sup>

The Conciliation Act also empowered industrial councils to regulate wages for employees in the trade. Wage regulation in this way not only protected the skilled artisan who was largely represented in the trade unions (dealt with below) from the challenge of African skilled workers who received lower wages for the same work. The semi-skilled operative, whether black or white, was also snubbed because the higher price of the artisan's labour protected his occupation from encroachment by unskilled labourers. The system did not operate smoothly and other methods were soon found not only to protect the skilled labourer, who increasingly suffered from deskilling from the early 1930s due to the rapid mechanisation of South African industry generally which took place, but also the unskilled white worker who, at the bottom of the economic efficiency ladder, was not able to enter the labour market because of the presence of better qualified black labour. The process by which white labour came to replace large sections of black, and especially African, labour, known euphemistically as the civilised labour policy, is dealt with below.

The question arises as to why it was that white workers were preferred to African workers in certain fields. Bozzoli has suggested that manufacturers saw the mining company concept of the

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66. The Report of the Wage Board, Passenger Transportation, 26 January 1933, An 245-1933, traces the progress of the strike

working class in general and white workers in particular as "caste-like, manipulative and confrontationalist".<sup>67</sup> This definition was proved time and time again through the Chamber's refusal to negotiate with white miners, their arrogant treatment of strikers, their unilateral demands and their blatant attempts to force as much out of the miners as possible. The "petty-bourgeois manufacturer" on the other hand was closer in class terms to white workers as he himself possibly started as a skilled artisan. More important, the market for mining capital did not lie in the country. The absolute necessity for manufacturing to circulate goods meant that workers were not only producers, but were also consumers of products. What was more, white workers were "voters and potential allies." It was from this standpoint that manufacturers were able to develop a qualified role for conciliation within the state.<sup>68</sup> Manufacturing interests sought to promote those interests of white workers which would bring them onto their side: conciliation machinery and minimum wages to prevent undercutting.

It appears that another crucial reason why white workers were focussed on as potential allies by manufacturing and the Pact with its civilised labour policy was the promotion of nationally based capital through the operation of the market. Here Bozzoli's work is instructive .

South Africa in the 'twenties was not an

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67. Bozzoli, B The Political Nature of a Ruling Class p 123

68. *ibid*, pp 124-5

exporting country. The African reserves were already showing signs of dire impoverishment and the earning power of African workers was too low to ensure market expansion to any great degree. National capital turned its full attention on the "already privileged, relatively well-paid and 'incorporated' part of the white working class" to turn it into the main consumer class.<sup>69</sup> Higher wages, the better organisation of industry and increased mechanisation went hand in hand with a policy that favoured white employment.

The initial years of the Pact government's administration compared very favourably with the last years of Smuts's tenure in office. The economy moved out of stagnation and expanded.

The war in Europe from 1914-1918 caused a general paralysis of trade which in turn stimulated the insecure and hesitant industries established in the Union.<sup>70</sup> The rapid expansion which occurred brought with it problems of its own. Industries were established in unsuitable buildings, new premises were unobtainable and building

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69. *ibid*, pp 213. This point is developed further in ch 4, pp<sup>268</sup> below

70. Department of Mines and Industries, Factories Division, Annual Report: for 1920, UG 8-1922, p 105. Department of Labour, Chief Inspector Factories Annual Report, for 1929, UG 33-1930, p 5

materials rose in price and became increasingly scarce.<sup>71</sup> The post war years witnessed further expansion as numerous new factories appeared all over the country. Factories could hardly keep up supplies and were working full time. The close of 1920 saw the onset of depression and the immediate closure of a number of establishments.<sup>72</sup> The economic climate improved towards the end of 1921, only to be thwarted by the widespread unrest which became concentrated on the Rand in the first few months of 1922.<sup>73</sup> A large number of establishments did not survive the period 1920-1922 merely because they could not compete with imported goods,, lacked capital or were just badly organised. The industrial unrest of 1922 led industrialists to curtail capital outlay.<sup>74</sup> Confidence returned towards the end of 1923 and a few new establishments were built and old ones extended.<sup>75</sup> By the time Hertzog's government took office in June 1924, the upswing which had started at the end of the previous year was fully in evidence. More factories were built, many of them of a better quality than before. The Department of Labour refused to re-register factories unless suitable renovations were undertaken. Many of the closures from 1924 onwards included "dilapidated and unsuitable places which were reluctantly tolerated in accordance with the Department's policy

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71. Department of Labour, Chief Inspector of Factories, Annual Report for 1929, UG 33-1930, p 5

72. Department of Mines and Industries, Factories Division, Annual Report for 1920, UG 8-1922, p 113; Department of Labour, Chief Inspector of Factories, Annual Report for 1929, UG 33-1930, p 6

73. Department Mines and Industries, Factories Division, Annual Report for 1922, UG 9-1924, p 91, Department of Labour, Chief Inspector of Factories, Annual Report for 1929, UG 33-1930, p 6

74. *ibid*

75. Department of Mines and Industries, Factories Division, Annual Report for 1923, UG 15-1925, p 424

of leniency in administering the Factories Act during its first years."<sup>76</sup> The period from 1924 to 1929 was one of general improvement and expansion.<sup>77</sup> Social problems followed in the wake of industrial expansion. As already noted, the rapid urbanisation of the white population occurred when industry could not as yet absorb them "with the result that slum areas are increasing rapidly, leading to squalor, disease and misery."<sup>78</sup>

The greater part of 1929 was no different from the early period as industrial expansion continued apace. The British trade commissioner to South Africa commented on the economic situation in September 1929 in these terms.

The financial position of the Government is enviable, the revenue has been unexpectedly buoyant, a further large surplus was obtained for the year ended March 31st last 1929, and the revenue has come in so well since, that there seems every probability of a further surplus accruing in the current financial year. The unexpected buoyancy of revenue together with the inflow of funds from the gold and diamond industries, which are paid to capital account, have enabled the government to provide for the financing of large development works without the necessity of raising large loans and increasing indebtedness. There has, however, been some comment on the rapidly rising scale of Government expenditure and on the policy of committing

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76. Department of Labour, Factories Division, Annual Report for 1924, UG 21-1926, p 500
77. Department of Labour, Factories Division, Annual Report for 1925, UG 6-1927, pp 422-4; Department of Labour, Chief Inspector of Factories Annual Report for 1926, UG 31-1927, p 5; Department of Labour, Chief Inspector of Factories, Annual Report for 1927, UG 38-1938, p 5; Department of Labour, Chief Inspector of Factories, Annual Report for 1928, UG 47-1929, p 5
78. Department of Labour, Chief Inspector of Factories, Annual Report for 1926, UG 31-1927, p 7

the country to large recurring expenditure which may be easily borne in a period of prosperity but which may create serious difficulties in a subsequent period of depression. 79

A similar sense of unease to that expressed above seeped into the manufacturing sector towards the end of 1929. The prices of the main exports fell which "curtailed the purchasing power of a large section of the population, with the result that merchants have found themselves with stocks on their hands and the uncertainty as to how long a period will lapse before their value can be realised."<sup>80</sup> The effects of the economic crisis of the late twenties, highlighted by the collapse of the Wall Street stock-exchange in October 1929, began to be felt in South Africa from the end of 1929.

Many factories and businesses inaugurated short-time systems, retrenched many of their workers, or closed down completely. There was a marked decline in the construction of new factories, and alterations to existing premises came to a halt. Manufacturers reduced their costs to the absolute minimum.<sup>81</sup> The depression intensified during 1931.<sup>82</sup> The country's financial problems were intensified

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79. United Kingdom Department of Overseas Trade, Report on the Economic Conditions in South Africa, September 1929, p 5

80. Department of Labour, Chief Inspector of Factories, Annual Report for 1929, UG 33-1930, p 7

81. Department of Labour, Chief Inspector of Factories, Annual Report for 1930, UG 24-1931, p 5

82. Department of Labour, Chief Inspector of Factories, Annual Report for 1931, UG 25-1932, pp 5-6

after Australia and Britain left the gold standard during 1931 and devalued their currencies. The South African pound was hopelessly overvalued and South African exports overpriced, but the government refused to leave the gold standard.<sup>83</sup> At first both the SAP and mining interests supported the decision to remain on gold. That support dissolved and was replaced by "vigorous opposition as heavy state subsidies to agriculture offset the expected cheaper imports and low internal price structure induced by remaining on gold."<sup>84</sup>

Prospects seemed brighter at the beginning of 1932 but came to naught, partly as a result of the flight of capital from the country as a result of the retention of the gold standard. The situation in many factories became worse, and "many struggling concerns, which had successfully withstood the strain of recent years, were forced into liquidation." Operations were restricted further and thousands more workers were forced onto the streets. Agriculture itself was in a perilous position as it still could not compete on international markets. The failure of government policy to curb the fall in prices that continued to spiral led to a reorganisation of political groupings. Both the Nationalists and the SAP lost support from rural areas, whilst Creswell's faction of the SALP lost even more ground. A series of

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83. Davenport, T R H South Africa: A Modern History pp 212-213

84. O'Meara, D Volkskapitalisme, p 41

by-elections, one at Colesberg where *the Nationalists* won narrowly and another at Germiston which Creswell's party lost to the SAP in a stunning defeat, precipitated the return of Tielman Roos, a maverick politician who re-entered politics after a period of back-door politicking against Hertzog. Roos made a strong appeal for the abandonment of the gold standard. Within three days "£3 m flowed out of South Africa" and South African commercial banks were faced with ruin. On 28 December 1932, 6 days after Roos launched his anti-gold campaign, the government left the Gold Standard.<sup>85</sup> The economic crisis was soon over as the South African pound dropped in value and was brought into line with sterling.

South African industrial undertakings recovered slowly. Expansion was most notable in the southern Transvaal where the gold mining industry's brighter prospects "encouraged increased expenditure which in due course resulted in a greater demand for the products of the secondary industries." Drought had wracked most of the country since 1930 and had contributed greatly to the economic distress in rural areas which in turn precipitated a greater influx of whites and blacks to towns. The economic recovery of the country gradually spread further south. By the end of 1933 most of the ravages of the depression had been overcome.<sup>86</sup> The economic recovery in the next couple of years was most marked in the southern Transvaal where the increased demands of the mining industry stimulated general expansion.<sup>87</sup> The expansion of the mid-thirties only began to slow down in 1937 and

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85. *ibid*, pp 41-42

86. Department of Labour Annual Report for 1933, UG 43-1934, p 24

87. Department of Labour Annual Reports: for 1934, UG 11-1934, p 30; for 1935, UG 4-1937, p 48; for 1936, UG 44-1937, p 39

conditions became more settled.<sup>88</sup>

The period from the early part of the century was marked by rapid industrial expansion. South Africa by 1936/7 was fairly well-developed industrially. The shift that took place saw agriculture decline in importance, mining remain fairly constant and manufacturing boom. Thus, the agricultural percentage of the total national income declined from 21.6% in 1917/18 to 13.3% in 1936/7 and mining dropped slightly from 20.3% in 1917/18 to 19.7%.<sup>89</sup> The value of manufactured goods exceeded mining and agriculture after the Pact Government got into power, down to 1939/40.<sup>90</sup> Industries generally became concentrated in the larger population centres, with the southern Transvaal attracting most of them at a remarkable rate compared to the rest of the country down to 1938/9.<sup>91</sup>

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88. Department of Labour Annual Report for 1937, UG 30-1938, pp 70-71

89. Board of Trade and Industries, Report No 282, Figures derived from Table iv, p 11

90. *ibid*, p 12

91. The percentage of Union total distribution of industries in the different regions was as follows:

	1916/17	1928/29	1938/39
Cape Western Area	20.9	19.6	16.5
Port Elizabeth	3.4	5.0	4.6
Durban/Pinetown	11.1	11.5	10.9
Southern Transvaal	28.2	34.1	43.9
Rest of Union	36.4	30.0	24.7

*ibid*, Table xv, p 21

Although manufacturing clearly became far more important during the period after the First World War, conditions within industries remained deplorable.

F A W Lucas, advocate, Labourite, and Chairman of the Wage Board for ten years from 1926 stated in 1927 that two types of business establishment existed in the Union. One type was "well-managed, up-to-date and in every way satisfactory", but there were others that were "filthy, badly managed, and badly housed" and served "no useful purpose to the community."<sup>92</sup> A clear indication of conditions in factories and trades can be gleaned from the annual reports of the Chief Inspectors of Factories through the years.

The reports concerned themselves with a number of issues. These included employment, cleanliness, sanitation, ventilation, lighting, safety, welfare, etc. The Factories Act of 1918 controlled the worst excesses of factory organisation which affected productivity like bad light, use of dangerous construction and machinery, bad ventilation, long hours and other related problems. Throughout our period, conditions generally improved but in a somewhat haphazard way. This section deals very briefly with each of the issues identified by the factories' inspectors.

Large numbers of unskilled and semi-skilled white men were without employment during the 1920s. The ranks of the unemployed were normally swollen during times of depression. A large number of women were

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92. Lucas, F A W "Some Aspects of the Work of the Wage Board" p 27

employed in industries like the boots and shoes trade, chemicals, candles and soap, sweets, tobacco, clothing, printing and sugar production. Unemployment of both black and white workers was a notable feature of the period until the general expansion after the depression began to reduce the number. Although many women were discharged during the Great Depression, many were continued in employment on short-time.<sup>93</sup> One feature of the depression years was the tendency for women to become the chief family breadwinners since "severe unemployment amongst men has reversed the old state of affairs."<sup>94</sup> The proportion of female employees increased slightly during the depression and the Department of Labour noted "a growing tendency for women to remain in or return to factory work after marriage ..."<sup>95</sup> Employment rose after the depression with marked increases in female employment in such trades as clothing and textiles, fruit canning and packing, sweet and biscuit manufacturing, and laundries.<sup>96</sup>

Factory inspectors constantly complained about the indifference with which employers and employees alike approached the question of cleanliness in factories. Flies in food factories, dust in engineering

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93. eg. Department of Mines and Industries, Factories Division, Annual Reports for 1920, UG 8-1922, pp 109-113; for 1921, UG 14-1923, pp 117,130

94. Department of Labour, Chief Inspector of Factories, Annual Reports: for 1931, UG 25-1932, p 8; Department of Labour, Annual Report for 1932, UG 37-1933, p 25

95. Department of Labour, Annual Report for 1932, UG 37-1933, p 25

96. Department of Labour, Annual Reports: for 1934, UG 11-1936, p 37; for 1936, UG 44-1937, p 46

shops, the general absence of proper ventilation facilities and poor lighting caused partly through the poor architectural design of many establishments, were common-place phenomena. The slow extension of water-borne sewerage through the country, especially marked in the burgeoning industrial sites of cities like Port Elizabeth, presented numerous problems. The rural areas were practically devoid of any sewerage removal schemes and sweat-shops were common. Safety precautions were almost non-existent, and inspectors reported first-aid boxes comprised of old medicines, dirty bandages or rags. First-aid classes were the exception and not the rule until after the depression. A large proportion of the number of industrial accidents was caused by carelessness or ignorance. A great many serious accidents occurred because of inadequate lighting, faulty machinery, the overcrowding of workplaces with overhead revolving shafts and machinery, dirty floors and disregard for safety measures where these existed. Very few factories provided facilities for eating, drinking water, ablutions or for leaving clothing, during the early 1920s. Slow advances were made in all areas, but the onset of the depression put back welfare work and the renovation of premises to provide rest-rooms by a number of years.

By the end of the period under review, the Factory Inspectors were reporting vast improvements in conditions. Wood and iron factory buildings were no longer common, industrial sites had developed on the outskirts of most towns although the centres of established cities like Johannesburg were more congested. The adverse affect of congestion on lighting and ventilation was set aside with better light fittings and modern equipment. Mechanisation proceeded apace and avenues of

employment had opened up. Whereas conditions had been "better imagined than described", there was general improvement in all areas by 1937.<sup>97</sup>

When the Wage Board first investigated the baking and confectionery trade in 1926 it described conditions as "very bad." It remarked on the predominance of dirty clothing, dirty - in some cases filthy - floors and unclean tables." Africans were employed mainly on the production side of baking and whites on the distributive side. The Board ascribed the division in terms of public opinion. It claimed that many housewives "refused to take bread from natives."<sup>98</sup> Besides that reason, employers benefitted from the arrangement. Bread was produced at night behind closed doors by low paid Africans, whilst the loaves were delivered during day-light by fewer numbers of whites than Africans employed on production. More and more whites were employed in the trade as the years passed

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97. The above section has been drawn exclusively from the following sources: Department of Mines and Industries, Factories Division, Annual Reports for 1920-1923, UG 8-1922; UG 14-1923, UG 9-1924 and UG 15-1925, passim; Department of Labour, Factories Division, Annual Reports, 1924-1925, UG 21-1926 and UG 6-1927, passim; Department of Labour, Chief Inspector of Factories, Annual Reports, 1926-1931, UG 31-1927; UG 38-1928; UG 47-1929; UG 33-1930; UG 24-1931 and UG 25-1932, passim; and Department of Labour, Annual Reports, 1932-1937, UG 37-1933, pp 14-27; UG 43-1934, pp 24-32; UG 11-1936, pp 30-38; UG 4-1937, pp 48-55; UG 44-1937, pp 39-47; and UG 30-1938, pp 70-80

98. Social and Industrial Review (Special Edition), September 1928, p68

whereas the number of Africans remained fairly constant.<sup>99</sup> African employees in the baking trade generally were provided with meagre board and lodging. Max Gordon, a prominent trade unionist involved with the organisation of African workers in the late thirties, correctly remarked that the "living-in" system enabled employers to keep their workers at their beck and call. African workers normally received a loaf of stale bread daily at some establishments whilst other firms sometimes provided meat and sugar.<sup>100</sup>

Conditions in the tailoring trade varied greatly, with larger establishments generally better organised than smaller ones. Outworkers formed a fairly large proportion of the work-force but their numbers decreased as the industry came under wage regulation and the more streamlined observation of the Department of Labour. Similarly, a large number of piece-workers were employed but they too soon fell foul of wage determinations. The tailoring trade produced outer garments made to individual measurements and was conducted in two ways. The wholesale bespoke trade produced garments according to set patterns and measurements provided by the shop owners. The retail trade was more varied. Merchant tailors and master journeymen who were practical tailors, middlemen or contractors were the most common. Sometimes they would be helped by assistants.<sup>101</sup>

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99. An 67-1933ii

100. An 56-1938ii

101. Social and Industrial Review (Special Edition), 22 June 1928, pp 370-371

The Wage Board conducted two investigations into the building trade in Port Elizabeth during 1934. It found that conditions in the trade were bad, largely because employers either entered the trade as speculators or because they had no experience of building. The Board remarked that many contractors were "formerly Ministers of religion, school teachers and bookmakers' clerks." Some of the problems faced by the trade were directly linked to the depression, but matters improved with the building boom of the 1930s.<sup>102</sup>

The clothing trade made great headway during the period. Competition from overseas manufacturers was severe but the trade held its own, assisted as it was by the customs tariff. The Rand trade was better off than the coastal areas because of the larger market. One feature of ~~the industry~~ was the high turnover of labour at the beginning of the period under review, but this was soon reduced as more settled conditions were introduced as a result of wage determinations. Another feature of the trade was the large number of women employed in the trade. The expansion of the ~~industry~~ even during the depression years provided avenues of employment for many white and coloured girls.<sup>103</sup>

The dyeing, cleaning and laundry trade relied largely on black workers. Van Onselen traced the early history of the trade on the

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102. An 108-1931/2

103. cf p 89 above

Witwatersrand to show how one group of workers, the Zulu AmaWasha, originally controlled the laundry trade because of the lack of a white female working class on the Rand, but were displaced by the time of Union by steam laundries. Control was wrested from the African into the hands of white entrepreneurs.<sup>104</sup> Evidence exists to indicate that a prolific informal trade existed during the 'twenties. Small Chinese and Indian laundries operated seven days a week because they did not fall under the Factories Act as they employed less than three people. Coloured washer-women, Durban dhobies or Indian washermen all operated in competition with established laundries. Pretoria and Cape Town had municipal workhouses where Indians and Coloureds washed and dyed clothes. The workhouses were established in an attempt to stop the practise of washing clothes in open streams, waterholes or the effluent from laundries themselves. Some of the smaller laundries were "deplorably unhygienic." Clean and dirty articles were stored together in rooms where children played amongst them. Occasionally, food, wood and vegetables were kept there as well. Similarly the Board complained that in some instances the "persons and clothing of some of the operators appeared to need washing more than the articles that were being dealt with."<sup>105</sup> Laundries usually comprised six departments. Dirty linen was unpacked by women in sorting rooms. Men were employed to do the washing because of the small number of machines used in the trade

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104. Van Onselen, C "AmaWasha: the Zulu Workmen's Guild of the Witwatersrand, 1890-1914" in Van Onselen, C Studies in the Social and Economic History of the Witwatersrand, vol 2 pp 74-110

105. Social and Industrial Review (Special Edition), 1 June 1928, pp 258-261

before the 1930s. Sheets, table-linen and other large cloths were pressed in the calendar department by both men and women. Collars were steamed, moulded and curled in the collar department and ironing was done by women who stood for long hours. Women packed the clean clothes in the packing department. Old fashioned machinery was the norm and high temperatures a common feature of laundries.<sup>106</sup>

The furniture making industry was one of the oldest established trades in the Union. Many of the employees in the trade during the 'twenties were described as semi-skilled and inefficient. The place of the original handicraftsmen had been steadily threatened due to the introduction of machinery for such tasks as tenoning, morticing, planing and other processes. Wicker-work and the production of basketware was still done entirely by hand. Wire weaving, described by some as semi-skilled work but regarded as skilled by the Wage Board was performed mainly by Africans.<sup>107</sup> Mechanisation advanced rapidly in the furniture trade and contributed to the tendency of employers to keep wages as low as possible. A great deal of competition existed between the Cape and the Transvaal. The former accused the latter of unfair competition because Johannesburg manufacturers employed larger proportions of lower paid African labour than the Cape could. The depression severely affected the industry as factories went onto short-time and the Rhodesian market was cut off

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106. "Special Survey: Laundry Trade" in Department of Labour, Chief Inspector of Factories, Annual Report, for 1927, UG38-1928, pp17-21

107. Social and Industrial Review (Special Edition), December 1926, pp 25-26

because of the difference in value between sterling and the South African pound. Many retrenched employees started up backyard businesses and the number of small, dirty workshops where employees produced furniture at minimal wages - descriptively known as "rat-shops" - proliferated.<sup>108</sup> But the furniture trade, like most other trades, improved with the onset of greater economic expansion after 1933.

The glass-bevelling and silvering trade was conducted at Durban, Johannesburg, Cape Town and Port Elizabeth. More than 50% of the 115 employees in the trade were Africans. Glass-bevelling was a multi-faceted occupation which required different amounts of skill.<sup>109</sup>

South African products were very poor. The bevelling was "frequently irregular", and the silvering often became patchy and cloudy. The Board attributed the poor productivity of the trade to the low degree of

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108. An 113-1931; An 247-1933

109. Glass-bevelling involved "grinding the edge of the glass - plate-glass - against wheels which revolve horizontally and on which a supply of sand and water is constantly being dropped. There is a considerable amount of splashing of the sand and water, but this does not spoil the clothes or injure the hands or bodies of the worker. Four wheels are used in the process, a rougher, a stone, a polisher and a ranger. The first stage requires the least skill; in some establishments the second and in others the third and fourth are regarded as involving the exercise of the greatest amount of skill." Social and Industrial Review (Special Edition), December 1926, p 2

skill employed in the Union. The Board ear-marked the trade for white and coloured employment and blamed the very poor wages workers received for the lack of incentive that plagued the trade.<sup>110</sup> After the introduction of a determination to regulate conditions the industry did not thrive and could not compete against overseas products.<sup>111</sup>

The Board issued one of its more informative reports on the textile industry. The first blanket factory in South Africa was formed prior to 1900 at Kingwilliamstown with the object of supplying woollen blankets to the African reserves in the area. The South African War led to that factory's virtual collapse, but factories were opened at Wolseley (1912) and Harrismith(1922). Tariff protection of the industry was extended in 1925 and the production of cotton blankets and heavy sheeting for the African market immediately followed. Mechanical looms were introduced and an array of cotton blankets, cotton and woollen blankets, rugs and shawls were produced. About 80% of the cotton products manufactured were sold to Africans. The increasing urbanisation of Africans during the 1930s was marked by a greater dependence on western styles of dress. The trade encountered difficulties with its trade in blankets. Different tribes, customs and taste dictated that certain groups preferred specific colours, patterns or styles. An inadequate knowledge of the needs of the African market often led to overproduction. The Wage Board even suggested the employment of an anthropologist"to conduct a study of

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110. *ibid*, pp 2-3

111. An 708-1931; An 253-1931/2

the influence of custom and habit on the demand for native blankets..." The trade expanded rapidly after 1931 but slowed down after 1935. A clear demarcation between skilled, semi-skilled and unskilled workers prevailed. For all that, the Board reported that dust levels, drinking water, cloak and rest room facilities were inadequate. Many employers were of the opinion that employees of any race-group could fulfill the duties expected of them in the textile trade.<sup>112</sup>

Perhaps the worst conditions reported by the Board were found in the tobacco-twisting workshops in the Oudtshoorn district. The shops produced small quantities of cigars and some cut tobacco, but the main product was low-grade roll tobacco, or what was and is known as "chew tobacco." The task of preparing, packing and rolling the tobacco leaves was dirty, unhygienic and extremely tiring.<sup>113</sup> Coloured men, women and children "of the farm labourer type" were

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112. An 46-1937

113. "The dry tobacco leaves are steeped in water, to which has been added a quantity of ash obtained by burning a certain bush known as as bos, which grows in the Oudtshoorn and surrounding districts. This mixture of ash and water is termed loog (lye), and the persons who steep the leaves therein are known as loopers. The process is a wet and dirty one. Some of the loopers had sores on their hands, which they declared to be due to the action of the loog. They are, however, supplied with vaseline, to be rubbed on their hands in order to neutralize the action of the loog. "After being taken from the loog the wet leaves are packed in large bins where they are allowed to remain for some time. This process is known as sweating. The leaves are then ready for twisting into roll tobacco. Seeing that they are in a crumpled state, the leaves require to be opened out by leaf sorters and openers, the better quality leaves being used for twisting around an inner filling of poorer quality leaf. The leaves are twisted on wooden spindles into long ropes of varying thickness, known as thick, medium and thin. These ropes are made up with rolls of different weights by rollmakers. Vaseline is used in twisting for the purpose of protecting the hands, but also for giving the tobacco a gloss, and has doubtless the further effect of keeping the tobacco moist for a longer period." Social and Industrial Review (Special Edition), December 1926, pp 10-11

engaged in the trade. Children worked mainly as leaf openers; men sweated and rolled the leaves; and all three categories twisted it. Employment was seasonal because the shelf life of chew tobacco was very short. It soon dried out, became brittle and was "unfit to chew". As a result, no stocks were carried. Rollmakers and twisters were employed as pieceworkers and earned a maximum of 2s and 10s per 100 lb roll respectively. The workers received lower wages during the winter because they started late and had to interrupt their work to warm themselves periodically at outside fires. They received a pittance, were "miserably clad and underfed" and it was common "to find a whole family, parents and children, having to work to eke out a very poor living." Most of the employees had to sit flat on the floor with legs outstretched. The posture led to sore backs, legs, chest pains and acute constipation. Worst of all, the workers inhaled strong, noxious nicotine fumes which caused "temporary nausea, smarting of the eyes, nostrils and throat, with an feeling of suffocation..." Most workers suffered from a loss of appetite and sleep and one twister told the Board that "'As soon as we get out of the factory and start moving about we start spitting, and this goes on practically right through the night ...It is then impossible to sleep, and have no appetite either'." The housing conditions of tobacco workers were also deplorable.<sup>114</sup>

The sweet trade was organised along lines similar to the clothing factories. Some factories boasted excellent conditions whilst

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114. *ibid*, pp 10-13

others were deplorable. A large number of women were employed as packers and wrappers. Seats were provided in some establishments, whilst excluded in others. Some employers recognised the value of short tea-breaks whilst others did not.<sup>115</sup>

The Union's industries varied considerably. In many the conditions were appalling, whilst in others they were somewhat better. Variations also occurred within different trades. The Wage Board expressed concern that poor conditions affected efficiency and the general productivity of labour. The areas in which the Board functioned displayed some of the worst excesses of capitalist production. By the end of the period under review the conditions in most industries appear to have improved, partly as a result of reformed thinking by employers but partly as a result of the voices of labour which were raised in the work place.

The labour movement in South Africa has had a chequered career. The first white unions in industrial undertakings arose towards the end of the last century. Initially the trade unions formed in the country were branches of British Unions, but before the end of the century locally formed unions developed. They were organised along craft lines, ie., according to particular occupations like tailors or

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115. Social and Industrial Review (Special Edition), September, 1926 pp 4-19; Social and Industrial Review (Special Edition), 13 July 1928, pp 25-29; An 113-1931

carpenters or joiners. The early history of trade unionism has been documented by Simons and Simons.<sup>116</sup> By the time of the 1922 strike, the white labour force was essentially divided between three political groups. Afrikaner workers, who first entered the mines in 1907 as scabs,<sup>117</sup> were linked at first to Het Volk and later to the NP, though a number found refuge within the predominantly English speaking artisan dominated SALP which was formed in 1910 from a host of labour orientated groups whose origins stretched back into the 1880s. The SALP rapidly became the 'official' voice of white labour: racist, intolerant and largely reformist. The party's decision to join the war effort in 1914 caused a rupture with the left. A number of left wing socialist groups eventually settled their<sup>domestic</sup> differences and, in the wake of the 1917 Revolution in Russia and the post-war crisis in South Africa officially formed the Communist Part of South Africa in July 1921.<sup>118</sup>

The Transvaal and the Cape both produced labour federations of their own. The Witwatersrand Trades and Labour Council was formed in

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116. Simons and Simons, Class and Colour in South Africa, passim

117. cf Yudelman, D "Lord Rothschild, Afrikaner Scabs and the 1907 Strike"

118. On the SALP cf Ticktin, D "Origins of the South African Labour Party 1888-1910", passim; Simons and Simons Class and Colour in South Africa, pp 149-186. On the formation of the CPSA see especially, Johns, S "The Birth of the Communist Party of South Africa."

1903, and its foundation members were "the societies of boiler makers, bricklayers, carpenters, engine drivers, engineers, iron moulders, musicians, printers, shop assistants and stonemasons."<sup>119</sup> By 1911 trade unionism amongst all sections of white workers was firmly established. The Transvaal Federation of Trades took over from the Trades and Labour Council in that year, and it was this organisation that officiated in the strike-torn year of 1913.<sup>120</sup> The South African Industrial Federation rose from the ashes of the abortive general strike of 1914, but its attempts to woo the Cape Federation of Labour Unions, formed in 1913, to join it, failed. Personal differences between Bob Stuart, the CFLU's secretary, "a stubborn Scot" and Archie Crawford, a "right-wing bureaucrat" who had once been an ardent radical, and leader of the SAIF, as well as the Cape's rejection of the 'white labour policy' of the northern union, proved insurmountable.<sup>121</sup> The SAIF was finally discredited with the failure of the 1922 strike. A period of disunity, defections and disillusion permeated white trade union ranks in the Transvaal in the years that followed. The Communists had participated in the Rand strike and struggled to rid themselves of the infamy of marching under the white South Africa banner. From within the ranks of the CPSA, Eddie Roux and W Kalk, "probably the first white communists born in the country", urged the Young Communist League to embark on a non-segregationist policy

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119. Simons and Simons, Class and Colour in South Africa, p 98

120. cf Katz, E A Trade Union Aristocracy, passim. Simons and Simons, Class and Colour in South Africa pp 157-68

121. Simons and Simons, Class and Colour in South Africa, p 187

towards Africans, and to recruit them into the party. The democratic wing of the CPSA was bitterly attacked by older communists, but they eventually won the day.<sup>122</sup>

The South African Association of Employees' Associations succeeded the SAIF in 1925, but changed its name to the South African Trade Union Congress the next year. Animosity still raged between the Cape and the Transvaal and even the rapprochement of 1930 which produced the SATLC barely lasted a year. The colour question dealt with the position of Coloured workers. Many of the Cape Unions had Coloured members whom they could not afford to ignore. The Transvaal imposed a strict colour bar.<sup>123</sup> They basically agreed on the rights of African workers. African workers were encouraged to organise, but in their own unions. Attempts by the ICU to affiliate to SATUC were rejected in early 1928. Stuart, and Andrews, the Communist Secretary of the SATUC and leading radical, issued a joint memorandum which finally put the seal on Kadalie's attempt to join with white workers. Simons and Simons commented that, having "conceded Kadalie's case in principle, the authors rejected it on ground of expediency." The tragedy for the workers' movement was that "the two most powerful leaders in the [white trade union] movement rejected inter-racial solidarity at a crucial stage, when Africans were demonstrating their capacity for large-scale industrial

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122. *ibid*, pp 324-5

123. cf CFLU FEC Minutes, 24 January 1919, 5 March 1919, CFLU papers Aa 1.1; CFLU FEC Minutes, 19 September 1929, 20 March 1930, CFLU papers Aa 1.4; CPLU FEC Special Emergency Minutes, 30 July 1931, 29 October 1931, CFLU papers Aa 1.5. SATUC NEC Report to 3rd Annual Congress, 15-17 April 1927, SATUC papers, Ca 1.3; SATUC 5th Annual Conference, 30-31 March 1929, Minutes p 8, SATUC papers, Ca 1.4

organisation."<sup>124</sup>

The ICU in the interim had gone from strength to strength from its formation in the early twenties. It was a general union made up mainly of Coloureds and Africans drawn from all walks of life. It applied for wage determinations, assisted farm labourers who had trouble with their employers and organised strikes. Its membership grew rapidly and reached about 85 000 in 1928. Kadalie, a flamboyant leader, expelled communists from leadership positions on the advice of white liberals, and his attempt to affiliate to SATUC represented his desire for constitutional activity. The ICU reached its zenith in 1928 but rapidly declined

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124. Simons and Simons, Class and Colour in South Africa, pp 368-370. The CFLU first agreed to investigate the activities, attitudes and objects of the ICU in June 1927, CFLU FEC Minutes 16 July 1927, CFLU papers, Aa 1.3. SATUC received an application from the ICU for affiliation in November 1927. The meeting of the NEC (29 November 1927) agreed to consult the CFLU in an attempt to gain support if the application was rejected. A special meeting was held on 8 December 1927, SATUC NEC Minutes, 8 December 1927. SATUC papers, Ca 1.3 The Memorandum on affiliation was presented to a joint meeting of the CFLU and SATUC Executives on 15 January 1928. All but two of the 60 delegates endorsed the rejection. SATUC papers, Cb2 and Ca 1.3

thereafter. Financial troubles, personal bickering between Kadalie and his Natal colleagues, A W G Champion, linked to structural problems within the organisation, a lack of direction and a failure to achieve much after the Bloemfontein wage award, led to the breakup of the Union, with leaders forming their own branches.<sup>125</sup>

The Communist Party for its part began to focus more and more on the organisation of African workers. Night schools were started to spread education but these were soon forced to close. After 1926, a number of African trade unions appeared, largely as a result of CPSA initiatives. A Federation of Non-European Trade Unions was formed in March 1928 by unions representing laundry workers, engineering trade workers, clothing, baking, motor-driving and garage workers. The number of unions increased in 1928 and 1929.<sup>126</sup>

The 'swing to the masses' after 1928 by the CPSA was highlighted by the acceptance of the Black Republic slogan. Bunting, veteran trade unionist and Chairman of the Party from 1924, initially rejected the Comintern instruction. He thought that "socialism lay through working-class unity under white leadership" whilst the apostles of the Black Republic argued that socialism could only

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125. cf Wickins, P The Industrial and Commercial Workers' Union passim; Bradford, H "'A Taste of Freedom': Capitalist Development and Response to the ICU in the Transvaal Countryside" in Bozzoli, B (ed) Town and Countryside in the Transvaal pp 128-150, provides a suggestive regional survey. The ICU's role in wage negotiation is dealt with in ch 6, passim, below

126. Lewis, J "'The New Unionism': Industrialisation and Industrial Unions in South Africa 1925-1930" in Webster, E Essays in Southern African Labour History, pp121-141, deals with the new unions in a concise manner

follow the national liberation of Africans. The slogan won the day and Bunting agreed to implement it. Its importance lay in the fact that "it jolted the party into awareness of its new role, and inspired in Africans a determination to reject the unquestioned assumption of perpetual white domination."<sup>127</sup> The CPSA began to crumble. The process was hastened from 1930 when the first expulsions of alleged right-wing deviationists from the party occurred.

The Federation of Non-European Trade Unions built up a foundation during the early part of the depression. Although essentially a trade union it also expressed political opinions. In 1928 it adopted a resolution to affiliate to the League against Imperialism, which was a socialist organisation based in Europe.<sup>128</sup> By August 1930 the Federation was in trouble, it could not hold out and plans to get African miners to join failed. An attempt was made to affiliate with the SATLC in October.<sup>129</sup> Expulsions and defections paralysed the Party and the Federation collapsed. Its place was taken by the African Federation of Trade Unions in January 1931. By 1932 the AFTU boasted about 4 000 African, Coloured and white workers in light industry. It too faced problems of retaining its membership during the depression and its leadership had great difficulty in radicalising the membership. The decline of the CP in the early

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127. Simons and Simons Class and Colour in South Africa, ch 17; Legassick, M Class and Nationalism in South Africa, passim, both analyse the development of the new policy. Haywood, H Black Bolshevik, pp 218-240 traces the Comintern's line on self-determination, and at pp 256-278 analyses the 6th World Congress in July 1928 where the issue was thrashed out and places it in its international context. Bunting, S P Imperialism and South Africa, ch viii, presents Bunting's analysis of the slogan

128. Umsebenzi, 24 October 1928

129. ibid, 29 August, and 10 October 1930

1930s coincided with the demise of African trade unionism.<sup>130</sup>

Many of the problems faced by radical trade unionism during the thirties were precipitated by state action. In 1929 the nationalists were swept back into power. The SALP had eventually split in 1928. Problems with the reformist policies of Creswell and the Party leadership existed. Apart from an initial boost in 1925 the Party had been unable to exert any real influence in the Cabinet. Creswell successfully prevented the rank-and-file from establishing greater control over the parliamentary party and split the party between Councillites and Creswellites. The official voice of labour became more concerted with its internal bickering than with even its own reformist beliefs.<sup>131</sup>

The Government passed an amendment to the Riotous Assemblies Act in 1930. Oswald Pirow, the new Minister of Justice and right wing sympathiser, urged the introduction of legislation to combat the 'red menace'. At the final vote SAP members voted with the government and 3 SALP members voted against them. Pirow had managed to place an Act on the statute book which gave him arbitrary power to "banish, ban or prohibit any person, public meeting or book if in his opinion there was reason to suppose that they would cause hostility between whites and other people."<sup>132</sup> The Act inaugurated

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130. Nzula, A et al, Forced Labour in Colonial Africa pp 130-136

131. Davies, R Capital, State and White Labour, pp 230-2.  
Maud, P "The Labour Party and the Pact Government" passim

132. Simons and Simons Class and Colour in South Africa, p 430;  
Act 19-1930

a campaign that has been styled the "white terror."<sup>133</sup> The wave of repression that swept the country during the early thirties was not restricted to whites. Anti-semitism also came to the fore.

During the 1920s the Union had provided a haven for Jewish refugees from Eastern Europe as immigration controls were weaker than those in other countries like the USA. More Jews entered the ranks of the artisan class, "particularly carpenters, tailors, shoemakers and bakers." The post-war depression and drought infringed upon the security of workers and the fear that Bolshevik agents might have entered the Union ensured that Jewish immigration came to the fore both as a political and economic issue. The 1922 revolt was seen by many as the manifestation of a Jewish Bolshevik revolution. Voices were raised within the SAP to amend immigration regulations to keep undesirable aliens out.<sup>134</sup> The Pact relaxed the immigration laws at a time when immigration into the countries had been curtailed. The Harding administration in the USA had passed the Emergency Quota, or Johnson, Act in 1921 to restrict East European immigration, and Australia had also tightened up controls. The overall result was that Jewish immigration to the Union, especially of East European Jews, increased remarkably.

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133. Simons and Simons, Class and Colour in South Africa ch 18

134. Bradlow, E "Immigration into the Union 1910-1948" pp 195-214

The cry to restrict Jewish immigration to South Africa was taken up in many quarters until in 1930 a surprise bill was introduced which aimed at regulating the flow of East Europeans, most of whom were Jewish, into the country. Comments had been passed during the years which referred to the stupidity of permitting unskilled foreigners into the country when the poor white problem was bad enough. Support for the bill came from trade unionists who objected to undercutting from whichever quarter it came. Working class xenophobia recurred from time to time. A significant gentile boycott of Jewish businesses in 1932 for alleged dismissals of non-Jewish workers provided an example of repugnance of unfair employment practice as well as endorsed notions of Jewish unassimilability which were rampant at the time.<sup>135</sup> The Quota Bill aroused a great deal of interest and support<sup>136</sup> but did not satisfy the extremists.<sup>137</sup> They were satisfied in 1937. This last piece of legislation carried sinister overtones which were to directly affect the labour movement. Ballinger pointed to the increasing attention which was being paid to the "activities of Jewish men and women, becoming established as officials of Native and Non-European industrial organisations" and urged Government to discount notions of ulterior motives but to look to economic pressure and genuine altruism as the cause of that interest.<sup>138</sup> Many trade unionists, like Weinbren, Solly Sachs, Willy Kalk, Berman, Dr Benis-

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135. CFLU FEC Minutes 12 May, 26 May, 9 June, 23 June 1932, CFLU papers, Aa 1.5

136. Bradlow, E "Immigration into the Union 1910-1948" ch XI

137. Walker, E History of Southern Africa, p 627

138. Ballinger-Tobias, Registrar of Department of Labour, 9 May 1936, Ballinger Papers, University of Witwatersrand, A410.F2.2 file 1

owitz, were of Jewish descent and had played an important role in industrial organisation.<sup>139</sup> Jewish members of Parliament like Morris Alexander and Kentridge had their hands full trying to ward off the anti-semitic diatribes of various politicians.<sup>140</sup> They appear not to have had time, even if they had wanted to, to turn their attention to their fellow South Africans' plight. White South Africa once again took precedence.

In March 1933, after a period of fairly tortuous wrangling, Smuts and Hertzog settled their differences and formed a coalition government. The parties agreed to fusion and both jettisoned the more intolerant wings that did not favour fusion. The United Party was formed in 1934, and only split again over the war issue in 1939. During its first period of office the government continued its civilised labour policy and managed to remove Africans from the common voters role in 1936. The rise of African trade unionism in the latter half of the period encouraged the government to accommodate them in industrial legislation more completely. A vociferous minority within the white labour movement hotly argued against incorporation into the industrial relations system but the reformists won the day.

The history of South Africa in the early part of the century was marked by rapid industrial growth and violence. White and black workers were separated and the rift between the two grew

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139. cf Simons and Simons Class and Colour in South Africa, various, for biographical details.

140. Bradlow, E "Immigration into the Union, 1910-1948"

deeper and deeper. The state for its part strengthened its position through legislation, either by encouraging the burgeoning industries of the country or by controlling the reformist trade union movement and repressing the militants. The Wage Act played a specific role in contributing to the state of industry and control within the country. We turn now to analyse its role in detail.

**CHAPTER 2      Origins of the Civilised Labour Policy and the History  
of Wage Regulation in South Africa**

The civilised labour policy adopted by the Pact government after 1924 was drawn from a number of different sources. In immediate terms, it resulted from the amalgamation of the policies of the South African Labour Party and the National Party, with the emphasis more on the former than on the latter. At first it appeared to be in direct contrast to the policy of the South African Party. But as the contradiction of interests between classes and sections of classes developed, the National Party and the SAP were able to draw closer together and to compromise in the creation of the coalition government in 1933 and to fuse their interests in a common party in 1934. All Union governments had viewed the employment of poor whites as a problem. The parties differed in their responses to the problem. There were at least three related but different conceptions of the proper role of white labour in the social framework of the Union. The first was the white labour policy associated most often with Col F H P Creswell. Second, the South African Party professed a cautious labour policy which attempted to provide some avenues for white employment in particular ways. That policy perhaps is best described as a white preference policy. Third, the civilised labour policy promoted by the Pact and Fusion governments was a more ambitious scheme to advance white employment. It is important to note that the civilised labour policy was not an extension of Creswell's white labour policy per se.<sup>1</sup>

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1. Johnstone, for example, tends to equate Creswell's white labour policy of providing work for white miners with state encouragement of white employment in state enterprises and the civilised labour policy of the Pact period. It will become clear below why this equation tends to cloud the issue. Johnstone, F A Class, Race and Gold pp 70-71, 82-86, 156

Creswell's white labour policy was restricted to mining operations. He was appointed manager of the Durban Deep Mine in 1893 and it was here that he first employed whites, in 1898, to do shovelling and clearing work. This was work which until then had been the sole preserve of poorly paid African labour. The outbreak of war in October 1899 interrupted Creswell's career and hence his experiments. He returned to the mines as general manager of the larger Village Reef Mine after the capture of Johannesburg in November 1900. He continued his experiments with the initial approval of his superiors.<sup>2</sup> Creswell's experiments publicly received support from Lord Kitchener. The local Board of the Village Main came out in support in May 1902.<sup>3</sup> Differences of opinion concerning the viability of further white employment surfaced within the Chamber of Mines itself.<sup>4</sup> The success of the project depended, in Creswell's terms, on two things. First, the industry would have to become more mechanised to make unskilled operatives redundant and to increase productivity to offset the higher costs which would eventuate. Second, the white workers employed would have to be of a fairly high calibre. The first element depended on the greater investment of capital in the industry.

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2. Walker, E A History of Southern Africa pp 509-510; Davenport, T R H South Africa: A Modern History p 357; Davies, R Capital, State and White Labour, p 62; Creswell, M An Epoch of the History of South Africa, pp 33-34
  3. Ticktin, D "The Origins of the South African Labour Party" pp 136-37
  4. Levy, N The Foundations of the South African Cheap Labour System p 324, note 99

The second depended on the success of his plan to recruit the better quality tomy who remained in the country after the cessation of hostilities.<sup>5</sup> Both elements were mutually dependent. If one failed, the whole scheme would collapse.

Levy noted that the Chamber of Mines tolerated Creswell's antics partly because of the shortage of African labour and partly to "placate Milner". He suggested that

Milner's regime, ... insisted on a period of experimentation before acceding to the request for Chinese labour. In fact the final decision had to be made in London - and it was partly on Chamberlain's (rather than Milner's) insistence that the mine-owners were required to make out a convincing case, outlining their reasons for rejecting the extended use of white unskilled labour on the Rand. 6

The shortage of African labour was caused partly through the Chamber of Mines wage reduction policy and partly because of the dislocation caused by the war.<sup>7</sup> The recruitment of African labour had always been problematic, and the problem in the post-war era was all the more acute. Thus Creswell suggested as one solution the employment of whites "'throughout all the gold mines' on the Witwatersrand."<sup>8</sup>

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5. *ibid*, pp 180-187; Ticktin, D "The Origins of the South African Labour Party" p 137. Johnstone, F Class, Race and Gold pp 82-4 and Maud, P "The Labour Party and the Pact Government" p 3 both fail to recognise the important mechanisation element in Creswell's plan.
  6. Levy, N The Foundations of the South African Cheap Labour System p 324, note 100
  7. *ibid*, pp 128-157 for the fullest treatment to date of this phenomenon.
  8. *ibid*, p 183

In July 1902, R W Schumacher of the Corner House which controlled Creswell's mine stressed that the employment of whites was only a temporary expedient.<sup>9</sup> P Tarbut, chairman of the London Board of Directors of Village Main wrote Creswell to express his fears that

if a large number of white men are employed on the Rand in the position of labourers ... the combination of the labouring classes will become so strong as to be able to more or less dictate, not only on the question of wages, but also on political questions, by the power of their votes. 10

The Majority Report of the Transvaal Government's 1903 Labour Commission exposed the flaws in Creswell's white labour policy and their arguments carried the day.<sup>11</sup> Creswell in the interim had struggled on until his rejection of Fitzpatrick's offer of a transfer back to Durban Deep at the same rate of pay ensured his enforced resignation.<sup>12</sup> The Chamber turned its attention to the recruitment of indentured Chinese labour.

The political furore which erupted over the Chinese labour question in South Africa<sup>13</sup> from 1904 initially widened Creswell's support base. W F Monypenny, editor of the Star, and Wilfred Wybergh, the commissioner

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9. Ticktin, D "The Origins of the South African Labour Party" p 137
  10. Quoted by Johnstone, F A Class, Race and Gold, pp 83-4
  11. Levy, N The Foundations of the South African Cheap Labour System ch 12, provides an in depth analysis of both the majority and the minority Commission reports.
  12. Ticktin, D "The Origins of the South African Labour Party" p 137
  13. Levy, N The Foundations of the South African Cheap Labour System ch 13 passim; Johnstone, F Class, Race and Gold pp 32-3, or Davenport, T R H South Africa: a Modern History pp 357-9

mines, were among those who lent Creswell's ideas support.<sup>14</sup>

Het Volk, and in particular Smuts, watched Creswell's experiments closely.<sup>15</sup> Their association was brief but it did indicate that Het Volk considered a white labour policy as a possible solution to the poor white problem. In the end, Het Volk turned away from Creswell and fell in line with the mining magnates who in turn had drawn closer to the Afrikaner agrarian party after 1906.<sup>16</sup> Het Volk's electoral victory in 1906 did not result in the implementation of a white labour policy on the mines. This was to have important consequences for the later history of the Union: the mines never employed more whites than they were forced to, either for economic considerations or from white working class pressure, although they subsidised the employment of whites in other sectors through increased taxation:

The labour policy of the first Union governments involved the creation of employment opportunities for unskilled and semi-skilled whites. This policy was a reaction to a number of occurrences. The South African War had intensified the migration of poor whites to urban areas, and the increased capitalisation of agriculture forced small-time farmers off the land. The ranks of proletarianised urban dwellers were swelled by the influx of rural poor and the

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14. Walker, E A History of Southern Africa p 511; Maud, P "The Labour Party and the Pact Government" p 2
15. Jeeves, A "Migrant Labour and the Colour Bar" p 16
16. cf Yudelman, D "Lord Rothschild, Afrikaner Scabs and the 1907 Strike"; Davies, R "Mining Capital, The State and Unskilled White Workers in South Africa, 1901-1913" and Jeeves, A "Migrant Labour and the Colour Bar" pp 16-19

radicalisation of working class political action further encouraged the state to turn its attention to the "poor white problem".

The South African Party opted for a white preference policy. It was not as exclusivist as was the white labour policy. It offered whites better chances of employment than it did Coloureds, Asians and Africans in that order. Johnstone described it as

A policy pursued by the State as an employer, of giving preferential treatment in the public sector, notably the railways, harbours and postal services, to unskilled white workers by providing and restricting certain unskilled employment to such workers, at higher than prevailing unskilled wages. 17

Public sector employment placed the burden of remuneration on the state as tax-collector. Relief works, irrigation schemes and work colonies were established.<sup>18</sup> A major land resettlement scheme was inaugurated with the passage of the 1912 Land Settlement Act through Parliament.<sup>19</sup> The Land Settlement Act and its numerous amendments provided penniless whites with

the opportunity to lease land for a five year probationary period, rent free for the first year and a minimal rent thereafter with the further option of purchasing on the same terms as other settlers or of extending their lease. 20

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17. Johnstone, F A Class, Race and Gold, pp 70-71

18. *ibid*

19. Davies, R Capital, State and White Labour pp 107-109

20. *ibid*, p 108

Farmers were encouraged to employ whites on their farms instead of blacks, and labour bureaux were established.<sup>21</sup> After the drought of 1916 had destroyed the agricultural ventures of many whites, the government had to find other avenues of employment. It extended the relief works, afforestation projects and drew more whites into the railways.<sup>22</sup> The South African Party government was reluctant to interfere with the private sector and thus their policies necessarily scratched the surface. The introduction of minimal tariff protection in 1914, the Factories Act and the Regulation of Wages Act of 1918 and the Apprenticeship Act of 1922 represented the growing concern of the state in the field of labour relations. The Industrial Conciliation Act of 1924 formed the pinnacle of labour legislation prior to Smuts's defeat in the same year.

The developments which led to the victory of the Pact in 1924 were outlined in chapter one. The new government quickly set itself the task of implementing its "civilised labour policy." The SALP brought with it a white labour policy broader in its conception than the Creswellian policy. All the arguments that rocked the white labour movements over the question of discrimination in the economy do not concern us here. It is important to note

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21. *ibid*, pp 109-110

22. *ibid* pp 110-113

though, that socialist elements during the first years of the century compromised with racist policies.<sup>23</sup> The leaders in the SALP "knew that their political bread was buttered on the side of white privilege."<sup>24</sup> The left wing of the Labour Party lost ground to the rightwing which consolidated behind Creswell. The split in the Party in 1915 over the war issue spurred on the move towards reformism and a more overt racism. The socialist element within the party's programme was "watered down" in 1923,<sup>25</sup> and a more segregationist policy adopted. White employment was hence to be secured within a system of "socialised means of production." Coloureds would perhaps be incorporated at a later stage if they attained the necessary standard of living. Africans would be provided for in segregated areas of the Union and ideally would have no place in the white state. In short, Creswell's mining industry policy was extended to mean African exclusion from the economy in general.<sup>26</sup>

The Nationalists for their part promoted the employment of whites in the public sector to a greater extent. Soon after the new government had assumed power, the Minister of the Interior, Dr D F

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23. Simons and Simons, Class and Colour in South Africa, p 155

24. *ibid*, p 128

25. Touyz, B "White Labour and the 'Social Democratic' Movement in the Transvaal" pp 243-244

26. Ticktin, D "The Origins of the South African Labour Party" p 142 states that Creswell himself "did not propose ... the active substitution of native labour by white labour, although he may have cherished this as a long term ideal."

Malan informed the public "that the Government was considering the further extension of the policy of 'civilised labour'" to encompass both coloured people and whites. C W Malan , the new Minister of Railways gave notice that the employment of whites on a larger scale in his department was under consideration.<sup>27</sup> Pressure from the Labour Party - and the maverick Tielman Roos - within the Pact resulted in attempts to force the policy upon the private sector, which included both mining and secondary industries.<sup>28</sup> The Labour Party, although represented in the cabinet, was not able to produce the goods in the quantities its supporters wanted. Their decline after the 1926 session, the last in which any legislation sponsored by them was passed, opened the way for the future rapprochement between Smuts and Hertzog at a time of economic crisis. When the Labour Party split in 1929, Labour's loss of influence was made obvious to all. The depression and gold standard crisis provided the catalyst which pushed the Nationalists and the SAP together. The civilised labour policy accepted by the coalition government became more of a pragmatic attempt to solve the socio-economic problems

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27. Maud, P "The Labour Party and the Pact Government" pp 45-46

28. *ibid*, p 48 .

which beset the Union than its predecessor which depended in large part on a healthy dose of Labour Party 'principle'.<sup>29</sup>

An understanding of the legislative instruments - of which the Wage Act was but one - within the broad definition of 'civilised labour' is bound up with the confusion that existed in the minds of contemporary protagonists of the policy as to what the policy was. The classic definition was provided by the Prime Minister's circular to all government departments in October 1924. It read:

The Prime Minister desires it to be understood by all Departments of State that it has been decided as a matter of definite policy that, wherever practicable, civilised labour shall be substituted in all employment by the government for that which may be classified as uncivilised. Civilised labour is to be considered as the labour rendered by persons whose standard of living conforms to the standard generally recognised as tolerable from the usual European standpoint. Uncivilised labour is to be regarded as the labour rendered by persons whose aim is restricted to the bare requirements of the necessities of life as understood among barbarians and undeveloped peoples. 30

At first glance the Prime Minister's circular appeared to be a colour blind statement. Even in 1934 Jan Hofmeyr, Minister of the Interior, Education and Public Health in the Fusion Government was able to write that

there is not intended to be any variation in the

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29. Turrell, A "The South African Party 1932-34: The Movement Toward Fusion" pp 102-103 outlined the principle accepted by both parties
30. Prime Minister's Circular No 5, 31 October 1924. Official Year Book of the Union of South Africa, 1926-7, p 203 Quoted by Johnstone, F A Class, Race and Gold pp 247-8 fn 17

conception of that term [civilised labour] as defined in the Prime Minister's Circular of 1924, in other words, that the term 'civilised labour' does not imply race and colour discrimination. 31

The circular of 1924 was produced in response to rumblings around the country that civilised labour meant white labour. There appears to be no reason to dispute Simons' and Simons' suggestion that though "carefully worded to avoid criticism at the ILO in Geneva, the definitions were generally understood to distinguish all whites from all other persons."<sup>32</sup> In early August 1924 C W Malan had stated that "the policy of the government is to employ European youths in replacement of natives or Indians in unskilled work wherever possible."<sup>33</sup> At the 1924 National Party Congress, Tielman Roos urged the mines to replace Africans with whites. A resolution was passed at the congress which called for the replacement of African postmen by whites.<sup>34</sup> The Labour Party at their annual Transvaal provincial conference proposed to replace all Africans employed in either the manufacturing or selling of liquor, as well as those involved on the production of food consumed by whites, with whites. This latter definition included industries where "foodstuffs for the use of Europeans are handled."<sup>35</sup>

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31. Hofmeyr - Rheinalt Jones. 23 June 1934. Copy in Rheinalt Jones Papers
32. Simons and Simons Class and Colour in South Africa p 339
33. House of Assembly Debates 1924, c 138
34. Maud, P "The Labour Party and the Pact Government" p 69
35. *ibid* p 72

Hertzog's circular did not clear the air or settle doubts in people's minds. The issue was to blow up again in 1934 when the Department of Labour and Social Welfare initiated a campaign for the increased employment of civilised labour in secondary industries which benefitted from the customs tariff scheme. In 1933 A P J Fourie, Nationalist Minister of Labour and Social Welfare in the coalition government visited the sugar industries of Natal and "expressed the hope that a fair complement of civilised labour would be employed by the industry."<sup>36</sup> The Institute of Race Relations, formed in 1929, stated that

the [sugar] industry believes it has been asked, in fact, if not to discharge its Indian and other non-European employees to make room for Europeans, at any rate not to employ any more Non-Europeans. 37

In May 1934 the Department of Labour and Social Welfare stated that the term civilised labour was "not regarded as including Native workers" although no differentiation was "made on the basis of race" for employees of other races. For example, Mauritians, or St Helenas and "members of the Cape Coloured community and Indians" were either civilised or uncivilised according to their standard of living.<sup>38</sup> The District Inspector of Labour in Durban confirmed the above view and the Department replied in the following manner to an

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36. Department of Labour Memorandum. Reference C1144, Pretoria, 12 June 1934. Copy in Rheinalt Jones Papers

37. SAIRR "The Civilised Labour Policy and the Displacement of Non-European Labour". October 1935, p 14. SAIRR Archives, AD 843, B71.2

38. *ibid*, p 4 Memorandum ref C1144 Ivan Walker - Secretary, Johannesburg Joint Council of Europeans and African, 20 September 1934 Rheinalt Jones Papers.

Institute request<sup>39</sup> for clarification:

Generally Native labourers do not come within the definition of civilised labour, but it is certain that there are Natives whose standards of living do conform to the standard generally recognised as tolerable from the usual European standpoint, and such persons would be regarded by this Department as civilised. 40

Fourie complicated the issue in a speech delivered before the Annual Meeting of the South African Federated Chambers of Industry in October of the same year, when he referred to the solution of the poor white problem, but went on to say that they should strive

to secure a more satisfactory relationship in the numbers of skilled, semi-skilled and unskilled white workers in all branches of trade and industry. 41

The Department of Labour and Social Welfare replied to the Institute's query about the racial aspect of the civilised labour policy in ambiguous terms. Ivan Walker, Secretary for Labour, attempted to argue that no colour bar existed in the 1924 Circular. The aim of the civilised labour policy was to "ensure that sufficient openings are created" in the expanding economy of the Union to absorb "those workers who, being principally unskilled workers, are unable to obtain regular employment owing to the competition of other persons

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39. Secretary, Johannesburg Joint Council - Minister of Labour  
27 June, 1934. Rheinalt Jones Papers

40. SAIRR "The Civilised Labour Policy" p 5. SAIRR Archive, AD843, B71-2

41. Department of Labour Memorandum. Reference C1144, Pretoria, 12 June 1934. Copy in Rheinalt Jones Papers.

accustomed to lower standards." The "class which this policy is designed to assist consists largely of European unskilled workers, numbering approximately 25 000 to 30 000 for whom the Government has in the past been expected to provide relief measures." He concluded that the "policy is in no way associated with any question of racial segregation ."<sup>42</sup>

That such confusion existed over the interpretation of the circular which the Department claimed it had adhered to throughout was not unnatural. The circular had differentiated between civilised and uncivilised workers on the basis of their standards of living, and this generally meant racial differentiation in practice.

The legislation which determined the pattern of industrial relations in South Africa did not have its origins in the ideology of the white or civilised labour policies. It originated out of the realities of a developing economy linked to the growth of a differentiated, radicalised labour movement in the Union. The ideologies provided legislators and businessmen with the overall plan or picture of how to control that movement.

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42. Ivan Walker - J D Rheinalt Jones, 14 November 1935. Attached to SAIRR "The Civilised Labour Policy" SAIRR Archive AD843B71.2

The South African industrial relations system comprised both conciliation and wage regulation apparatus. It was based on the models of existing systems in the world at the time.<sup>43</sup> The major industrial powers themselves did not have a long history of industrial legislation. Industrial legislation in Australia first appeared in 1873 and developed slowly until 1896 when the Shop and Factories Act was passed and placed industrial conciliation machinery on a firm footing for the first time. Minimum wages were established by a similar Act of 1893, and the 1896 Act provided machinery in the form of special boards organised on an ad hoc basis to regulate wages in certain specified trades.<sup>44</sup> New Zealand's more sophisticated system was established in 1894. The fundamental principle behind the Victoria State and New Zealand systems was that of voluntary conciliation and compulsory award.<sup>45</sup> If the parties could not agree then either party, whether trade union or employers's organisation, could appeal to the arbitration court whose judgement on the issue was binding on the parties involved. The French system operated along similar lines, except that no basis was provided for the settlement of disputes in the event of deadlock. The last system of note was the Canadian one. The 1907 Lemieux Act introduced the compulsory con-

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43. This is clear from a collection of papers in the Department of Labour archive which include copies and notes from the following: New Zealand Official Year Book, 1919 on the Factories Act, Shops and Offices Act, Industrial Conciliation and Arbitration Act, and statistics from the State of Tasmania Wages Board Act, 1920. Other documents include the variously named wage acts of New South Wales and Victoria in Australia, Alberta and British Columbia in Canada, and various states of the United States of America. Department of Labour Archive 1427: 1069 Lc 180

44. Reeves, W P State Experiments in Australia and New Zealand p 57-8

45. *ibid*, *passim*; Davies, Capital, State and White Labour p 116

ciliation principle and arose directly out of the strikes which hit the country at the time.<sup>46</sup>

Rob Davies correctly suggested that the South African Labour Party largely supported the Australian system. Strike leaders in 1907 called upon Botha to introduce legislation along Australian lines but their calls went unheeded.<sup>47</sup> The Transvaal Industrial Disputes Prevention Act of 1907 was instead modelled along lines set down by the Canadian Act of the same year. This was hardly surprising as it had to deal with the strike situation in the Union on a basis which found favour with the monied interests who had come to woo the Het Volk party. The other systems which they could have turned to did not effectively control strike activity and were thus rejected by Botha's Government in the Transvaal.<sup>48</sup> Davies noted two distinct differences between the Transvaal Act and the Canadian Act: first, the introduction of a colour bar in the definition of employee; and second, the failure to recognise trade unions as the legitimate representatives of the labouring classes. This latter tendency was to recur over time during the next few years.<sup>49</sup>

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46. Davies, Capital, State and White Labour, pp 116-117

47. *ibid*, p 116

48. *ibid*, p 118

49. For example, Victoria Falls and Transvaal Power Co Ltd - J Collie, Secretary, Mining Industry Advisory Board 11 August 1922 laid down the areas of trade union competency, namely rates of pay and hours of work, and rejected any question of establishing conciliation machinery within the company itself. SAIF papers, Bc 1.2

From 1907 onwards calls for the establishment of some system of statutorily recognised apparatus for the regulation of wages became fairly widespread in the Union. The South African Commerce and Manufacturers Record, mouthpiece of one sector of the South African commercial world<sup>50</sup>, called in April for the establishment of a Department for Labour.<sup>51</sup> This sentiment was echoed in the Constitution and Platform of the South African Labour Party which was formed in 1910.<sup>52</sup> A rail strike in Natal, for example, also highlighted the necessity of introducing arbitration and conciliation machinery.<sup>53</sup> In 1911, another columnist referred to the Australian system of wage regulation with approval as it had "proved a most effective means for the prevention of strikes," and advocated the establishment of a wages board in the Union.<sup>54</sup> In the same year the South African Manufacturers' Association suggested at their annual meeting that conciliation and wages boards were the best means of "avoiding future industrial disputes."<sup>55</sup> The South African Labour Party advocated wages boards as well, but their appeals for a Department of Labour and for wage boards differed in essence from that of the South African Commerce and Manufacturers Record's columnists. They were to be used, inter alia, as

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50. Bozzoli, B The Political Nature of a Ruling Class, p 14

51. *ibid*, p 128

52. Maud, "The Labour Party and the Pact Government" p 9

53. Bozzoli, B The Political Nature of a Ruling Class p 128; 319 fn 74

54. *ibid* p 128. The example of New Zealand is perhaps a better one. Between 1896 and 1906 there were no strikes as a result of the conciliation machinery in force at the time. Davies, Capital, State and White Labour, p 137, fn 64

55. *ibid*, p 319, fn 75

a means to develop a "free white population" in the sense of benefitting white workers economically.<sup>56</sup>

The Union's legislators, in the meantime, had not been lax in turning their attention to worker pressure. The miners' strike of 1907 occurred as a result of white miners' fears for the security of their positions within the labour structure. This arose as a result of the infiltration of African workers into areas traditionally occupied by white miners. In 1911 the Mines and Works Act was passed. The Act covered general conditions of employment and made provision for safety enforcement.<sup>57</sup> The Native Labour Regulation Act of the same year restricted the negotiation of African's economic grievances through the channels of labour inspectors.<sup>58</sup>

The Union Parliament turned its attention to the question of wage boards in May 1913. Tension was rising in the mining industry over the question of trade union recognition. C H Hagggar, although expelled from the Labour Party in 1911,<sup>59</sup> led the battle for the introduction of some sort of wage regulation in the Union in 1913. He initially desired the Assembly to debate the possibility that "legislation should be introduced at an early date, with a view to the

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56. Maud, P "The Labour Party and the Pact Government" p 9

57. Act 12-1911, Jones, R A and Griffiths, H R Labour Legislation in South Africa p 3

58. Act 15-1911, *ibid*, p 4

59. Hagggar was involved in a scandal about his private life both before his departure to South Africa from Australia and in the Union. The question of his expulsion was fully debated at the 1911 Annual Conference of the Labour Party. Minutes of the 1911 Annual Conference SALP Archive, Cabinet 1, Draw-3, file KK

establishment of Wages Boards within the Union.<sup>60</sup> Supported by H W Sampson, he later amended this notice of motion and substituted one which merely "requested [the government] to take into consideration at an early date the formation of wages boards."<sup>61</sup> Arguments in favour of the motion drew attention to the inadequate provisions of the 1907 Transvaal Act which proved more effective for employers to use against employees than was warranted. The motion was agreed to with no dissentients. The question of wages boards and minimum wages was simultaneously under consideration in trade unions. Andrews was in the minority when he suggested that minimum wages should apply to all workers, irrespective of colour or race. But all "trade unionists ... were adamant that minimum wages should be fixed according to white standards only."<sup>62</sup> In July, the mine workers included a request for the establishment of wages boards in their demands to Botha's government.<sup>63</sup> In February the next year H W Sampson inquired of the Minister of Mines and Industries, F S Malan (Malmesbury), whether any legislation concerning wages boards was likely to be introduced that session. He was told that the question was under consideration.<sup>64</sup> This query followed the motion introduced by

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60. Votes and Proceedings of the House of Assembly no 81 of 1913, 27 May 1913, p 925
61. Votes and Proceedings, 82 of 1913, 27 May 1913, p 933. House of Assembly Debates, 1913, c 2798
62. Katz, E A Trade Union Aristocracy pp 354-355
63. clause 8 of the "Workers Charter" reproduced as Appendix C in Katz, *ibid*, pp 487-493
64. House of Assembly Debates 1914 c 438

Haggar on 3 February 1914 which asked for a national minimum wage. He, Haggar, had expressed the belief that wages boards, comprised of equal numbers of employers and employees, would be necessary to implement a national minimum wage. After discussion, the motion was withdrawn <sup>65</sup> pending the report of the Economic Commission of Enquiry. <sup>66</sup> In the event, the Chapman Commission declined to support the idea of a national minimum wage on the grounds that "native and coloured labour would be excluded."<sup>67</sup> The commission failed to see the necessity of wages boards. It gave an indication of what type of boards were envisaged when it stated that

there are people in South Africa who would like to see wages boards set up ... on a State basis, with obligations to fix wages for whites and possibly wages for non-whites, also possibly on a lower level when it becomes needful, and with powers of enforcing their award. 68

The Commission would only recommend the establishment of conciliation boards to provide for mediation, or, "in the last resort" the establishment of disputes' boards which would report on strikes and lock-outs. <sup>69</sup>

Other attempts during the early years to secure wage regulation also failed. In 1912 a motion which called for the inclusion of fair wage clauses in "all contracts entered into between the government of

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65. Votes and Proceedings, No 3 of 1914, 3 February 1914, p 20

66. House of Assembly Debates 1914 c 58-60

67. Economic Commission Report, UG 12-1914 p 42

68. *ibid*, p 45

69. *ibid* p 70

the Union of South Africa, and any other person, persons, corporation or company" for all skilled workers based on a minimum standard wage was withdrawn.<sup>70</sup> A further attempt was made by Haggar and Boydell (Greyville) to ensure that a fair wage clause be introduced into all Public Works Department contracts regardless of the provisions thereof but that "no determination should be made on the ground of the colour of the workmen engaged." Sampson (Commissioner Street) and Madeley (Springs) proposed an amendment which in effect introduced discrimination by substituting the non-discriminatory clause for one that stated that "the standard wage of the district for standard work should be secured for every workman, whether white or coloured."<sup>71</sup> The underlying racist implications of their substitution was to become clear later. Neither the motion nor the amendment drew discussion. The Speaker of the House ruled them both inadmissible on the grounds that, if adopted, an increase of expenditure would be incurred and this would be "in conflict with the terms of section sixty-two of the South Africa Act."<sup>72</sup>

The 1914 session did produce two acts which served to

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70. Votes and Proceedings, No 60 of 1912, 23 April 1912, p 705

71. *ibid*, No 8 of 1913, 4 February 1913 p 78

72. Section 62 of the South Africa Act, 1909, stated: "The House of Assembly shall not originate or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose unless such appropriation has been recommended by message from the Governor-General during the Session in which such vote, resolution, address or Bill is proposed." Eybers, G Select Constitutional Documents p 534

ameliorate conditions: the Workmen's Wages Protection Act and the Workmen's Compensation Act. The former inaugurated a system "to make better provision for securing the payment of workmen's wages" to all workers regardless of race. It covered contracts between individual parties, ie, between contractor and employee, and not groups like trade unions or industrial councils as was the case under the legislation of the 1920s period, and was only repealed in 1956.<sup>73</sup> The Labour Party Executive reported to the Annual Conference at East London in December of the same year that the Act was merely "a balm" to the "outrages on the freedom and the status of the worker", perpetrated through the Riotous Assemblies and Criminal Law Amendment Act of 1914.<sup>74</sup> The Wages Protection Act, they declared, secured to the worker "the terms of his serfdom."<sup>75</sup> The Labour Party thus recognised this legislation as an attempt to mollify labour. The Protection Act was as narrow in its scope as the Cape Labourers' Wages Regulation Act of 1887. That Act stipulated that wages could only be paid in the "current coin of the Colony."<sup>76</sup> The Workmen's Compensation Act attempted to improve conditions and granted compensation for injury to white workers. Africans were covered by the 1911

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73. Jones and Griffiths, Labour Legislation in South Africa, pp 11-12

74. Act 27-1914

75. SALP Executive Report to Annual Conference p 3, 28 December 1914. SALP Archive, Cabinet 1, Draw 3, file KJ

76. Act 23-1887

Native Labour Regulation Act.<sup>77</sup>

The question of wages boards was squashed with the outbreak of war and the tightening up of the war economy. Patrick Duncan, Unionist representative for the labour stronghold of Fordsburg until 1920, raised the issue again in February 1917. He privately moved the Regulation of Wages (Specified Trades) Bill, because, he claimed, it was clear that the Government was not prepared to do so.<sup>78</sup> The Bill was tentative in the extreme, it was not an "attempt to do much, but it did attempt to make a beginning." It would cover only specified trades which would be registered under certain regulations. Women and children involved in sweated industries would be covered by the Act if it became law. Trade Boards, appointed by the Government, would concentrate on their specific trades. The Bill was supported by all parties during the debate. C G Fichardt, (Ladybrand) and a founding member of the National Party, expressed fear that those protected by the bill would lose their jobs; whilst Sampson (Siemert) argued that it did not go far enough. Duncan accepted the Minister of Mines and Industries' amendment that the Bill be sent to Select Committee for clarification. When the Committee reported back on

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77. Jones and Griffiths, Labour Legislation in South Africa pp 11-12

78. Debates of the Union of South Africa as reported in the Cape Times 20 November 1915 - 25 June 1923. vol 11 7 March 1917 as reported on 8 March 1917. First reading was on 17 February 1917

24 May, the session was too far advanced for it to have any chance of going through. It was subsequently discharged from the House in July.<sup>79</sup>

In October 1917 the Cape Town tailors went on strike. In December a South African Commerce and Manufacturers Record columnist suggested that the strike "has hastened the introduction of Wages Boards ... (a)nd there is not the slightest objection to it on the part of the employers."<sup>80</sup> F S Malan introduced the Regulation of Wages, Apprentices and Improvers Bill at the end of January 1918 in the form that the 1917 Bill had come from Select Committee. Notwithstanding the immediate effect of the strike, the Women's Enfranchisement Association of the Union of South Africa claimed that the Bill was initiated by "the Women's Suffrage Societies".<sup>81</sup> The terms of the Act would appear to support their contention, although the influence of the tailors strike and the urgency of the problem cannot be ignored. It provided for the establishment of wages boards in specific sweated industries to look after the interests of women and juveniles. The Minister rejected calls from Sampson for the extension of the Bill to cover male workers, for the establishment of one wage board for the whole union, and the suggestion that the boards should have juris-

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79. *ibid*

80. Hastings, E "The Tailors Strike in Cape Town: some industrial lessons resulting from the dispute." South African Commerce and Manufacturers' Record 11 (128) December 1917. Quoted by Bozzoli, B The Political Nature of a Ruling Class, p 178

81. Lucy Johnstone-Scott, Honourary Parliamentary Secretary, Women's Enfranchisement Association of the Union of South Africa - F H P Creswell. 29 December 1924 Department of Labour Archive 1427: 1069 Lc 810

diction to regulate the hours of work.<sup>82</sup>

The Act soon encountered difficulties. Not much use was made of it and by 1925 it had fallen into desuetude in some parts of the country where it had previously operated.<sup>83</sup> The jurisdiction of the boards was challenged by the courts. The Natal Division held that the prescription of scales of wages over and above the minimum wage was ultra vires, whilst the Free State Division declared to the contrary.<sup>84</sup> A number of comments were made by the Economic and Wage Commission with regard to defects within the administrative apparatus of the Act. The Act presumed a degree of organisation on the part of both employers and employees which was difficult to achieve given the nature of the trades concerned. The Minority Report of the Commission pointed out that the Act was meant for unskilled and semi-skilled people; but at these occupational levels organisation was well nigh impossible.<sup>85</sup> The building workers, for example, had suffered from lack of organisation when the Master Builders Federation had established a

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82. House of Assembly Debates as reported in the Cape Times vol 111 p 90. 21 February 1918 reported 22 February 1918 p 265, 29-30 April 1918

83. Economic and Wage Commission Report, UG 14-'26, Majority Report para 77a

84. *ibid*, para 76

85. *ibid*, Minority Report, para 53, p 287. Lucas, F "The Determination of Wages in South Africa." p 49

Wage Board in 1922. The Master Builders were "very emphatic about refusing to deal with sectional organisations" and threatened to "reduce wages periodically" if the workers did not organise.<sup>86</sup> Employees also feared the consequences of victimisation.<sup>87</sup> The validity of some determinations was questioned by the courts, and the high rate of minimum wages led to dismissals. Another problem was that deadlocks could be broken through further discussion between the parties involved.<sup>88</sup> The multiplicity of boards meant that wage levels could not be effectively co-ordinated between specific trades and between different areas of the country.<sup>89</sup>

The Majority Report stated that there

would seem to be a lack of seriousness in protests against evils, which are not backed up by vigorous use of existing legislative remedies for these evils. 90

This sentiment was echoed by the Executive of the Cape Federation of Labour Unions in their report to the 1919 annual conference. They

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86. CFLU Building Section Minutes, 21 April 1922 CFLU papers Aa 1.2
87. Economic and Wage Commission, UG 14-'26, Majority Report para 77a. Minority Report para 53
88. for eg. see the comments in CFLU Minutes, Aggregate Meeting of Building Trade 18 July 1921 and Building Section Minutes 29 August 1921 CFLU papers Aa 1.2
89. Lucas, F "The Determinations of Wages in South Africa" p 49
90. UG 14-'26 para 77a

accused workers of apathy, and stressed the need for "education and thought" for the successful operation of the wages boards.<sup>91</sup>

De Kiewiet had indicated why, in a general way, the Act failed:

It stepped into that confused and controversial field that lay outside the boundaries of skilled labour. It was the field of unskilled and semi-skilled labour, the field in which Cape Coloured folk, Natal Indians, Kafirs [sic], white women and youths, and poor whites struggled for employment and preferment.

The Act only drew attention to "the great complexity of these problems; otherwise its history was a record of neglect, hostility and indifference."<sup>92</sup> With no precedents in either South Africa or the industrial world at large of any long standing value,<sup>93</sup> it was not surprising that the Act failed and people turned to examine other possibilities. The urgency of the matter became even more evident after the economic recession after 1919 and the subsequent labour upheavals of 1922.

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91. CFLU NEC 6th Annual Conference Report. CFLU papers Ab 2

92. De Kiewiet, C A History of South Africa p 270

93. Britain established wage regulation in 1909, the United States between 1912 and 1919 in sixteen states. cf Fordham's speech House of Assembly Debates 1925 c 1710

In 1920 J X Merriman proposed the removal of the colour bar from the Transvaal mining regulations under the 1922 Mines and Works Act. Creswell moved a counter motion that before the idea should be contemplated, an Act should be passed - in conjunction with a few other matters - which provided for the

equal payment of such wages for the classes of work likely to be performed as will enable those doing the work, whether coloured or European, to maintain standards of life necessary for civilised men in a civilised country. 94

During debate Creswell (Denver) was ordered from the House for calling Alexander (Cape Town Hanover Street) a liar,<sup>95</sup> but the matter never reached a conclusion. After countless adjournments the business was dropped in consequence of the prorogation of Parliament.<sup>96</sup>

Two attempts were made in 1921 to modify the existing wage regulating instruments. The Regulation of Wages Bill was first read on 21 March. It was referred to a Select Committee before the second reading and withdrawn in mid-June. The details of the

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94. House of Assembly Debates 1925 c 1714 Marwick's speech. Merriman's motion was "that in one opinion of this House it is desirable that the Government should take the necessary steps for the early removal of those provisions contained in the Mines and Works Act, 1911, and regulations thereunder, imposing certain disabilities, generally known as the colour bar." Votes and Proceedings, No 33 of 1920, 18 May 1920, p 384
95. Votes and Proceedings, No 44 of 1920, 3 June 1920, pp 521-22
96. *ibid*, Nos 53-55 of 1920; 17, 18 and 21 June 1920 pp 628, 639 and 649 respectively

debate on this Bill were not reported in the Cape Times.<sup>97</sup> The Bill was reintroduced in a different form as the Wages Board Bill on the same day as the first was withdrawn.<sup>98</sup> Contrary to previous practice, the compulsory arbitration principle embodied in the Transvaal Prevention of Industrial Disputes Act was watered down as this Bill was meant to provide not only for the regulation of wages but also for

the registration of voluntary agreements between employers and employees as to conditions of employment and for other purposes in connection with any of these matters. 99

The main principle of the Bill was the prevention of strikes and the second its voluntary nature.<sup>100</sup>

F S Malan outlined the provisions of the Bill during the second reading on 11 July.<sup>101</sup> It was to regulate wages by establishing a minimum which could then be increased or decreased "according to the circumstances of each industry." Government officials, all people in Government employ, agricultural and domestic services were excluded from the provisions of the Bill. Parliament was the effective wage board for the former group, and agriculture and domestic service "did not lend themselves to the operation of a measure of this kind."

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97. House of Assembly Debates as reported in the Cape Times vol VI

98. June 17 1921 *ibid*

99. Senate Debates 1921 vol III p 1875 13 July 1921

100. *ibid*, p 1948

101. RDM 12 July 1921

Wages Boards were to be set up all over the Union for particular trades. They were to consist of five representatives of employers and employees respectively, selected by their representatives. The impartial chairman was to have no casting vote, and this was acclaimed by the Government as the "outstanding feature" of the Bill. Malan recognised this break with international examples in his address to the Senate.<sup>102</sup> The fact that there was no administrative way out of a deadlock situation was admitted by the Minister, but

it was felt that it was much better to start in this way than to attempt to put up machinery which would do away with strikes and disputes between employers and employees.

In the event of an impasse.

the matter would be referred to the Minister, and he would act in the same way as he acted now when a strike was threatened.

He reserved the right to ask the Board for recommendations on how to settle disputes.<sup>103</sup>

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102. Senate Debates 1921 vol III p 1947

103. *ibid*, as reported 12 July 1921; RDM 12 July 1921

The measure was seen as a means whereby industrial disputes could be settled. The "fair and square" employer would be protected from the unscrupulous employee.<sup>104</sup> Dr Malan supported the principle of the Bill as he saw it as a means for "bringing Capital and Labour together" as it embodied the idea of a "standard wage for standard work."<sup>105</sup> Confusion arose over the question of the institution of a colour bar. Malan initially stated the measure would serve to protect white labourers from economic competition by lower paid black workers. Merriman, Member of the Assembly for Stellenbosch, expressed concern at the effect that the Bill would have on the coloured people. Alexander, Independent Member for Cape Town Castle replied that coloureds did come within the ambit of the Bill, and Malan judiciously corrected himself by substituting the term "skilled labourer" for "white labourer."<sup>106</sup>

There can be no doubt that the notion of the overt protection of white labour at the expense of coloureds - not to mention Africans

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104. Speeches by Malan; Close; Alexander reported in Cape Times and RDM 12 July 1921

105. RDM 12 July 1921

106. House of Assembly Debates as reported in the Cape Times vol VI pp 312-3

and Asians - was present in the thinking of some members of the Assembly and of the country at large. This was borne out during the Committee stage of the Bill. O'Brien, SAP Member for Pietermaritzburg South proposed a motion to include "natives and coloureds" in the definitions clause. His motion was heavily defeated, with only nine members voting for it. Opponents of this definitive non-racial principle stated that wage scales would be determined by the racial composition of the work force involved. The wages boards would attempt to set minimum wages in line with the predominantly racial group within the ranks of the employees.<sup>107</sup>

Some participants expressed doubt as to how long agriculture and domestic service would remain outside the purview of the Bill,<sup>108</sup> while others asserted that the Bill would have a negative effect on the employment patterns of the Union as workers would be dismissed who

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107. House of Assembly Debates as reported in the Cape Times vol VI p 320
108. Speeches by Cilliers, Van Niekerk, Van der Merwe all opposed the bill, the latter even claiming that agitators from the towns would stir up the workers. *ibid*

operated at the higher levels of the wage scale,<sup>109</sup> and the "poor man who could not afford to pay the high wages" would be ruined.<sup>110</sup> Seven South African Party members voted against the Bill at the second reading.<sup>111</sup> Six SAP and nine Nats had voted together during Committee on a motion introduced by the Nationalist De Waal. He wished to make provision for the exclusion from the terms of the Bill of those workers who voluntarily contracted to work for wages which were lower than the determined wages. The motion was lost by twenty eight votes to fifteen.<sup>112</sup> At the third reading Capt Cilliers, SAP representative for Hopetown, raised his voice in a final protest against the Bill. F S Malan, he stated, was the father and Dr Malan the godfather of this Bill which was biased in favour of the workers. They would "rue the day it had been introduced." Merriman complained about debating an amended bill which had not as yet been printed. Nonetheless, the ten SAP and De Waal were in the minority and the Bill passed through to the Senate.<sup>113</sup>

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109. Speeches: Merriman, contradicted by Close and Malan. *ibid*
140. Speech by Van Eeden. *ibid*
111. Geldenhuys, Jordaan, Merriman, O'Brien, Sephton, J van der Merwe, van Eeden. House of Assembly Debates 1925, speech by Alexander, c 1667. De Burger 11 July 1921, Library of Parliament Scrapbooks, p 233
112. House of Assembly Debates as reported in the Cape Times, 14 June 1921
113. *ibid*. The House of Assembly Debates as reported in the Cape Times p 322 state that one Nationalist and ten SAP voted against the Bill. This is corroborated by the RDM of 14 July 1921. Thus Alexander incorrectly stated that eight were SAP and three were Nats. (House of Assembly Debates, 1925, c 1667). The 11 dissenters were Merriman (Stellenbosch SAP), T S Cilliers (Hopetown SAP), A A Cilliers (Harrismith NP), Geldenhuys (Johannesburg North SAP), Jordaan (Ladismith SAP), H S Grobler (Bethal SAP), De Waal (Piquetberg), Sephton (Albert-Aliwal SAP), O'Brien (Pietermaritzburg South SAP), Heatlie (Worcester SAP) van Eeden (Swellendam SAP). cf De Burger 13 July 1921, Library of Parliament Scrapbook, p 238 and Ons Land, Library of Parliament Scrapbook, 13 July 1921, p 211

The Wages Boards Bill was rejected by the Senate. On the last day of Parliament it was thrown out by the Senate by thirteen votes to seven, and twelve votes to seven respectively.<sup>114</sup> Of the thirteen who voted against the former Bill, ten were SAP and one was a Nat; of the seven who voted for the latter, four were SAP, two Labour and one was Nat.<sup>115</sup> The Senate complained that it could not allow important legislation of this kind to pass through without serious consideration. As Senator Watkins (SAP) expressed their indignation, their job was to "deal with Philip drunk and Philip sober" but did not

want to suggest that the Philips who had anything to do with this Bill were drunk, but they were certainly in a hurry, and it is our business - one of our essential functions - to check hasty legislation. 116

The Bill was thrown out despite Malan's complaint that a similar Bill had been published "twelve months ago", that Senator Watkins was "quite wrong" to think that the underlying principle of the act was "the betterment of the working classes" and that even the Chamber of Mines had apparently "accepted the [ ] voluntary or strike prevention [ ] principles of this measure." Malan had not been over enthusiastic about the Bill's successful passage through the Senate and promptly

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114. Bozzoli, B The Political Nature of a Working Class erroneously though that it became law. pp 219, 362. An Apprenticeship Bill, introduced with the Wages Bill, was also rejected in this way.
115. House of Assembly Debates 1925 c 1597, 1667
116. Senate Debates 1921 vol III p 1597

blamed them for future industrial strife, and if the Senate rejected the Bill, that would be "their trouble, and not mine."<sup>117</sup> In 1925 Boydell accused Smuts of purposefully killing the Bill in the Senate.<sup>118</sup> Sampson mentioned that "there were rumblings in the lobby" before the Bill had passed the third reading that it would not leave the Senate.<sup>119</sup> The Rand Daily Mail suggested that

No doubt there had percolated into the Senate some of the fears expressed in the Assembly that the Wages Bill would injuriously affect poor whites and coloured people and might even in the end be extended to agricultural labourers. 120

The rejection of the two Bills was a "matter for regret", especially as they were considered highly by the trade unions. The Mail accused the Government of bad management and suggested it should make "some amends by introducing them again in the early part of the next session." The Ministry's reputation was understandably tarnished as a result of its behaviour.

The Wages Bill did not achieve the same success as the Apprenticeship Bill which became law the next year.<sup>121</sup> In 1925 Alexander

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117. *ibid* pp 1946-1958

118. House of Assembly Debates 1925 c 1597

119. *ibid* c 1653

120. RDM 16 July 1921

121. The 1921 Wages Boards Bill is erroneously referred to by a number of speakers, including Smuts, during the 1925 debates who classified it as the 1922 Bill; House of Assembly Debates, 1925, Boydell c 1597; Smuts cs 1597-8; Chaplin c 1658; Alexander c 1597.

questioned the honesty and sincerity of the SAP over the wage question. He wondered why they had not reintroduced the Bill in later sessions, pressed as they were "on all sides to do so."<sup>122</sup> Indeed, a deputation to the Minister of Mines from the Cape Federation of Labour Unions in May 1922 was referred to Patrick Duncan, the Minister of the Interior who

had stated that everything possible would be done to get the Wage Bill through that session but expressed little hope that it would go through. 123

In October, McWilliam, an executive member of the Cape Federation, complained that apathetic trade unionists were not doing enough to "secure the introduction of the Wage Bill" by failing to circulate petitions of protest amongst their members.<sup>124</sup> In 1923, Thomas Strachan, Labour member for Pietermaritzburg North, was told that a special wages Bill was redundant because of the proposed Industrial Conciliation Bill which the Government had introduced that session.<sup>125</sup> As it happened the Conciliation Bill was dropped after it had returned from Select Committee.<sup>126</sup>

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122. *ibid* c 1667

123. CFLU FEC Minutes, 12 May 1922. CFLU papers Aa 1.2

124. CFLU FEC Minutes 26 October 1922. CFLU papers Aa 1.2

125. The Cape Times reports carry no trace of the exchange but of speech by Dr van der Merwe who quoted the incident. He mentioned that Strachan was informed on 26 June 1923 which is odd because Parliament rose on the 21 June. House of Assembly Debates 1925 c 1670

126. House of Assembly Debates as reported in the Cape Times v VIII 1923

It appears that Smuts permitted the Wages Bills to be introduced in 1921 in partial fulfillment of his electoral promises. His party had returned to power in February 1921 with an increased majority, from four to twenty two. This had resulted partly from the dissolution of the Unionist Party and the merger of some of their members with the SAP, and partly at the expense of the Labour Party. The latter's numbers had dropped from twenty one to nine.<sup>127</sup> Smuts could thus afford to turn away from introducing measures which had so clearly caused divisions within the SAP ranks. Whether he was against the principle of the Bills or not is difficult to gauge. He left F S Malan the task of piloting them through the Assembly and was not even in the House for the third reading vote.<sup>128</sup> It is clear that he had to contend with rebellious members within his party and thus sacrificed what remaining labouring class support he had. Senators also turned against him, the ranks of whom had been increased in 1921 "by judicious nominations".<sup>129</sup>

The South African Party Government had succeeded in further smearing its tarnished image. Emotions were already running high over the way in which Smuts had dealt with the 1922 strike. The SAP

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127. Davenport, South Africa: A Modern History, Table 2, p 410

128. House of Assembly Debates, 1925, Alexander's speech c 1667

129. Walker p 573

star was rapidly fading. The Industrial Conciliation Act of 1924 did not prevent his defeat at the hands of the Pact in the same year.

The organised white labour movement welcomed the Pact victory. The secretary of the Cape Federation of Labour Unions expressed a general sentiment when he wrote that they had "good reason to believe that the new Government will deal sympathetically with our problems" and would "lend an attentive ear to our representations."<sup>130</sup> Trade Union representatives were thus quite keen to accept Creswell's invitation to attend a conference on the unemployment problem in Cape Town scheduled for 26-27 August 1924.<sup>131</sup> The Johannesburg representatives immediately drew up a memorandum which outlined their desires and expectations.<sup>132</sup> It included such recommendations as the introduction of a dole system in preference to relief works; the "institution of a small industrial commission to advise and work in conjunction with the Board of Trade and Industries." It called for the regulation of the ration of whites to blacks in favour of the former, by legislative means if necessary. Reputed <sup>untapped</sup> gold resources were to be exploited and they called for a bonus system for increased

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130. Stuart - C B Tyler (Building Workers Industrial Union) 3 July 1924 CFLU papers Ac 2

131. eg. CFLU Special Federation Meeting Minutes 21 August 1924 CFLU papers Aa 1.3

132. RDM 26 August 1924 Reproduced in full in the EPH 22 August 1924

production in certain industries.<sup>133</sup> Creswell opened the conference which was attended by forty nine skilled trades representatives, some Labour Members of the Legislative Assembly and C W Cousins, the newly appointed Secretary for Labour. Creswell stressed the need for confidence between Government and organised Labour if their period in office was to be successful. He concluded by saying that "if the nation was to grow to full stature" then "the basic principles on which they had built up their industries in South Africa must undergo very considerable change." The Department of Statistics had further pointed out that existing population trends meant that white civilisation as they knew it encapsulated in the white population, would be eradicated if population growth went unchecked.<sup>134</sup> The Conference was clearly a forum for the discussion of ways in which a 'civilised' policy of reconstruction and improvement could be brought about. Press coverage of the proceedings appears to have been fairly broad in scope.<sup>135</sup> In all, twenty eight resolutions were passed which covered topics from the provision of housing to the exclusion of blacks from certain food producing industries.<sup>136</sup> At least two important resolutions were debated at length. One called for the "adequate protection and encouragement ... (of) South African manufacturing industries" through the provision of increased tariff and bounty

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133. EPH 22 August 1924. The RDM referred with distaste to what it termed "the pernicious dole system".

134. RDM 27 August 1924

135. cf RDM 27 August 1924; 29 August 1924. EPH 28 August 1924

136. "Resolutions", Conference of Trade Union Delegates, Department of Labour Archives 1427: 1069 Lc 810 RDM 28 August 1924. Johnstone, F Glass, Race and Gold p 156.

protection as long as those industries employed "a fair ratio of civilised persons at average wages."<sup>137</sup> The first part of this resolution was agreed to, but the second part was not. This latter was later to be placed on the statute book with the passing of the 1925 Customs Tariff and Excise Duties Amendment Act. The Government was also urged to establish a "minimum 'civilised' wage through Wages Boards."<sup>138</sup>

The Rand Daily Mail had expressed the fear at the outset of the conference that

the trade unionists may run away with the proceedings, and that the only outcome of the conference may be the formulation of a series of recommendations which will be quite useless so far as any practical solution of the unemployment problem is concerned. 139

Its fears were largely unfounded. Calls for the abolition of convict labour, the employment of 'civilised' labour in all public works, the dole, the ratio law, the institution of equal pay for equal work between men and women, and others never saw the light of day. Only the promotion of a civilised labour policy in Railways and Harbours,

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137. "Resolutions" 6(1) "Resolutions" op cit. RDM 28 August 1924

138. Resolution 1(a) "Resolutions" op cit. Johnstone, F Class, Race and Gold p 156 cf ch 3 pp 182-3 below

139. RDM 26 August 1924 Leader page

support for the motor, iron and steel, and fishing industries, as well as the wage boards received Government attention at this stage.<sup>140</sup>

Individual unions passed resolutions which called for the establishment of wage boards after the conference.<sup>141</sup> The Conference of Juvenile Affairs Boards met in Pretoria in September 1924. The Conference called, inter alia, for the establishment of a national wage board in order to prevent the "importation of native labour into urban industries" by effectively pricing Africans out of the labour market. Only in that way, the Conference argued, would they secure the interest of juveniles, "especially in unskilled and semi-skilled occupations."<sup>142</sup> In November the Cape Division of the Juvenile Affairs Board supported calls for a minimum wage to protect juveniles.<sup>143</sup> It is clear that requests for the establishment of some sort of wage regulation issued from a fair number of organisations with various interests.

The official announcement of the legislation which was to be introduced in the House of Assembly during the 1925 session was made by

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140. The tariff protection system seems to have appeared from elsewhere. For these resolutions cf RDM 28 August 1924 and Johnstone, F Class, Race and Gold, p 156
141. for eg. Kimberley Shop Assistants, Warehousemen and Clerks' Association. Harding (Secretary for KSAWCA) - Secretary for Labour. 18 September 1924. Department of Labour Archive 1427: 1069 Lc 180
142. "Resolutions adopted at Conference of Juveniles Affairs Board, Pretoria, 25-26 September 1924" and "Memorandum on National Wages Board legislation" (no date, but presented at the Conference Department of Labour Archives 1427: 1069 Lc 180
143. Versfeld, B J (Secretary) - Secretary for Labour 2 December 1924. The Resolution was passed on 14 November 1924. Department of Labour Archives 1427: 1069 Lc 810

Creswell in a speech to his Denver constituents in January.<sup>144</sup>

Included in the package was the Bill which was later to become the Wage Act, and the Mines and Works Amendment Bill which became the Colour Bar Act of 1926. The ire of the opposition parties was immediately raised as it was rumoured that Creswell contemplated introducing a minimum wage of 6/- per day.<sup>145</sup> The parliamentary debates on the Wage Bill proved to be vicious, lively and extremely long. Speaker after speaker rose either to lodge complaints against the Bill or to celebrate its provisions. The National Party caucus had considered and accepted the Bill in March at the same time that the SAP vowed to destroy it in the Senate.<sup>146</sup> The individual parties were not united over the Bill, and reflected divisions similar to those which had been evident in 1921 and 1922. The battle was fought long and hard, for some thought it was going to herald a new dawn, whilst others awaited the apocalypse.

Creswell opened the second reading of the Bill on March 30. He mentioned that the Bill was needed "to avoid the public inconvenience"

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144. Maud, P "The Labour Party and the Pact Government" p 85

145. Maud, P "The Labour Party and the Pact Government" p 86-7

146. Forward 27 March 1925

of strikes. It was itself the direct outcome of the earlier strike period. Because existing conciliation apparatus presupposed a degree of organisation on the part of both employers and employees, it had failed to cover adequately sweated trades, the trades which were largely unorganised. Thus the new Bill was aimed specifically at these trades. He also referred to the influence of the public conscience which held that "the state should not permit anybody to be oppressed by any other sector of the community."<sup>147</sup> Turning specifically to South Africa, Creswell argued that because of the Union's heterogenous population different standards of living existed. Generally there were two: civilised and uncivilised. The former standard was classified as "European" and the Bill was going to ensure that industry in the Union was to be guided

in a direction in which they would afford the greatest possible field of employment for men who require a rate of wages upon which they can live according to decent civilised standards of life.

The Bill was meant to complement the Industrial Conciliation Act, not to supersede it. Agriculture was excluded because it was unnecessary to regulate wages in that field as farmers, in their pursuit of efficiency, tended to employ "an intelligent class of

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147. cf Reeves, W State Experiments in Australia and New Zealand p 49 where he outlined the role of the press in Victoria in bringing sweating to the attention of the public and the outrage which then ensued.

labourer and to pay them more." Horticulture, forestry, domestic service and pastoral pursuits, and areas covered by the Apprenticeship Act, were also excluded. One Wage Board would be established for the Union instead of the system as it then stood. He conceded that an initial problem of congestion would exist but argued that the benefits of the system overrode the negative aspects. Wages could be more easily co-ordinated if they were administered by one board which was manned by the same competent people. Furthermore, they would benefit from the great mass of information which would be collected under the auspices of the Department of Labour. Good employers would have nothing to worry about. They would in fact benefit from the Bill because the Wage Board would see to it that unfair competition from the "man who is sweating his employees" was eliminated.<sup>148</sup> A safety mechanism for employers existed in the procedure for the publication of determinations. Employees were protected by the provision that the onus of proof of fair dismissal and wage complaints rested with the employers. He touched briefly on the 'South Africa first' theme:

During the election it was said that the children of Europeans will have to get out of this country, as their parents can afford to send them elsewhere. But we think the children should be able to find a living in South Africa, and we propose to do our best to see that that is done without injustice to anyone, but with a very stern determination and steady pressure to prevent the European civilised man being crowded out of the country.

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148. cf p 39 note 120 above, for definitions of sweating

The main reason for the Bill, Creswell concluded, was the provision that the sweated worker could be helped and industry controlled so that they could no longer "make a living out of the sweat and suffering of their fellow men."<sup>149</sup>

These points were expanded upon, attacked and modified by other speakers during the rest of the debates. Differences of opinion arose between members of the same parties over the merits and demerits and scope of the Bill. They were also marked by the lack of encouragement the Bill received from the very small number of Nationalists who participated in the debates. In general the South African Party supported Smuts's amendment that the Bill be referred to a Select Committee before the vote on the second reading<sup>150</sup> which established the principle of the Bill. Although he had stated that he supported the principle of the minimum wage, his amendment was interpreted by the government benches as opposition to that principle. A summary of the main points of difference and argument will suffice as a means to identifying the fears and hopes which came to the fore.

Smuts expressed the opinion that the provision of equal pay for equal work made the Wage Bill a bill of "fundamental importance".<sup>151</sup> Wages were to be settled irrespective of colour. As such the wage

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149. House of Assembly Debates 1925 cs 1587-95

150. *ibid* c 1603

151. *ibid* c 1595

policy of the Union was to be turned on its head; it was going to "introduce equality where there has so far been difference."<sup>152</sup> He pointed out that the Government itself realised that it could not effect that equality and quoted the example of wage differentiation between coloureds and whites on the Railways.<sup>153</sup> The question of minimum wages was linked to the determination of wages. He wanted to know how wages would be determined in the last instance and which group of employees would be used as the measure for minimum rates.<sup>154</sup> These points were picked up by other members of his party. They complained about the amount of power which Creswell would have as Minister of Labour. He would become a dictator,<sup>155</sup> supported by incompetent governmental officials, or, even worse, a board comprised of his lackeys.<sup>156</sup> The Bill arose out of his egoism<sup>157</sup> and represented a "declaration of war on capital" because the Minister had the final say.<sup>158</sup> J Marwick ( Illovo ) congratulated Hertzog on not appointing Creswell as Minister of Mines,<sup>159</sup> but he saw the Bill as Creswell's revenge on the mining industry.<sup>160</sup> Rockey (Parktown)

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152. *ibid* c 1600

153. *ibid* c 1601

154. *ibid* c 1602

155. *ibid* Smuts (Standerton) C 1598

156. *ibid* Chaplin (South Peninsula) c 1659-60

157. *ibid* Chaplin c 1656-7

158. *ibid* Nel (Newcastle) c 1708

159. *ibid* Marwick c 1722

160. *ibid* Marwick c 1714

and Gilson ( Griqualand ) stated that the Nationalists were being dragged along by the Labour Party and the former stated that he was against any type of state interference, thus going against the expressed ideas of his leader.<sup>161</sup> Many thought that the Nationalists were tied to the Labourites.<sup>162</sup> Stuttaford (Newlands ) identified the choice before the House as one between "democratic freedom and socialist slavery" and argued against Creswell's proposed method of imposing the minimum wage. He called for a procedure of "mutual agreement between employers and employee" in industrial affairs.<sup>163</sup> Reyburn ( Umbilo ) replied from the Labour benches that no equality existed between groups of employers and employees in the Union and thus Stuttaford's suggestion was not a solution at all.<sup>164</sup> The SAP further complained that not enough protection was granted to employers.<sup>165</sup> The response to this was Hertzog's dictum that "good" employers need not worry.<sup>166</sup> Struggling employers could perhaps benefit from the exemption clauses under the Bill if the need arose.<sup>167</sup>

A great deal of the Assembly debates dealt with three questions in particular. The role of agriculture, the position of the mining industry and the bogey of the colour bar were thrashed out on the floor.

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161. *ibid* Gilson 1711. Rockey cs 1692-3

162. *ibid* Geldenhuys (Johannesburg North) c 1682. Gilson c 1713. Gilson could see "the trail of the labour serpent in all the Bills before this House."

163. *ibid* c 1672-3

164. *ibid* c 1696

165. *ibid* Chaplin c 2660; Geldenhuys cs 1681, 1684; Nel cs 1706, 1708. Richards (Weenen) c 1726

166. *ibid* Hertzog (Smithfield) c 1593; Dr van der Merwe (Winberg) c 1671; Reyburn c 1699 accused businessmen of being inefficient and unable to run their own businesses

167. *ibid* Te Water (Pretoria Central) c 1830

The Bill excluded agriculture, but this was no different from previous proposals. Smuts, somewhat hypocritically, accused Creswell of excluding agriculture purely as "a matter of political expediency".<sup>168</sup> He did not propose that agriculture be included as did Alexander and Brown (Three Rivers),<sup>169</sup> but argued instead that the dividing line between what comprised agricultural pursuits proper and agricultural industry was not clearly defined.<sup>170</sup> Creswell only succeeded in confusing it still further. Creswell made the distinction between "regular factory industries" and "the sort of domestic industries" like barn building or cheese making which would be excluded.<sup>171</sup> Hertzog stated that when the industrial effort was "no longer part of farming but an independent industry" the Government could not "prevent the board from making a report about it".<sup>172</sup> He left the issue still as vague as ever when he in essence contradicted Creswell:

we must leave it in the hands of the board to decide upon it. If it is actually a subordinate part of farming it is covered by the Bill ... if it is a matter subordinate to farming, the board can say that it will have nothing to do with it. If the Board makes a

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168. *ibid* c 1602

169. *ibid* Alexander (Hanover Street) c 1665. Brown in the Committee debate c 4439 also wanted the inclusion of domestics.

170. Chaplin for eg. accepted the exclusion of agriculture *ibid* c 1663

171. *ibid* c 4466

172. *ibid* c 4469

report thereon, then the Minister, or the Ministry, can say that it is not of so much importance, and employs so few people that the Bill should not be applied to it. 173

The exclusion of farming was not wholly believed. Increases in rail tariffs to pay for the higher wage bill would, it was argued, necessarily affect the production costs of agriculture.<sup>174</sup> Keyter, Nationalist Member for Ficksburg which bordered on one of the scheduled areas, accepted the Bill but expressed his misgivings about its effects on agriculture. If wages were increased in the numerous small factories in his area, the numbers of farm labourers who would be available to work for the lower farm rates would decrease. His reflection on low agricultural wages was far closer to the truth than Creswell's comment in his original motivation.<sup>175</sup> Wage increases would further cause dislocation to black family life if members of the same family started earning widely disparate wages. This was not all. Agitators would have a field day stirring up the otherwise passive labourers.<sup>176</sup> The spectre of agitation and the encouragement of black trade unionism caused a number of members to voice their disapproval of the Bill.<sup>177</sup>

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173. *ibid* c 4470

174. *ibid* Stuttaford c 1677

175. cf p 134-5 above

176. *ibid* c 1746

177. Marwick referred to Kadalie's threatened disruption of railways and mines in the Free State if a minimum wage bill for blacks was not introduced and passed. *ibid* c 1718. Payn c (Tembuland) c 1813-4; Chaplin c 1664; Rockey c 1693-4. Trade unionism: Marwick cs 1714-5

Smuts first raised the question of the mining industry in his reply to Creswell. He was concerned about the effect the policy of equal pay would have on the profitability of the mines.<sup>178</sup> In this he was echoed by other representatives of mining interests.<sup>179</sup> Their grounds for concern were to a certain extent well-founded. Sampson ( Jeppes ) had expressed the desire earlier on in the debate that he hoped that "sooner or later the Minister will consider the advisability of applying this Bill to the gold-mining industry - the sooner, I think, for the safety of this country."<sup>180</sup> Pretorius (Fordsburg) intimated that the Bill was necessary for uniformity of wage levels and used as his example the high wages of municipal workers compared to the low wages received by miners "who work 6 000 feet under the surface and who are exposed to the dreaded miners' phthisis."<sup>181</sup> Creswell himself stated towards the end of the debate that the

mining industry had very little place in my thoughts when this Bill was being framed, except in so far that I hoped it might make the people in the industry on both sides see the advantage of forming an industrial council of their own. 182

This answer was a hollow one indeed, especially when Creswell in April 1925 asked the House's permission to introduce his Mineworkers (Minimum Rates of Pay) Bill which was designed to secure a minimum rate

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178. *ibid* c 1602

179. *ibid* Chaplin c 1662; Rockey cs 1693-4; Marwick cs 1720-1; Watt (Dundee) c 1759; Nathan (Van Brandis) c 1796, all SAP members

180. *ibid* c 1655

181. *ibid* cs 1685-6

182. *ibid* c 1847

for the mines. It arose directly out of a stalemate situation between the Chamber of Mines and the Mine Workers Union.<sup>183</sup> The Chamber of Mines was not the only member of the mining fraternity to have reason to feel threatened. In response to a query from the Board of Control for Alluvial Diamond Interests, the Secretary for Labour had communicated to the Department of Mines and Industries that in terms of the Wage Bill as it then stood, (and was in effect to remain),

the terms 'employer', 'employee', and 'trade' do include alluvial diamond diggers and the alluvial diamond digging industry. 184

The colour bar question aroused the feelings of the Assembly to amazing heights. The session had already seen the introduction of the Mines and Works Act (Amendment) Bill which sought to enforce the colour bar in certain spheres of the mining industry. Smuts objected to the introduction of a system of equality between black and white in the wage market.<sup>185</sup> The Pact was attacked for introducing a policy which would exclude blacks from employment and ensure their replacement by whites. The Pact's civilised labour policy was merely a euphemism for unjust white advancement.<sup>186</sup> This was an inaccurate assessment as it was too

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183. See chapter 3 pp 179-206 below

184. Secretary for Labour - Undersecretary for Mines and Industries 20 February 1925. Department of Labour Archive 1427: 1069 Lc 810

185. See above note 152. House of Assembly Debates 1925, Watt c 1761

186. *ibid* Chaplin c 1663; Jagger (Cape Town Central SAP) c 1723; Struben (Albany SAP) c 1838; Papenfus (Hospital SAP) c 1701

simplified, as will become evident below. But arguments were put forward to justify the exploitation of black labour "having regard to their scale of civilisation".<sup>187</sup> Labour members replied that it was "unjust to say that a civilised man whether native or coloured will never be able to earn the same money as the white man."<sup>188</sup> Smuts was correctly accused of favouring the colour bar as long as it did not appear on the statute book.<sup>189</sup> Nationalists had a different conception of the operation of the Bill and Wage Board from that of some of the more egalitarian Labourites. Dr van der Merwe stated that if a civilised wage could not be determined for an industry it ought either to close down or be "black altogether". He added that if the Union was to become a civilised country "we must make it possible for as many industries as possible to exist for the white man, and this will be the necessary work of the Wage Board."<sup>190</sup> The Bill was seen as a means to force the unskilled blacks into domestic and farming service.<sup>191</sup>

The Bill passed very quickly through the Committee stage, and Creswell received a letter of thanks from the Cape Federation of Labour Unions "for the way in which he had pushed the Bill through

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187. *ibid* Chaplin c 1662

188. *ibid* Alexander c 1665; Reyburn c 1699; Waterston (Brakpan Lab) c1791

189. *ibid* Dr van der Merwe c 1669

190. *ibid* 1671; Te Water c 1830; Moll (Christiana NP) c 1812

191. *ibid* Struben c 1835; Papenfus cs 1701-2. cf the same sentiment voiced at the Conference on Juvenile Affairs, Pretoria, 25-26 September 1924. Department of Labour Archive 1427: 1069 Lc 810

the Committee stage." <sup>192</sup> It finally became law in July 1925 and was promulgated on 12 February 1926. Only the future operation of the Act would indicate whether the opponents or protagonists of the Bill were correct in their respective judgements and assessments of its merits. As it turned out, both the gold mining and the diamond mining industries were pacified. <sup>193</sup> The parliamentary opposition passed away and the SAP came to support the Act. Labour, incorporating both a section of the party and organised labour, became increasingly disillusioned with the administration of the Act. Another era was about to begin. On the one hand labour looked ahead with greater expectations of things to come whilst industry grudgingly settled down to attempt to bypass the provisions of the Act as effectively as possible. The attitudes of these two generalised groups within the Union were to change dramatically over the years. Capitalist accommodation and the gradual weakening of the organised trade union movement were effected by the operation of the new industrial relations system which was imposed on the Union's political economic structure by the Pact government.

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192. CFLU Minutes, Federation Executive 18 June 1925. CFLU papers Aa 1,3

193. The gold mining industry is dealt with in ch 3 pp ~~179-206~~ below. The Board of Control of Alluvial Diamond Diggings was later given the assurance that it was unlikely to be controlled by the Act. Budlender, D "Labour Legislation in South Africa" p 125

CHAPTER 3 The General Features, Development and Administration of the Wage Act of 1925

The Department of Labour was established in July 1924, nearly a month after the new cabinet was announced on 30 June.<sup>1</sup> It was divided into two branches. Rural affairs were to be run in conjunction with the Department of Lands and industrial matters were to be administered independently. The programme for the abolition of temporary relief works in favour of farmer tenancy and the land re-settlement scheme fell under the aegis of the rural section. The Juvenile Advisory Boards, labour bureaux, the Factories, Apprenticeship, Industrial Conciliation and, later, the Wage Acts fell under the industrial section.<sup>2</sup>

The most important elements of the 1925 Wage Act need to be outlined.<sup>3</sup> The Act established a Wage Board for the Union which consisted of three members, one of whom was chairman, and all of whom were appointed by the Governor-General. Extra members

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1. Maud, P. "The Labour Party and the Pact Government 1924-1929" pp 42. 46
  2. Creswell, M An Epoch of the Political History of South Africa p104
  3. The outline provided here is meant to serve merely as a legalistic summary of the important sections of the Act. Summaries of the Act appeared periodically. For example, Forward, 25 September 1925, published an article entitled "The Wage Board: will it assist you" which outlined the details of the Act. Similarly, the first twenty-eight paragraphs of the Wage Board's public report dated 28 February 1929 - hereafter 1929 WBR - summarised the Act's provisions.

could be appointed from time to time as the need arose. The Governor-General could also appoint a division of the Board, whose purpose would be to report to the Board itself on any matter for which the Board requested information.<sup>4</sup> As noted in the previous chapter, the Act did not apply to anyone employed in "agricultural, horticultural or pastoral pursuits, or in forestry or ... domestic servants in private households, or to officers of Parliament." Any employees of the Public Service, Railways and Harbours whose wages were covered by an Act or regulation relative to the services were excluded. Only the Governor-General could initiate an investigation into the wages of government, provincial administration or railways and harbours employees other than those specifically excluded.<sup>5</sup> Apprentices who fell under the jurisdiction of the Apprenticeship Act of 1922 were not covered by the Wage Act.<sup>6</sup>

Employers and employees who were subject to binding agreements under the Industrial Conciliation Act were also excluded, subject to

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4. Act 27 - 1925. Section 2. Statutes of the Union of South Africa 1925. "Act to provide for the determination of conditions of labour and of wages and other payments of labour, the appointment of a wage board and investigation as to wages and conditions of labour."

5. *ibid* Section 3(1)(b). The Wage Boards in the Australian states did not cover "dairying, agricultural, horticultural, viticultural and pastoral occupations." Gordon, H P "Wages Boards and a Minimum Wage" p 527

6. *ibid* Section 1

one important proviso.<sup>7</sup> Wages under the agreements could not be lower than those set down under the wage Act in the industry concerned, regardless of whether those agreements had been reached "before or after the commencement" of the Wage Act.<sup>8</sup> The Board noted in 1929 that the provision was obscure. It was taken to mean that determinations could not apply to trades in which agreements operated. But if determinations operated, employers and employees could enter into agreements which, if they were not lower than the determinations, would apply and the determinations would fall away.<sup>9</sup> Thus, employees not covered by the Industrial Conciliation Act, namely pass-bearing Africans and indentured Indians would not be subject to wage regulation. The Industrial Conciliation Act could thus be used to undermine the provisions of wage determinations. On the other hand, future agreements in trades regulated by wage determinations were bound by the wage provisions of those determinations. This possibility undermined the voluntary principles of the Industrial

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7. The sections of the Industrial Conciliation Act concerned were section 7 which made the recommendation of an arbitrator especially appointed under the Act binding on all groups represented as the industrial court or conciliation board, and section 9 which enabled the Minister to extend the terms of the agreement to cover all other employers and employees engaged in the trade. Act 11 - 1924.
  8. Act 27 - 1925 Section 1 (2)(a)
  9. Report to the Honourable the Minister of Labour by the Wage Board upon the Work of the Board for the Three Years Ended 28 February 1929 p 1 (Hereafter 1929 WBR)

Conciliation Act and raised the spectre of a Wage Board which raised wages at random.<sup>10</sup> The confusion was removed by an amendment to the Act in 1930 which did two things. First, the provision for parity at least between agreements and determinations was removed, and second, only those parties subjected to binding agreements or awards "prior to the date" upon which a determination came into force were exempted.<sup>11</sup> This meant, in effect, that industrial councils no longer needed to consider the provisions of wage determinations as in any way binding on them. The voluntary conciliation machinery provided by the Industrial Conciliation Act, became more amenable to employers and employees. How industrial councils superseded the activities of the Wage Board after 1930 is dealt with below.<sup>12</sup>

The Wage Act did not define "employee" in racial terms as was the case with the Industrial Conciliation Act.<sup>13</sup> Instead, it referred to "any person whatsoever employed by or working with any employer." Furthermore, an employee received payment either in kind or in money for his labour and included "any person working in association with another or others for a wage or any share of the value

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10. cf, for example, Smuts's speech to Parliament in 1925, House of Assembly Debates, c 1598

11. Wage Act, 1925, Amendment Act, 23-1930, Section 1

12. pp 233 ff

13. Act 11-1924. Section 24: employee was defined to exclude "a person contract of service or labour is regulated by any Native Pass Laws and Regulations, or by Act no 15 of 1911/Native Labour Regulation Act, or any amendment thereof, or regulations thereof, ..."

of or profit derived from this output of their labour".<sup>14</sup> It later became necessary to clarify this last definition to prevent evasions of determinations on the basis of bogus partnerships between employers and employees.<sup>15</sup> Apart from the exclusion of people already mentioned, certain specified occupations were also excluded from the provisions of the Act. These comprised voluntary work; teachers at universities, colleges, schools, etc; and work performed by people who were "compulsorily resident or detained in any institution under the direct administration of the Government or of any Provincial Administration".<sup>16</sup> The latter groups included convicts and thus convict labour was excluded. As was noted in chapter one, convict labour was an issue which elicited a great deal of attention and criticism from trade unionists throughout the period.

The Wage Board could be set in motion in three ways. In itself it had no power to initiate an investigation. The Minister of Labour could request the Board to "investigate and report ... upon any matter relative to wages or rates or laws or conditions of labour"<sup>17</sup>. Further, any association of employers and/or employees registered in terms of

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14. Act 27-1925 Section 18(1)

15. Act 23-1930. Section 9(c). This aspect is dealt with in more detail below, pp 210 ff

16. Act 27-1925. Section 18(2)

17. *ibid* Section 3(1)(a)

chapter III of the Industrial Conciliation Act,<sup>18</sup> or alternatively where no such associations existed, those groups deemed by the Board to be sufficiently representative of the trade, could request the Board to make an investigation.<sup>19</sup> Once an investigation got under way the Board was bound to consider the labour conditions and remuneration within the trade or industry, any recommendations issued by the Board of Trade and Industries, the cost of living in the particular area, the value of any remuneration other than wages and, most important, the ability of the industry to pay the recommended wage.<sup>20</sup> Once the Board had considered the above factors, and it found that it could not recommend a wage or rate which would enable all employees "to support themselves in accordance with civilised habits of life", the Board was not empowered to make a recommendation to the Minister. It could only report that it could not recommend a civilised wage. The Minister could then voluntarily request the Board to make a recommendation which it deemed fit.<sup>21</sup> Given the

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18. cf Chapter 1 pp 77-79 above

19. Act 27-1925 Section 3(1)(b)(ii). The method of application under this clause was altered in 1929 with important implications for the scope of the Act. This point is dealt with below, pp 175-6

20. *ibid* Section 3(2)(a),(b),(d),(e), and (c) respectively. Any other matters prescribed by regulation under Section 12 had to be considered as well.

21. *ibid* Section 3(3)

Prime Minister's definition that civilised habits of life corresponded to white standards,<sup>22</sup> it is evident that this section was potentially discriminatory. In practice, the Board often reported to the Minister that it could not recommend civilised wages for all employees in a particular trade. On instruction to recommend wages it deemed fit the Board usually set wages at what it considered civilised rates for jobs largely done by whites and 'uncivilised' rates for others. These points are pursued at greater length in chapter 5 below.

The Act also prescribed the procedure for investigations. Prior to 1930, the Board could only make a recommendation one month after the publication in the Union Gazette of its intention to investigate.<sup>23</sup> The 1930 amendments removed this section in an attempt to rationalise the operation of investigations. Court judgements, many based on the technicalities of law had made a farce of the Act and a number of determinations had been declared invalid. As a result determinations could take up to twice the normal expected time to complete.<sup>24</sup> The Board had the power to subpoena witnesses to testify before it. Hearings could be held in camera and sensitive material or information could be withheld from the public to prevent the victimisation of employees or the disclosure of 'business secrets'.<sup>25</sup>

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22. cf ch. 2 pp 121 ff above

23. Act 27-1925 Section 5

24. cf pp 215 ff below, where this point is expanded

25. Act 27-1925 Sections 5 and 6 respectively

Once the Board had reported or made a recommendation to the Minister, it was up to the latter to decide what action to take. Until 1930, if he accepted the report the recommendation had to suffer the rigours of the previously mentioned one month rule. Objections had to be called for and if these were of a serious nature, the Minister could refer the matter back to the Board for comment. Under the 1925 Act, the maximum period the Board could recommend wages for was two years. The determination could remain in force until such time as it was replaced.<sup>26</sup> The 1930 amendment rationalised procedure so that the length of time between the initial investigation and the grant of a determination was considerably shortened. The amendment also empowered the Minister to alter, suspend, supersede or cancel any determination if, either on application from employers or employees or in his own opinion, the conditions in the trade had changed sufficiently to warrant such action.<sup>27</sup> Thus the operation and implementation of determinations potentially became more flexible, and the Minister's powers more evident, after 1930. This element was to have important consequences for the operation of the Act during the depression years and after.<sup>28</sup>

Penalties for infringements of the Act were stipulated. In four specific cases, fines were laid down. An inspector or member of the Board who publicised any confidential information was liable on

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26. *ibid* Section 7. In 1930 this whole section was replaced by a new one, of Act 23-1930, Section 6

27. Act 23-1930 Section 6 also added a new Section 7a to Section 7 which outlined this power.

28. cf pp 234-36 below

conviction to a fine of up to £50.<sup>29</sup> Any employer or employee convicted for not meeting the full requirements of a determination which affected him was liable to a fine not exceeding £100. Further, the guilty employer could be ordered to pay into the court a sum in refund of monies due to the employee.<sup>30</sup> Similarly, a penalty of not more than £100, or imprisonment for up to six months without the option of a fine, could be imposed upon conviction of giving fraudulent evidence, refusal to answer "any question relative to wages, rates, hours and conditions of labour" by competent authority, or for obstruction of competent authorities in the exercise of their duties.<sup>31</sup> If an employer was convicted of unfair dismissal or victimisation, not only could the court rule that the employee be reinstated, but it could also award damages not in excess of £50, or both. The defendant could further find himself imprisoned for up to three months if he failed either to reinstate, or to pay damages to, the employee.<sup>32</sup> Lastly, section 16 of the Act prescribed that anyone convicted of an offence not included in the above list would be liable to a fine of up to £50. The labour movement loudly denounced the courts for imposing inadequate fines. A great deal of controversy arose over court rulings about the payment of damages. The principal Act was amended in 1930 in such a way that any order of court affecting payment of monies due should have "all the

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29. Act 27-1925 Section 6(2)

30. *ibid* Section 8(2)

31. *ibid* Section 11(3)

32. *ibid* Section 13(3)

effects of and may be executed as if it were a civil judgement in favour of the Crown."<sup>33</sup> This had the effect of tightening controls on employers and was done partly to assuage trade union complaints of lenience on the part of the courts.

The compulsion of employers to pay correct wages was encouraged by a section which forbade employers and employees to contract for wages lower than those prescribed in a determination. Contracts of that nature were void, and the guilty parties could be fined if convicted.<sup>34</sup> Employers were obliged to keep accurate records of all aspects of their enterprise. The wages paid to employees, the hours they worked as well as administrative details like the address of the nearest inspector, all had to be kept up to date. The onus of proof in any allegation of an employer's failure to comply with the conditions of a determination lay with the employer himself.<sup>35</sup> The duties of inspectors employed by the Labour Department to monitor industries were defined. The Act also made provision for exemptions whereby employers or employees could be exempted from a determination as a whole, or merely some sections of it. Specific guidelines were instituted by the Labour Department to regulate the granting of such exemptions.<sup>36</sup>

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33. Act 23-1930 Section 7(c)(2)(c). pp 22-4 below  
34. Act 27-1925 Section 8(3)  
35. ibid Section 15  
36. ibid Sections 9,10,11 respectively, cf pp 276-7 below for expanded comment on these points.

As with many other laws, the Wage Act made provision for the compilation of regulations "for the effective carrying out of the objects" of the Act.<sup>37</sup> The most significant regulations gazetted stipulated the format of the application form which registered organisations or representative associations<sup>38</sup> had to fill in if they wanted the Board to investigate the conditions of their trade. At first, both used the same form. Prior to the 1930 amendments to the Wage and Industrial Conciliation Acts the regulation was changed. Henceforward, groups which were not registered under the Industrial Conciliation Act had to utilise a different form.<sup>39</sup> The memorandum which outlined the grounds for the investigation and established the applicant's bona fides had to bear the signatures of all the employers/employees who supported the application. The largest group of people affected by the amended regulation were pass-bearing African workers who were precluded from registration under the Industrial Conciliation Act.<sup>40</sup> The vast bulk of the African, Indian and Coloured workforce was illiterate.<sup>41</sup> It was this regulation that commentators on the Wage Act have largely

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37. *ibid* Section 12

38. In short: organisations registered in terms of chapter III of the Industrial Conciliation Act, and unregistered associations deemed by the Wage Board to be representative of the particular branch of the trade concerned.

39. The Regulations of 1926 and 1930 are reproduced in Appendix A p 445 below.

40. The reasons for this are given in chapter 1, pp 77-78 above.

41. Even though Coloureds were covered by the Industrial Conciliation Act, that did not mean that their unions would have automatic registration.

Similarly, the mere fact of registration did not necessarily mean that they would fare any better, as in the case, for example, of the (Coloured) Port Elizabeth Milling Employees' Union; cf pp 342 below.

concentrated on,<sup>42</sup> to indicate that the Wage Board operated on a racial basis.

The salient features of the Wage Act can now be summarised. It established a national Wage Board which could be divided into other units if circumstances required such action. It covered all employers and employees regardless of race except those in specially delineated categories. Agriculture and domestic service, two areas almost wholly dominated by African labour, were among those excluded, whilst the mining industry with its large unskilled workforce was included. State employees for the most part and convict labourers were excluded, whilst employers and employees in manufacturing and secondary industry could be covered. The procedure which the Board had to follow was lengthy and cumbersome until it was rationalised in 1930. The discretionary powers vested in the Minister of Labour under the 1925 Act were increased in 1930. Penalties for infringements of the Act were stipulated. Certain loopholes which were used by employers to get around the payment of monies were closed in 1930 as well. Rules were laid down to enable easier enforcement of the provisions of determination. Lastly, the most important regulation concerned the method of application. Its amendment in 1929/30 went a long way to secure the exclusion of the vast number of illiterate African workers.

Advocate F A W Lucas, KC, was appointed the first chairman of the Wage Board. Not only was he a long-standing friend of Creswell<sup>43</sup> but

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42. cf Introduction

43. Creswell, M An Epoch of the Political History of S A, p 106

he had had close contact with the labour movement itself. Boydell, as Minister of Labour, told Parliament that Lucas was chosen because of "his high standing professionally" and his "considerable experience as an arbitrator and counsel in industrial disputes and investigations."<sup>44</sup> The other two members were A T Roberts and J F Malherbe, both of the Department of Justice. Boydell envisaged that the division system would be used quite often and expressed the belief that the members of the Board would individually chair divisions, hence the requirement that they all have judicial experience.<sup>45</sup> W Freestone, President of the C F L U, twice joined the Board as a temporary member, first when Roberts went on leave in 1928 and then for six months in 1929 when Lucas took leave.<sup>46</sup> Malherbe was recalled on promotion to the Justice Department in 1930 and his place was taken by a civil servant, A C van der Horst.<sup>47</sup> Roberts, who had acted as Chairman during Lucas's absence, died in April 1935.<sup>48</sup> Two additions were then made to the Board in the persons of the Rev E J J van der Horst and T G Strachan.<sup>49</sup> The Board's term of office expired in

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44. House of Assembly Debates, 1926, col 783.

45. House of Assembly Debates, 1926, col 783

46. Forward 16 March 1928 and Executive Council Papers, file 1084/3066-7 respectively

47. H W Sampson - H Pereira, 1 December 1930, in reply to an untraced letter, Pereira - Sampson, 25 November 1930. Transvaal Executive Council General Correspondence 1929-1932, Loose Correspondence, File 6, SALP Archive

48. Executive Council Reports, file 1084/3066-7; Department of Labour Annual Report UG 4-1937, p72

49. Department of Labour Annual Report UG4-1937, p 72

August of that year and a new Board was appointed. F McGregor, W H Windsor and Dr J H Botha took over the reins, with McGregor as Chairman. All of the members had had some dealings either with the Labour Department or were au fait with labour and industrial affairs. The only controversial appointment appears to have been A C van der Horst, who upset Labourites and eventually clashed with Lucas. The question of the importance of the personnel of the Board is dealt with in chapters four and five below.

Lucas outlined two main aims the Board had set itself at its inaugural meeting in Cape Town on 17 February 1926. It desired first to "safeguard civilized standards of living for all classes of workers irrespective of race or colour" and second, not to interfere with the "productive energy of the community" so as not to impede economic growth. The Wage Board's task in the scheme was

to establish in the country as soon as it is reasonably possible 'a just and balanced system of wage regulation' avoiding as far as possible the irritating contrasts in wages which lead to trouble and the securing of a wage level which will, as far as is humanly possible, give satisfaction. The need for action has been clearly pointed out, and the Board will not shirk from taking the responsibility where necessary. The Board's aim is to create a system under which industry will be stimulated and its products justly distributed. 50

The extent to which the Wage Board was able to fulfill its aims became clear after it began operating. Its operation to stimulate

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50. Quoted in 1929 WBR, p 3

industry is analysed in chapter four. The statement that it operated "irrespective of race or colour" is challenged in chapters five and six below. The rest of this chapter is devoted to an examination of other developments.

The Wage Act included the mining industry within its jurisdiction. Its passage through Parliament was greeted with hostility by the Gold Producers' Committee of the Transvaal Chamber of Mines.<sup>51</sup> Yet, by 1928, the Chamber's opposition to the Act had waned, largely because it had circumvented the Wage Act. The mining companies, forced onto the defensive in a dispute with white mineworkers, opted for the machinery of the Industrial Conciliation Act. The manner in which the mining industry thus escaped regulation under the Wage Act is dealt with below. Similarly, the position of industry and commerce changed from support to opposition and then back to support. A section which identifies a number of the factors which determined functional parameters for the Wage Board concludes the chapter. Under that heading are included issues like the evasion of determinations by employers and employees alike, the Labour Department's policy on the prosecution of offenders, the activities of the courts which led to the invalidation of determinations and the imposition of small fines, the constant delays which slowed down the ratification of determinations and the shift in emphasis which took place from wage determinations to industrial council agreements. Simplistically put, the Wage Board faced a hostile reception from employers during

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51. Hereafter abbreviated as GPC

the first years of its existence. The hostile climate thus engendered was compounded by procedural problems which alienated worker support. The depression years witnessed the principal Act's amendment which rationalized procedure and helped to make the Board operate more easily after 1930. As the altered conditions after the depression took root the Wage Act declined in importance and most of its work was taken up by industrial councils. It is with these developments that we are here concerned.

The developments which led up to the final de facto removal of the mining industry from the ambit of the Wage Act are complex. The conflict that arose between white mineworkers, represented by the South African Mine Workers' Union and the South African Reduction Workers' Association, and the Gold Producers' Committee of the Chamber of Mines was of wider importance than Rob Davies's analysis suggested.<sup>52</sup> His conclusions that "the white mine employees did make certain economic gains" which remained "firmly within limits ... tolerable to mining capital" and that "rank and file white workers" became increasingly despondent with the Pact thereafter, are correct as far as they go.<sup>53</sup> Davies was not concerned with "the details of the fairly complex process of wage bargaining which occurred" between 1924 and 1927".<sup>54</sup> Failure to analyse those details caused Davies to under-

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52. Davies, R Capital, State and White Labour, pp 182-190, 228-9

53. *ibid* pp 183 and 229 respectively

54. *ibid* p 183

estimate the actual extent and nature of the State's intervention and also to underplay the tensions and splits within the white miners' trade union organisations which largely contributed to their eventual capitulation.

In July 1918 the Chamber and SAMWU agreed, inter alia, to a schedule of minimum wages for underground workers.<sup>55</sup> This wage agreement comprised part of the Chamber's offers in response to white miner demands which eventually culminated in the Status Quo Agreement of September 1918.<sup>56</sup> Towards the end of the 1922 strike, the GPC declared that all agreements between itself and the mineworkers were null and void.<sup>57</sup> The battle that waged from 1924 to 1927 resulted from the encouragement that the victory of the Pact government in 1924 gave to white labour generally. White miners attempted "to restore their wage rates to their pre-1922 levels in terms of real purchasing power if not in monetary terms."<sup>58</sup> J George, the South African Association of Employees' Organisations' representative on the Advisory Council of Trade Unions for the Mining

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55. "Award of the Arbitrators in Certain Matters in Dispute between the Gold Mining Companies, Members of the Transvaal Chamber of Mines, and Certain of their Employees" in Transvaal Chamber of Mines, Mining Industry Arbitration Board, p 519. Johnstone, F A Class, Race and Gold, p 109

56. cf. Chapter 1, pp 59-60 above

57. "Award of the Arbitrators", p 520

58. Davies, R Capital, State and White Labour, p 183

Industry and Victoria Falls Power Company, claimed that the cost of living on the Witwatersrand in 1925 was 30% higher than in 1914, but that real wages had dropped by 22.5% for the same period.<sup>59</sup>

Davies noted that the mining companies had reduced wages by between 25% and 50% after the 1922 strike.<sup>60</sup> Structural changes in the work process had occurred which caused changes in the division of labour. Some whites had been removed from certain jobs into others which involved greater responsibility and more work for the same wage. The Hildick-Smith judgment had made the widely acknowledged ultra vires status of the colour bar official in 1923,<sup>61</sup> and miners feared that the mine owners would act against them. In the end the mineowners did not enforce the judgment but mineworkers' fears still persisted.<sup>62</sup>

In August 1924 the conference of trade union delegates accepted a resolution which called for the establishment of wages boards in

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59. Minutes: ACTU in the MI and VFPC. 12 July 1925; 23 August 1925. SATUC papers, Ca3

60. Davies, p 183

61. Both trade unionists and officials realised at least as early as 1920 that the regulations of the 1911 Mines and Works Act were operated ultra vires: cf UG34-'20 Majority Report 5163, and the "Memorandum on the Colour Bar" submitted by the three trade unionists, (Archie Crawford, J Forrester-Brown and B Pohl) who served on the Commission at paras. 4 and 17

62. For a deeper analysis of the socio-economic context of this question cf Chapter 2 above

all industrial undertakings, including mining.<sup>63</sup> SAMWU submitted demands based on five essential grievances to the GPC on 2 September 1924.<sup>64</sup> They demanded an "all-round increase in wages", payment for May Day and Dingaan's Day,<sup>65</sup> time and a half for overtime and double pay for Sundays. They further called for improved working conditions and demanded that miners would not be overworked.<sup>66</sup> Their demands were not acceded to by the GPC.<sup>67</sup> From that moment the struggle between white workers and mine owners began in real earnest.

Towards the end of 1924, SAMWU applied for, and was granted, the establishment of a conciliation board. The dispute between the two parties was not settled and the only agreement they reached was on the appointment of Judge J de Villiers as mediator in terms of the Industrial Conciliation Act. As the Union and the Committee could not agree, De Villiers issued a report in early 1925.<sup>68</sup> His position as mediator meant that his was only an advisory report with "no more legal effect than the report of a commission appointed to make an

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63. cf. Chapter 2. pp 149-152 above. Davies, Capital, State and White Labour, pp183-4, incorrectly restricted the call to the mining industry, perhaps because his sources do not mention the particular resolution concerned (ibid, p 233 note 16)

64. "Award of the Arbitrators", p 520

65. 1 May and 16 December respectively

66. Umsebenzi, 10 December 1926

67. "Award of the Arbitrators", p 520

68. ibid, p 520

investigation".<sup>69</sup> Nevertheless, SAMWU pressed for the implementation of the report, for De Villiers had reported largely in their favour.

The wage increase recommended was rigid and independent of market fluctuations which could seriously harm the profitability of the mines. An award of 20% of the basic grade rates, without "any differential or secondary wage" was made and could not be used "either to increase or decrease the amount to be paid." The mineworkers noted that the latter proviso meant that employers could not deduct any monies paid above the basic rate from the percentage increase due.<sup>70</sup> The GPC categorically rejected the De Villiers report and Union attempts to win the Committee over failed dismally.<sup>71</sup> It was at this stage that the government stepped in.

Creswell asked the House for leave to introduce a "Bill to determine the minimum rates of wages or other remuneration in mines on the Witwatersrand" on 16 April 1925. His action was justified, he argued, as a Bill was necessary to implement a section of the De Villiers award in the light of the Chambers' intransigence.<sup>72</sup> The degree of hostility to a suggestion of that nature was clearly evidenced by the

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69. Lucas, "The Determination of Wages in South Africa" p 51

70. Forward 6 March 1925

71. "Award of the Arbitrators" p 520

72. House of Assembly Debates, 1925, c 2157

fact that no less than four members of the House rose to oppose the Minister's proposal.<sup>73</sup> Their arguments dealt mainly with the bleak prospects for the future of the fledgling Industrial Conciliation Act and employer/employee relations if the Minister's action established a precedent.<sup>74</sup> Part of the problem lay in the fact that the contents of the Bill were not yet known: it was only published on 22 April 1925.<sup>75</sup> Smuts's attempt to have the Bill struck from the Order Paper on a standing rule technicality failed. Creswell introduced the Bill, read it a first time and had the second reading set down for 23 May. In the event, that reading was postponed and the Bill was finally struck from the Order Paper on the Speaker's ruling on 10 July.<sup>76</sup>

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73. They were Chaplin, Close, Blackwell and Smuts. Blackwell claimed that he supported De Villiers' recommendations, but protested against the way in which Creswell attempted to get them accepted.

74. House of Assembly Debates, 1925, c 2157-2163.

75. Government Gazette Extraordinary. No 1468 22 April 1925

76. Smuts referred to the Standing Rules for the conduct of Parliament to support his argument that it was "not proper" to introduce a second Bill in the same session which dealt with the same subject matter as contained in a Bill already before the House which, in this case, was the Wage Bill. The Speaker referred to Erskine May's Parliamentary Practice (11th edition, p 468) to overrule Smuts as no rule existed to restrain "the introduction of two or more Bills relating to the same subject and containing similar provisions" (House of Assembly Debates, c 2163-4). The Speaker conceded that a different decision could be arrived at once the Bill was published and its contents properly known. On 10 July the Speaker drew attention to House of Commons practice and the Unions's own standing orders. He concluded that members were left with "perfect freedom of action ... to introduce whatever Bills they wish, and it is only when a Bill has passed the third reading or has been rejected, that another Bill of the same substance cannot be proceeded with, and the rule as to the same question not being twice offered in the same session comes into operation ..." (c 5831). The Wage Bill had passed through its third reading on 23 June, and for this reason the Mineworkers' (Minimum Rates of Pay) Bill was officially struck from the order paper.

In the interim, loud voices of protest were raised against the Bill. It is clear that the delay over the second reading resulted in the Bill's demise, but the standing rules contained no rule to prevent the incorporation of the Bill's provisions into the Wage Bill amending the latter.<sup>77</sup> To assess the causes of this extent of its hostile reception we need to examine the extra-parliamentary reasons for the Bill's removal from the order list.

The rejected Mineworkers' Bill was short and to the point. It specifically excluded Africans, but not other blacks.<sup>78</sup> Mine-workers' wages were specified according to occupation in a schedule to the Bill. The wage rates could only be altered by agreement between associations of employers and employees which the Minister considered sufficiently representative. De Villiers had recommended a stronger version of that proposal, but the Bill placed a great deal of discretion in the hands of the Minister of Labour. Wages regulated by the Bill (if it became law) would have effect until 31 December 1925, regardless of any action taken under any of the other laws which regulated wages, such as the Industrial Conciliation Act and the envisaged Wage Act. Furthermore, employees who had commenced work on 1 October 1924 would be entitled to backpay. Failure to pay the required wage was punishable on conviction with a fine not in excess

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77. House of Assembly Debates, c 5831-3, Speaker's ruling

78. This was in accordance with the definition of "native labourer" in the Native Labour Regulation Act, 15-1911, section 2 which classified "native" as "any member of the aboriginal races or tribes of Africa."

of £50 plus compensation. Just more than half of the occupations catered for fell outside the scope of the 1911 Mines and Works Act regulations. They were divided into three groups and wages were to be increased by 20% on the 1918 minima.<sup>79</sup>

It is possible that the GPC took exception to the Bill because Creswell, well known for his enmity towards the mining companies, was the Minister of Labour and would thus be responsible for the administration of the Bill if it passed into law. More concrete objections, on the other hand, were not lacking. The GPC addressed itself directly to Creswell on the day after the Bill was published.<sup>80</sup> Copies of the letter were sent out to all members of Parliament soon afterwards.<sup>81</sup> The GPC argued that the Bill would detrimentally affect ancillary industries and consequently increase the cost of living.<sup>82</sup> They argued that dissatisfaction would erupt within the ranks of the 14 600 odd whites who would not be affected by the proposed increases.<sup>83</sup> Similarly, but more important, black unrest would inevitably follow, not only in the mines as had occurred in 1920, but in manufacture and industry as well.<sup>84</sup> Furthermore, only a small, privileged sector of

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79. cf Appendix B pp 446-7 below.

80. Anderson, P M (President GPC) - Minister of Labour, 23 April 1925. This letter was printed as a pamphlet in English and Afrikaans under the title: "Facts in Connection with the Mineworkers' (Minimum Rates of Pay) Bill", hereafter abbreviated as "Facts"

81. RDM 28 April 1925

82. "Facts" paras. 15, 19

83. *ibid* para. 6

84. *ibid* paras. 10, 11

the white and coloured miners would be affected. Higher earners faced an increase and lower paid men would face an effective reduction in their respective wage packets.<sup>85</sup> They correctly accused De Villiers of supporting the white labour policy by extending the recommendations to coloured labourers who would be entitled to immediate back pay of c £100.<sup>86</sup> That fact, they argued, represented "a direct attack on the employment of such persons in the underground occupations open to them" at the time.<sup>87</sup> Seven mines would have to close, with consequent further retrenchment of white workers.<sup>88</sup> The Committee saw the Bill as an unashamedly biased attack on the industrial conciliation machinery of the Union.<sup>89</sup> Leading mine officials vehemently complained about the Government's action. In July 1925, A French, speaking on behalf of Sir George Albu, Chairman of the General Mining and Finance Corporation, expressed a common opinion when he stated that

Ministers have paid us [the mining industry] the doubtful compliment of introducing ... a number of draft Bills affecting the mining industry. In no single instance ... can any of these Bills be considered as helpful to the industry, but rather do they take the form either of adding further to the already overtaxed mining companies or aim at placing on the freedom of action of the management restrictions which are utterly unjustifiable. 90

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85. *ibid* paras. 3, 6

86. *ibid* paras. 1, 2

87. *ibid* para 1

88. The mines were: East Rand Proprietary Mines, Ltd.; Geldenhuis Deep, Ltd.; Modderfontein East, Ltd.; New Kleifontein, Co. Ltd.; Nourse Mines, Ltd.; West Rand Consolidated Mines, Ltd.; and Wolhuster Mines, Ltd. They collectively employed 3 772 whites.  
*ibid* para 12

89. *ibid.* para 22-26

90. Quoted by Scholtz, G D Die Ontwikkeling van die Politieke Denke van die Afrikaner, v VII, p 200. Scholtz refers to two other speeches by Ernest Oppenheimer, RDM 18 May 1925, and P M Anderson, at the annual meeting of the Chamber of Mines, Star 29 June 1925 Scholtz, p 199

The prospects for the Bill's future looked bleak in the face of the GPC's opposition to it. The mineworkers for their part threatened to strike if the Bill was not passed.<sup>91</sup> Their demand for the reconstitution of the De Villiers mediation board was turned down by Creswell. Following Union pressure, the GPC agreed to meet SAMWU. The committee suggested a "temporary arbitrary increase" on 3 June. They stressed that the proposed increase had nothing to do with the De Villiers award but was agreed upon "solely with a view to meeting the request of the Government that the minimum rates of pay of certain classes of underground workers should be increased." The agreement, if acceded to, was to lapse one month after the publication of the Economic and Wage Commission's Report<sup>92</sup> or 31 March 1926, whichever date came first.<sup>93</sup> A meeting of the Advisory

Council of Trade Unions in the Mining Industry and Victoria Falls Power Company<sup>94</sup> unanimously accepted resolutions which called on SAMWU not to accept the GPC's offer, and to insist on an increase of 6d per hour.<sup>95</sup> Creswell despatched Waterston to the Witwatersrand to pacify the miners with the announcement of a pay increase of 6d per day. Creswell's apparent apostasy at this juncture was attributed

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91. RDM 4, 15 June 1925.

92. The Commission was appointed in terms of Government Notice 1332 dated 4 August 1925, and reported on 29 January 1926

93. "Award of the Arbitrators" p 521-2

94. The Unions represented were the Amalgamated Engineering Union, the Amalgamated Society of Woodworkers, the Boilermakers Union, The Ironmoulders Society, the Building Workers' Industrial Union, SAMWU, the Reduction Workers Union, the South African Organisation of Masons and SAAEO

95. ACTU Minutes, 12 July 1925. SATUC papers Ca 3

to the government's desire to maintain industrial peace during the Prince of Wales's visit to South Africa in the middle of the year. In the event, SAMWU accepted the 6d per day increase, which, it was jocularly noted, would enable miners to purchase "an extra glass of beer".<sup>96</sup> That settlement did not include all of the miners' original demands. The absence of a total settlement, perhaps compounded by tensions within the mining trade union ranks, induced Creswell to assure SAMWU of a Wage Board investigation if no settlement was reached one month after the Economic and Wage Commission reported.<sup>97</sup> Negotiations between State, Chamber of Mines and white miners were complicated by the retrenchment of white miners towards the end of 1925. Wages, retrenchment and miners' action now placed the industry and the state in a critical position which needed rapid resolution.

The National Executive Committee of SAAEO agreed that if the Chamber did not cease retrenching miners, the Council would apply for a conciliation board to investigate the matter. SAAEO acted on SAMWU's request,<sup>98</sup> which in turn formally justified its cause on an "implicit pledge of protection to ... white workers in the Union against reductions in number by the late Prime Minister, Gen Smuts".<sup>99</sup> Smuts had stated in 1921 that he "did not want the black man to be put in

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96. This was apparently Kentridge's quip at a constituency report back meeting in reply to Tielman Roos's query as to the benefit of such a paltry pay increase. Kentridge, M I Recall pp 140-2

97. "Award of the Arbitrators" p 521

98. SAAEO NEC Minutes, 1 December 1925, SATUC papers Ca 1.1

99. SAMWU statement included in a letter from SAAEO - Minister of Mines and Industries, 3 December 1925. SATUC papers, C c 5.4

the positions ... [of] the White man" nor for "the whites to go down in number" but that the avoidance of both events depended on the efficient use of black labour.<sup>100</sup> The miners expected the Pact to "redeem that pledge without increased introduction of foreign labour".<sup>101</sup> The GPC refused to co operate with SAAEO. The Committee did not think that the organisation was at all "representative of the employees on the gold mines" and refused to recognise it.<sup>102</sup> Boydell, only recently installed as Minister of Labour, turned down the SAAEO's applications for a conciliation board on the grounds that he considered it "inadvisable at this juncture to consider the appointment of a Conciliation Board."<sup>103</sup> In March the NEC accepted recommendations that they withdraw their application on the understanding that the government would agree to consider their written report on the issue "in terms of its [the governments] promise to the deputation which met the Government in November [1925] with a view to preventing a

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100. Quoted in Report of the Trade Union Delegation to Ministers of Mines and Industries, Defence, and Labour, 23 November 1925. SATUC papers, Ca 3
101. SAAEO - Minister of Mines and Industries, 3 December 1925. SATUC papers Cc5.4
102. GPC - SAAEO 22 December 1925, in reply to SAAEO - GPC, 7 December 1925. SATUC papers Cc5.4. Terms of recognition of trade unions were laid down by the mining industry after the 1922 strike. (Transvaal Chamber of Mines, Mining Industry Arbitration Board p 283, Annexure A) These were changed in 1937 with the effect that the Companies would only recognise one union per class of employee (Simons and Simons Class and Colour in South Africa, p 523)
103. Secretary for Minister of Labour - SAAEO, 15 January 1926. Letters of application were dated 24 and 31 December 1925. On 14 January 1926 SAAEO requested a reply to their applications. Cousins informed them on 15 January that the application was refused. The Secretary for Mines and Industries claimed in a letter to SAAEO on 16 January that insufficient evidence of retrenchment existed to warrant the establishment of a conciliation Board. SATUC papers Cc5.4. See also SATUC NEC Minutes, 19 January 1926. SATUC papers, Ca 1.1

recurrence of such entrenchment."<sup>104</sup>

It was quite clear that the initial support enjoyed by the miners from government was on the wane. This change in attitude perhaps had something to do with Hertzog's cabinet reshuffle in November 1925. Creswell relinquished the Labour Department but retained Defence. Boydell became Minister of Labour and left the fairly innocuous Posts and Telegraphs portfolio to the more radically inclined Walter Madeley, who became the third Labour Minister in the Cabinet promised to the SALP by Hertzog after the formation of the Pact.<sup>105</sup> Margaret Creswell later commented that Madeley was safest in Posts and Telegraphs "since it was a state enterprise" where his socialist tendencies could be held in check.<sup>106</sup> The importance of the Boydell-Creswell rearrangement soon became clear.

Soon after assuming his new position Boydell commented that he would "like to see wage disputes, etc., settled, not by strikes and upheavals, but by consultation and agreement through the medium of established machinery."<sup>107</sup> That sentiment was in contrast to

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104. SAAEO NEC Minutes, 2 March 1926, SATUC papers, Ca 1.1

105. Maud, P "The Labour Party and the Pact Government 1924-1929" pp 143-4

106. Creswell, M An Epoch of the Political History of South Africa p 109

107. Forward, 20 November 1925

Creswell's actions over the Mineworkers' (Minimum Rates of Pay) Bill when he tried to force aspects of the De Villiers award on reluctant mineowners. In August 1925 Roos and Creswell met a delegation of miners' representatives. At that meeting they had advised that the wage and retrenchment negotiations be deferred "till the wage board was constituted when [those matters] would receive first consideration." Creswell repeated the promise at a public meeting soon afterwards.<sup>108</sup> Throughout 1925 the Department of Labour had come under heavy fire from the GPC. When Creswell's attempt to chastise the mining companies with his ill-fated Miners' Pay Bill failed, he then promised to invoke, legitimately, the Wage Act to control them. It will be recalled that Creswell himself was anxious to keep the peace when workers reacted in the face of the GPCs intransigence over the De Villiers award.<sup>109</sup> On the other hand, Creswell, more than any other minister besides Roos, was prepared to make serious inroads into the mines' autonomy and profit margins. General accounts of Boydell's move to the Labour Department concentrate solely on the idea that the SALP was given a third cabinet position, or see it as not controversial.<sup>110</sup> It seems not unlikely that Creswell's attitude to the mining industry could have embarrassed

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108. ACTU Minutes, 23 August 1925, and SATUC NEC Minutes, 18 April 1926, SATUC papers, Ca3 and Ca 1.2 respectively

109. cf pp 189-90 above

110. eg. Maud, P "The Labour Party and the Pact Government 1924-1929" pp 143-4; Creswell, M An Epoch of the Political History of South Africa p 109; Davenport, T R H South Africa : A Modern History p 199; Simons and Simons Class and Colour in South Africa p 323

Hertzog. In order not to infuriate the Chamber too much, Creswell was removed from his post, at least until the storm had passed. After his departure the fortunes of the miners went from bad to worse.

Tielman Roos let off a volley against the Chamber in December. Speaking in Kentridge's Troyeville constituency he openly challenged the Chamber that if they continued to retrench white miners, the government would not hesitate to increase the tax on mines. In the event of a collision between Chamber and Government, he warned, "sou eersgenoemde die slegste daarvan afkom".<sup>111</sup> Notwithstanding the Department of Labour's refusal in January 1926 to establish a conciliation board, the SAMWU once again took up the cudgels. In February it was suggested that the miners should apply for an industrial council.<sup>112</sup>

The NEC of SAAEO recommended that SAMWU should request "the Minister of Labour to submit the wages of mine-workers to the Wage Board for investigation" because not all of the affected unions had submitted recommendations for "co-ordinated demands."<sup>113</sup> In March, Cousins,

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111. Brits, J Tielman Roos p 228

112. Moore, A (General Secretary of the Reduction Workers' Association) - SAAEO, 23 February 1926. SATUC NEC Minutes, 18 April 1926. SATUC papers Ca 1.2

113. SAAEO NEC Minutes, 2 March 1926. SATUC papers Ca 1.1

the Secretary for Labour, suggested that an industrial council would be a better idea as it could operate on wider terms of reference.<sup>114</sup>

SAMWU accepted SAAEO's advice, and jettisoned the idea of an industrial council for the industry as a whole. The miners, according to J Hardman the MWU secretary, "had made up their minds" to submit their claims to the Wage Board "as promised by Col Creswell when he was Minister of Labour."<sup>115</sup>

W J Wilson, a former acting-secretary of the Union, expressed scepticism about the benefits which could be gained on application to the Board. But he noted that his union's members "would say that the Executive had let them down if they departed from the policy of asking for a Wage Board enquiry."

The unions, it was suggested, should form an industrial council amongst themselves to "facilitate proceedings" and make the Wage Board's work easier.<sup>116</sup> Boydell himself had noted that an industrial council for the industry was "the best way out",<sup>117</sup> but in the face of SAMWU's resistance Cousins conceded to Andrews that if an industrial council proved impracticable, Boydell would be "prepared to instruct the

114. Cousins - Wallace, (Acting Secretary, SAAEO) 12 March 1926, and SAAEO NEC Minutes, 16 March 1926, SATUC papers, Cc5.4 and Ca 1.1 respectively.

115. cf pp 190 above

116. SATUC NEC Minutes, 18 April 1926. SATUC papers Ca 1.2

117. *ibid*

Wage Board to function".<sup>118</sup> During debate at the meeting of 18 April, two resolutions were carried in spite of strident opposition. The NEC resolved in effect not to reject the principle of an industrial council. They ought to fight for one but ought not to "prejudice the right of appeal to the Wage Board."<sup>119</sup> At about the same time, the Reduction Workers' Association, who had been excluded from the arrangements surrounding the "temporary arbitrary increase" mentioned above, also applied for a Wage Board investigation. Boydell tried to get SAMWU, the GPC and the Association together to sort out their differences in an attempt to avoid the applications for wage board investigations. A number of meetings were held but no settlement was forthcoming. Eventually the parties agreed to the establishment of a conciliation board which met in September. In the event, further non-agreement caused all the parties to agree to the appointment of the Wage Board's members as arbitrators in terms of the Industrial Conciliation Act.<sup>120</sup> On the surface it appeared as if a compromise was reached: the Wage Board was set in motion within the constraints of the Industrial Conciliation Act. Whereas miners hoped that the Wage Board as a Labour creation would report in their favour, the mineowners hoped that the Industrial Conciliation Act's limitations would benefit them.

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118. Cousins - Andrews, 4 May 1926, SATUC papers Cc5.4

119. SATUC NEC Minutes, 18 April 1926, SATUC papers Ca 1.2

120. "Award of the Arbitrators" p 523. cf also the Prefatory Note to Transvaal Chamber of Mines, Mining Industry Arbitration Board

A Communist Party commentator, thinking in terms of the statutory colour-blind nature of the Wage Act, correctly suggested that the appointment of the Board under the Industrial Conciliation Act was "an ingenious attempt to avoid the necessity of dealing with workers in the various grades irrespective of colour." As such the enquiry would be confined "to the workers represented on the Board, (ie. the European workers), a discrimination which could not be made if enquiry was made by the Wage Board."<sup>121</sup> The exclusion of Africans, the vast majority of mine workers, in this manner would have appealed greatly to the Chamber, and goes part of the way to explain why they agreed to accept the Government's move. The interests of the work force as a whole were thus ignored again as they effectively had been with the De Villiers report. The potential division between black and white employees was further encouraged depending on how the Board reported.<sup>122</sup> The miners, for their part, accepted the method of arbitration as a means of escape from the impasse. They did so "with open arms" because the initiative came from the Labour Department. They hoped "to have the scales equally weighted  $\overline{\int}$  between the Chamber and themselves  $\overline{\int}$ , and they thought they would get a portion at least of the De Villiers award ..."<sup>123</sup>

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121. Umsebenzi, 22 October 1926

122. For discussion on the advancement of the divisions between black and white workers, cf ch1, pp 55ff above

123. Evidence of Haynes before Cost of Living Commission, UG 36-'32, quoted in Forward, 16 January 1931

The Arbitration Board met with the Conciliation Board on 25 October 1926. SAMWU was represented by W J Wilson, President of SAMWU, H Day a general miner and J C Mego, the Union's general secretary. M Kentridge acted on their behalf in his capacity as an attorney. The Association's case was put by A Moore, secretary and its treasurer, T F Day. The GPC instructed W Gemmill, manager of the Transvaal Chamber of Mines, F G A Roberts, the Chamber's technical advisor, and H O Buckle, formerly Chief Magistrate of Johannesburg.<sup>124</sup> The Board sat from November through to the end of February and issued its award on 1 April 1927. Davies noted that the miners' claims were rejected and that they were offered an increase which was well within the bounds acceptable to the Chamber.<sup>125</sup> The Chamber was ecstatic, the white miners despondent. Protest strikes were called in April and May.<sup>126</sup> The Communist Party strongly attacked the Pact, the Wage Board, the Chamber and the award. It accused the Wage Board of kowtowing before the Chamber whom it described as the representative of the "class-consciously embattled and statistically well-equipped forces of the predominant industry" in the Union. As a result the Board had presented the workers "with nothing but defeatism." Its award represented "a final condemnation of

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124. Kentridge, I Recall p 143, and "Award of the Arbitrators" p 519. For an explanation of the term 'manager' of the TCM, cf Fraser & Teeves, All that Glittered p 347

125. Davies, R Capital, State and White Labour, p 184

126. Umsebenzi, 29 April, 6 May, 20 May, 27 May and 3 June 1927. The references are mainly to City Deep Mine. RDM 29 April, 30 April, 30 May 1927

reformist 'collaboration'." Strike action was the only means left through which to seek redress. Umsebenzi proclaimed that

They returned from the ride with  
the miner inside  
And a smile on the face of the  
Chamber. 127

Conditions favoured another showdown with both government and Chamber. The SAMWU leadership was in a quandary. Whilst they expressed some support for particular strikes, they did not support the idea of a widespread, general strike.<sup>128</sup> They were caught between the Scylla of a conciliation system which required acceptance of certain rules, and the Charybdis of militant action which many believed was the only way to get positive results.

At SATUC's third annual congress in April 1927, Boydell laid the blame for the disappointing award squarely on the shoulders of the trade unions themselves. He claimed that the Pact had changed the labour policies of former governments only "in so far as it had assisted and encouraged the organisation of the workers." The problem in his opinion, lay in the fact that "the unions had found it difficult to adjust themselves to the new conditions".<sup>129</sup> In fact, it appears that the problem with the unions was that they had mistakenly assumed that Labour Party representation in a predominantly

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127. Umsebenzi, 15 April 1927. The Leader carried similar accusations.

128. Davies, R Capital, State and white Labour, p 185

129. SATUC 3rd Annual Congress, 15-17 April 1927, Minutes, SATUC papers Ca 1.3

Nationalist government automatically ensured the advance of workers in general and white workers in particular. The "new conditions" were meant to curtail union action rather than provide avenues through which mines could seek redress. In May Boydell persuaded SAMWU to desist from participation in strikes against the Lucas award.<sup>130</sup> Disunity, disillusionment and apathy took hold of the miners and the Chamber emerged supreme. A major problem that confronted the white miners was the issue of union unity.

The miners' trade union movement split in two, partly because of the non-implementation of the De Villiers report, and partly because of different ideas about trade union organisation and strategy. Simons and Simons noted that W D Dey, "chairman of the central areas branch of the miners' union" persuaded the Jeppe branch in the second half of 1925 "to form an opposition union under the name of the Transvaal White Miners' Association." The union was to strive to "redress the wrongs of 1913, 1914 and 1922." Dey also decried wage and conciliation boards as well as commissions of enquiry. Those institutions he claimed were "'the same tripe as Jan Smuts used to dish up by the pound, the only difference being the present crowd are slinging it out by the yard'".<sup>131</sup> The history of the Transvaal White Miners' Association was not traced by the Simons, but it seems possible that it was either the forerunner of, or developed

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130. RDM 2, 5 May 1927

131. Simons and Simons, Class and Colour in South Africa pp 339-340

into, the Witwatersrand White Miners' Association.<sup>132</sup> The Association broke away from SAMWU in January 1926, but collapsed after attempts to settle differences between the two bodies failed in May of the same year. The points of difference appeared to be at least three in number. First, the Association accused the Union of acting unconstitutionally on a number of occasions. These included SAMWU executive's acceptance of the GPC's offer of a temporary arbitrary increase and a later offer of an extra 1/- per day, and the alleged relaxation of point 3 of the MWU constitution which established a membership colour bar. This latter accusation was vigorously denied by SAMWU. Second, the Association stressed that it was a non-political organisation and that its members should limit themselves to activities of an "industrial capacity only." This plea for an economic approach to trade union affairs was countered by the Union. SAMWU representatives pointed out that miners voted in elections for candidates who were also Union members. The Association further accused the Union's executive of mismanagement and hence of alienating the rank and file. Lastly, the Association

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132. Minutes of a Joint Meeting between Delegates of the South African Mine Workers' Union and the Witwatersrand White Miners' Association with a view to Amalgamation of the Union and the Association, 15 May 1926, and SATUC NEC Report to 3rd Annual Congress, 15-17 April 1927. SATUC papers, Ca 4.2 and Ca 1.3 respectively. Information of the WWMA and SAMWU split is lacking. The minutes of the meeting on 15 May 1926 indicate that the WWMA's address was 62 Betty Street, Jeppe, which suggests it was possibly connected to the Association described by Simons and Simons. The WWMA apparently never agreed to the conditions of recognition laid down by the GPC which would also suggest an affinity with the Transvaal White Miners' Association; cf Transvaal Chamber of Mines Mining Industry Arbitration Board p 281. Unfortunately, Davies and others are mute on this interesting aspect of the SAMWU's history.

accused the Union of a dereliction of duty for failing to see that the De Villiers award was enforced. One delegate went as far as to say that secession was caused "only on account of the De Villiers award."

As mentioned, the Witwatersrand White Miners' Association collapsed sometime after May 1926. Whether the two white miners' associations were one and the same organisation or not is a moot point. What matters is that serious divisions over strategy and organisation existed. Furthermore, the differences between sections of SAMWU were not the only differences of opinion that accentuated tensions within white miners' ranks at the time.

In mid-1925 disagreements about policy broke out between the Joint Mechanics Committee, and the Reduction Workers Association and SAMWU. The former dug their heels in and refused to endorse any further action until a conciliation board had been set up and their outstanding demands disposed of.<sup>133</sup> The latter two associations wanted to press ahead with specific wage demands. They eventually compromised and agreed on the second course of action, pending the result of the Mechanics' request. The dithering which took place substantiated the view that "every day's delay [was] a gain to the Chamber and a loss to the men."<sup>134</sup> Disunity within the ranks continued throughout the negotiations of the Lucas arbitration board.<sup>135</sup>

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133. ACTU Minutes 12 July and 23 August 1925. SATUC papers, Ca 3

134. ACTU Minutes, 23 August 1925. SATUC papers Ca 3

135. Kentridge, M I Recall p 141

It is interesting to note that the legislative instrument used to settle the dispute was the Industrial Conciliation Act, a product of the Smuts era. Attempts to bring so-called workers' legislation, namely the Wage Act into operation had failed. Disunity and disagreement within the miners' unions, ranked against the adroit operations of both Chamber and Government, secured for the latter two the victory they desired. Boydell had made it blatantly clear when he took over the Labour Department that he planned to operate within the conciliation structure. It was made clear with the Lucas award fracas that he expected the unions to follow suit. Kentridge noted an old adage attributed to Creswell that

During the South African Party Government, the Chamber of Mines goes up to the Government through the front door. When the Nationalists ... come to power they will go up to the Government through the back door. 136

Exactly to what extent Creswell's comment could be verified is difficult to say, but it is clear that the GPC was satisfied with the outcome.

A most crucial workers' weapon, that of unity, was blunted. Its absence contributed toward the failure of white miners to secure wage benefits at the expense of the mining companies. Destabilisation caused by white working class action specific to the mining industry was averted at a cost they were prepared to pay. The "temporary arbitrary increase" of 1925 "added £50 000 to [the] annual costs [of the mining companies]"

and the Lucas award an extra £24 000 on top of that; making a total increase of £74 000".<sup>137</sup> Compared to the Chamber's estimate of an extra £2.65 million per annum expense if the Mineworkers (Minimum Rates of Pay) Bill was enacted,<sup>138</sup> that sum was not exorbitant. In 1926 the colour bar regulations were enacted. It is possible that their enactment compounded the weakness of the unions. The miners fell back on the security of the colour bar. Attempts by white miners to reduce the degree of their exploitation by insisting on wages regulated by an occupational structure defined in terms of definite minimum wages had failed dismally. Instead, the state offered them the security of wages regulated by an occupational structure defined in terms of the colour bar. White workers, potentially a disruptive force within the mining industry, were accommodated at a far lower cost to mining capital than would have been the case if the Mineworkers' (Minimum Rates of Pay) Bill had become law. Although the Colour Bar Act was first introduced during the same parliamentary session as the Mineworkers' Bill and thus was not consequent upon the latter's failure, it represented "the limits of white labour's actions to protect itself."<sup>139</sup>

The SALP for its part suffered dearly as a result of the Lucas Award affair. It caused members of the party and the labour movement in

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137. Davies, R Capital, State and White Labour, p 233 note 8

138. "Facts in Connection with the Mineworkers (Minimum Rates of Pay) Bill." The 1929 WBR, p 24, inflates this figure to £3m

139. Bonacich E "Reply to Burawoy" p 341

general to question the beneficial aspects of conciliation.

Different opinions about labour's future participation within the conciliationist structure of the Union promoted the tensions within the Party which contributed to the split between Councilites and Creswellites. The Pact itself became a more precarious alliance. <sup>140</sup>

Davies concluded of the Lucas Award affair that white wage earners benefitted economically without endangering the overall profitability of the mining industry. He also noted the link that must be made between the failure to gain greater economic advantage and the institution of the colour bar. Similarly he was aware of the effects the affair had on the unity of the SALP.<sup>141</sup> His analysis did not illuminate the way in which the state went about protecting the interest of the mining industry at the expense of labour. Creswell's actions before his removal from the Labour Department could quite easily have created a crisis for the industry similar to that of 1922. The state's action clearly indicated that the state could have intervened on white labour's side to a far greater extent than it eventually did. It had to back down before the stronger interests of mining capital. Further, Davies was silent on the issue of trade union, as opposed to SALP, unity. The rivalry

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140. Davies, R Capital, State and White Labour, p 187 para and ch 1 above

141. ibid, pp 182-190, 228-232

which permeated the unions weakened them in the face of the Chamber's unity. The fact that the settlement resulted from a binding award and not from an industrial council agreement per se meant that the industry could operate with greater independence from the Industrial Conciliation Act as well. The three elements of trade unions weakness, the Chamber's ability to accommodate opposition, and the state's intervention as a catalyst which provided the machinery to 'settle' the dispute acted together to secure the exclusion of the mining industry from the ambit of the Wage Act throughout the period under review.

The Wage Board, then, was restricted to workers in secondary and manufacturing industries. In the rest of this chapter we are concerned with the general, formal administration of the Wage Act. The changes in policy, and aspects of administration which effected specific discriminatory practices, are dealt with in chapters five and six. It must be remembered that the majority of white industrially organised, ie. mainly skilled, employees were covered by the Industrial Conciliation Act. The Wage Board investigated a large number of widely different industries.<sup>142</sup>

The Board faced many difficulties during the period. No South African precedents existed from which the Board could draw.<sup>143</sup> The 1918 Regulation of Wages Act provided little assistance owing to the different administrative structure which that Act established.<sup>144</sup> The experience

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142. cf Bibliography, pp 445-90 below for a list of the different industries and trades investigated by the Wage Board. Appendix C pp 449-50 below provides a list of determinations and the number of employees affected.

143. 1929 WBR p 5

144. cf ch 2 pp 134-38 above

of other countries which had adopted wage regulation instruments was of little use as well. The extremely wide wage differential between skilled and unskilled, largely white and largely black, respectively, was unique to South Africa and presented a particular strait jacket of its own to the operation of ostensible "equal pay for equal work" legislation. Lucas believed that the differential was "understated" by reference to a division between £1 a day and £1 a week, which was the usual classification.<sup>145</sup> Briefly put, the problem lay in the almost universally held opinion that unemployed skilled labourers could not live at unskilled rates and unemployed unskilled could not expect to be employed at skilled rates.<sup>146</sup>

The Board faced criticism and opposition from both manufacturers and the labour movement. The opposition/support emphases within the two groups were not uniform and necessarily operated at different phases. These phases were directly linked to the policies of the Board and the Department of Labour and the elements of success or failure which accompanied such policies. One example of this process has already been dealt with in the case of the Lucas Award affair. There it was clear that the initial opposition of mine owners to the Award became tacit support as soon as it became obvious that their interests were not to be tampered with to any great extent. The reverse was true for the miners. In general terms, employers manipulated the Act's provisions, indulged in evasions and collusions and relied on the generally amenable courts of the land to secure their interest.

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145. Lucas, F "The Determination of Wages in South Africa" p 54

146. For a more detailed discussion of this problem, ch 5 *passim* below

The success which they enjoyed with such tactics deflated their opposition to the Board. On the other hand, the workers who were supposed to benefit from the Act complained about interminable delays, the inadequacy of sentences handed down by the courts, and of bias in favour of employers. The conflicts that arose were all the keener because the participants had a great deal to gain or lose.

The initial support which the Wage Act enjoyed from commerce and industry vanished when the personnel of the Wage Board was announced and when the Board issued its first reports.<sup>147</sup> The loudest opposition to the Board was raised when it investigated the commercial distributive trade in 1927-28.<sup>148</sup> Chambers of Commerce around the country condemned the Board on behalf of smaller firms. The essence of their complaints was that the recommendations of the Board would actually cause unemployment or the ruin of many small firms.<sup>149</sup> As the economic belt tightened with the onset of the depression in late 1929, employers' opposition to wage regulation increased. The Department of Labour successfully applied pressure on the Wage Board to curtail some of its activities. The 1930 amend-

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147. Commercial Bulletin of South Africa, vi, 68, September 1928. Quoted in Bozzoli, B The Political Nature of a Ruling Class p 226

148. Pursell, D "Minimum Wage Regulation Under the South African Wage Act" p 93

149. for example, *ibid*, for East London; and "Memorandum of Objection re the Proposed Determination published as a Schedule to Government Notice 1703 of 1928/Shop Assistants/" submitted by the Durban Chamber of Commerce; Objection number 30 to the same Proposed Determination by the Pietermaritzburg Chamber of Commerce, 7 November 1928, (Department of Labour Archive, 2037: F4/19) and Secretary, Orange Free State Chamber of Commerce - Chairman, Wage Board, 16 July 1928, (Department of Labour Archive, 2037:F4/18)

ments were necessary to streamline the application of the principle of wage regulation. By the time the South African economy began to turn at the end of 1932, the voices of dissent had for the large part been silenced. The Labour Department reported that by the end of 1932, "compulsory wage regulation" was becoming "accepted in a better spirit" because manufacturers realised that they benefitted from the "uniform competitive basis" upon which they had to operate under regulation.<sup>150</sup> Ivan Walker, Chief Inspector of Labour, expressed himself more strongly on the issue. The "good deal of active opposition" which he had encountered in the early years had evaporated by 1934 because employers now realised "the value, in fact the absolute necessity, of wage regulation".<sup>151</sup> The trend that can be indentified during the period under consideration is as follows. The expressed support for the Wage Act by industry and commerce rapidly changed into opposition once the practical job of applying wage determinations got under way. That opposition was cooled during and after the depression mainly because the Wage Board changed its policy, partly through government instruction and partly through its own will. How the policy change occurred, ie. the removal of Africans, the reduction of wages and the levels of wages, is dealt with in the remaining chapters. The concern here is to outline the difficulties the authorities encountered when they tried to implement the Wage Act.

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150. Department of Labour Annual Report, 1932, UG 37-33, p 41

151. Walker, I "Memorandum to the Industrial Legislation Commission" quoted in Industrial Legislation Commission Report UG 37-1935 p 410

The Durban Chamber of Commerce informed the Wage Board that in the event of the ratification of an unsatisfactory determination, the "satisfaction of normal business ambitions and aspirations would depend upon defeating its provisions." In such circumstances, no government would be able to ensure the determination's enforcement even if it kept "an inspector in every shop."<sup>152</sup> Employers indulged in a number of activities in attempts to avoid meeting the requirements of determinations.

The most common way in which determinations were surmounted was by evasion. Evasion took a number of forms. The simplest form was "out-and-out collusion" between employers and employees. Although specifically prohibited by law,<sup>153</sup> it appears to have been fairly rife. The Cost of Living Commission reported in 1932 that collusion involved a "certain class of employer" which did not include "the more reputable businesses".<sup>154</sup> Factory inspectors could be duped in a number of ways. Employees would sign receipts which denoted the correct wage, but would receive less than the specified amount.<sup>155</sup> The choice, if it can so be classified, before the employee was very simply one of take it or leave it. This form of evasion was especially prevalent during the depression years when the reserve army of unemployed increased in size.<sup>156</sup> Variations

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152. Durban Chamber of Commerce, "Memorandum of Objection" p 18. Department of Labour Archive, 2037: F4/19

153. cf p 174 above

154. Cost of Living Commission Report, UG 36-'32, p 14

155. Industrial Legislation Commission Report, UG 37-'35, p 124

156. Department of Labour Annual Report, 1932, UG 37-'33, p 6

on that theme included the return of a portion of the correct wage in lieu of alleged expenses. It became necessary for the Board to lay down maxima which could be drawn from the employees' pay for sundries such as board and lodging.<sup>157</sup> Even this action did not prevent extortion. The van Reenen Commission mentioned one case, for example, in which a deduction of £3.10s.5d was made from a total wage of £4.10s per week, for accommodation, which the Supreme Court ruled was worth only 7s 6d per week.<sup>158</sup> Employers could cash endorsed cheques and give the employee less than the amount,<sup>159</sup> or employees could be forced to purchase foodstuffs from the employer.<sup>160</sup> Fictitious loans were advanced in some instances by giving employees receipts for money they never received but which was drawn from their weekly wages.<sup>161</sup> Before the 1930 amendments to the Wage and Industrial Conciliation Acts employers could evade determinations with impunity through the establishment of bogus partnerships. It would appear that this type of evasion occurred more often than not under the latter Act. The Board was of the opinion that evasions of this nature were not prevalent because employees could, if occasion demanded, embarrass their employers by acting as real partners who could influence business transactions, even though the employers were the dominant partners.<sup>162</sup>

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157. 1929 WBR p 14

158. Industrial Legislation Commission Report, UG 37-'35, p 124

159. *ibid*

160. 1929 WBR p 14

161. Industrial Legislation Commission Report, UG 37-'35, p 124

162. Social and Industrial Review (Special Edition) September 1926 p 12; 1(16) June 1928 1929 WBR p 16. Industrial Legislation Commission Report UG 37-1935 p 124

Employees, especially juveniles and young women, would often lie about their ages in order either to avoid entrenchment or simply to get jobs. Fictitious names were placed on wage sheets as well.<sup>163</sup> On occasions when industrial council agreements were renewed employers would attempt to reduce the wage operative at the time to the lower scale prescribed by the Wage Board.<sup>164</sup> Employers attempted to delay the publication of determinations,<sup>165</sup> or, alternatively, proposed wage cuts when agreements expired.<sup>166</sup> Attempts were also made to pass the extra cost of labour on to the consumer. The clearest example of this was in the baking industry.<sup>167</sup> An unusual occurrence of this otherwise fairly normal procedure occurred in the biscuit making industry. A meeting of biscuit makers, called to discuss the Wage Board recommendation for the industry "decided to kill price 'cutting' by means of a wholesalers' list." Listed firms received a 10% special discount but firms who "in the opinion of the biscuit makers" sold their products at cheaper prices were blackballed and were denied both credit facilities and the special discount. This meeting then decided to increase their prices with immediate effect "although the Wage Board award did not come into effect

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163. Industrial Legislation Commission Report, UG 37-'35, p 124

164. SATLC, 2nd Annual Conference Minutes 26-28 March 1928. SATLC papers Da 1.2

165. CFLU FEC Minutes 12 November 1931 CFLU papers Aa 1.5

166. Minutes of a Special Conference called by the Federation of Labour Unions (Cape), consisting of Delegates Representing Industrial Councils, Union Executives, Operating under a Wage Board Determination or Conciliation Board Agreement in the Cape Area. (No date: but follows the meeting of 14 July and before that of 27 July 1932) CFLU papers, Aa 1.5

167. 1929 WBR, p 17. cf ch 4, pp 269-4 below for a more detailed discussion of the baking industry in this regard.

at once."<sup>168</sup> Besides sheer crookery, employers also indulged in measures which secured the extraction of absolute surplus value. The working day was extended in some instances and different classifications of employment were introduced.<sup>169</sup>

Various reasons exist to explain why employers and employees alike evaded determinations. The Van Reenen Commission explicitly reported that little evidence existed to indicate that evasions arose because determined wages were either out of equilibrium or were uneconomical.<sup>170</sup> The majority of employers guilty of evasions appear to have been small-time manufacturers<sup>171</sup> who were either financially weak or lacked technical, administrative knowledge.<sup>172</sup> The over-supply of labour, linked to the economic stress of the employed workers in insecure positions, played into the hands of employers who were able to force their workers to accept illegal contracts. The lower levels of the wage hierarchy were overcrowded owing to the abundance of semi- and unskilled workers, both black and white, who flooded the urban areas. A "lack of a sense of social justice on the part of some employers" was also considered a factor which contributed to the problem.<sup>173</sup> Evasions were to have

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168. Forward 4 November 1927

169. Industrial Legislation Commission Report, UG 37-'35, p 124. cf ch 4 pp 263 ff below

170. *ibid* p 123

171. *ibid* p 122 "... the evidence leaves little doubt that non-members of associations who are in the main small employers and inefficient workers, are the chief offenders under both Act." Davies's contention that Barone Bros was "one of the smaller Pretoria bakery firms" is not supported by his reference to Social and Industrial Review (Special Edition) September 1927  
Davies, Capital, State and White Labour, pp 216-7

172. Industrial Legislation Commission Report, UG 37-'35, p 123

173. *ibid*

important consequences for economic development and for employers and employees.<sup>174</sup> Collusion tended to fall away when the economic climate improved during the 1930s.<sup>175</sup> Thus a link can be made between the dissolution of manufacturers' opposition to wage determinations and the decrease in the incidence of evasions.

The Department of Labour adopted the policy of settling cases out of court wherever possible.<sup>176</sup> R H Miller, Divisional Inspector at Johannesburg, informed the Labour Department that the number of cases submitted "for authority to prosecute" was "infinitesimal when compared with the number of contraventions detected."<sup>177</sup> At first, it was left to the Minister of Labour to decide on what policy to adopt in the fight against evasions. Walker reported that "wholesale prosecutions" should be avoided and stressed that "it would be manifestly unfair to select two or three firms for prosecution when nearly all are at fault."<sup>178</sup> Two years later the Department had toughened its stance in response to strident employer opposition. The Cape Town Divisional Inspector, for example, was authorised "in order to make the Department's attitude clear, to prosecute two defaulting firms in each industry subject to a determination"<sup>179</sup> The figures provided by various Departmental reports of prosecutions and convictions thus provide a scale only of the relative

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174. cf ch 4 pp 272-4 below

175. Department of Labour Annual Report, 1934, UG 11-'36, p 49

176. Department of Labour Annual Report, 1932, UG 37-'33, p 6

177. Miller - Cousins, 21 May 1928. Department of Labour Archives 1429: Lc 1069/3 Part 1

178. Walker - Cousins 29 October 1927. Department of Labour Archives 1429: Lc 1069/2 Part 1

179. Muller - Divisional Inspector (Cape Town) 1 May 1929. Department of Labour Archives 1429: Lc 1069/3 Part 1

degrees of compliance of employers from year to year. The figures appear to touch merely the tip of the iceberg. More cases of contravention were brought to court during the depression years.<sup>180</sup> Stricter enforcement of wage regulation measures occurred during the first few years of the economic boom of the 1930s. This was indicated by the increase in the number of cases brought before courts at a time when collusion as a general practice was on the wane.<sup>181</sup> On the whole the prosecution policy of the Labour Department was pragmatic and adapted to the specific needs of different areas. Thus the reference to Cape Town above was motivated by the "serious" nature of the problem in that area.<sup>182</sup> But although alleged offenders were prosecuted, their conviction was quite another matter.

The behaviour of the courts is important for at least three reasons. The courts either impeded the activities of the Board; focussed attention on different aspects of the principal Act in such a way as to influence amendments and the legislation of validation acts; or they gave credence to the idea that the law only benefited the working class peripherally.

Wage Board investigations were delayed during the second year of the Board's existence as a result of the Lucas Award affair. It will be recalled

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180. cf Appendix E pp 452 below

181. Department of Labour Annual Report 1934, UG 11-1936 p44; Department of Labour Annual Report, 1935, UG 4-1937 p 69 and Department of Labour Annual Report, 1937, UG 30-1938 p 58

182. Muller - Divisional Inspector (Cape Town) 1 May 1929 Department of Labour Archives 1429:Lc 1069/3 Part 1

that the Wage Board formed the arbitration court under the Industrial Conciliation Act. Besides this, the first determinations had been invalidated by court decisions. Some of the decisions, detailed below, were based "on very technical grounds" which contradicted what many thought was the legislation's original intention.<sup>183</sup>

A number of decisions were made which severely affected the Board's operations. In 1927 the Supreme Court ruled that if any amendments whatsoever were made to a recommendation then the procedure as laid out in section 7 of the Act, had to be followed all over again.<sup>184</sup> In effect this meant that investigations and recommendations could take up to at least another three months before determinations could be promulgated.<sup>185</sup> Cousins commented at the time that the Court's action reduced the Act "to a farce." He complained that the Department had acted "in all cases studiously on the legal advice available."<sup>186</sup> The notion that the final recommendations of the Board could not automatically become determinations (the essence of the court's decision) was "an unexpected construction placed upon the Act."<sup>187</sup> The Barone Brothers' judgement affected the

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183. 1929 WBR p 22

184. For section 7 of the Act, cf pp 172 above. R vs Barone (No 1) (1927 TPD 478) Head-note quoted in 1929 WBR p 22

185. 1929 WBR p 23

186. Cousins - Minister of Labour 19 November 1927 Department of Labour Archives 1429 : Lc 1069/3 Part 1

187. Cousins's marginal comment dated 29 October 1927 on Walker - Cousins, 26 April 1927. Department of Labour Archives 1429: Lc 1069/3 Part 1

sweet, furniture and leather determinations, as well as the proposed determinations for the clothing, glass bevelling and silvering, and tobacco industries.<sup>188</sup> Lucas, himself a King's Counsel held in high esteem, suggested that Judge Saul Solomon be approached to act as legal adviser to the Department.<sup>189</sup> He was keen to see the sweet determination tested in the Cape Supreme Court in an attempt to get an opposite ruling to that in the Transvaal.<sup>190</sup> The sentiments thus expressed indicate the existence of tensions within different branches of the legal fraternity. Possible avenues through which either employers or employees could attempt to secure favourable judgements were thus provided. Attempts in the interim to take the Barone case on appeal to the Appellate Division were squashed on the advice of the attorney-general.<sup>191</sup> Lucas remained unconvinced to the end. Although correct in terms of the letter of the law, Lucas complained that the judgement was contrary to the spirit of

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188. No problems arose with the re-publication of determinations for the furniture and leather industries as they were about to fall under new Industrial Council Agreements. McGregor - Cousins, 14 December 1927. Department of Labour Archives 1429 Lc 1069/3 part 1
189. Telegram, Lucas - Cousins 7 May 1927. Department of Labour Archives 1429 :Lc 1069/3 part 1
190. Cousins - Minister of Labour 19 November 1927 Department of Labour Archives 1429: Lc 1069/3 part 1
191. The opinion was that the judgement was correct in law and that "an appeal to the Appellate Division by the Minister under section 388 of Act 31 of 1917 (as amended by section 45, Act 39 of 1926) would be fruitless." The Act referred to was the Criminal Procedure Act, as amended. L G Nightingale, office of Attorney-General - Lucas, 23 May 1927; Cousins - Secretary of Wage Board, 12 December 1927. Department of Labour Archives 1429: Lc 1069/3 part 1

the law:

Surely no court is going to say the Board must take two steps, with identical procedure in both cases, to do what could be done in one without any possible prejudice to anyone? 192

Cousins agreed with Lucas,<sup>193</sup> but the conflict was only resolved when the Act was amended in 1930.<sup>194</sup> In this way, certain ambiguities in the principal Act highlighted by the Courts were cleared up with the rationalisation of the procedural features of the Act.

In March 1929 a number of determinations were declared ultra vires. This resulted largely from cases in the baking and laundry trades. A Magistrate in Pretoria held that the Social and Industrial Review special editions were not newspapers in terms of the Act. Magistrates in Johannesburg and Wynberg did not agree.<sup>195</sup> Two judgments subsequently handed down in the Transvaal and Cape divisions of the Supreme Court respectively held that the publication was a newspaper. The Appellate Division held in March 1930, in the case of R vs Lewin which stretched back to 1928, that it was not a newspaper and consequently all determinations then in force, with the exception of the Bloemfontein unskilled determination were invalid.<sup>196</sup> The employers'

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192. Lucas - T J Roos, 11 January 1928. Department of Labour Archives 1429: Lc 1069/3 part 1

193. Cousins - Lucas 18 January 1928 Department of Labour Archives 1429: Lc 1069/3 part 1

194. Act 23-1930 Section 6 amended section 7 of the principal Act

195. 1929 WBR p 23

196. R vs Daya Morar (1929 TPD 696) and R vs Weinrich (10 July 1929, CPD not reported), R vs Lewin (1930 AD 344). cf pp 364-365 below.

success in this action was short-lived. In May 1930 the Wage Determination Validation Act became law. It stated that the Review was a newspaper in terms of the Act. The Act itself was retrospective to 1926, the date of the Wage Act's commencement.<sup>197</sup> After 1930 though, reports, recommendations and determinations were not published as special editions of the Review, presumably for reasons of economy.

In other cases, determinations were declared ultra vires because they were not dated correctly. Early Social and Industrial Review special editions only gave the month of publication and not the actual day.<sup>198</sup> The invalidation of the Cape determination for the dyeing, cleaning and laundering trade in 1929 was referred to the Appellate Division after a contrary decision in the Transvaal. The Appellate Division found that the Transvaal decision was in fact the correct one, and that the Minister could limit the scope of determinations to sections of trades.<sup>199</sup> The courts also found that the amended Act was meant to operate in the same way as the principal Act, ie. that amended provisions were to "take the place

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197. Act no 21-1930: To validate certain procedure under the Wage Act, 1925.
198. R vs Strieter (1928 TPD 708) and R vs Portuese (1929 CPD 157) An 124-1931; An 49-1931/2
199. R vs Weinrich, (10 July 1929, CPD, not reported) R vs Weinrich (1930 AD 184), R vs Daya Morar (1929 TPD 696)

of the old provisions completely."<sup>200</sup> The determination for the Pretoria baking trade was declared ultra vires because certain definitions were not clear enough.<sup>201</sup> Numerous other decisions affecting the administration of various determinations were handed down.<sup>202</sup> A great deal of insecurity and delay persisted and was fortified by the delays that took place pending court decision.<sup>203</sup> A few of the more important cases are dealt with below.

The question of piece-work was also considered by the courts.<sup>204</sup> The Wage Board initially assumed that piece-workers were automatically covered by determinations. The courts ruled in 1929 that piece-workers could only be covered by determinations if the determination laid down specific piece-work rates.<sup>205</sup> The Board pointed out that the diverse nature of piece-work made it extremely difficult to

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200. R vs Schwartz (1931 TPD 142); R vs Morris (1931 OPD part II 98)
201. R vs Gerstnera (1930, TPD not reported) and confirmed by R vs Gerstnera (1930 AD 420) An 122-1931
202. The determinations for Krugersdorp Pumpmen, Witwatersrand Hairdressing and Motor Omnibus Drivers and Conductors were invalidated as a result of R vs Portuese (1929 CPD 157) and were not replaced by new determinations. (cf Report to the Honourable the Minister of Labour by the Wage Board upon the Work of the Board for the Period 1st March 1929 to 31st December 1931, An 108-1933, pp 3-14 - hereafter 1931 WBR - for a summary of court decisions. A shorter but similar summary can be found in 1929 WBR pp 22-23)
203. A number of determinations could not be enforced pending decisions by the Supreme Court. Among these were:  
 Determination 12 Furniture (Supplementary) - Union R vs Lewin (AD)  
 Determination 15 Clothing - Cape R vs Roy (CPD)  
 Determination 17 Baking - Pretoria R vs Gerstnera (TPD)  
 Determination 27 Sweets - Cape R vs Lefson (CPD)  
 Determination 28 Baking - Witwatersrand R vs Raronne (TPD)  
 Walker - Cousins, 15 January 1930, Department of Labour Archive, 1429: Lc 1069/3 Part 1
204. For a detailed examination of piece-work and the attitudes of the Wage Board, employers and employees, cf ch 4 pp below
205. R vs Repanis (1929 OPD 195) 1931 WBR pp 2, 12, 35

regulate wages in the way the courts expected. Accordingly, the 1930 amendment effectively nullified the effect of the judgement and provided for minimum remuneration for pieceworkers at wages not lower than those paid for the type of work engaged upon. Employers and employees would have to arrange the actual rates, subject to the mentioned proviso.<sup>206</sup> Even the amendment did not secure the position of piece-workers. The Appellate Division found in 1934 that in certain circumstances piece-work could still fall outside the ambit of the Act.<sup>207</sup> The background was as follows. Employees found themselves switched off time rates onto piece-work by employers who wanted to evade determinations. The situation reached crisis proportions by December 1934 when sixteen affected determinations out of 19 were declared invalid.<sup>208</sup> Once again the legislature passed a validation act, this time to amplify the powers of the Act.<sup>209</sup> The state once again had to intervene to secure some sort of stability in the industrial sphere. The action taken to prevent the employment of piece-workers fitted in with the general

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206. 1931 WBR p 2. Section 3(4)(b) of Act 23-1930, UG 43-1934 p 65

207. R vs Cohen (25 October 1933, NPD not reported); R vs Cohen (1934 AD 521) upheld. Department of Labour Annual Report 1934 UG 11-1936 p 53

208. R vs Cohen (25 October 1933, NPD not reported); R vs Ryba (1935 TPD 192) Industrial Legislation Commission Report, UG 37-1935 pp 108-110, and Department of Labour Annual Report 1934, UG 11-1936 p 53

209. Act 16-1935: To amplify the powers of the Wage Board and of the Minister of Labour in regard to the fixing of a minimum remuneration for piece-work, and to validate and amplify certain wage determinations made under the Wage Act 1925

trend towards mechanisation which took root during the period under review. The Validation Act of 1935 was subsequently repealed when its provisions were included in the 1937 Wage Act.<sup>210</sup>

A number of cases occurred which affected workers vis-à-vis the repayment of monies wrongfully withheld. The issue at stake was whether or not an employee could institute civil action against an employer found guilty of underpayment in a criminal court in which the magistrate did not actually make an award. The Transvaal Division of the Supreme Court held that the plaintiff had no recourse to the civil courts, whereas the Natal Division held the contrary view.<sup>211</sup> The Department of Labour agreed that the confusion which had arisen out of the conflicting judgments ought to be "removed as soon as circumstances permit", and promised to give the problem "careful attention when next amendments to the Wage Act and the Industrial Conciliation Act are contemplated."<sup>212</sup>

The confusion and seriousness of the situation became clear in 1933. Van Dyk, a bus conductor, sued his employer Bolon for alleged

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210. Act 44-1937 Section 9(1)(g)

211. Donner vs Yzelle (1932 TPD 232) Gebela vs Banks (1931 NPD 346) SATLC NEC Minutes 3 May 1932 and Secretary, SATLC - Secretary for Labour, 27 June 1933, SATLC papers Da 2.2 and Dc 8.9 respectively

212. Secretary for Labour - SATLC Secretary 19 July SATLC papers Dc 8.9

underpayment of wages after Bolon had been convicted in a Magistrate's Court in the Cape. An award of wages was not made to Van Dyk.<sup>213</sup> The civil court dismissed the suit on the basis of a Transvaal precedent. It was argued that the statutes "provided [specific] machinery for the enforcement of payment" and the case was therefore beyond the civil courts' jurisdiction.<sup>214</sup> It is unclear whether the civil court magistrate was influenced by the reasons for the criminal court's inability to assess the extent of wages underpaid in this particular case. Van Dyk had contracted for a lower wage than the one prescribed and had been unable to convince the court of the amount that he had been underpaid.<sup>215</sup> In the case of *Manoim vs Veneered Furniture Manufacturers* in 1934 the Appellate Division found that employees who contracted for lower wages under the Wage Act were entitled only to the amounts awarded by a criminal court and could not civilly sue their employers for the underpaid amount.<sup>216</sup> The Appellate Division's decision effectively undermined an important element of Departmental policy. Divisional and industrial inspectors

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213. Secretary, SATLC - Secretary for Labour 27 June 1933 SATLC papers Dc 8.9

214. SATLC Memorandum "A Matter of Interest to all Secretaries: Busman loses wage claim. After employer was prosecuted: No civil remedy available." (no date) SATLC papers Dc 8.9

215. Secretary for Labour - Secretary SATLC 19 July 1933 SATLC papers Dc 8.9

216. Department of Labour Annual Report, 1934 UG 11-1936 p 76

had been informed that in cases where magistrates refused to award arrear wages, employees still had recourse to the civil courts. This was now officially abrogated. Even before the depression the Department had been plagued by public prosecutors' poor knowledge of criminal court procedure. Walker instructed all inspectors employed by the Department that in appropriate circumstances they could "tactfully remind public prosecutors ... to apply for an order in regard to arrear wages" after conviction but before sentence had been handed down.<sup>217</sup> E S Sachs poignantly pointed out the sensitivity of court decisions. Where determinations and agreements were upset on a "mere trivial technicality prejudicing no-one, then until such a state of affairs is put right, no one will have faith in any agreement."<sup>218</sup>

Trade unionists complained bitterly about the inadequacy of the fines which were meted out by the courts from time to time.<sup>219</sup> It will be recalled that the fine ceiling for the various offences under the Act was £50 and £100 respectively.<sup>220</sup> By and large, the penalties imposed by the courts were lenient. For the most part these ranged between cautions and discharge to various small fines. One representative case was that of R vs Tabakin. Tabakin was convicted for offences which carried maximum sentences of £50 and £100 respectively. On the former he was fined £3 with the alternative of seven days with hard labour, and on the latter charge, he was fined £5 with the same option

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217. Walker - All Divisional Inspectors and Industrial Inspectors  
4 November 1929 Department of Labour Archive 1429: Lc 1069/3 part 1

218. Sachs - Acting Secretary SATUC 14 June 1929, SATUC papers Cc1.10

219. SATLC NEC Minutes 2 August 1932 SATLC papers Da 2.2

220. cf pp 172-5 below

as the previous sentence.<sup>221</sup> Arrear wages were occasionally paid out as a result of court orders.<sup>222</sup>

So numerous were the alleged misdemeanours of the ordinary courts of the land that several appeals were made to the government to establish special industrial courts to monitor labour legislation. N C Havenga, Acting Minister of Justice in February 1929, agreed with a labour union delegation that evasions under the various industrial acts had to end. He was not in a position, though, to "give ... encouragement to the idea of a special court" as in his opinion the magistrate's courts were quite adequate for the job.<sup>223</sup> It is clear that the magistrates courts did not operate effectively and further calls for the institution of special courts were foiled by appeals for austerity during the "period of financial stringency".<sup>224</sup> Trade unionists also appealed for the stricter enforcement of insolvency laws. They thereby attempted to protect workers from unnecessary

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221. R vs N Tabakin, 19 February 1931. "Confidential" circular from General Secretary, National Industrial Council of the Building Industry of South Africa - unnamed organisation/individual, 3 March 1931 p 2. SATLC papers Dd 9.3 This particular circular provides information about another ten random cases from around the country. The employers were convicted under either the Industrial Conciliation Act or the Wage Act. All the sentences were uniformly low, with occasional demands that arrear wages should be paid into court.
222. cf Appendix F pp 452 below
223. SATUC NEC Minutes 30 April 1929 SATUC papers Ca 1.4
224. SATLC NEC Minutes 22 March 1932, quoting a letter from F van den Heever, Secretary for Justice. SATLC papers Da 2.1

prejudice when companies were declared insolvent.<sup>225</sup> Attorneys-General and public prosecutors were openly accused of failure to prosecute "even when evidence of sworn affidavits" had been placed before them.<sup>226</sup> The Minister of Justice naturally replied that the Attorney-General - of the Cape in this specific instance - was impartial and that he, the Minister, "would deprecate any interference by outside influences." He urged the CFLU to make their accusations in writing.<sup>227</sup> It is unclear whether the CFLU followed up the Minister's request. Whatever the outcome, the feeling within the trade union movement was quite evident: the courts, if not biased in favour of employers, were wholly ineffective.

In numerous cases the organised trade union movement appealed directly to the Department of Labour for assistance. In most instances they were unsuccessful and the Department made it quite clear that it had to operate within the narrow confines of the law and of accepted legal practice. The CFLU was informed that "the Department itself was regulated by law and if the law did not allow them to do what they wished to do the officials were helpless."<sup>228</sup> Similarly, the

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225. CFLU FEC Minutes 13 August 1931. CFLU papers Aa 1.5. The number of insolvencies in the Union increased dramatically as a result of the depression, cf ch 4, pp 251 ~~is~~ below.
226. CFLU FEC Minutes 13 June 1935, and SATLC NEC Minutes 4 October 1932, noted a letter from the Reef (Native Trade) Assistant's Union which noted a "refusal on the part of the Public Prosecutor to prosecute in cases where illegal trading has been established, employers were openly defying the law." CFLU papers Aa 1.6, and SATLC papers Da 2.2 respectively
227. CFLU FEC Minutes 5 March 1936 CFLU papers Aa 1.6
228. CFLU FEC Minutes 25 July 1929, CFLU papers Aa 1.4

SATLC was told that no machinery existed in terms of the Criminal Proceedings and Evidence Act whereby the Department of Justice could refer to the Appellate Division matters which had arisen out of civil cases.<sup>229</sup> It was ruled that cases could not be fought on appeal in forma pauperis except at the discretion of the Appellate Division.<sup>230</sup> The Department was powerless to assist in cases of that nature too.<sup>231</sup> As it turned out, in the particular case which had given rise to the ruling, leave to appeal was granted but not in forma pauperis.<sup>232</sup> The case clearly indicated one problem with legal protection: the implementation of wage determinations in particular and seeking redress of grievances before the law in general were dependent on the complainant's financial means or access to funds. Trade unions were unable to support workers to any great extent, especially during the depression years when membership, and consequently paid-up dues, fell.

It is not surprising that certain representatives of the trade

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229. SATLC NEC Report to 3rd Annual Congress 8 - 11 April 1933  
SATLC papers Da 2.3
230. In forma pauperis: literally "as a poor man". A legal custom whereby people could apply to the Appellate Division for permission to receive legal representation at state expense on the grounds that they could not afford the costs; especially prevalent before the days of legal aid schemes.
231. McGregor, Secretary for Labour - Secretary SATLC 20 May 1932 SATLC papers Dc 8.2
232. SATLC NEC Minutes 3 May 1932, SATLC papers Da 2.2

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union and labour movement adopted a suspicious perception of the concept of the equality and efficiency of the law. In his chairman's report to the 1930 annual conference of SATUC, Archie Moore commented sharply on the opinions of some trade unions that the amendment of acts was all that was needed to "put an end to the clever pleadings of lawyers, and their emoluments gained from the subtleties of law." Harsh experience had informed them that the "law of Capitalism" was "but one law, the law of exploitation." Moore assessed the situation correctly, but he was not daunted, for he saw that the law was "comparatively useless" as a means of protection "and often a great danger, unless watched and instrumented by powerful organisations of workers."<sup>233</sup>

The courts of law, then, performed a number of functions. In the first instance, they pinpointed certain ambiguities in the Act itself. Because some issues were issues of substance and not merely of error or mistake, the Act had to be amended in a number of ways. As a result, the actual procedure followed by the Board was rationalised, the powers of the Minister of Labour redefined and the status of piece-work classified. On the other hand, the courts also had a negative effect. Occasionally determinations were overturned on mere technicali-

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233. SATUC 6th Annual Conference Minutes 18-19 April 1930.  
SATUC papers Ca 1.5

ties. Whilst the courts did not place heavy financial burdens on intransigent employers, their actions militated against the interests of workers. The courts were soon identified as instruments of the ruling classes in that they had to act within the parameters of laws which, in the long run, were meant to maintain and extend the operation of the particular system in which they existed.

Other areas of conflict and disappointment included ministerial delays in the ratification of determinations, the failure to publish determinations and the policy of asking the Board merely to report without making any recommendations. Although attempts had been made to streamline proceedings from time to time, these had not always resulted in success. Delays in the ratification of determinations caused insecurity in affected industries<sup>234</sup> and employers often took the opportunity to lower wages when delays occurred.<sup>235</sup> Whilst the Bill was still the subject of debate in Parliament, SATUC urged the government to clarify the section on ratification to avoid the problems which in the event they quite correctly foresaw.<sup>236</sup>

The Minister of Labour came under severe criticism from the unions. The National Executive of SATUC "emphatically" protested

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234. For eg, Industrial Legislation Commission, UG 37-'35, p 107

235. See pp 212 above

236. SATUC NEC Minutes 19 April 1925 SATUC papers Ca 1.1

against Boydell's delay in making determinations and deprecated the use of the formation of industrial councils "as an excuse for holding up the Minister's determination".<sup>237</sup> Delays could last up to a number of months. Reference was also made to the establishment of bogus unions outside the normal union structure. These unions, it was argued, were formed for the specific purpose of causing delays and were the employers' catspaw.<sup>238</sup> The provision which entitled the Board merely to investigate and report without making a recommendation tended to "nullify the effect of the investigation or at best result in a delay of some months before a Determination was made."<sup>239</sup> The consideration of objections also caused delays. Delays were also caused in one instance when the "Minister himself was travelling with the Prince of Wåles around the Cape Province".<sup>240</sup> The delays were considered in so serious a light that the issue was raised in Parliament. George Brown, Labour MP for Germiston, at the request of and on information provided by trade unionists,<sup>241</sup> argued that if industrial

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237. SATUC NEC Minutes 16 November 1926; General Secretary SATUC - Minister of Labour and Secretary of Wage Board, 18 November 1926. SATUC papers Ca 1.2 and Cc7.1(2) respectively
238. SATUC NEC Minutes 16 September 1930 SATUC papers Ca 1.5
239. SATLC Study Commission Minutes 16 June 1931. SATLC papers Da 2.1 The 1930 Amendment to the Wage Act empowered the Minister to request the Board to make a survey "with the sole object of collecting information in regard to existing employment conditions". Department of Labour Annual Reports, 1932 UG 37- 1933 p 41
240. Tyler - Stuart, 11 June 1925, CFLU papers, Ac 2
241. Andrews - Brown, 20 May 1927, SATUC papers Cc 1.8

peace was to be maintained, then speed was of the essence to prevent grievances swelling "into a big dispute until finally the disagreement gets out of hand."<sup>242</sup> The 1930 amendment did speed up matters and the delays which still occurred were slight in comparison to those before 1930.

The non-publication of determinations and the failure to instruct the Board to investigate industries did not only result in the insecurity which affected the working lives of the workers. They also suffered from the lack of wages due to them. This last aspect was quite different from the complaints made about the actual reduction of wages, but was no less an important factor than actual reductions.<sup>243</sup> The issue was well stated in a resolution to the SATLC 1932 conference. The failure to grant the liquor and catering trade employees associations' application for an investigation meant that the relief due to a large number of employees was withheld during a period in which their wages had been reduced following the expiry of their industrial council agreement.<sup>244</sup> In 1936 the conference debated and passed a motion which protested "against the delay in publishing Wage Determinations, which is robbing the workers of thousands of pounds in increased pay and benefits." The case of the liquor and

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242. House of Assembly Debates 1927. Debate of Vote and Supply No 38 Department of Labour, Cols 4637-4638

243. cf ch 4, pp 2-6 below

244. SATLC 2nd Annual Conference Minutes, 26-28 March 1932, Motions 29 and 30 preamble. SATLC papers Da 1.2

245. SATLC 6th Annual Conference Minutes, 13-17 April 1936, SATLC papers, Da 2.6

catering trade is a typical example of how determinations were eventually resolved.

The Wage Board received a reference dated 25 October 1928 to investigate, report and make a recommendation for the liquor and catering trade in Cape Town hotels and bars. It issued a draft recommendation on 25 March 1929, followed by a final recommendation on 8 June 1929.<sup>246</sup> The Minister failed to act on the recommendation as negotiations for the establishment of an industrial council for the trade were under way. Some arguments were negotiated but were subsequently declared invalid. Further agreements were negotiated but collapsed through antagonism between employers and employees on the industrial council. The Board was again asked to investigate and report in June 1931. It reported on 21 July 1931 to the effect that, inter alia, the trade should be regulated.<sup>247</sup> A new reference was issued on 18 January 1932 and the Board reported on 7 June 1932<sup>248</sup> that it could not recommend civilised wages for all the employees concerned. Two weeks later the Minister requested the Board to recommend a wage which it deemed fit. This the Board did on 1 July 1932.<sup>249</sup> The

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246. Hotels and Bars, An-109-1929 ii

247. An 58-1931/2

248. An 110-1933

249. An 113-1933

Board reported on 8 October on the objections lodged against the proposed determination published in the Gazette on 16 July 1932.<sup>250</sup> The amended recommendation was presented on 3 November 1932.<sup>251</sup> Even after all that, the Minister did not issue a determination.<sup>252</sup> As a result 1 313 employees were denied wage regulation under the Wage Act.<sup>253</sup> Throughout the period from June 1931 when the Board was asked for the second time to investigate, the SATLC NEC discussed the delays that occurred.<sup>254</sup> Their committee was relentless in its criticism of the Minister of Labour.

During the depression year, the Minister increasingly either refused to act on Wage Board recommendations or did not instruct the Board to issue recommendations in industries for which it issued reports.<sup>255</sup> After 1932/33, the Board's work tailed off considerably.

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250. An 138-1933

251. An 223-1933

252. Department of Labour Annual Report, 1933, UG 43-1934 p 75

253. *ibid*, p 67

254. SATLC Study Commission Minutes, 16 June 1931, and SATLC NEC Minutes 30 June, 6 October, 20 October, 15 December 1931, 26 January 1932. SATLC papers Da 2.1

255. No further action was taken after the Board reported on firemen on Durban Whalers, (An 105-1929 ii); certain unskilled employees in the Durban municipal area (An 111-1929 ii); Kroonstad unskilled (An 51-1930) - these three are dealt with in greater detail in chapter six, below - brushware manufacturing (An 48-1931/2); canvas and rope-making (An 57-1931/2); cotton blanket and sheeting section of the textile trade (An 60-1931/2) and many others. cf 1931 WBR pp 56-104; Industrial Legislation Commission Report, UG 37-1935 pp ; Department of Labour Annual Report, 1933, UG 43-1934 pp 74-77, for further examples.

Only two investigations were initiated in 1934<sup>256</sup> and none in 1935. No new determinations were proclaimed in 1935 or 1936.<sup>257</sup> Although accidental factors such as the death of a member of the Board and the end of its period of office in August 1935 may have affected the Board's operation, it is more likely that the pronounced move away from using the Board to industrial councils for the regulation of wages was more important.

The Wage Board operated closely with industrial councils throughout its existence. In the years before the amendment to the Industrial Conciliation Act in 1930 the Wage Act operated in part to supplement or support industrial council agreements. Wage determinations covered employees who did not fall within the definition of employee in the Industrial Conciliation Act.<sup>258</sup> We noted how the Board's members acted as an arbitration board under the Conciliation Act during the

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256. Department of Labour Annual Report, 1934 UG 11-1936, p 52 claimed that no investigations were initiated in that year. This is contrary to the evidence in the Wage Board reports for the glass bottle-making industry (An 582-1935) and the building trade (Ans 664-1934 and 816-1934). This fact does not contradict the general trend identified in that Annual Report that work was falling off.

257. Department of Labour Annual Reports, 1935 and 1936, UG4 -1937 p 67 and UG 44-1937 p 60 respectively

258. cf ch 3, pp 168  
168 note 13 above.

Lucas Award affair. They acted as arbitrators in the same way in at least one other instance as well when they settled a question of holiday leave for the hairdressing trade.<sup>259</sup> The number of industrial councils increased dramatically soon after the inception of the Wage Board.<sup>260</sup> The Board ascribed this to employers' attempts to escape the clutches of the Wage Act.<sup>261</sup> Close relations existed between the Board and industrial councils.<sup>262</sup> The Board assisted the council in the furniture trade to draw up its agreement for 1927/28.<sup>263</sup> Pursell noted that the Board helped to settle a dispute within the baking trade industrial council on the Rand,<sup>264</sup> and that occasionally the Minister of Labour referred

259. An 165-1938 ii. The reference is made in a section dealing with determinations and agreements in force during the early 1930s, so it seems that the arbitration board could have consisted of the pre-August 1935 Board.
260. The number of Industrial Councils in force in each year of our concern was as follows:
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|----------|----------|
| 1925: 2  | 1931: 43 |
| 1926: 14 | 1932: 41 |
| 1927: 22 | 1933: 35 |
| 1928: 29 | 1934: 32 |
| 1929: 31 | 1935: 38 |
| 1930: 38 | 1936: 46 |
- Industrial Legislation Commission Report, UG 37-1935, p 93 and Department of Labour Annual Report, 1936, UG 44-1937, p 55. Other Department of Labour Annual Reports carry exact details of the council agreements in operation during each particular year.
261. 1929 WBR p 6
262. *ibid* p 5. Lucas's 1927 address before the Witwatersrand Branch of the Economic Society of South Africa contains paragraphs which later appeared in the 1929 WBR in exactly the same form; cf Lucas, F A W "Some Aspects of the Work of the Board", pp 3-5, for the sentiments echoed here.
263. An 113-1931
264. Pursell, D "Minimum Wage Legislation under the South African Wage Act" p 99

"proposed agreements to the Board for review before they were made official by publication".<sup>265</sup> The emphasis of the Wage Act's relation with the Conciliation Act altered markedly after 1930 in one very important way.

The Board argued that as it only set down minimum rates of pay the only avenues through which workers could negotiate higher wages was through the formation of industrial councils.<sup>266</sup> The Board also refused to lay down any recommendations for anything other than wages and hours in the building trade. Workers in that trade were "encouraged" to operate through an industrial council to regulate their general conditions of work.<sup>267</sup> Similarly, the Board told the Industrial Legislation Commission that it encouraged "the formation of councils as a definite policy ..."<sup>268</sup> That policy did not alter when new members took over the Board in September 1935 or when the Act was replaced in 1937. That Board stressed that it was to be remembered

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265. *ibid* p 97

266. cf reports on the sweet industry (An 125-1931) and the Cape furniture trade (Ans 113-1931 and 160-1931)

267. An 816-1934

268. UG 37-1935 p 93

that

if the Wage Board, a body charged primarily with the duty of recommending minima for unorganised workers, should recommend probable optimum conditions, there is little for either party [workers or employers] to strive for by Industrial [Council] Agreement, a system of wage regulation which at its best must be regarded as the highest form of industrial organisation. 269

The change in emphasis from supporting councils in their operation to initiating their establishment occurred at a time when the whole question of African wages fell under the spotlight. Contemporaries were also concerned with the changes in the economic and labour conditions which were taking place. Finally, the drive towards industrial councils as protectors of civilised labour instead of the Wage Board coincided with the 1934 civilised labour campaigns.<sup>270</sup> Already in 1934 the Department of Labour noted that a certain number of councils had adopted "suitable provisions to meet the requirements of civilised workers" and that others had been advised "of the necessity for making such provisions in future agreements."<sup>271</sup> The trend continued in 1935 when the

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269. Report on the Hairdressing trade, dated 14 February 1938, (An 165-1938 ii) and reaffirmed in similar terms in a later report for the same trade dated 6 May 1938, (ibid)

270. These factors were all discussed in chapters 1 and 2 above

271. Department of Labour Annual Report, 1934, UG 11-1936, p 18

Department inadvertently admitted that the civilised labour policy was being implemented through industrial councils. By the end of 1936 the number of 'civilised' workers had increased by 1 358 to 4 458 compared to 1935 through the operation of industrial councils in the manner described.<sup>272</sup>

The Wage Act established a Wage Board for the Union whose task it was to recommend minimum wages at 'civilised' rates in the first instance. If the Board could not recommend such wages it was left to the Minister whether or not to instruct it to recommend wages it deemed fit. The Minister was not beholden to act on the Board's recommendations. A number of occupations were excluded from regulation under the Act. The most important of these were domestic service and agricultural work, which effectively excluded the largest number of African workers. The Act was bypassed by the mining companies with the aid of the state and eventually only affected secondary industries and certain commercial undertakings. The work of the Wage Board was adversely affected by ambiguities in the wording of the Act, most of which were eventually ironed out by the amendment of the principal Act in 1930. Problems settled in 1930 included the

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272. Department of Labour Annual Reports, 1935 and 1936, UG 4-1937 and UG 44-1937, pp 15-16 and pp 12-13 respectively

length of time necessary for the completion of the various stages between the issue of a reference and the establishment of a determination, and the position of piece-work. The courts not only highlighted loopholes in the Act. They also handed down light sentences which benefitted employers and upset employees. The administrative strictures placed on the Wage Board played an important part in reducing the degree of employers' opposition to the board. Dissatisfaction arose within workers' ranks at the inability of the Board and the apparent failure of the Department of Labour to act in their interest. We turn now to examine the effects the wage Board had on the economic development of the Union.

**CHAPTER 4     The Role of the Wage Act in Economic Development**

The day to day administration of the Wage Act brought to the surface a number of weaknesses of the wage regulation machinery. As noted in the previous chapter, the Wage Board operated in the manufacturing and industrial sectors of the economy. Agricultural enterprise and domestic service were excluded in law whereas the mining industry was exempted on a de facto basis. The mining companies escaped from wage regulation under the Wage Act after a long battle with the state and the white mine workers. The restriction of the Wage Act to secondary production necessitated a different approach on the part of the state to economic problems such as market expansion and to the consideration of factors like cost structures which did not affect the mines in the same way. Of primary importance in this regard was the state's strategy of tariff protection and the employment of white labour. The costs of both policies had to be borne largely by manufacture itself and only indirectly by the mines through government revenues. This chapter sets out to examine the effect the Wage Act had on economic development in the Union.

The two three year reports of the Wage Board each dealt with the effects of the Board's work under six headings. These were the effect it had on efficiency in business, on production costs, on the numbers employed, on the racial composition of the labour force, on competition

between employers, and on prices to the consumer.<sup>1</sup> These headings are not fully comprehensive, and the Board's treatment of them is not exhaustive. It will be helpful to examine each in turn, except for the effect wage regulation had on the labour force as this aspect forms part of chapter five below. Thereafter, the Board's recommendations on the working day, its exemption policy, its policy on the employment of women and finally aspects of its wage recommendations are examined.

In 1929, three years after the promulgation of the first determinations in the country, the Board cautiously remarked that there was "not much direct evidence" to indicate what effect wage regulation had had on efficiency. It argued that the figures available for the sweetmaking and baking industries suggested that business efficiency had improved "through the pressure of higher wages." This conclusion was based on the returns of all the firms investigated by the Board taken as an aggregate. The returns indicated that a sharp increase in the total volume of sales had accompanied an equally substantial increase in wages. The Board defined efficiency in managerial terms, and stated that it seemed

to be generally accepted by those in a position to judge that there is a very considerable degree of inefficiency in the management of a large number of businesses in South Africa. 2

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1. 1929 Wage Board Report, pp 8-11; 1931 Wage Board Report pp 15-31
  2. 1929 Wage Board Report, p 8

In late 1927 Lucas indentified at least two types of business establishment in the Union. There were those that were "well-managed, up-to-date and in every way satisfactory", and those which were "filthy, badly managed, and badly housed" and which served "no useful purpose to the community." The Wage Board, Lucas continued

had been struck by the almost total absence of proper training for employees; by the frequent lack of provisions of reasonable comfort for the maintenance of the energy of the employees; often by the low level of managerial efficiency; and by the almost total absence of any system of costing.

He further remarked that employers were "frequently quite unable to say whether a particular branch of their business" was a "payable one or not".<sup>3</sup> The Board claimed that it had discovered many such instances of inefficiency "during the course of its inspections."<sup>4</sup>

The crux of the matter, as Lucas stated, was that South African industry could not "hope to develop and be really successful" if it was not efficient. Central to the problem was the ability of industry to carry the financial burden of the civilised labour policy. Inefficiency meant poor productivity which reacted against the initial higher costs of white labour. The only solution to the problem was for industry's house to be put in order. The Board helped "industry by a careful use of wage regulation ... to achieve efficiency and prosperity."<sup>5</sup> Boydell, as Minister of Labour, shared these

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3. Lucas, F A W "Some Aspects of the Work of the Wage Board" p 27

4. 1929 Wage Board Report, p 8

5. Lucas, F A W "Some Aspects of the Work of the Wage Board" p 38

opinions and expressed his views in a number of formal addresses. These included addresses to the ninth annual congress of the South African Federated Chambers of Industries,<sup>6</sup> and to the annual dinner of the Transvaal Chamber of Industries.<sup>7</sup> The idea that the Board should be used to encourage the development of industry drew unfavourable comment from some quarters. A Forward correspondent, for example, retorted that Lucas's remarks proved there was "no limit to self-deception" because "no Wage Board could possibly assist such a result".<sup>8</sup> The Board was itself bound by the Wage Act to consider the ability of a particular industry or trade it was investigating at any one time to continue without too much effort.<sup>9</sup> As such it was in a position to encourage and support certain industries from its very inception, even if it was subject to the chagrin of people who thought otherwise.

Increased efficiency in management, brought about by Wage Board action, was also matched with increased efficiency of employees.

As one clothing manufacturer from the Cape stated in 1931:

I consider that the last determination was responsible for putting the shirt industry on its feet. It enabled factories to attract much better types of people.

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6. Rand Daily Mail 28 July 1928
  7. Rand Daily Mail 10 November 1926
  8. Forward 30 March 1928
  9. Act 27-1925, section 3(2)(c)

The Board claimed that other large employers in the clothing industry agreed with the above sentiment.<sup>10</sup> In the sweet trade increased efficiency which followed a determination enabled one manufacturer to increase steadily his turnover and profit, but cut the wage bill from 26% to 21% of his costs.<sup>11</sup> A foreman employee claimed that since higher wages were determined for the tea, coffee and chicory trade, black workers had "shown a marked improvement in efficiency and attendance in work".<sup>12</sup> The Board's thinking on the issue was quite clear. In response to a call from manufacturers that coloured females be not paid the determined wage in the sweet trade because they did not deserve it, the Board stated that such opinion was "based upon a long-established, but ... unwarranted belief" that workers generally were not worth the wage they received. The Board stressed that "the level of intelligence, vitality and capacity of employees in industry" depended largely on better living conditions.<sup>13</sup> It is clear that extra costs involved with the determination of higher wages were counter-acted in many instances by improvements in efficiency.

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10. Report of the Wage Board, Clothing, 23 October 1931, An 82-1931/2

11. Report of the Wage Board, Sweets, 15 July 1931, An 125-1931

12. Report of the Wage Board, Tea, Coffee and Chicory, 13 April 1933  
An 175-1933ii

13. Report of the Wage Board, Sweets, 15 July 1931, An 125-1931. Also quoted in 1931 Wage Board Report, p 16

The Board's opinion on the efficiency of both management and labour was no different from the experiences of foreign industry nor was it out of line with economic thinking at the time. The British laundry trade, for example, became mechanised and embarked on an "efficiency movement" when it came under the control of regulations issued by the Trade Board.<sup>14</sup> E M Burns, an oft-quoted economist in the mid-twenties urged that a great deal of "both mental and physical" inefficiency probably resulted from "unduly low wages". Insecurity caused by inadequate income adversely affected the workers' performance, and Burns claimed that increased wages would "force employers who at the moment feel that low wages render efficient organisation unnecessary, to choose between economic extinction or better management."<sup>15</sup> Similarly, Henry Ford in the United States claimed that one reason why his company had inaugurated a higher wage scheme was "so that the business would be on a lasting foundation ... [ ] because a [ ] low wage business is always insecure."<sup>16</sup>

Fordist principles were analysed keenly by the Wage Board.<sup>17</sup> The Communist Party for its part argued that the references to Ford in Wage Board reports proved that the Board was only concerned with "increasing the degree of exploitation" of the workers.<sup>18</sup> Ford's

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14. Sells, D "The British Trade Boards System", quoted in 1929 Wage Board Report, p 9

15. Burns, E M Wages and the State pp 392-4

16. Ford, H My Life and Work p 126-7

17. For a general statement, cf 1931 Wage Board Report, p 22. The allegiance to Fordist ideas is also reflected in the Minority Report of the Economic and Wage Commission to which Lucas himself subscribed. UG14-1926, p 314

18. Umsebenzi 22 October 1926

scheme was linked directly to the introduction of more mechanised processes which in turn increased productivity which enabled his company to pay higher wages. The Wage Board for its part argued that in South Africa, employers had to be encouraged or alternately coerced into using mechanised processes, and that the way to do it was to force up wages. In 1934 the Board noted ruefully that increased mechanisation had in turn led to deskilling and a tendency for wages to drop.<sup>19</sup>

The belief by the Board and many employers that higher wages alone meant increased efficiency and hence greater productivity was not universal. One case in particular, which perhaps is more of an aberration than a viable alternative to the dominant belief of the Board, illustrates the point. A builder and contractor, Becker, was able to evade the requirements of a wage agreement by claiming that his utilisation of specially re-inforced concrete plates in construction was an innovation and his own patent. The courts upheld Becker's contention that he fell outside the terms of the agreement. Instead of employing labour at skilled rates, he employed only unskilled labour. Becker sold his patent to the Durban City Council for £250 000 for use in their sub-economic housing scheme. The Council subsequently saved an estimated £40 000 on labour through using only unskilled workers. The National Industrial Bulletin commented that because "unskilled workers at low rates of wages may be employed", Becker's method was "particularly attractive."<sup>20</sup>

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19. Report of the Wage Board, Engineering, 30 April 1934, An 914-1934

20. National Industrial Bulletin 30 October 1939

One commentator made the valid point that without the wage agreement in force at the time it was "doubtful whether the patent would have been thought of" and, further, it was "doubtful whether it would have been worth anything."<sup>21</sup> The case is exceptional and does not detract from the general idea that higher wages could result in greater efficiency. The Board consciously thought along those lines, and greater efficiency did result in part from the determination of minimum wages.

The question of efficiency was linked to the question of the ability of industries to pay the recommended wage. The issue was a sensitive one, as is indicated by the statements of two parliamentarians when the Wage Bill was debated in 1925. Sir Drummond Chaplin (South Peninsula) had raised the spectre of large numbers of manufacturers closing down as a "last resource" if they had to pay higher wages.<sup>22</sup> Te Water (Pretoria Central) retorted that businesses would have had to close down as well if the South African Party's Wage Bill of 1921 had become law.<sup>23</sup> A more determined line of argument was that industries should close if they could not afford to pay a living wage.

The labour commissioners of the Economic and Wage Commission represented a substantial body of opinion within the country.<sup>24</sup>

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21. Fletcher, E "State Intervention in South Africa with special reference to Wage, Tariff and Marketing Legislation 1920-1938" pp 74-5
22. House of Assembly Debates, 1925, c 1663
23. *ibid*, c 1830 cf ch 2, pp 139-46 above for a discussion on the 1921 Wage Bill
24. The Minority Report was signed by W H Andrews, a pioneer trade unionist, Communist Party secretary and General-Secretary of the South African Association of Employees' Organisations; F A W Lucas, Labourite and Chairman of the Wage Board, and W H Rood, National Party Member of Parliament for Nelspruit/Barberton

They conceded that the introduction of wage regulation would force some industries to the wall "however much time is allowed for their adjustment to a minimum living wage." Struggling industries which were indispensable to the country, they argued, should be subsidized to enable them to pay living wages at whatever cost to the community. Any other industry which could not pay suitable wages should collapse because

it cannot be considered just that the workers in these industries should be required to work for a wage which does not enable them to maintain the necessary standard of health and strength. 25

Minister of Labour Thomas Boydell on one occasion went so far as to remark that an

industry that could not afford to give those engaged [in work] a chance of living a life suitable for a civilised person had no claim for assistance [from state revenue or via exemptions-] or existence in a civilised community. 26

He announced to the concerned chairman at the 1926 annual dinner of the Transvaal Chamber of Industries that if they could not pay the wage, their businesses did not deserve to exist.<sup>27</sup> One commentator has stated that "carried to its logical conclusion" wage regulation as enforced by the Wage Act would result in "the driving out of existence of marginal firms" for the same reasons as stated above.<sup>28</sup> The Durban

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25. Economic and Wage Commission Minority Report, UG 14-1926 p 315

26. Rand Daily Mail 28 July 1926

27. ibid, 10 November 1926

28. Fletcher, E "State Intervention in South Africa with special reference to Wage, Tariff and Marketing Legislation" p 74

Chamber of Commerce thought that the Board operated under the misapprehension that "Chambers of Commerce and Employers' Organisations" involved everyone in the commercial shopping trade. The Chamber argued that it did not represent small enterprises, but explained how would be affected by a proposed reconsideration for shop assistants in late 1928. In circumstances where "very often the small annual subscription required [ ] by the Chamber [ ] represents a serious addition to their general expenses" it was hardly likely that small enterprises could continue on their own. Other enterprises were so small they took up all the proprietors' time, especially in cases where the proprietor could not afford proper assistants.<sup>29</sup> Umsebenzi declared that the Board "at best" attempted to "stabilise the conditions of the (capitalistically) most 'enlightened' factories."<sup>30</sup> This opinion had been raised earlier in the same year by Boydell when he claimed that

all would admit that the present [ ] Pact [ ] Government had gone out of its way in order to show the industrialists of South Africa that it was out to help the healthy industries of this country. 31

Complaints that businesses were forced to close as a result of wage determinations were often made by manufacturers' representatives before the Board.<sup>32</sup> These, in turn, were just as repeatedly denied

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29. "Memorandum of Objection re proposed Determination published as a Schedule to Government Notice 1703 of 1928 submitted by Durban Chamber of Commerce" p 15. Department of Labour Archive 2037/F4/19
30. Umsebenzi 19 November 1926
31. Rand Daily Mail 28 July 1926
32. For example, Report of the Wage Board, Tea, Coffee and Chicory, Social and Industrial Review (Special Edition) 11(5) 7 September 1928, p 99; Report of the Wage Board, Clothing, 23 October 1931, An 82-1931/2

by the Board upon investigation.<sup>33</sup> The Board did report that wage regulation "must ultimately mean the almost complete elimination of competition, based on difference in wages." Further, it also reported that employers who fulfilled the provisions of the determinations welcomed its investigations "because wage regulation would remove this very unsocial form of competition."<sup>34</sup> The stated policy of the Board was to rid the economy of "unsocial" forms of competition, namely employers who relied for their success on the payment of low wages and had "no regard for the interest of their employees."<sup>35</sup> In effect this meant pleasing the 'better' employers who paid higher wages in return for better productivity as it protected them from the imbalances caused by undercutting. This policy was not restricted to individual trades or sections thereof in one place. It applied to industries in different localities as well. Uniformity was to be achieved except in so far as "minor variations to meet local conditions" were permitted. The Board stated that it would be

clearly unfair to favour one area as against another by allowing to one and not to another advantages either by way of lower wages, or by an excessive number of exemptions from the prescribed wage, or by permitting the employment as low-paid workers of an excessive number of apprentices, or in any

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33. Report of the Wage Board, Baking and Confectionery Social and Industrial Review (Special Edition) 11(6) 14 September 1928 p120

34. 1929 Wage Board Report, p 11

35. *ibid*, p 11

other way by which one could get an advantage over another. 36

Industries should, as far as possible, be able

to promote and dispose of their goods according to their capacity for efficient management and their adoption of up-to-date machinery and methods. 37

It is clear that the Wage Board sympathised with the sentiments of the representatives of Durban commerce. The onset of the depression could only have exacerbated the difficulties of small, ill-organised establishments. As companies and business in general had to tighten their belts, more and more of them fell by the wayside. As noted above, the number of prosecutions and successful judgements for wage regulation offences cannot be relied upon to give an accurate picture of the effects of wage regulation.<sup>38</sup> The number of insolvencies, on the other hand during the depression years itself is notable. The number increased from 1392 in 1928 to reach a peak of 2576 in 1931. It began to decline slowly from the first half of 1932.<sup>39</sup> Brought on largely by the depression,

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36. Report of the Wage Board, Furniture, 16 June 1930, An 592-1930; 1931 Wage Board Report, pp 29-30

37. "Memorandum of objection re Proposed Determination published as a Schedule to Government Notice 1703 of 1928, submitted by the Durban Chamber of Commerce" pp 17-18. Department of Labour Archives 2037/F4/19

38. cf ch 3, pp 215 above

39. The number of insolvencies over the years was as follows:

1928	1 392	Jan-June 1932	1 458	} 2 496
1929	1 687	June-Dec 1932	1 038	
1930	2 572	Jan-March 1933	further	
1931	2 576		diminution	

Source: United Kingdom Department of Overseas Trade, Reports on the Economic Condition in South Africa, July 1931 and September 1933 p 12 and p 18 respectively

the position must have been exacerbated in some cases where wage regulation existed, notwithstanding the evasions and deceptions which took place. In effect the drive toward increased efficiency had prepared business managerially for the boom years which were to follow.

Employers were wont to use the argument that they could not implement wage determinations as their production costs would automatically rise to unprofitable levels.<sup>40</sup> For example, complaints were made that some bakers could under-cut minimum prices set up by the Master Bakers' Association, because they employed cheap labour.<sup>41</sup> The Chamber of Mines put in a strong appeal along conventional lines that the increase would raise production costs, and thus sabotage the policy the mine bakeries employed to thwart that of "some bakers who had hitherto supplied bread " but had "supplied an inferior article, the issue of which to the natives had given rise to dissatisfaction and complaints."<sup>42</sup> The Wage Board rejected both arguments. The Board's investigation showed that the difference between one firm

where all the operatives were European in receipt of at least the minimum rate of wages laid down in the agree-

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40. 1931 Wage Board Report, p 20
41. Report of the Wage Board, Baking, Social and Industrial Review (Special Edition) September 1926 p 72
42. Report of the Wage Board, Social and Industrial Review (Special Edition) September 1927, p 3. The same complaints were made in February 1928, cf Social and Industrial Review (Special Edition) February 1928 p 84 and in 1929, cf Social and Industrial Review (Special Edition) 6 September 1929 p 590

ment,<sup>43</sup> and firm No 3, with the lowest wage-production costs, where natives, who are paid wages far below those laid down in the agreement, outnumbered the European employees by nearly two to one, is one-fifteenth of a penny per lb. sic in the cost of production. 44

The baking industry was covered by an Industrial Council Agreement from 1925 but this agreement necessarily excluded Africans. The Witwatersrand investigation was initiated because of the unequal competition which arose between master bakers through the different ratios of black to white employees in certain industries. The implications of the investigation for the colour bar are dealt with below.<sup>45</sup> The Board came to the conclusion that the introduction of higher wages would not necessarily entail economic ruin for the trade as a whole but would perhaps prevent unfair competition caused by undercutting. The Board quoted a report of a Swiss Government enquiry into the determination of prices in the baking industry with approval. The report stated that

neither the costs of making nor the costs of marketing but agreement between the master bakers is the main factor in determining the price of bread. 46

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43. Lucas stated that most of the whites' wages were "nearly 50% higher" than the wage laid down by the Board. Lucas F A W "Some Aspects of the Work of the Wage Board" p 30. cf 1929 Wage Board Report p 8 and 1931 Wage Board Report p 20
44. Report of the Wage Board, Baking and Confectionary, Social and Industrial Review (Special Edition), September 1926 p72. 1931 Wage Board Report, p 20. cf also Social and Industrial Review (Special Edition), 6 September 1929, p 590-1. Natal estimates were approximately the same as the Pretoria/Witwatersrand complex, cf 1931 Wage Board Report, p 20
45. ch 5, pp<sup>347-8</sup> below
46. 1931 Wage Board Report, p 21

Many Pretoria bakers raised the price of bread by 2d a loaf and blamed the Board for the increase.<sup>47</sup> In Durban, a price war ensued during the early part of 1930 when one baker reduced the price of bread

with the result that bread was sold wholesale 5d and retail 6d as against 6d and 7d respectively before and after the "bread war." 48

As we have already seen, biscuit makers got together in October 1927 and decided to raise the price of biscuits, ostensibly to pay for the wage increases. But they did so before the determination was to come into effect.<sup>49</sup> The Wage Board only investigated the price effects of wage regulation in the baking trade in any detail. From that standpoint the Board suggested that increased wages did not affect production costs in any major way. The International Labour Office produced a report which compared and contrasted costs of production of Ford motor vehicles and wage structures in both Europe and America. The study concluded that where wages were high, work performance was also high and where wages were low, the productivity of workers was also low.<sup>50</sup> Clearly, the Wage Board believed that increased wages were directly linked to increased productivity and the extra expense was thus compensated for and exceeded.

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47. Lucas, F A W "Some Aspects of the Work of the Wage Board" p 30

48. 1931 Wage Board Report p 21

49. Forward, 4 November 1927; cf ch 3, pp<sup>2-3</sup> above

50. 1931 Wage Board Report, pp 22-3, quoting an untitled extract from "Industrial and Labour Information" of 8 May [1931?]

Another area of disagreement between the private sector and the state was over the alleged effects wage regulation had on numbers employed. Some of the most strident arguments against wage regulation on the grounds that it caused unemployment came from commercial interests. The Durban Chamber of Commerce, for example, submitted a lengthy memorandum to the Board which outlined their objections to the proposed recommendation for shop assistants. The vast number of the 14 559 employees affected were white men, women and female juveniles included in the returns from establishments.<sup>51</sup> The Board had "no option but to adopt a European standard as the basis for a recommendation" because whites comprised over 90% of the work-force.<sup>52</sup> The Board recommended average increases of £6.0.0 per month for the different grades of employment. The Chamber of Commerce in Durban commented that small employers would go out of business with the effect that thousands of workers would no longer have employment. The memorandum reveals that the Chamber realised that some business concerns liked the idea of the "weeding out principle approved by the Board" in order to get rid of inefficient employees. The Chamber went on to argue that

The Board's report and recommendations as they stand would initiate a weeding out and concentrating process which must reduce the relative employment capacity of trade and commerce, and leave upon the hands of the State a progressively increasing number of people forced out from fields which have hitherto maintained them. 53

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51. There were 4 916 white men, 1 511 white boys, 4 520 white women and 3 236 white girls out of 14 559. Report of the Wage Board, Shop Assistants, Social and Industrial Review (Special Edition) 5 October 1922, p 144

52. *ibid*, p 157

53. "Memorandum of Objection re proposed Determination published as a Schedule to Government Notice 1703 of 1928 submitted by Durban Chamber of Commerce" pp 16-17. Department of Labour Archive 2037/F4/19

A President of the Associated Chambers of Commerce, Karl Gundelfinger, "the reputed millionaire dry goods merchant" was quoted as saying that men in their early twenties were being

put on the street, not because they were dissatisfied with the wage [they normally received], not because the wage was not fair or ample, not because of incompetence, but because the employer could not possibly afford to pay the increase stipulated in the recent wage determinations under which these lads, on completing a total of five years work under one or more employers, were to be classed as fully-fledged, fully-competent adults.

He went on to say that in

cases where exceptional ability was shown, the lads were naturally retained, but in a large number of cases they were being replaced by a younger batch or by girls. 54

Criticism of the Board appears to have been quite widespread as similar arguments were brought to the notice of the Board by employers in Port Elizabeth, Pietermaritzburg, Cape Town, East London and the Natal Indian Congress.<sup>55</sup>

The Board usually made short shrift of these arguments. It stated that very few of the employers who advanced these arguments "would admit that they [were] employing more persons than [was] necessary for the conduct of their business." Redundant employees

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54. Quoted in Forward, 26 July 1929

55. Report of the Wage Board, Shop Assistants, Social and Industrial Review (Special Edition) 111(13) 1 March 1929, p 363. cf also Department of Labour Archive, 2037/F4/19

would be dismissed regardless of whether wage regulation existed or not.<sup>56</sup> Arguments of that nature implied

either that the employers advancing them are carrying on their businesses so inefficiently that they are employing a considerable number of redundant employees, or in some instances that they will have to close down their businesses.

Such inefficiency would in time be rooted out, "and the worst that could be urged against the proposed determination would be that that process is being accelerated." The Board did not accept the argument that shop owners generally in this instance could not survive.<sup>57</sup> The extent to which the Board considered occupations other than shop assistants in this light is unclear. The Board's opinion that determinations did not cause unemployment as such was not exclusively reserved for shop assistants. Bakers in Durban and Pietermaritzburg were supported by their employees in their attempts to reduce the determination for the region on the grounds that their trade was subject to undercutting from establishments beyond the 10 mile radius limitation of the determination. The Board rejected the appeals and suggested that the limit of 10 miles be extended to include the offending parties under the determination.<sup>58</sup> A Johannesburg glass bevelling and silvering firm objected against a reduction in the wage for non-learners on the grounds that the

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56. Report of the Wage Board, Shop Assistants, Social and Industrial Review (Special Edition) 11(7) 5 October 1928 p 161. Also referred to by Report of the Wage Board, Shop Assistants, Social and Industrial Review (Special Edition) 111(13) 1 March 1929, p363

57. Report of the Wage Board, Shop Assistants Social and Industrial Review (Special Edition) 111(13) 1 March 1929 p 363

58. Report of the Wage Board, Baking, 13 April 1933, An 67-1933ii

number of whites employed in the trade would decrease, and that the firm would not be able to recoup the costs it had incurred by employing whites after the introduction of the first determination in 1927. The firm's representative argued before the Board that if the new determination came into force it would be "quite impossible" for white employees who had completed their learner period

to exist on the wage suggested, and consequently they will all be compelled to leave, and in many instances the individuals will suffer irreparable harm for they are too old to be apprenticed in most other trades.

The Board supported the Johannesburg firm and refused to lower the recommendation.<sup>59</sup> This case further indicated that the Board did not consider that high wages caused unemployment. In fact, it was of the opinion that lower wages would cause white unemployment. It would appear that the Board operated to restrict the number of jobs by maintaining higher wages in certain trades and by this means secure or hope to secure white employment. It was apparent that notwithstanding employers' complaints about the inability of certain industries to continue to operate profitably, no evidence could be adduced to indicate any reduction in output. The Board concluded that

if there is any reduction in the number of employees, it must represent improved management and greater output of efficiency on the part of the employees retained.

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59. Report of the Wage Board, Glass Bevelling and Silvering, 15 December 1931, An 253-1931/2

The Board admitted that dismissals had taken place, but that before the depression this did not represent a drop in the total number of people employed.<sup>60</sup> During the depression the Board urged a reduction in the number of busses used in passenger transportation in Port Elizabeth. It realised that a number of useful employees would become redundant but suggested that the shifts worked should be shortened to take up the unemployed.<sup>61</sup> Cape Town hairdressing employees who were dismissed because of the financial burden caused by the determination when trade fell off during the depression became self-employed.<sup>62</sup> All the trades mentioned here, shop assistants, passenger transport and hairdressing, were predominantly adult white worker preserves. The introduction of a minimum wage of £2.0.0 per week in the tea, coffee and chicory trade, on the other hand, had led to the dismissal of juvenile workers and their replacement by fewer, more efficient adult workers. Whether or not those juveniles found employment elsewhere is not readily known.<sup>63</sup>

Unemployment was not a new phenomenon in the Union and a number of factors other than wage regulation have to be taken into consideration. For example, the reorganisation of the labour process in certain industries had caused some displacement. Even in those instances, it appears that employees discharged by one firm found

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60. 1929 Wage Board Report, p 10

61. Report of the Wage Board, Passenger Transportation, 22 April 1932  
An 704-1931/2

62. Report of the Wage Board, Hairdressing, 5 September 1931, An89-1931/2

63. Report of the Wage Board, Tea , Coffee and Chicory, 13 April 1933, An 176-1933ii

employment in another which had reorganised itself differently.<sup>64</sup>

The Board supported attempts to reorganise work operations by introducing labour saving devices. Such action ensured that because fewer employees could then produce the same number, if not more, goods than before, a number of employees would be "set free for productive use elsewhere".<sup>65</sup> When a number of textile establishments refused to introduce power looms in place of automatic looms on the grounds that it would lead to "technological unemployment" the Board reacted in a hostile manner. It refused to entertain the notion that a lower wage should apply to establishments which did not employ power looms because it saw the use of "antiquated methods" as an artificial source of employment which should not be encouraged.<sup>66</sup> In yet another trade, the Board argued that the determination in no way accelerated a tendency for dismissals to increase as a result of the introduction of labour saving machinery. It concluded that dismissals were "likely to continue whatever wages are determined."<sup>67</sup> The wasteful hoarding of labour was frowned upon by the Wage Board. Its elimination through higher wage stipulation did not appear to curtail the productive capacity of the country.

It is clear that many employers did not agree with the policy of the Board. It is possible that many used the argument that

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64. Report of the Wage Board, Shop Assistants, 1 March 1929, Social and Industrial Review (Special Edition) 111(13) p 370; 1931 Wage Board Report p 24; Report of the Wage Board, Commercial Distributive Trade, 17 March 1931, An 557-1931
65. 1929 Wage Board Report, p 10
66. Report of the Wage Board, Textiles, 26 November 1936, An 46-1937
67. Report of the Wage Board, Tea, Coffee and Chicory, 26 August 1933, An 144-1934

wage regulation would lead to increased unemployment as a ploy to get out of paying better wages. The Board was itself wary about deducing from its available information exactly how wage determinations affected general employment patterns. It warned from time to time that figures it collated from investigations could not be used as indicators of actual fluctuations in employment. Figures for the sweet industry were collected for February 1926, 1928 and 1930.<sup>68</sup> The total number of employees in the trade dropped between 1926 and 1928, but rose above the 1926 figure by 1930. The policy of retrenching redundant employees was carried out more strictly in 1928 than in 1926.<sup>69</sup> The dyeing, cleaning and laundry trade showed a decrease in numbers from figures collected in March 1927 and those collected in June 1931. The Board cautioned that the two sets of figures were not exactly comparable: the month of March was not a peak period in this semi-seasonal trade and that 1931 was itself a depression year. A further factor which complicated the issue in the laundry trade was the falling off in trade from ships, many of which had installed their own laundries on board since 1927 and no longer sent laundry ashore.<sup>70</sup> Extraneous factors affected the employment figures collected by the Board. Furthermore, these figures were not exhaustive or complete for the industries as a whole and only indicate very general tendencies.

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68. Table 8i, p469 below for the Sweet trade

69. 1929 Wage Board Report, p 10

70. 1931 Wage Board Report, p 27

The Industrial Legislation Commission finally put an end to speculation about the effect of wage regulation per se on employment figures. The report argued that it was "important to emphasise" the impossibility

to prove statistically that the operation of the legislation [ie., both the Wage and the Industrial Conciliation Acts] had had the effect of either increasing or decreasing the total volume of employment ... [because], in addition to the wage factor, ... the availability of capital for maintaining or developing industrial and commercial enterprises, the availability of raw products and of markets, and the incidence of customs tariffs, of freight, and of railway rates ... [all influenced the volume of employment]. 71

The Wage Board's position on wage regulation and employment can be summarised briefly. It realised that numerous factors other than the regulation of wages affected the total volume of employment. It dismissed arguments by business interests that wage determinations of themselves led and contributed to further unemployment. It noted that many employers wastefully utilised their labour resources. It argued that low wages were attributable to the employment of redundant workers. The private sector was marred by an imbalance of the labour force and the Board attempted to rationalise the distribution of labour within the market by breaking the system whereby some employers used labour wastefully. The Board believed that the workers who did lose their jobs because of wage determinations were redundant, and could be relocated elsewhere more productively. The inefficient utilisation of workers was to be replaced by more productive use in areas where they were most needed. The Board's encouragement of the reorganisation of the labour process

brought about by wage regulation in the interests of improved productivity indicates a concern for economic advancement rather than the provision of benefits to workers themselves.

The Wage Board acted to control the length of the working day. As Budlender has pointed out, with the development of industry, it became necessary to curb the worst excesses of capitalist production. These excesses include the health, welfare and ability of the worker to perform his tasks. One way to ensure his ability to work is to control the length of time the worker works. Ideally, the period should not be too long so as to exhaust the worker, nor too short so as to waste some of his productive capacity. Factories legislation was introduced in the Union partly through state recognition of the need for control over individual enterprises and partly from labour organisation.<sup>72</sup> Manufacturing industries were normally covered by the Factories Act and its various amendments. Retail establishments were covered by provincial ordinances.<sup>73</sup> The Wage Board was empowered in terms of Section 3 (1)(a) of the Act to investigate and report on hours.<sup>74</sup>

The enforced payment of full wages for less time worked would

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72. Act 28-1918, and amendment Act 26-1931 was replaced by Act 22-1941 which established a 50 hour, 48 hour and 46 hour week respectively. For a general discussion of the Factories Act cf Budlender, D "Labour Legislation in South Africa 1924-1948" pp140-185
73. Eg., Cape Shop Hours Ordinance 14-1930; Transvaal Shop Hours Ordinance 5-1923; Natal Shop Hours Ordinance 5-1923; Orange Free State Shop Hours Ordinance 6-1925
74. Act 27-1925 and as amended by Act 23-1930

further prohibit employers from using labour wastefully. The wage determination for omnibus drivers, for example, set a maximum of 48 hours per week. The Board revealed that from "returns supplied by the employers, the hours [for drivers] varied between 42 and 105 a week" although the time actually spent driving was less.<sup>75</sup> The Board later suggested reducing the number of hours to ensure that workers who could be dismissed if the number of busses was reduced would still find employment.<sup>76</sup> Similarly barmen in Bloemfontein and Kimberley were restricted to 54 hours per week amidst opposition from employers.<sup>77</sup> The hours had previously not exceeded 77 hours, although a representative of barmen not covered by an unofficial agreement between employers and employees stated that some barmen worked for as long as 92 hours per week.<sup>78</sup> Pursell noted that between 1926 and 1930

34 determinations were made in 15 various industries. Nine determinations specified a fifty hour straight time maximum as provided in the Factories Act. Two determinations permitted a 54 hour week. Seventeen recommendations established a 48 hour week while three determinations laid down a 45 hour week.

The point to note is that of the 34 determinations made, 20 "contained provisions more liberal than the Factories Act".<sup>79</sup>

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75. Report of the Wage Board, Motor Omnibus Drivers, Social and Industrial Review (Special Edition) November 1927 p 6

76. cf p 259 above

77. Report of the Wage Board, Barmen in Licensed Victuallers Trade, Social and Industrial Review (Special Edition) 1(6) March 1928 p116

78. *ibid*, p 110

79. Pursell, D "Minimum Wage Regulation under the South African Wage Act" p 86-87

The reasons for the Board's action need careful consideration. Pursell argued that the Board changed its policy after 1930 and thereafter failed to limit hours or determine holiday leave and the like. The pre-1930 actions, he explained, were the result of the "uplifting conviction of this [1926-1930] Board." The change took place because the Board changed.<sup>80</sup> At least three considerations need to be examined. First, the Board qualified its policy of reducing hours in specific terms. Second, the membership of the Board did not alter to the extent that would have induced the change in policy as outlined by Pursell. Third, the evidence suggests that the change in policy was directed from the central government. Each point is dealt with seriatim.

The Board did not propose to reduce hours to below the maximum prescribed by the Factories Act, except in special circumstances. It considered that when circumstances justified the payment of the weekly wage for a shorter number of hours, it would recommend that extra pay should be provided for the number of hours that made up the difference between the determination and the Factories Act.<sup>81</sup> Alternatively, the Board could suggest shorter time to secure the employment of otherwise potentially unemployed workers. Clearly the Board did not operate merely to shorten hours regardless of the Factories Act.

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80. *ibid*, p 85

81. 1929 Wage Board Report p 15

Second, the Board's membership did not change dramatically enough to bring about a change in policy. Lucas remained Chairman of the Board for two terms of office until 1935. He was appointed for his second term in 1930.<sup>82</sup> The only significant change was the appointment of A C van der Horst, a civil servant,<sup>83</sup> in place of J G Malherbe.<sup>84</sup> Van der Horst's appointment drew a storm of protest from the Transvaal Executive of the Labour Party. They protested against the lack of consultation between Labour Ministers, in this instance the Minister of Labour, Creswell, and the appointment of commissioners in general and van der Horst in particular. The Party executive condemned the policy of non-consultation as "inimical to the workers' interest".<sup>85</sup>

Creswell justified his action to the Executive Council in a typically arrogant fashion,<sup>but explained that</sup> Van der Horst had been recommended above the Labour Party's choice of George Brown for two principal reasons:

(1) I consider that for the efficient working of the Wage Act it was desirable to have as one of its members a person who had considerable experience of the difficulties attending the practical administration of Wage Determinations under the Act, and that the inclusion of a person with such experience would strengthen the Board

(2) I considered it desirable to maintain the position which

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82. Appointment of Mr F A W Lucas KC as Chairman of Wage Board for further period of 5 years. Executive Council Archives, document 9 of 14, 1145 (old series)/2119
83. Sampson - Pereira, 1 December 1930, in reply to an untraced letter Pereira - Sampson, 25 November 1930. Loose Correspondence, file 6, Transvaal Executive Council General Correspondence, 1929-1932 SALP Archive
84. Other changes are indicated in ch 3, pp~~76-8~~ above
85. Sampson - Pereira, 1 December 1930. Loose Correspondence file 6, Transvaal Executive Council General Correspondence 1929-1932 SALP Archive

had obtained since the institution of the Board, ie., that one of the two ordinary members of the Board should be Afrikaans speaking and one English speaking. 86

Creswell's first reason need not be doubted. It will be recalled that members of the original Board were appointed on the basis of their familiarity with labour issues.<sup>87</sup> The second part on the other hand, is curious in one minor regard. It appears that, notwithstanding Creswell's avowed concern for bilingualism, exemption forms under the Wage Act were only available in English until 1931.<sup>88</sup> It can be accepted that van der Horst was an administrator first and policy maker, if at all, second. As it happened, van der Horst only clashed with Lucas and Roberts over minor details of three Wage Board recommendations in 1933 and 1934, well after the change in policy. He remained in the minority.<sup>89</sup> He was not appointed to the new Board in 1935 either. The furore in the Labour Party's executive appears to have been another round in the conflict between the parliamentary representatives and the party itself, as the opposition was based first and foremost to the policy of non-consultation and not the nomination of van der Horst himself.

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86. Creswell - Pereira, 28 November 1930, Loose Correspondence, file 6, Transvaal Executive Council General Correspondence, 1929-1932 SALP Archive
87. cf ch 3, p176-8 above
88. cf a note from the Divisional Inspector for Labour at Bloemfontein to the Accountant, Department of Labour, dated 6 February 1931, requesting that Afrikaans forms be produced. Department of Labour Archive 1472/Lc/1069/2 part 1
89. The investigations were: Native Trade, An 211-1934; Tea, Coffee and Chicory packing, An 176-1933; and Passenger Transport Undertaking, Cape Town, An 96-1933. cf ch 5, pp306-8 below.

The membership of the Board was not responsible for the alleged change in policy from one of "upliftment" through shortening hours to non-regulation of non-wage issues.

The last factor which brings Pursell's conclusion into question is related to evidence he himself supplies. The Factories Act, as already noted,<sup>90</sup> was amended in 1931 and brought down the maximum length of the working day to 48 hours. This move was significant because it automatically placed eleven more determinations, in Pursell's own term, above the Factories Act bracket.<sup>91</sup> He misread the importance of a crucial statement of fact he himself used. The Department of Labour, recognising the fact that the Board had shortened hours below the limits of the Factories Act and had recommended the institution of paid leave in a number of instances, cautioned the Board that the terms of its recommendations were sometimes more favourable than those secured under collective bargaining.<sup>92</sup> This indicated that the Department still considered the Wage Act to be complementary to the voluntary principles entailed in the Industrial Conciliation Act.<sup>93</sup> The Department went further and stressed that it

considered this [policy] inadvisable and requested the Board to bear this point in mind when making future recommendations. 94

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90. cf p 263 above

91. cf p 264 above

92. Minutes of a Meeting of the Wage Board and Labour Department Officials, 1929, Quoted by Pursell, D "Minimum Wage Regulation under the South African Wage Act" p 62 note 26

93. cf ch 2, pp 154 above

94. Minutes of a Meeting of the Wage Board and Labour Department Officials, 1929. Quoted by Pursell, D "Minimum Wage Regulation in South Africa" p 62 note 26

The Department obviously wished the Wage Board to operate carefully when it dealt with wages. It could be said that the Department considered the Wage Act as complementary to the Factories Act in much the same way as it was to the Industrial Conciliation Act.

One example will suffice to indicate that Pursell misread the source of the change in policy. At first the Board recommended that a 45 hour week should be introduced in the sweet making industry. The employers appealed to the Board to raise it from 45 hours to 48 hours per week when the Board investigated the trade in early 1929. The Board refused to comply.<sup>95</sup> In 1929 the Department of Labour informed the Board that it should curtail its activities in the field of hours. In 1930, the Board raised the number of hours per week to 48 despite the pleas by trade unionists and workers not to.<sup>96</sup> The Board rejected further pleas from workers in 1932 to reduce the number of hours per week to 45.<sup>97</sup> It is also imperative to note here that the Government constantly rejected trade union calls for a reduction in the working week as well. As early as 1926 the South African Trade Union Congress had made a call for an 8 hour day or 48 hour week in all industries as a means to reduce unemployment.<sup>98</sup> A restriction of 6 hours per working day

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95. Report of the Wage Board, Sweets, Social and Industrial Review (Special Edition) 111(15) 23 May 1929

96. Report of the Wage Board, Sweets, 15 July 1930, An 125-1931; SATUC NEC Minutes, 19 August 1930, SATUC papers Ca 1.5

97. Report of the Wage Board, Sweets, 15 December 1932, An 333-1933

98. SATUC NEC Minutes, 18 May 1926, SATUC papers, Ca 1.2

for workers under the age of 18 was urged upon SATUC by the Young Communist League to combat "the tendency to employ an undue proportion of youths" to the detriment of older workers.<sup>99</sup> The 6 hour day for juveniles had been established policy of the Young Communist League since at least January 1925.<sup>100</sup> Attempts were made in the early 1930s to have the working week reduced to 40 hours to no avail.<sup>101</sup> The Department of Labour declined the SATLC's request to convene

a tripartite conference comprising representatives of the Government, Federated Chambers of Industry, Associated Chambers of Commerce and organised labour with a view to discussing the introduction of a 40 hour working week without any corresponding reduction in the weekly or monthly earnings of the workers.

The Conference of the Chamber of Industries "would not entertain the proposal" to shorten the week further.<sup>102</sup> The Department used the excuse that it could not do anything until some international guidelines had been established.<sup>103</sup> The Department's excuse was a

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99. Young Communist League deputation of Roux, Sachs and Chalmers to SATUC, SATUC NEC Minutes 24 August 1926. SATUC papers, Ca 1.2

100. Young Worker 111(1) January 1925. Report on the First National Conference of the Young Communist League of South Africa, 3-4 January 1925

101. for example, SATLC 3rd Annual Conference Minutes, 8-11 April 1933. SATLC papers, Da 1.3

102. As reported in the NEC Report to 4th Annual Conference, 31 March to 3 April 1934. SATLC papers, Da 1.4

103. *ibid*

red-herring. The Labour Section of the Versailles Peace Treaty laid down that "recommendations" made by International Labour Conferences were to be submitted to the Parliaments of countries affiliated to the League of Nations with a view to legislation. "Conventions" adopted at such conferences were to be ratified or rejected. The Factories Act covered most of the details included in the first recommendations and corrections issued in 1920. The Mines and Industries Labour Division held that the most contentious of the measures was the 8 hour day or 48 hour week. South Africa urged that the special conditions of South African industry and its labour force did not exactly suit the recommendation. The Union suggested that future conventions and recommendations "should be limited as far as possible to the statement of principles, and should avoid too great detail of application..."<sup>104</sup>. Its reluctance to implement International Labour Organisation measures was clear. The Wage Board clearly operated in direct compliance

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104. Department of Mines and Industries, Labour Division, Annual Report for 1920, UG 8-1922, pp 107-108. The Union's relationship with the International Labour Organisation has been sorely neglected. Pienaar, S "The League of Nations and South Africa, 1929-1939" dealt briefly with the ILO but did not trace its early development.

with the state against its previous practice. The state wrought the change in policy of the Board, and not the dissolution of the "uplifting convictions of members of the Board." The Department of Labour took over the administration of the Factories Act from the Department of Mines and Industries. It curtailed the hour reduction activity of the Wage Board to keep the Board in line with the provisions of the Factories Act, but not because the Department did not support a shorter working week. The change occurred not for the benefit of labour, <sup>per se</sup> but in the interests of the rationalisation of the industrial working week.

Undercutting, or "unfair competition" between employers, was constantly attacked by larger employers and the Department. It involved the payment of wages lower than the wage stipulated in determinations. This in turn enabled offending employers to reduce costs to the disadvantage of employers who wanted to fulfil the requirements of determinations. The Department of Labour received a number of communications from business concerns about the inefficient enforcement of determinations. Employers argued that they would be forced to disregard determinations if undercutting was not curtailed.<sup>105</sup> Miller, Divisional Inspector for Labour in Johannesburg, voiced a common opinion when he remarked:

Firms of standing usually comply with the requirements of the Determinations without much pressure, and it is considered

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105. Numerous examples of this type of communication exist. Three of the most explicit are: Secretary, Crispette and Candy Co. Ltd., Doornfontein - Cousins, 3 May 1927; Secretary, Witwatersrand Baking Industry Industrial Council - Walker, 9 November 1927, which contains the views of the Master Bakers' Association; Beattie, Divisional Inspector for Labour, Cape Town - Cousins, 18 April 1929. Department of Labour Archive 1429/Lc/1069/3 Part 1

that in justice to such firms, the small number of recalcitrants should be dealt with vigorously. 106

Creswell, once again Minister of Labour, remarked to the Divisional Inspectors Conference in 1929 that

inspectors should try to aim at using a sufficient amount of firmness, without being irritating. Lenience was necessary to enable Determinations to get going particularly if firms were moving in the right direction. Steady pressure was essential, but the whip should be kept for firms who had no intention of complying. 107

Although the Divisional Inspectors' reports on the administration of the various determinations are incomplete because of staff shortages, they reveal that the smaller firms were the greatest offenders.<sup>108</sup>

Indian traders in Natal were especially focussed on as defaulters, but the extent to which black traders as a whole were affected is difficult to say.<sup>109</sup> It is evident that, at least in one case,

if the Determination had not been declared ultra vires for the Laundry trade one of three Indian laundries in East London would have been prosecuted, "evidence having been obtained of the bogus nature of the partnership." All firms with alleged "doubtful reputations" had "been carefully inspected and employers interrogated."<sup>110</sup>

106. Miller - Cousins 21 May 1928. Department of Labour Archives 1429/Lc/1069/3 Part 1
107. Minutes of Meetings Divisional Inspectors Conference 17-18 September 1929. Department of Labour Archives 2038/F8/5
108. Walker-Cousins, 21 January 1930; Divisional Inspector, Durban-Cousins 16 July 1929; Divisional Inspector, East London - Cousins 15 July 1929. Department of Labour Archives 1429/Lc/1069/3 Part 1 "Memorandum of Objection re proposed Determination published as a Schedule to Government Notice 1703 of 1928 submitted by Durban Chamber of Commerce" passim. Department of Labour Archive 2037/F4 /19. Davies, R Capital, State and White Labour pp 216-217
109. Walker - Cousins, 21 January 1930, re Bespoke Tailoring determination in Natal. Department of Labour Archive 1429/Lc/1069/3 Part 1
110. Divisional Inspector, East London - Cousins, 15 July 1929. Department of Labour Archive 1429/Lc/1069/3 Part 1

Notwithstanding the dearth of direct evidence in this regard it is quite clear that small firms, notably those owned by Indians, would have been seriously affected by the implementation of Determinations in their industries.

The case of Indian male juveniles was put to the Board by the Natal Indian Congress. Congress asked that juveniles be dealt with along the same lines as female assistants who received lower wages. They argued that

having regard to the fact that owing to the discriminatory repressive and harsh administration of the Licensing Laws whereby Indians are denied fair opportunities to carry on business in those parts of the town which are regarded as trading or shopping centres, it is very unjust, we submit, to expect of a trader relegated to an area where over-trading is a rule, to employ qualified male adult assistants and to pay the proposed wages ... 111

Ginwala has indicated that the net profit of small Indian traders was in the region of £100-£240 per annum. Only half of the 15 000 trading licences issued in 1937/8 went to general dealers or fresh produce dealers.<sup>112</sup>

The Board reported that, given the modification it had made in its earlier report, it could not "see its way to go any further" in alleviating the situation as far as Indian traders were concerned.<sup>113</sup>

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111. Report of the Wage Board, Shop Assistants, Social and Industrial Review (Special Edition), 111(13), 1 March 1929, p365. Objection No 28: Natal Indian Congress, Pietermaritzburg - Cousins, 8 November 1928. Department of Labour Archives 2037/F4/19
112. Ginwala, F "Class, Consciousness and Control - Indian South Africans 1860-1946" p 307. Ginwala provides a general discussion of the barriers to Indian advancement at pp 303-331
113. Report of the wage Board, Shop Assistants, Social and Industrial Review (Special Edition), 11(7), 5 October 1928, pp 157-158

The original report was not as beneficial as the latter one appears to be. In the earlier report, the Board recognised the various disabilities under which Indian traders operated. But it still concluded that, although the Board had no power to discriminate along racial lines,

as in commerce European employers predominate overwhelmingly in the occupations affected by this investigation, the Board feels it has no option but to adopt a European standard as the basis for a recommendation.

The discriminatory effect which ensued from adopting such a stand was acknowledged by the Board.<sup>114</sup> As such, the Board's action contravened the terms of the Cape Town Agreement of 1927 between the Indian and South African Governments.<sup>115</sup> Both governments argued that

'The principle underlying the Industrial Conciliation Act (Act 11 of 1924) and the Wages Act (no 27 of 1925) which enables all employers including Indians to take their places on the basis of equal pay for equal work will be adhered to.'<sup>116</sup>

The Board for its part concluded that the scale proposed in the recommendation as not too high for Europeans, but would mean "a very big increase for most Indian shop assistants."<sup>117</sup>

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114. ch 5 below, outlines this point at length

115. Davenport, T R H South Africa: A Modern History pp 204-205

116. Quoted by Ginwala, F "Class, Consciousness and Control - Indian South Africans 1860-1946" p 324

117. Report of the Wage Board, Shop Assistants, Social and Industrial Review (Special Edition), 11(7), 5 October 1928, pp 157-158

The case of the Indian traders is in remarkable contrast to that of white traders in the "native areas" of Bloemfontein who sought and were given exemption from the operative determination. A common plea by shopkeepers was: "Being Native area and mostly native trade business very slack(sic)"<sup>118</sup>. Not only were Indian employees discriminated against, the Board saw fit to discriminate against Indian traders as well.

The Wage Act laid down that the Minister could exempt employers or employees from the conditions of determinations if circumstances warranted such action. The Minister had to be satisfied that exemptions granted under licence did not prejudice the position of other groups or classes of people in the same area. People who suffered from physical disabilities like old age or infirmity and were unable to perform the work of an able-bodied person could also be exempted.<sup>119</sup> Exemptions were used as relief measures to employers who battled to fulfill all the requirements of determinations. The purpose of exemptions was clearly understood by at least one of the legislators when he argued in 1925 that under the 1921 Wage Bill, small industries would have been ruined whereas exemptions

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118. Applications for exemption, A Harris, Bloemfontein, for a number of shop assistants. Department of Labour Archives 1439/Lc/1069/29/2/7-62; cf also 1439/Lc/1069/29/2/7-64; 67; 68

119. Act 27-1925 section 10

under the 1925 proposals would counter this tendency.<sup>120</sup>

The Department's policy on the granting of exemptions took two points into consideration. First, "justice to employees", and second, "that no individual concern shall receive preferential treatment."<sup>121</sup> The same sentiments were expressed by F McGregor, the Secretary for Labour and Social Welfare and future Wage Board Chairmen, in 1935.<sup>122</sup> "Justice to employees" was to be interpreted as being

in the interest of employees who were engaged in the industry at the time the Act came into force, and who, unless exemption were granted, would be unable to continue their employment in the industry. 123

The Minister reserved the right to grant exemptions himself until such a time as the Department "had a measure of experience in dealing with Wb[sic] determinations."<sup>124</sup> This policy was

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120. Te Water (Pretoria Central), House of Assembly Debates, 1925, c 1830
121. E Muller, Under-Secretary for Labour - Cousins, 12 March 1927. This was a covering letter to Cousins which dealt with Circular Minute No 17 of 1927, dated 11 March 1927
122. McGregor - Divisional Inspector, Cape Town, 7 November 1935. Department of Labour Archive 1427/Lc/1069/2 Part 2
123. McGregor - Divisional Inspector, Port Elizabeth, 7 December 1929. Department of Labour Archive 1427/Lc/1069/2 Part 1
124. Handwritten memo by E Muller (?) "C", Application for Exemptions from Wage Board Determinations" 4 March 1927. Department of Labour Archive 1427/Lc/1069/2 Part 1

continued until late 1929 when the power was vested in Ivan Walker as Secretary for Labour, then in 1933 to the under-secretary Cuff with the proviso that "all doubtful cases be referred to Mr Walker as before."<sup>125</sup> The importance of these points is simply that in this particular field the Department of Labour and not the Wage Board controlled policy.

Even when the system was relaxed slightly in 1929 when Divisional Inspectors were granted powers to "grant temporary exemption for one month ... in any case which you are prepared to recommend,"<sup>126</sup> this was more a result of pressure of work due to the onset of the depression than any liberal opinions about the decentralisation of power. Exemptions were granted more liberally during the depression<sup>127</sup> and the Department drew sharp criticism from trade union leaders.<sup>128</sup> From 1933 the Department began to cut down on the number of exemptions it granted.<sup>129</sup> From time to time directives went out from the Department to Divisional Inspectors. One such

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125. On 28 September 1929 Walker was given this power by means of "a verbal delegation." An 29 April 1933 Walker passed his power on to Cuff, and on 5 December 1933, Orken, another Labour Department official was nominated as an alternate to Cuff. Information contained in an undated memorandum in the Department of Labour Archive, 1427/Lc/1069/2 Part 2. See also the marginal notes dated 23 March 1927 to Cousins on a copy of Muller-Cousins, 12 March 1927. Department of Labour Archive, 1427/Lc/1069/2 Part 1

126. Telegrams to Divisional Inspectors at Durban, Cape Town, Bloemfontein, Port Elizabeth and East London, 27 and 28 July 1929. The policy was reaffirmed in Circular Minute No 3 of 1929, dated 3 September 1929. Department of Labour Archive, 1427/Lc/1069

127. Department of Labour Annual Report for 1933 UG 44-1934 p44; Department of Labour Archive for 1934 UG 11-1936 p 53

128. Memorandum on Amendments to Act No 27 of 1925 as amended by Act No 23 of 1930 submitted by B Weinbren, General Secretary, Reef (Native Trade) Assistants Union to SATUC NEC, 1930. SATUC papers Col 10.2

129. Department of Labour Annual Reports for 1934, UG 11-1936, p 53; for 1935 UG 44-1937, p 61; and 1937 UG 30-1938, p 55

directive stated that the Department realised

that there is a tendency to submit applications for exemptions (both originals and renewals) only after inspections have revealed that employers are not in compliance with the requirements of determinations. In many cases it seems that employers are actually cognizant of the fact that they are over-stepping ratio provisions or underpaying employees but they rely on the grant of exemptions, with retrospective effect, to put matters right for them.

The Department was unhappy with that practice, and consequently required that all Divisional Inspectors "impress upon business establishments" in their respective areas that the Department frowned upon such activities.<sup>130</sup> By 1934, the Department began to tighten up. Ivan Walker endorsed a minute from the Divisional Inspector in Cape Town in February 1934 with the comment that

Divisional Inspectors should be warned that we are tightening up on the grant of exemptions as firms have had consideration for a long enough period now.

This was still considered to be departmental policy a year later.<sup>131</sup>

The grant of exemptions did not merely allow the employer to pay wages below the prescribed determination wage and thereby cut costs. Grants of exemption did not benefit all employers, but only those who

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130. Cuff - All Divisional Inspectors "Wage Regulation, Departmental Instruction No 7 (General)", 11 January 1934. Department of Labour Archive, 1427/Lc/1069/2 Part 2

131. Wainwright - Secretary (?), Cape Town, 6 March 1935. Department of Labour Archive, 1427/Lc/1069/2 Part 2

fell within the confines of the policy of improving efficiency and being well organised. In 1932 the Department noted 7 factors which needed consideration, over and above the original fundamental principle that each application was dealt with "on the merits of the case."<sup>132</sup> The 1932 memorandum was the most complete statement up to that point. The factors which had to be taken into consideration were:

1. The competitive nature of the industry as between different centres and between different employers in the same locality;
2. the personal circumstances of the employee;
3. whether the Employer is considered a 'fair' employer;
4. whether the grant of exemption will lead to the displacement of employees who are in receipt of the prescribed wage;
5. whether the refusal of exemption will mean the dismissal of the employee;
6. the unemployment position in the locality in which the applicant resides;
7. the exemption at less than the minimum prescribed for unqualified employees is granted only in very special circumstance. 133

An eighth clause was added later which stated that applications from non-Union Nationals are considered on their merits. Exemption is not granted on language grounds or where the the applicant has misplaced a Union National. 134

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132. Boydell's marginal comments to Cousins dated 23 March 1927 on a copy of Muller - Cousins, 12 March 1927; cf Circular to All Division and Industrial Inspectors of Labour, 13 July 1929, Department of Labour Archive 1427/Lc/1069/2 Part 1. "General Principles on the Grant of Exemptions from Wage Determinations under section 10(c) of the Act", 6 October 1932. Department of Labour Archive ,1427/Lc/1069/2 Part 2
133. "General Principles on the Grant of Exemptions from Wage Board Determinations under Section 10(c) of the Act", 6 October 1932, Department of Labour Archive 1427/Lc/1069/2 Part 2. The note does not expand on the definition of 'fair' in clause 3, but in the context of the time it is clear that 'fair' employers were employers who employed satisfactory numbers of whites. cf ch 5, pp below
134. "General Principles on the Grant of Exemptions from Wage Determinations" no date, possibly 1935. Department of Labour Archive, 1427/Lc/1069/2 Part 2

It is possible that the new clause was added in response to white trade union calls for the curtailment of foreign labour employment.<sup>135</sup>

The eight factors all have a bearing on the direction of policy of the Department. Numbers one and three reflected directly on how business undertakings were organised. The remainder refer to the type of labour which was employed, whether it was displaced or not, whether wages would be undercut or not and the like. As such, the exemption policy fitted into the general policy which hoped to encourage business concerns to improve their organisation and productive capacity.

The number of exemptions granted by the Department was not excessive. Between 1927 and 1937 rarely more than 1% of the total workforce covered by determinations worked under exemption licences.<sup>136</sup> The Department administered exemptions with circumspection. The Wage Board itself had no control over the administration of exemptions. Exemptions were only granted in special circumstances and ill-organised industries which applied for them were turned down.

The caution which permeated the Department's exemption policy matched the caution which controlled the gradual implementation of determinations in the Union.

Lucas, in his address to the Witwatersrand Branch of the Economic Society of South Africa mentioned that industries which fell within

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135. cf ch 1, pp 108-10 above

136. This figure is based on detailed quarterly reports for the period in the Department of Labour Archive 1427/Lc/1060/2 Parts 1 and 2. Representative tables for two periods are provided in Table 9 pp 471 below

the ambit of wage determinations "should be given ample time to adjust" themselves to the new wage rates.<sup>137</sup> In general terms, the Board stated that its policy was determined by the fact that wage regulation was new in South Africa. "It would be unreasonable," it reported in 1929,

to expect to be able at one step to reach the position attained in countries where compulsory wage regulation has been in operation for many years. For this reason the Board has frequently been compelled to recommend wages which are lower than the industry concerned might be expected at a later date to bear. Where for any substantial number of employees the wages recommended represent a substantial increase on those . . . paid, the Board has recommended that the operation of the provision for the minimum wage be suspended for a certain period and has provided for lower minima at different portions of that period. 138

The gradual nature of the implementation of the determinations was also reflected in the attitude of the Department about the prosecution of recalcitrant employers. It was noted in chapter 3 that the Department also followed a cautious policy in an attempt to encourage employers to comply before coercion had to be introduced.

The Wage Board determined wages in such a way that wages were not raised astronomically. In fact, after initial increases during the pre-depression years, the Board reduced wages with the onset of the depression to ease the financial burden of employers.

The actual reduction of wages was rigorously contested by workers. The evidence points to a general tendency for wages to fall during the

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137. Lucas, F A W "Some Aspects of the Work of the Wage Board" p 34

138. 1929 Wage Board Report, p 11

depression years.<sup>139</sup> International economic conditions necessitated a readjustment of the total economic infrastructure and had influenced the wage rate. Entrepreneurial activity also influenced the trend. An unemployed baker complained to the Pact-supporting newspaper, Forward, about the "reduction of wages under the [Wage] Act." The Act in 1928, in his opinion and of bakers generally, was "a farce" because they were "far worse off" than they had been ever "before in the history of the baking industry in South Africa".<sup>140</sup> But, notwithstanding this early reference to a connection between the Wage Act and the reduction of wages, the tendency for employers to reduce wages was only noted with general concern from 1931. R Stuart, secretary of the Cape Federation told his executive committee after a countrywide trip that wages were being depressed nationally.<sup>141</sup> Sections of the trade union movement considered that the reductions were caused by machinations of government, mining, industry and an unidentified "important section of the employers."<sup>142</sup> The trades affected included transport, laundry workers, sweet workers, the meat trade, liquor and catering services, private hotels and boarding houses, the

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139. Table 10, pp 472 below provides a comparison of minimum wage determinations for the periods 1927-1931 and 1931-1934

140. Forward 30 March 1928

141. CFLU NEC Minutes 23 June 1932, CFLU papers Aa 1.5

142. SATLC 1st Annual Conference Minutes, 4-6 April 1931; Chairman's address to the 2nd Annual Conference of the SATLC, 26-28 March 1932, SATLC papers Da 1.1 and Da 1.2 respectively.

Reef (Native Trade) Assistants, the garment making industry, and the glass-bevelling and silvering trade.<sup>143</sup>

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143. Transport: CFLU FEC Minutes, 29 October 1931, CFLU papers Aa1.5; SATLC NEC Report to 2nd Annual Conference, 26-28 March 1932, SATLC papers Da 2.2; Minutes of a Special Conference called by the CFLU consisting of delegates representing industrial councils, union executives, operating under a Wage Board Determination or Conciliation Board Agreement in the Cape Area, July 1932, CFLU papers Aa1.5. Laundry Trade: SATLC NEC Minutes, 3 November and 1 December 1931, SATLC papers Da 2.1; SATLC NEC Report to 2nd Annual Conference, 26-28 March 1932, SATLC papers Da 2.2; SATLC NEC Report to 4th Annual Conference, 31 March - 3 April 1934, SATLC papers Da 2.4. Sweet Trade: General Purposes Committee Report to SATUC NEC, 20 May 1930, SATUC papers, Ca 1.5; SATLC NEC Minutes, 15 November 1932, Da 2.2; SATLC NEC Report to 3rd Annual Conference, 8 - 11 April 1933, SATLC papers Da 2.3: Reports of the Wage Board: 28 February 1929, An 106-1929ii; 28 October 1930, An 125-1931; 15 December 1932, An 333-1933. Meat Trade (Port Elizabeth): SATLC NEC Report to 2nd Annual Conference, 26-28 March 1932, SATLC Papers, Da 2.2; Reports of the Wage Board: 29 October 1930, An 53-1931; 30 August 1932, An 133-1933; 6 October 1932, An 248-1933; 24 March 1933, Ans 97 and 99 - 1933ii; Liquor and Catering Trade: SATLC NEC Report to 2nd Annual Conference 26 - 28 March 1932, SATLC NEC Report to 3rd Annual Conference, 8 - 11 April 1933. SATLC papers Da 2.2 and Da 2.3 respectively; Reports of the Wage Board: 12 March 1931, An 559-1931; 21 July 1931, An 58-1931/2; 17 December 1931, An 191-1931/2. Private Hotels and Boarding Houses: SATLC NEC Report to 2nd Annual Conference, 26 - 28 March 1932 SATLC papers Da 2.2; Report of the Wage Board, 2 December 1932, An 111-1933. Reef (Native Trade) Shop Assistants: SATLC NEC Report to 4th Annual Conference, 31 March-3 April 1934, SATLC papers Da 2.4; Forsyth - Cousins, 9 December 1933, SATLC papers, Dc 9.8. Garment Making Industry: Minutes of a Special Conference called by the CFLU consisting of delegates representing industrial councils, union executives, operating under a Wage Board Determination or Conciliation Board Agreement in the Cape Area, July 1932, CFLU papers Aa 1.5; E S Sachs - Secretary, SATLC, various dates, 1935, SATLC papers, Dc 8.17; SATLC 6th Annual Conference Minutes, 13-17 April 1936, SATLC papers Da 1.6; Reports of the Wage Board: 25 November 1931, An 194-1931/2; 18 March 1932, An 469-1931/2; 7 June 1932, An 114-1933. Glass Bevelling and Silvering: SATLC NEC Reports to 3rd Annual Conference, 8-11 April 1933 and 4th Annual Conference, 31 March-3 April 1934; SATLC papers Da 2.3 and Da 2.4 respectively; Reports of the Wage Board: 3 September 1931, An 91-1931/2; 15 December 1931, An 253-1931/2.

Concomitant with the tendency of wages to be reduced from 1931 was a switch in the policy of the Wage Board and the Department of Labour. The SATLC urged the Department to make a public statement which outlined the new line. They were of the opinion that, as indicated by Lucas,

the policy of the Board would in future be to fix a minimum wage rate in industries and to leave it largely to the workers, through their trade unions to make agreements with the employers respecting the various grades on a higher scale than the minimum rate and also such questions as holiday leave, etc. 144

The SATLC was quick to indentify the implications of the new policy. Senator J Briggs, Chairman of Conference and F Hicks of the Johannesburg Tramwayman's Union stated at the outset of the 1932 Conference that the tendency was for the minimum wage to become the maximum and that, in effect, the Wage Board had become a wage-reducing agent.<sup>145</sup> With regard to the former point they were not quite correct, but they were right with the latter in so far as the later policy of the Board was more in line with the ability of industries to pay higher wages than before 1930. The new policy placed an immense burden on the unorganised trades for which the legislation had originally been designed. No change in the new policy was evidenced during 1932 despite worker criticism and the "wage-cutting policy" of the Board was declared "even more pronounced."<sup>146</sup>

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144. SATLC NEC Minutes, 1 December 1931, SATLC papers Da 2.1.  
Pursell, D "Minimum Wage Regulation under the South African Wage Act" pp 85-87

145. 2nd Annual Conference minutes, 26-28 March 1932, SATLC papers Da 1.2

146. SATLC NEC Report to 3rd Annual Conference, 8-11 April 1933, SATLC papers Da 2.3

The Government was approached on the issue on a number of occasions.<sup>147</sup> The Department of Labour for its part did not deny the charges made against it. It singled out sweetmaking as a representative trade in which the minimum wage had been cut from £2.2s.6d on the Witwatersrand and £2.0.0 elsewhere to £1.10.0 per week. The new determination, the report urged, provided female employees "subject to good behaviour and the maintenance of efficiency, security to their jobs."<sup>148</sup> Numerous industries as already noted were affected by reductions.

The practice of discriminating against women was itself not new.<sup>149</sup> In 1927 the Board pointed out that it was anxious not to change "the personnel of employees in an industry so as to cause the displacement of males by females and vice versa." The Board referred to the position of women in the clothing industry. On the basis that they were paid less than men, and that the "capacity of women in the occupations mentioned" was "generally considered to be less than that of men" the Board had agreed to a lower rate for women.<sup>150</sup> Forward

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147. Untraced letters: SATLC NEC - Minister of Labour, mentioned in SATLC NEC Minutes, 15 December 1931; Minister of Labour - NEC, NEC Minutes, 9 February 1932, SATLC papers, Da 2.1; note references in NEC Report to SATLC 2nd Annual Conference, 26-28 March 1932, to the fact that the matter had been taken up with the Minister from time to time but that "no improvement has resulted", SATLC papers Da 2.2
148. Department of Labour Annual Report for 1933, UG 43-1934, pp 79-80
149. The Wage Amendment Act 48-1981, section 4(3) for the first time prohibited sexual discrimination in wage determinations
150. Report dated 28 September 1927 Social and Industrial Review (Special Edition), November 1927, pp 15-16; also quoted in Forward, 18 November 1927

correctly pointed out that the system of non-equal pay for equal work between men and women was only one way in which the working class could be divided.<sup>151</sup> Not only was this one way to keep the workers divided, but it also permitted a lower wage bill than could otherwise have been the case.

The Department of Labour argued that employers had discharged higher paid employees and replaced them with beginners to reduce wage costs during the depression. Women had found themselves retrenched and the Department argued that the Board's policy thus had to be directed towards securing "the greatest good for the greatest number."<sup>152</sup> Lucas, on the other hand, held the opinion that as the proportion of wages's contribution to the cost of production was so small, wage reductions would make no appreciable difference. He argued that since 1929 "when there had been little opportunity to raise wages" the wage regulation instruments had "played a large part in preventing the reduction of wages."<sup>153</sup> His statement was not wholly valid. The Board did reduce wages, but it could be argued within the narrow confines of Lucas' argument that it did prevent the further reduction

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151. Forward, 18 November 1927

152. Department of Labour Annual Report for 1933, UG 43-1934, p 80

153. Lucas, F A W "The Determination of Wages in South Africa" p 56

of wages. During times of depression especially employers would attempt anything to reduce costs. Wage reduction, linked to factors like speeding up the process of production and the extension of the working week, the curtailment of holidays and leave subsidies, would be a factor in the reduction of working costs.

Pursell noted that the depression "destroyed any hopes and illusions that legislation alone could improve living standards and effectively halted the work of the first board."<sup>154</sup> Bozzoli noted that manufacturers tolerated wage regulation because expansion depended on the consumption of their products by consumers:

white workers became the central target for the market-expanding efforts of the new bourgeoisie because the result of their power had been to confront employers with the fait accompli of higher wages. 155

The British trade commissioner in South Africa commented in 1928 that state intervention in the private sector was based on two elements. First, the state wanted to provide employment for the growing white population. Second, it wanted to build up "a substantial body of consumers of good buying capacity to absorb a reasonable proportion of the country's agricultural produce."<sup>156</sup> The onset of the depression and the reduction in wages which followed it appeared to halt the plan to produce a larger consumer market.

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154. Pursell, D "Minimum Wage Regulation and the South African Wage Act" p 239

155. Bozzoli, B The Political Nature of a Ruling Class p 198

156. United Kingdom Department of Overseas Trade, Report on the Economic Conditions in South Africa, June 1928, p 34

Even during the depression doubts were raised concerning the viability of wage reduction as a policy to combat economic depression. The Cost of Living Commission reported that industrial wages in the Union were no more than subsistence wages and deprecated the reductions which had taken place.<sup>157</sup> The Commission argued that to solve South Africa's economic problems the large gap between skilled and unskilled wages had to be closed. That could be achieved by raising African standards of living. It thought that such a policy would in time

increase the earnings of unskilled Europeans and in addition should afford greater opportunities for all alike. For the increased purchasing power which such an achievement would release would be fertile soil for the expansion of South African enterprise. 158

The sentiment of the Cost of Living Commission was echoed by the Industrial Legislation Commission in 1935 when it reported that the idea that wage reduction was the solution to problems had soon been dispelled.<sup>159</sup> Strategists began concentrating more and more on how to create extra avenues of employment to provide markets for products.<sup>160</sup> The Wage Board reported that African purchasing power had not increased "to any extent since the depression" and quoted textile manufacturers who called for a higher unskilled wage to

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157. Cost of Living Commission Report, UG 36-1932, para 34

158. *ibid*, para 97

159. Industrial Legislation Commission Report, UG 37-1934, para 196

160. United Kingdom Department of Overseas Trade, Report on the Economic Conditions in South Africa, October 1935, p 2

boost the purchasing power of the African market.<sup>161</sup> Manufacturers generally appear to have been fully aware of the potential of the African consumer.<sup>162</sup> Wages rose slowly after the depression and African wage regulation was enhanced by the introduction of the 1937 Wage Act.<sup>163</sup>

It is difficult to deduce from the wage Board reports how exactly the economic fortunes of particular trades were affected by wage regulation. As Davies indicated, the Board "cast considerable doubt on the validity of ... figures" it presented "by eg presenting an 'adjusted net profit' as well as a 'stated net profit' figure."<sup>164</sup> The evidence taken as a whole suggests that in general terms South African commerce and industry was not affected adversely by the introduction of wage regulation. The Department of Labour controlled many aspects of the Board's work and held it to a policy that was almost conservative in its moderation. Efficiency was improved, the working week in different trades was brought into line in common with international trends, and any increases in production costs, however minimal, were offset by the positive effects of other factors. An exemption policy was utilised to relax certain provisions for willing but struggling employers. The system of wage regulation was influenced

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161. Report of the Wage Board, Textile trade, 26 November 1936, An 46-1937

162. Bozzoli, B The Political Nature of a Ruling Class pp 195-197

163. cf ch 6, pp 424-6 below

164. Davies, R Capital, State and White Labour, p 250 note 120

by economic conditions and the onset of the depression forced wage reductions to be effected. The Department insisted that regulation had to be gradual yet firm. It is quite possible that the change that occurred, partly as a result of enforced wage regulation, included an increase in the tempo of mechanisation. The reorganisation of South African industries before the depression, the protection accorded to some to build them up, and the recognition of the importance of and subsequent creation of an internal consumer market all assisted the strident economic development which took place during the 1930s.

## CHAPTER 5 : The Wage Act as an instrument of the Civilised Labour Policy

The division of labour between skilled and unskilled workers along racial or ethnic lines was not unique to the Union. Frederickson has shown how in the United States blatant discrimination was replaced in some southern States after the Civil War (1861-5) by a system of legal and extra legal practices to maintain the discriminatory status quo ante. Racial exclusion in the trade unions was due mainly to skilled workers' fears about competition from semi-skilled/unskilled operatives.<sup>1</sup> He concluded that a common factor between America's south and South Africa was "the problem presented to a white labour movement by a growing disposition on the part of employers to manipulate the 'split labour market.'"<sup>2</sup>

Professor Henry Clay, chairman of the South African Economic and Wage Commission, remarked in 1930 that perhaps the Conciliation Act, which to all intents and purposes effected the same discriminatory results of the Wage Act, was meant "to stereotype the very wide gap that exists between the rates usually paid to white workers and those paid to natives."<sup>3</sup> Against his recommendations, but in

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1. Frederickson, G White Supremacy, pp 212-223

2. *ibid*, p 222.

3. Industrial Relations in Southern Rhodesia Report. CSR3-1930 *passim*, quote p 7

line with his fears, the Southern Rhodesian government of the day passed an Industrial Conciliation Act which was based on the Union's 1924 Act, by excluding Africans from its provisions.<sup>4</sup> The Act further allowed for the extension of its specifications to unskilled workers in municipal employment. Whilst "on the face of it" this was to protect African workers, it was later admitted that the clauses could be used "to prevent the so-called dilution of labour by Africans." It aimed to prevent Africans from competing, where necessary, "in the skilled trade with Europeans because the employer is unlikely to employ an African at European rates in preference to a European."<sup>5</sup> By 1951 the Act had not been involved in this way in Southern Rhodesia, partly through white trade union pressure and partly through wide-spread unchecked evasion by employers.<sup>6</sup> To what extent the legislation was used to buttress or implement a north Limpopo equivalent of the civilised labour policy whereby jobs would be created, not only made secure, for whites does not concern us here. What is important is that the

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4. *ibid.* Act 10-1934 cf Harris, P "Industrial Relations in Rhodesia" for a general survey of the topic. Lundhal and Ndlela, "Land Alienation, Socialism, and Economic Discrimination: South Africa and Rhodesia" provide a more ambitious, economic model analysis of labour supply formation.
  5. Conference on Closer Association in Central Africa : Comparative Survey of Native Policy in Southern Rhodesia, Northern Rhodesia and Nyasaland. p 84 cf also pp 6, 20-21, 22, 82-88
  6. *ibid.* pp 84-5

notion of indirect legislative discrimination was not restricted to the Union.

Within the Union itself, the discriminatory organisation of labour was a phenomenon not unique to the years of the Pact's administration. Racial discrimination in the labour field had flourished in southern Africa for many decades. It was most pronounced in the mining industries from the time of the discovery of minerals. Discrimination in manufacture followed the mining boom as secondary industries became more important in the general economic organisation of South Africa. Attempts to regulate the development of secondary industries and to control the restive white labour force were conducted piecemeal. The colonial and Union governments recognised the problems of industrial development, but other interests prevailed. The Pact Government was unique in that it was prepared to tackle the problems of labour organisation and industrial development in the area which previous governments, for a variety of reasons, had either avoided or neglected. This area was the private sector, the burgeoning terrain of a nascent yet rapidly growing industrial bourgeoisie. It was the domain of expanding factories, private business and the concentration of capitalist industrial development. The civilised labour policy differed from its antecedents in that it extended the concept of actual white employment and white advancement in industry beyond the confines of the mining establishments and the civil service to

private business.<sup>7</sup>

The replacement of blacks by whites in government service had been practised by the South African Party government, but was more actively promoted by the Pact government. The Cape Coloured Commission, for example, reported in 1937 that between 1924 and 1933, the number of whites employed on railways and in harbours rose by nearly thirty per cent. The number of Africans for the same period dropped by just over twenty six per cent. From 1934 to August 1936 the number of whites dropped by approximately ten per cent, and Africans increased by about the same percentage.<sup>8</sup> Boydell informed the Orange Free State Municipal Congress in 1926 that since the Pact came to power the employment pattern within his Department of Posts and Telegraphs had altered dramatically. In Smuts's time 445 whites and 900 Africans had been employed. That situation had changed so that by 1926 there were more than 1200 whites and only 200 Africans employed.<sup>9</sup>

Pressure was also brought to bear on municipal authorities to employ more whites. The carrot of fifty per cent government

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7. For a discussion of the origins of the civilised labour policy and its theoretical development, cf above, ch 2.
  8. UG54-1937 p 44. "Table showing labouring staff on the SAR and H 1916 to 1936 according to data supplied by the Administration." Union Statistics for 50 years G15
  9. Star 25 November 1926. Boydell Archives. Albums, vol 13

subsidies to help cover the extra cost involved was graciously extended to hesitant municipalities. Boydell pointed out in 1926 that 19 municipalities in the Union employed 18 737 unskilled Africans to only 1 228 whites and suggested that these figures alone indicated one avenue at least for increased unskilled white employment.<sup>10</sup> Municipalities on the Reef, for example, employed whites in abattoirs as cleaners. The meat trade was one area singled out for increased white employment.<sup>11</sup> Plans for the extension of white employment on Provincial schemes were also put into effect.

These attempts to secure employment for whites at the expense of Africans were supported by the Labour Party into the 1930's. Whites were to be employed in government departments as "an example to private employers".<sup>12</sup> Unemployment among whites was to be alleviated by replacing African drivers with whites in the SAR and in "any Government Municipal undertakings."<sup>13</sup> All Provincial works were to be confined to whites; foodstuffs

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10. Star 6 October 1926, reporting Boydell's address to Transvaal Municipal Congress, Ermelo. Boydell Archives. Albums, vol 13
  11. Report of the Wage Board into the Meat Trade, Certain Areas, 10 July 1933. An 307-1934
  12. Benoni Branch of SALP resolution to Transvaal Provincial Conference, 4-5 September 1926, carried unanimously. The term 'white' in the original resolution was altered to 'civilised'. SALP Archives Box 32, item 4
  13. Resolution 2(d) to 1928 Transvaal Provincial Conference of SALP SALP Archives. Box 32, item 5

meant for white consumption were to be produced and handled "only by Europeans" and the colour bar as enunciated in the mining regulations was to be strictly enforced.<sup>14</sup>

Notwithstanding the statements of Boydell and others, the Department of Railways and Harbours and the Minister of Native Affairs denied that a policy of replacement had been embarked upon. Both parties claimed that whites had taken the place of Africans as a result of "natural wastage"<sup>15</sup> or that it occurred "only when Natives leave ... their places".<sup>16</sup> The government claimed in 1933 that although 25 000 white and coloured were employed as a result of the civilised labour policy, it was not "unmindful of the interest of the uncivilised labourer." The policy concentrated on whites and coloureds because it was "the civilised labourer mainly and not the uncivilised" who was "walking about unemployed".<sup>17</sup>

On the other hand it was conceded by a number of people that displacement had taken place as a result of government policy.

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14. Resolutions 2,3 and 7, all carried, at Transvaal Provincial Conference, 7-8 June 1930. SALP Archive Box 33, item 1
  15. Cape Coloured Commission Report, UG 54-1937 pp 43-4
  16. "Distress and Unemployment among Natives" Report of an interview with the Honourable the Minister of Native Affairs on Wednesday October 26, 1932. SAIRR Archives B71.1
  17. P A Euvrard, private secretary to Minister of Labour, to unidentified addressee 3 July 1933. A B Xuma Papers, 330703 a

One such individual was Edgar Brookes, who in 1934 went further to say that

the loss of wages to the native community under the headings [in the Industrial Census] 'State, Provincial and Municipal Employment' had been almost exactly compensated for by the increase in the wages paid to native by private employees.

The government ought not to intervene to change the situation Brookes continued, as interference might have led to the "specialisation of our poor whites as road and Railway navvies while our natives take their place in the more skilled industries."<sup>18</sup> Direct representations to the government were also made. An African member of a Johannesburg Joint Council deputation to the Minister of Native Affairs in 1932 pointed out that they did not want to see an end to the "White Labour scheme," but that they disagreed

that men who have given the best years of their lives to their work should be sent away to work on dams. Most of them have formed permanent connections in the towns where they have worked for many years and now they are prevented from going on with that work and are uprooted and are sent to other districts. There is no position for them there. My own brother is in the Transkei, where the Glen Grey system has

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18. Brookes, E "Memorandum on the Questions - (a) whether a definition of spheres of labour between whites and non-whites is possible, and (b) if so, whether and how such definitions can be effected." 1934. SAIRR Archive, 71.4.3

been introduced, has no land of his own: he must squat on my father's allotment. 19

At least three different contemporary interpretations of the situation can thus be identified. On the one hand the civilised labour policy did not result in the purposeful exclusion of blacks, mainly Africans, from employment in government service. The belief was clearly not based on the available evidence mentioned above which indicated quite clearly that replacement had taken place. Another view was that the displacement caused in one sector was absorbed in the private sector. This assertion is more difficult to sustain because of the lack of reliable statistics. The general expansion of the economy after the depression certainly led to greater employment, but we argue below that white employment increased at a faster rate than African employment. At the other end is the suggestion that those displaced were not absorbed and were actually rooted out and forced to the outlying districts. This assertion is supported by statements about the positive effect of wage regulation on the agricultural labour supply: African workers no longer employed could find work on farms.

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19. "Distress and Unemployment among Natives" SAIRR Archives 71.4.3  
The African delegates were, as quoted by the document, Mr Bud Mbelle, Selby Msimang, Motau, P S Selokwane - "native teacher from Pretoria", W Mabana, Dr Xuma (?), Mr Masute (?) The spokesman quoted in the text is not identified.

A closer examination of how the operation of the Wage Act and related statutes affected the racial composition of labour will provide some indication of how the civilised labour policy was administered in the private sector.

In May 1926 the Board defined its position on racial discrimination. The Town Clerk of Bloemfontein had asked the Board to investigate conditions of Africans in the city after the 1925 disturbances.<sup>20</sup> The Board claimed that the Wage Act made "no distinction between employees on the ground of race or colour." The distinction could not be made as it was "common knowledge" that whites and Africans often did the same class of work. If a distinction was drawn between Africans and non-Africans in this case, the Board would be singling out

certain employees only from a group of employees in the same way as it would if it dealt only with red-haired or blue-eyed employees. The Board, therefore, holds that employees cannot rightly be classified as natives or non-natives though they may be rightly classified [sic] as skilled or unskilled. 21

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20. cf, ch 6, pp 364 below for a detailed analysis of the Wage Board investigation in Bloemfontein
21. Report of the Wage Board, Unskilled Employment in Certain Undertakings, 2 May 1928, quoting reply of Board. Social and Industrial Review (Special Edition) 1(17) 29 June 1928. Also quoted in 1929 Wage Board Report, p 7; 1931 Wage Board Report pp 8-9

In November 1926 the Board reiterated its statement that it did not propose to operate "as a colour bar body".<sup>22</sup> Although the Board's bona fides with regard to its self-attributed status as a non-colour bar body are challenged below,<sup>23</sup> its statements can at this stage be taken at face value. Despite the Board's protestations about its inability to act in a racially discriminatory way, the issue was taken up in the courts of the land.

In 1928 an <sup>employer named</sup> Lewin was convicted for the underpayment of employees whose wages were regulated by the determination in the furniture industry which ran from June until 30 September of that year.<sup>24</sup> He took his case on appeal to the Transvaal Supreme Court after his conviction in the Johannesburg magistrate's court. His appeal was turned down and he then went to the Appeal Court in Bloemfontein. Although Lewin effectively won his case,<sup>25</sup> both courts rejected counsel's argument that the Board could discriminate between

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22. Report of the Wage Board, Clothing Industry. 28 September 1927. Social and Industrial Review (Special Edition) First Special Edition November 1927. Also quoted in 1929 Wage Board Report pp 7-8

23. cf pp 308 ff below

24. Social and Industrial Review, 1(9) 25 May 1928

25. The Determination was declared ultra vires because the Appeal Court overturned the Transvaal Court's conclusion that the special editions of the Social and Industrial Review could be classified as newspapers in terms of the Act. cf, ch 3, pp 218-9 above

African and white employees. Mr Justice Tindall of the Transvaal bench had disagreed that the sections of the Act which counsel for the appellant mentioned indicated that the Board could discriminate.<sup>26</sup> He was of the opinion that

The fact that the Legislature has set up as a criterion a civilised standard of living negatives the view that the Board can concern itself with the question whether the employee is a Native of European. 27

Mr Justice Stratford handed down the decision of the Appeal Court on 19 March 1930. The "civilised habits of life" clause, section 3(3), of the Wage Act was to be interpreted to mean that "the measure of a minimum wage recommended by the Board" should be "the cost to the employee to support himself 'in accordance with civilised habits of life'." No discrimination in terms of race was to be permitted.<sup>28</sup>

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26. N E Rosenberg, for Lewin, referred to section 3(2)(a),(c) and (d) and section 7(1)(a) of the Wage Act. Section 3(2) detailed that the Board had to take a number of points into consideration when reporting to the Minister: sub-sections (a),(c) and (d) mentioned the labour conditions and remuneration of the trade, the ability of employers to continue successfully if a determination was made, and the cost of living in the areas affected respectively. Section 7 dealt with the various powers vested in the Minister. Sub-section 1(a) permitted him in certain circumstances, to determine rates of wages to employees "to meet special conditions and qualifications." R vs Lewin (1930 AD 344) quote at p 345, cf 1931 Wage Board Report, p 9
27. 1931 Wage Board Report p 10
28. The other three judges concurred with Stratford. R vs Lewin, (1930 AD 344) cf pp 350-1. R vs Lewin TPD 1929 is not reported.

Although the ruling of the courts on the racial issue was clearly defined, the implementation of the ruling in an essentially discriminatory system was not lost on Justice Tindall. He remarked that

A native may complain that the result is that he is ground between the upper and the nether millstone; where no discrimination is made he suffers under the Wage Act because the raising of the scale of wages makes his employment too dear, while, where there is a discrimination, as, for example, under Act 16 of 1926 [the Colour Bar Act] providing for a colour bar in certain kinds of employment, he is not allowed to compete because his employment is too cheap. But such a result would not justify the Court in departing from the ordinary meaning of the language used in the Wage Act. 29

The Court could not do otherwise, but its effective capitulation in this matter indicated that it could only operate within the structures of the particular society in which it existed. The limitations of the law per se were thus clearly indicated.

The Appellate Division's judgement came in the wake of a series of reverses for Africans who had turned to the Wage Act to seek redress of their grievances. The ICU's attempts in Durban and Kroonstad to get a determination failed. Only in Bloemfontein

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29. Quoted in 1931 Wage Board Report, p 10

was a determination secured for unskilled workers. The Regulations to the Act were amended to ensure that applications were signed by applicants, thereby excluding the vast mass of unskilled workers who were largely illiterate. By the time the Courts ruled, the vast majority of Africans had effectively been removed from any of the benefits of the Wage Act. The final rebuff was formally announced in September/October 1930 when the government instructed the Wage Board to refrain from recommending wages for unskilled workers.<sup>30</sup>

The Board was not unmindful of the possible effects of wage regulation on the racial composition of the labour force, and later conceded that it was obviously clear "that wage levels though fixed without discrimination do affect the race composition of the employees."<sup>31</sup> The Board turned its attention to this discriminatory aspect in its 1929 three year report. It could not ignore the "existence of different races at different levels of civilisation", and rationalised its action as follows:

Unskilled work ... is almost generally performed by natives, whose standard of living is much lower than that of the Europeans, of most coloured, and of many Asiatics. Such a fact must be recognised in wage legislation, and the Board,

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30. These points are all expanded on in ch 6

31. Department of Labour Annual Report, 1937, UG 30-1938, p 65

therefore, has had, in determining wages for what may be regarded as unskilled work, to pay regard to what is the customary level of wages for native unskilled workers. On the other hand, for skilled work, which is generally performed by highly trained Europeans, any wage proposed must take into account the standard of living of Europeans of the type which is capable of acquiring training. The wage proposed for such occupations will ... need to be one on which the employee can maintain himself according to the normal standard of living of such European employees. 32

The opinions of two members of the Wage Board, Lucas and van der Horst, can be cited in this regard. They are of interest for their similarity, notwithstanding the fact that the latter submitted the only minority reports of the Board to 1937.<sup>33</sup>

In 1933 Lucas commented that the Board had, largely unsuccessfully, "tried by stages to raise the wages payable for work, other than that of labourers, to what may be considered a civilised wage".<sup>34</sup> This meant that in the case of labourers, the Board had not tried to increase wages to a civilised level at all. Roux's statement that one had to concede that Lucas did not subscribe to the view that

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32. 1929 Wage Board Report, p 8

33. These were in the Native Trade, An 211-1934, 27 September 1933; Tea, Coffee and Chicory Packing, An 176-1933 ii, 13 April 1933; Passenger Transport Undertakings, Cape Town, An 96-1933 ii, 23 February 1933

34. "The Determination of Wages in South Africa" p 55

the Wage Board was to be used exclusively for the benefit of white employees must be qualified.<sup>35</sup> Granted, Lucas did urge increases in African wages from time to time but his statements were always bounded by other considerations.<sup>36</sup> African upliftment was always linked to the prospect of white regression. If African wages were not raised, if the wage gap was not closed, the whites would "go down further and further."<sup>37</sup> The only consideration in the determination of wages was "the minimum upon which the employee can live according to a decent standard of living."<sup>38</sup> For van der Horst, the wide wage gap was "a stumbling block to the fuller employment of Europeans." Ideally, the Union needed "to have a minimum wage which would be sufficient to attract European unskilled employees and which would enable them to support themselves in accordance with civilised standards of life." He claimed that Africans might not necessarily be ousted, as employees would

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35. Roux, E Time Longer than Rope, p 208

36. cf, for example, UG 14-1926, Minority Report, ch III; Native Economic Commission, UG 22-1932, Minority views of Lucas, Anderson and Roberts, para 1009-1056; reports of speeches made on his retirement, Umsebenzi, 20 July, 31 August, 26 September, 1935; Lucas, F A W South Africa as She Might Be pp 2-3

37. Quoted, Umsebenzi, 20 July 1935

38. Report of a Majority of the Wage Board, Tea, Coffee, Chicory 26 August 1933. An 144-1934

compete on equal terms. He further complained that the system whereby unskilled wages were largely determined by African living standards meant that they monopolised unskilled work "as Europeans and, in many cases, Coloureds could not possibly exist on such wages." An increase in African wages in trades which were unlikely to provide white employment "would simply mean increasing the wages of ... unskilled Native employees to an amount in excess of their requirements."<sup>39</sup> It was for this latter reason that he could not support the majority recommendations. In other words van der Horst's difference did not lie in the ideal goal of regulation, the security and extension of white employment, but rather in his interpretation whether the trade was suitable or not for white employment. It is also possible that he did not believe in the policy of increasing African wages to promote the development of an African consumer market either. He went further in his report on the tea trade when he unguardedly argued that

Large profits cannot ... be regarded as the sole reason for laying down huge minimum wages. Other factors such as the amount of skill required, wages in operation in other industries for similar work or occupations, the race of the employee, as well as the cost of living, should be taken into account when arriving at a minimum wage. 40

/ Emphasis added IP /

The new Wage Board appointed in 1935 did not depart from the

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39. Report of a Minority of the Wage Board, Native Trade 27 September 1933. An 211-1934
40. Report of a Minority of the Wage Board, Tea, Coffee, Chicory 13 April 1933 An 176-1933 ii

essential philosophy of the old Board. They argued that although there was "some substance" in the racist claim that "the average native does not appreciate finer distinctions in skill and responsibility which are a feature of the psychology of more sophisticated races," more and more Africans were entering the Labour market as operatives. The Board had to take cognisance of the latter fact in preference to the subjective psychological claim for lower wages in order to protect white semi-skilled employment. The only options open to the Board were either to reduce wages to the labouring rate or increase wages to a semi-skilled rate.<sup>41</sup>

From an early stage of its existence the Wage Act was administered in such a way that the extended white employment policy, couched in the civilised labour terminology but not sacrificed to the interest of industrial development per se, proceeded apace in the private sector. A number of areas can be enumerated. The Board's reports are permeated, firstly, by statements about the possibilities for increased white employment. That policy was made possible through the extension of notices, where these groups had initially been excluded, to the Board to cover Africans or unskilled occupations and by the implementation of "supplementary

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41. Report of the Wage Board, Meat Trade, Durban, Rep No 392, 22 December 1937, An 55-1938 ii

investigations", which were intended to underpin existing industrial council agreements. Secondly, the prescription of apprenticeship, training, ratio, wage rate scales and retrenchment requirements ensured bias in favour of white employees. It is to a consideration of these factors that we now turn.

From time to time the Board made explicit statements which indicated its support for the concept of increased white employment. In the sweet and biscuit, dyeing and cleaning trades it argued that there was little scope for skilled white employment whilst wages were kept low and the division of labour which favoured African and coloured employees continued.<sup>42</sup> The Board urged that scope for apprentices and skilled labourers did exist in these trades. They argued that wages fixed at higher rates would alleviate the difficulties of getting white labour, a complaint often made by employers.<sup>43</sup> Further, reasonable wages would encourage a "good type" of white employee. Low wages ensured that employees only remained in the job "merely to tide over some temporary embarrassment and in the hope of something better turning

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42. Report of the Wage Board, Sweets, Social and Industrial Review (Special Edition) September 1926, pp11,20; Report of the Wage Board, Biscuits, Social and Industrial Review (Special Edition) September 1926, p11; Report of the Wage Board, Dyeing and Cleaning Trade, Social and Industrial Review (Special Edition) 1 June 1928 p 261

43. Report of the Wage Board, Furniture, Social and Industrial Review (Special Edition) December 1926 p 26-7

up."<sup>44</sup> In the meat trade, for example, the Board reported that the long hours worked discouraged whites and that the wide wage gap provided no incentive to employers to employ apprentices.<sup>45</sup> It appears that the Board supported apprenticeship in trades which could fitfully employ more whites and provide them with necessary training. The Board, approvingly, quoted the Board of Control set up under the Profiteering Act, 1920, in its report for 1922 that if conditions improved in the meat trade, it would become suitable for white employment.<sup>46</sup> More definitely, the Board stated that

so long as the wages paid to the majority of the employees engaged in slaughtering continue at anything like their present low level, it will be idle to expect the trade to offer any materially increased scope for the employment of Europeans. 47

[Emphasis added. IP]

In 1934 the Board made the general comment that the increased mechanisation, the restructuring of the labour forces which involved a reduction in the numbers of "highly qualified specialists and an increasing number of machine minders" who could in many instances be called unskilled, and the consequent weakening of the old craft union structure brought with them the prospect of lower wages.<sup>48</sup>

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44. Report of the Wage Board, Dyeing and Cleaning, Social and Industrial Review (Special Edition) 1 June 1928 p 261
45. Report of the Wage Board, Meat Trade, 21 December 1933 An 307-1934. All areas, except Port Elizabeth and Durban
46. Report of Wage Board, Meat Trade, Port Elizabeth 29 October 1930 An 53-1931
47. Report of Wage Board, Meat Trade, Durban, 9 June 1933 An 77-1934
48. For discussion on trade union developments and politics, cf ch 1 pp 100 & above.

The problem lay in the fact that unskilled employees had only rarely been taken into consideration for membership and protection by white trade unions. Deskillling seriously affected white employees. There was a "grave danger of a large number of comparatively well paid Europeans being ousted from industry because of there being no call for their superior training." Their only protection lay in raising unskilled wages "to a level at which the European employee can maintain his standard of living."<sup>49</sup> The factor of the split labour force, whereby white, 'privileged' workers were ranged against African unskilled workers was marked by fierce competition between the different sections.

The provision of employment possibilities for whites classed as 'civilised labour' was most clearly indicated in the reports of the Wage Board which dealt with supplementary investigations. These investigations acted to supplement the Industrial Conciliation Act in that they took into account employees excluded from the scope of that Act. These employees included pass-bearing Africans in the Transvaal and Natal. The Wage Act was thus used to ensure

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49. Report of Wage Board, Engineering Industry, 30 April 1934 An 914-1934. This report is also quoted in part in Department of Labour Annual Report for 1935. UC 11-1936, p 80

that the wages of all employees in industries covered by industrial council agreements could be regulated.

The first references issued to the Board appear to have been intended as supplementaries. During the course of the early investigations it became clear that industrial council agreements had led to the dismissal of certain classes of white employee. Employers had retrenched white workers who had to be paid the prescribed wage and had employed Africans in their places as the latter were not covered by the industrial council agreements and thus did not have to be paid the prescribed wage. In order to circumvent employers from discriminating against more expensive white workers in the manner described, the Minister withdrew the early references and issued new ones which included packing, dispatching and the delivery of goods.<sup>50</sup> Notwithstanding the extension or amplification of these references, the practise of dismissing whites and the employment of African workers at lower rates of pay continued. White worker unease and concomitant state concern prompted the Minister of Labour to urge the Wage Board to formulate a solution. The Board concluded that all employees excluded per definition from the ambit of the Industrial Conciliation Act formed a class of employee in terms of the Wage Act. This view, which cleared the way for the Board to investigate the wages of

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50. This was done in the sweets, biscuit, confectionary and hats, caps and clothing industries, cf references to the Board dated 26 February, 8 April, and 4 May 1926 as included in Social and Industrial Review (Special Edition) September 1926. Glass Bevelling and Silvering ref 4 August 1926, Social and Industrial Review (Special Edition) December 1926

employees in industries covered by industrial council agreements, was endorsed later by the Supreme Court in 1927.<sup>51</sup> The Board was able to operate in this way until 1930. In that year the Industrial Conciliation Act was amended. The Minister was henceforward enabled to specify wages and hours for employees excluded by the Act's definition if an industrial council or conciliation board reported that the exclusion of such employees would defeat the aims of agreements by creating the possibility of their employment at the expense of those groups covered by the agreement.<sup>52</sup>

By June 1926, the Minister of Labour had issued references to the Board which covered packing, dispatching and the delivery of goods as well as the class of employees excluded from the Industrial Conciliation Act. The industries investigated in this way were the furniture making, leather and tanning, baking and bespoke tailoring trades.<sup>53</sup> In these industries, the investiga-

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51. Rex vs Barone (1927 TPD 478)
52. s 7(h), Act 24-1930 added sub-section (4) to s 9 of the 1924 Act, as well as other minor amendments.
53. Pursell, D "Minimum Wage Regulation under the South African Wage Act", p 107 includes clothing (Union) and hairdressing (Witwatersrand and Pretoria) in the list. The inclusion of clothing in his list is curious. No references to the Board suggest that it was a supplementary investigation (1929 Wage Board Report pp 48-55 Social and Industrial Review (Special Edition) September 1926, November 1927; December 1927; June 1928, An 161-1931) Furthermore, supplementary investigations mostly affected the Transvaal and Natal, but more so the former. The furniture trade was investigated as a supplementary throughout the Union and is dealt with later. A clothing industry Industrial Council agreement was in operation with apparent success (1929 Wage Board Report p 49) The hairdressing trade is dealt with below as it forms a different type of supplementary investigation to that discussed here.

tions were conducted with an eye to preventing the substitution of African for white labour.<sup>54</sup> Of these industries, the Wage Board specifically mentioned the baking and furniture trades as areas in which problems of white displacement were particularly acute.<sup>55</sup> As the two trades illustrate different points about supplementary investigations, they have been chosen as case studies to emphasise this type of investigation.

An industrial council was formed in September 1925 by the Joint Board of the Baking Trade. The agreement was between the Master Bakers' Association and the Witwatersrand Baking Employees Trade Union and was to operate from 1 November 1925.<sup>56</sup> This agreement for the Witwatersrand and Pretoria areas sought to ensure that the number of Africans in any bakehouse did not exceed the number of employed whites. The wage for general helpers was set at 10/- a week and members of the Council argued that they "had in mind the employment of natives as such" at this level. Some three or four months later the implications of the definition of "employee" in the Industrial Conciliation Act was fully realised when Africans were employed in the place of whites. It was freely

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54. Porsell, *ibid* pp 107-8 is correct in this. Davies is mute on the topic of supplementary investigations, perhaps as a result of the choice of the sweet industry as his case-study. Such reliance is inadequate for a fuller idea of how the Board operated, as will be indicated below. Davies, R Capital, State and White Labour pp 210-224
55. 1929 Wage Board Report p 23
56. An 56-1938 ii, Report no 395, 22 December 1937. All references hereafter are to the Baking and Confectionery trades, unless otherwise stated.

admitted by the chairman of the Witwatersrand Master Bakers' Association that strict adherence to the agreement would have resulted in the employment of "at least one hundred more whites." This latter figure, the Board pronounced, was "probably a conservative one." Clearly, the Master Bakers were employing Africans instead of whites and coloureds in order not to pay the agreed minimum wage. The agreement operated to restrict possibilities of employment to both whites and coloureds. "Unequal competition" arose between two types of employer: those who relied on almost entirely white workers and those who depended on African workers, and the Board was therefore requested to investigate the trade.<sup>57</sup>

Prior to making its recommendations the Board co-operated with the Industrial Council and secured amendments to rationalise the agreement which became operative from December 1926.<sup>58</sup> In its "essential features" the new determination corresponded to the agreement.<sup>59</sup>

Before the Determination was due to expire, the Board was issued with new references.<sup>60</sup> It is at this point that the operation of

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57. Social and Industrial Review (Special Edition) September 1926, Report dated 9 August 1926. 'Witwatersrand' in this context included the magisterial districts of Krugersdorp, Johannesburg, Germiston, Boksburg, Benoni and Springs.
58. 1929 Wage Board Report, p 31
59. Social and Industrial Review (Special Edition) September 1927, Report dated 12 July 1927
60. The August determination had been declared ultra vires in November. Social and Industrial Review (Special Edition) May 1928

the supplementary determination becomes interesting. Until the end of 1927, Pretoria and the Witwatersrand were covered by the same reference which covered non-Conciliation Act employees. The new references split the two areas and only covered Africans in the Witwatersrand reference.<sup>61</sup> During the Witwatersrand investigation the Board was urged to reduce the wages for occupations in which Africans mainly were employed to below the minima established by the Industrial Council Agreement. No such plea was urged in Pretoria. In the former case the Board, significantly, refused to accede to the request because "in the light of past experience, many employers would exclusively employ natives as table-hands at such lower wage." A point which weighed heavily with them was that evidence was produced to indicate that many qualified table-hands were unemployed.<sup>62</sup>

The question arises as to why the Pretoria reference of December 1927 was no longer a supplementary one and the Witwatersrand was. The Board stated that invalidations notwithstanding, the determinations had "exercised a marked effect upon the wages and other conditions of employees in this industry," as the majority of employers endeavoured to abide by the provisions.<sup>63</sup> With specific reference to Pretoria, the Board remarked that separate

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61. Witwatersrand, Social and Industrial Review (Special Edition) February 1928, report dated 7 February 1928. Pretoria, Social and Industrial Review (Special Edition) May 1928, report dated 25 February 1928

62. "Table-hand" was generally defined as "an employee (other than a Grade I employee, an apprentice, or a juvenile) who assists a baker in the mixing or making of dough by hand or machinery, or in the making or baking of bread." Social and Industrial Review (Special Edition) 15 March 1929 p 433, Definitions of occupations were included in all Determinations.

63. 1929 Wage Board Report p 31

references were necessary as "conditions prevailing in Pretoria differed considerably from those existing on the Witwatersrand." It will be recalled that an initial motivation behind the 1925 agreement was that Africans ought not to outnumber white employees "in all branches of the industry connected with [a] particular bakehouse."<sup>64</sup> A comparison of the employment figures in racial terms up till 1927 indicate that Pretoria had succeeded in that task whilst the Witwatersrand had not. In Pretoria white employment rose 22% to reach over 50% in September 1927. On the Witwatersrand in May of the same year, Africans numbered nearly 52% of the workforce.<sup>65</sup>

The Pretoria determination was declared invalid in March 1930 because the Supreme Court found that the definition of table-hand, baker and grade I assistant were too vague.<sup>66</sup> The Board was instructed to investigate in July and it reported in October.<sup>67</sup> Unable to recommend civilised wages the Board was then instructed to issue a recommendation which it deemed fit.<sup>68</sup> It was whilst

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64. Social and Industrial Review (Special Edition) September 1926

65. Table 1, p ~~44~~ below

66. Rex vs Gerstuera 1930 TPD Upheld by Appellate Division, (1930 AD 420)

67. 1931 Wage Board Report p 12 An 122-1931 report dated 23 October 1930

68. It will be recalled that if the Board could not recommend a 'civilised' wage, the Minister could then either instruct it to issue a recommendation it deemed fit, or let the matter drop.

engaged with this industry that the Board received a ministerial instruction that they were to suspend recommending wages for occupations in which Africans predominated pending the report of the Native Economic Commission.<sup>69</sup> The Board complied by amending their recommendation accordingly.<sup>70</sup> In the event, notwithstanding the drop in white employment which occurred after 1927, due partly to the depressed state of industry, the Minister did not proceed to issue a determination under the Wage Act. An industrial council agreement was entered into by the employers and employees under the amended 1930 Conciliation Act by the time the Board reported. It operated from July 1930.<sup>71</sup>

The Witwatersrand Baking trade developed differently. As already indicated, the Board and Labour Department clearly considered that the number of whites employed in 1927 did not fulfil the requirements of the agreement. Thus the investigation had to remain a supplementary one to attempt to bring the Witwatersrand up to the standard of Pretoria. Constant problems beset the determinations which came into effect. In July 1928 the Board was requested to make a recommendation for a fresh determination to replace Determination 13 in operation at the time. The determination was declared ultra vires on a "technicality" in September.

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69. cf ch 6 pp 410-11 below

70. An 122-1931, report dated 31 October 1930

71. 1931 Wage Board Report pp 84-5

The Board reported from time to time that it could not recommend civilised wages.<sup>72</sup> Eventually a new determination came into operation, was itself declared ultra vires, but because the Conciliation Act was amended there was no longer any need to request supplementary investigations as had occurred at every instance up till that time.<sup>73</sup> The industrial council agreements had been "applied with a varying degree of success during the years 1927-1931." Agreements covered the industry under the new Act from 1934. In that year and again in June 1935 the operative agreements for the Witwatersrand were declared void, both times on technicalities arising out of defects in the constitutions of employers' and employees' organisations. The Wage Board wryly commented that "in this industry wage legislation has had a most unfortunate history in the courts, no fewer than five wage determinations and six agreements having been declared ultra vires between the years 1925 to 1935." Bickering within the employers'

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72. cf reports dated 11 October 1928, 15 January 1929, 28 January 1929, in Social and Industrial Review (Special Edition) 15 March 1929, and reports dated 30 May and 6 June 1929 in Social and Industrial Review (Special Edition) 12 July 1929 1929 Wage Board Report and the 1931 Wage Board Report refers to the last recommendation in 1929.

73. 1931 Wage Board Report p 84

camp prevented the negotiation of a new agreement.<sup>74</sup> The Witwatersrand Baking Employees Trade Union applied for an investigation "with a view to re-establishing wages and conditions of employment on a satisfactory and stable basis." Informal discussions were held between employers and employees and an informal agreement was passed on to the Board for ratification. It became evident that under the 1934 Agreement the stipulated wage for bakers had only been paid to whites. The Board refused to accept the informal agreement. Wages for bakers were then set at a slightly lower level asked for by the white union, at a level satisfactory to employers, and a great deal higher than that proposed by Ballinger and Gordon who represented African employees. Ballinger and Gordon feared that a wage as high as that set by the Board, namely £5.0.0 per week, would cause dismissals among African employees "in view of the fact that the law prevented recognition of a native trade union and that no protection was afforded the Bantu by the European Union."<sup>75</sup> As will be seen below, African workers had organised themselves into a Native Bakers Union on the Witwatersrand in 1928. It is possible that their activities in monitoring the determination, linked to threatened strike action, prevented employers on the Witwatersrand from replacing them by whites to the same degree

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74. The Price Protection Association wanted to introduce a system for the Master Bakers' Association whereby one firm would have one vote. The registered body permitted one firm to have one vote with one additional vote for every employee paid more than £4.10.0 per week. This prevented larger employers from being swamped. The conflict was based on the payment of wages: smaller firms were adversely affected by the status quo which favoured larger employers. Attempts to change the constitution in the favour of the former must be seen as small firm opposition to wage increases and points to, or at least their fear of, their possible demise. An 56-1938ii Report no 394 22 December 1937

75. An 56-1938 ii Rep 394 and rec 395. 22 December 1937

as happened in Pretoria where no union action was noted.<sup>76</sup>

The Baking and Confectionery trade on the Witwatersrand and Pretoria had thus come full circle. Joint references in 1926 did not take into consideration the class of employees excluded by the Conciliation Act. The reference was altered to attempt to promote employment of whites at the expense of blacks, but mainly Africans. Success in these efforts in Pretoria produced a separate reference for the area which apparently no longer needed a supplementary determination even before the 1930 amendment. The Witwatersrand still lagged behind although white employment did increase. After 1930 the need for supplementaries fell away and the industry there was regulated by industrial council agreements. The Board was asked to issue a recommendation by white trade unionists to re-establish so-called satisfactory conditions after the failure to negotiate a further council agreement. The Board's investigation and recommendation fell within the general style of Board activity: the stipulation of wages at such a rate as to ensure white employment and job security without an explicit racial bias.

The furniture industry was the other trade singled out by the Board as seriously affected by the exclusion of pass-bearing Africans from the Industrial Council Agreement. The agreement operated from August 1926 but was declared ultra vires in

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76. cf ch 6, pp 407 below

September of the same year.<sup>77</sup> The agreements which followed lasted until October 1929 when they were not replaced.<sup>78</sup>

The Board received its first reference in June 1926 and this was a supplementary one for the area of the whole Union. The Board could not issue a recommendation similar to the terms laid down in the agreement "because of anomalies and inconsistencies in the agreement" and because serious dislocation would occur in certain branches of trade, dominated by African labour employed "at wages far below the minimum laid down in the agreement", if they were paid the higher rates. The reasons for the Board's failure to issue some recommendation were the same as those for other supplementary investigations. The Board feared that either "European and coloured people would be payed at rates of pay lower than those fixed by the Board" for manual work<sup>79</sup> "or that European and coloured people would not be employed." Similarly, pass-bearers were excluded from wicker and basketware manufacturing and the Board could not recommend lower rates "because the tendency would then be to confine this branch of the industry to natives and Asiatics, to the exclusion of Europeans."<sup>80</sup>

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77. Rex vs Pattison, 6 September 1926, Social and Industrial Review (Special Edition) December 1926

78. An 592-1930 report dated 12 April 1930

79. By manual work here is meant "persons solely employed in the handling of materials used for filling, such as coir and horsehair, before such materials are handled in the process of filling mattress-covers." An 592-1930

80. Report dated 27 September 1926, Social and Industrial Review (Special Edition) December 1926

One employer was quoted by the Board to the effect that set wages would alleviate the difficulties of getting whites to enter the furniture trade.<sup>81</sup> The Determination was to run from July to September 1927 and thereafter until it was replaced. A feature of Wage Board activity in this industry was the extent of liaison between the industrial councils and the Board. The Board not only attempted to lay down rates very similar to the agreements<sup>82</sup>, it also actively assisted the industrial council when it negotiated the 1927-28 agreement. When the industrial council failed to meet in 1929 and hence no new agreement was made, the Board was issued with references for different regions,<sup>83</sup> all of which were supplementary. Supplementary determinations operated until October 1930 when they were replaced by normal determinations and, in the case of the Cape area, by an industrial council agreement. This latter lapsed in October 1932, only to be replaced by a new agreement which incorporated massive wage reductions.<sup>84</sup> The Witwatersrand/Pretoria complex negotiated an agreement which operated from July 1931.<sup>85</sup>

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81. Report dated 20 November 1926, *ibid.*
82. Report dated 18 January 1928, Social and Industrial Review (Special Edition) 17 February 1928, and An 592-1930
83. Report dated 25 January 1930, An 113-1931 and An 592-1930  
 i) Johannesburg, Germiston, Boksburg, Benoni, Springs, Krugersdorp;  
 ii) Cape Town, Wynberg, Simonstown, Bellville; iii) Durban;  
 iv) Port Elizabeth and Uitenhage; v) East London; vi) Pretoria,  
 Pietermaritzburg, Kimberley and Bloemfontein
84. An 247-1933 dated 15 December 1932; 1931 Wage Board Report
85. An 249-1933, dated 3 January 1933; 1931 Wage Board Report

No comparative figures are provided in the various Wage Board reports for the furniture industry, but those reproduced in official Union statistics indicate an increase in the percentage of white employment which reaches 50% between 1926-28, extended up to 54% in 1934-5, and then dropped back, with the large increase in actual numbers in the next year, to 52%. The number of whites employed, on the other hand, dropped during the depression but increased thereafter.<sup>86</sup>

The furniture trade, then, illustrates the straight-forward administration of supplementary determinations. Agreements were not merely reproduced as determinations in an effort to avoid unnecessary dismissals and overt disruption of industry. Further, industrial councils and the Wage Board co-operated with each other to avoid unnecessary confusion. It is clear that the Wage Board was used as sparingly as possible in areas covered by the Conciliation Act based as it was on voluntary principles.<sup>87</sup>

The above examination of the Board's activities demonstrates the raison d'être of supplementary determinations. Most of these determinations acted as instruments for the protection of white jobs. Pursell incorrectly incorporated the determination for the

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86. Union Statistics for Sixty Years, p 9 - 11, cols 119,120  
cf Table 2, ~~page~~ below. The only Wage Board report figures are for 1929 and are provided in Table 3 to provide an illustration of the regional distribution of the furniture industry at the time.

87. This point is further developed ~~above~~, pp 233-38  
*above*

hairdressing trade under the umbrella category of white job protection.<sup>88</sup> A supplementary determination was issued in spite of the fact that whites completely dominated the trade. The Witwatersrand determination in this trade was promulgated to provide security of benefit and better working conditions for all employees in the trade but also were not covered by a determination. It provides an indication perhaps of the type of work the Board would have embarked upon in the ideal situation in the Union where the labour force was not fragmented. Uncomplicated by the absence of the huge gap between white and black wages, the Board was able to operate on the basis of its social democratic beliefs.

The determinations which operated in the hairdressing trade outside the Witwatersrand do not concern us at this stage,<sup>89</sup> and we need only deal with the Witwatersrand briefly here. An industrial council was formed in February 1926 and the first agreement operated from August 1926 for just over a month when it was declared ultra vires. The Board was issued with a reference to re-investigate in January 1929. In terms of the definition of employer in the Conciliation Act, the agreement did not cover establishments where only one employee was engaged. No Africans were employed in any businesses which served white customers,<sup>90</sup> and the number of blacks (in this case, therefore coloureds

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88. Pursell, D "Minimum Wage Regulations under the South African Wage Act", pp 107-108, fn 32. The Pretoria hairdressing trade investigation was also not a supplementary one as claimed by Pursell, cf above note 53, p 313

89. The extension of determinations in Bloemfontein, Pretoria, Cape Town, Port Elizabeth and Uitenhage were meant to encourage the formation of industrial councils

90. 1929 Wage Board Report, p 36

and Indians) was "insignificant".<sup>91</sup> The Board's recommendation was not acted upon by the Minister as the Conciliation Act definition of employer was about to be amended. Determination 9, effective from January 1928, was cancelled in July 1931 as the wider definition of employer made a supplementary investigation of this nature redundant.<sup>92</sup>

To summarize. The supplementary work of the Wage Board between 1926 and 1930 was pitched at two levels: explicitly providing employment opportunities for whites, and regulating wages generally. Sixteen of the thirty-four determinations made during the period were supplementary to industrial council agreements. In 1930 the Industrial Conciliation Act was amended in such a way to permit Industrial Councils to regulate the wages of employees not included in the definition of employee in the Act. Prior to the amendment the Wage Board had specifically been instructed to determine wages for employees excluded from the Conciliation Act, because white workers covered by agreements had been dismissed as employers could employ non-Conciliation Act employees at lower wages than those specified by industrial council agreements. The Wage Board's action curtailed the practice. In this way the Board was used directly to promote the employment possibilities

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91. Report dated 3 June 1929, Social and Industrial Review (Special Edition) 19 July 1929
92. 1931 Wage Board Report pp 69-70; Report dated 14 February 1938, An 165-1938 ii. The 1924 Act defined "employer" as any person or group of people who employed two or more employees as defined (Act 11-1924, s 24). The 1930 amendment changed this to cover employment of "any person" who received remuneration whether in kind or in money, or both (Act 24-1930, s 12(a))

of white workers at the expense of blacks, because the wage determinations were practically the same as the agreements and employers no longer had legal grounds for employing workers at rates lower than those specified in agreements and the supplementary determinations. The racial discriminatory element of the Smuts government's Industrial Conciliation Act thus did not of itself operate as a promoter or protector of white labour. Its failure to do so indicates that the primary purpose of the Act was *industrial conciliation as opposed to industrial breakdown or unrest*. The Act only operated as a promoter of white employment when it was brought into the civilised labour policy system and was buttressed by the Wage Act. The Wage Act, operating on an equal work, equal wage basis in the context of South Africa's split labour market was used in part as a colour bar instrument.

Davies's failure to consider the specific role of supplementary determinations of the Wage Board produced a more rigid analysis which concentrated merely on the level of wages in the economy as such without considering the actual policy involved. Pursell on the other hand considered that all supplementary determinations operated exclusively to provide jobs for whites in place of blacks. The second aspect of Wage Board supplementary activity identified above clearly overturns Pursell's notion.

The experience of the hairdressing trade discussed above<sup>93</sup> indicates that white employment was not the sole, albeit the primary,

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93. cf pp 324-26 above

reason for supplementary determinations. The Board determined wages for employees who were excluded from the terms of the agreement for the industry. These employees were white as the peculiar nature of the trade relegated black labour to cleaning occupations. The Board acted to raise the wages of the excluded whites and its action was not discriminatory as its reference only covered occupations done by whites in the trade. The Board justified its action on the grounds that all the employees were white, were ipso facto all drawn from the same 'civilised standard' and therefore entitled to a wage equal to that denied them by the terms of the industrial council agreement for the trade.

Supplementary determinations were not the only avenues explored by the Board to promote the interests and job opportunities of white employees. Before analysing the actual prescription of minimum wages by the Board, we turn to examine certain provisions of wage determination which, when operative, were biased in favour of white employees against blacks in general but Africans in particular. The provisions included the ratio system, the regulation of apprenticeship and training, and the rules covering retrenchment.

The Wage Board operated three types of ratio. The first controlled the number of employees in terms of skill and qualification or occupational wage rate. The second regulated the number of juveniles employed per adult employees. The third was a ratio of male to female employees.

The first type operated in a number of ways. One way was to insist on the employment of one qualified employee at a wage of either £6 or £5 per week, to not more than three unqualified workers, or two unqualified employees and an apprentice, as was the case, for example, in the hairdressing trade.<sup>94</sup> A similar provision existed for barmen employed in the licensed victuallers' trade.<sup>95</sup> In the sweet trade the ratio was operated on the basis of skilled to Grade I employees.<sup>95</sup> These latter were predominantly white as

Grade II employees were classified as largely African workers.<sup>97</sup> In this way employment opportunities for white semi- and unskilled workers were opened up. The Witwatersrand baking trade which operated under a supplementary determination had a ratio provision which regulated the number of Grade II employees to qualified employees on a one to one basis.<sup>98</sup>

The second type regulated the number of adults to juveniles. In the tea, coffee and chicory trade where the ratio was one qualified employee to three unqualified, the system did not work to expectation. As it

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94. Social and Industrial Review (Special Edition) 6 July 1928; 26 October 1928
95. Social and Industrial Review (Special Edition) 27 July 1928
96. Social and Industrial Review (Special Edition) 13 July 1928
97. Acting-Secretary for Native Affairs - Wage Board 26 September 1930 quoted in An 122-1931, report dated 31 October 1930 cf ch 6 pp 410-11 below
98. Social and Industrial Review (Special Edition) 12 July 1929; 27 September 1929

was a trade which did not require much skill or experience, it appears that a number of juveniles were fired when increments for juveniles were due or when the ratio was reached.<sup>99</sup>

The last type of ratio affected the sexual division of labour. Some industries were induced to employ a specific number of women. The sweet trade had to have at least 33% of its labour force female. The clothing trade, on the other hand, had to employ at least 40% of its female labour force over £2.0.0 per week.<sup>100</sup> The recommendation for the commercial distributive trade, for example, was altered to ensure that a ratio of 1 to 2 for women was implemented.<sup>101</sup> The Board bewailed the fact that Johannesburg Municipal regulations which "in the interests of proper public health control required all shops selling milk to conform to certain regulations" were invalid. If enacted, each shop would have been required to employ at least one white woman. Many women would have found employment as the Board estimated that 250 shops would have been affected.<sup>102</sup>

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99. Social and Industrial Review (Special Edition) 7 September 1928; An 176-1933 ii report no 327 dated 13 April 1933

100. An 125-1931, report dated 25 August 1930, and An 469-1931/2, report dated 18 March 1932, respectively

101. An 557-1931, report dated 17 March 1931

102. An 208-1934, Dairy Produce industry, Report no 343, 21 December 1933

Although different types of ratio were implemented, they all served the same general purpose. By and large the ratio provided security for the skilled worker in industry at a time when semi-skilled operatives were moving into areas formerly occupied or dominated by the skilled artisan. It was hoped that the ratio would "prevent the employment of learners at the low rates for the early stages of their learnership to the exclusion of trained employees." The Board wanted to stop or impede the fairly common practice of retrenching workers who qualified for higher wages according to the scales set down in determinations.<sup>103</sup> The Board conceded that the provision of higher wages could mean the dismissal of superfluous employees. But they discounted the matter by urging that most superfluous employees so dismissed by one firm would find employment in other firms which were organised along different lines. Any hardship brought to bear in "some isolated instances" was "regrettable" but would be "unavoidable until the full advantages of wage regulation [was] obtained."<sup>104</sup> The Board wanted to ensure that shop owners did not overstaff their establishments as the practice led to under-payment of workers, inefficiency and created an artificial shortage of labour in other areas. The commercial distributive trade ratio was justified on the grounds that more women could receive the lower wage brought about

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103. Social and Industrial Review (Special Edition) November 1927, clothing; 1929 Wage Board Report, p 18; 1931 Wage Board Report pp 38-9. Social and Industrial Review, Special Edition May 1927, sweets

104. Social and Industrial Review (Special Edition) 1 March 1929, shop assistants

by the depression as they apparently did not need the higher wage paid to men.<sup>105</sup> Ratios were needed to stem unfair competition not only between employers but also between employees. In the case of the former the issue was straight forward as it was related to the wage bill itself. For the latter, provision had to be made for the protection of learners who wished to become absorbed in the industry.<sup>106</sup> In the Native trade the ratio was instituted to prevent women ousting men. Not only were women paid lower wages, but the "growth of the bazaar system and the gradual disappearance of wholesale firms which employed male labour almost exclusively, were accelerating this process" whereby men were displaced.<sup>107</sup>

All these secondary reasons notwithstanding the main effect of the ratio was indicated by Ballinger and Gordon, representatives of African employees at the Wage Board investigation of the baking trade on the Witwatersrand in 1936. They refused to entertain the thought of a ratio for they "feared that the effect would be a limitation of the number of natives employed." The Board countered with the argument that semi-skilled operatives were encroaching on the domain of skilled

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105. An 557-1931, 17 March 1931 cf pp 345-4 below where the differences between 'civilised' wages for men and women are outlined

106. Report on the Meat Trade, Durban, 22 December 1937 An 55-1938 ii

107. Minority report on the Native Trade, no 338, 27 September 1933 An 211-1934. The 'Native trade' included all trade carried on in "Native" shops, including Butcheries, as defined by clause 2 of the 1923 Transvaal Shop Hours Ordinance. These were shops "in on or from which persons other than white persons" were served. Eating houses which catered for African needs, as defined in item 9 of Part 1 of the Second Schedule to the Licenses Consolidation Act, 1925, were also included, as were mining concession stores defined in terms of the Transvaal Precious and Base Metals Act, 1908 and the Transvaal Trading on Mining Ground Regulation Act 1910 cf Social and Industrial Review (Special Edition) 6 September 1929, and An 78-1934

workers. The consequent insecurity had resulted in a drop in the number of apprenticeship contracts. The Board concluded with what must be seen as the crucial reason why the ratio system, when enacted, would have been racially exclusive:

The primary object of a ratio is to protect the qualified employee and the necessity for such protection varies in accordance with the gap between his wage rate and that of the unqualified and where ... the gap is great ... the need for a ratio is also great. 108

The racial division of labour, which of necessity pushed blacks down the wage scale and whites up in a relative relationship, the wide wage gap and the identification of skilled or qualified with white, clearly meant that the ratio was to be used to protect, in the final instance, white employees in general but white skilled employees in particular.

The Wage Board approached the question of apprentices and juveniles from two angles. Apprenticeship and youth advancement could operate to provide employment for whites generally. Secondly, the employment of apprentices and juveniles was strictly controlled to prevent the proliferation of cheap, or younger labour at the expense of adult labour. The Board in effect attempted to encourage juvenile and apprentice labour when it functioned as training and the creation of

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108. Report on the Baking and Confectionary trade, Witwatersrand, 22 December 1937 An 56-1938 ii

better qualified workers, and to eliminate it when it functioned as cheap labour.

From the time of its first investigations the Wage Board urged that "efforts should be made to introduce an apprenticeship system under which youths could be properly trained." They could then produce the skilled workers of the future in the country itself.<sup>109</sup> The Board constantly complained about the inattention paid to the proper training of apprentices.<sup>110</sup> Although the Board remarked that employees of different race groups ought to earn the same wage if they did the same work,<sup>111</sup> it was aware that the Apprenticeship Act itself was inherently discriminatory. The Act practically excluded everyone but whites and a few coloureds because of the education requirement in the Act which operated against people of colour. Even if coloureds and Indians did manage to attain standard six within the age limit required by the Act the Board was not optimistic about their chances beyond school. Technical college facilities "such as are required by Apprenticeship Committees" generally were lacking for members of

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109. Report on the Biscuit making trade, Social and Industrial Review (Special Edition) September 1926. cf ch 1 pp 74-6 above for a general discussion of juvenile labour in the Union
110. Reports on the Biscuit making trade, Social and Industrial Review (Special Edition) September 1926; Furniture trade, Social and Industrial Review (Special Edition) December 1926, report dated 20 November 1926; Clothing trade, Social and Industrial Review (Special Edition) November 1927
111. Report on the Clothing trade, Social and Industrial Review (Special Edition) November 1927

those groups.<sup>112</sup> Attempts by the Board to encourage and facilitate the provision and regulation of juvenile/apprenticed labour can thus be seen as consciously discriminatory action.

The Board thought that there were too many juveniles employed in the furniture trade. It urged that a limitation of their numbers was "essential".<sup>113</sup> As the industrial council agreement for the trade did not cover those employees indentured under the Apprenticeship Act, a great many apprentices were employed as a source of cheap labour.<sup>114</sup> A considerable reduction in the number of apprentices in the furniture trade occurred between 1930 and 1932 as a result of the Wage Board determination.<sup>115</sup> Similar reductions took place in the tea, coffee and chicory packing trade.<sup>116</sup> Some industries like baking and confectionery, the meat trade, clothing and bespoke tailoring were considered trades in which more apprentices could be employed.<sup>117</sup> Again, whether the numbers of apprentices increased or decreased according to the particular needs of different trades, it was

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112. Report on the Engineering trade, report dated 30 April 1934 An 914-1934
113. Report on the Furniture trade, dated 20 November 1926, Social and Industrial Review (Special Edition) December 1926
114. 1931 Wage Board Report, p 44, report dated 16 June 1930 An 113-1931
115. Report dated 14 October 1932, An 247-1933
116. Report dated 6 April 1933 An 68-1933 ii; Minority report dated 13 April 1933 An 176-1933 ii
117. Reports on Baking and Confectionery trade, 22 December 1937 An 56-1938 ii; Meat trade, 21 December 1933, An 307-1934; 22 December 1937 An 55-1938 ii; Clothing trade Social and Industrial Review (Special Edition) November 1927; Bespoke Tailoring trade, Social and Industrial Review (Special Edition) 22 June 1928

recognised that the employees so employed would, by and large, be whites.

The Board included a clause in the supplementary recommendations for the furniture trade which attempted to regulate retrenchment policies. The Board did not accept the normal policy of 'last employed, first fired'. In the event of necessary retrenchment due to slackness of trade, but not disciplinary reasons, the Board considered that the "last employees to be dismissed shall be those earning the higher rate of wages."<sup>118</sup> Clearly, this policy would have affected Africans especially as they operated for the larger part in the lower wage bracket. This appears to have only affected the furniture trade, but a system related to the question of certificates of service affected all industries covered by scales of wages. A typical certificate of service had to be given to all juvenile and apprenticed employees, but not including Grade II employees who were, as noted, predominantly Africans, when they left their employment. The certificate had to show "the full name, address, age, occupation, rate of pay, and actual wage paid, together with the dates of the employees' entering and leaving his [the employer's] service." Juvenile applicants for work whether black or white, could be employed only in Grade II work if they did not have either a certificate of service, or a special permit from an inspector of labour.<sup>119</sup> The purpose of the system was twofold: to protect the positions of employees other than Grade II employees, already engaged in the industry, and to enable juvenile whites to find

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118. cf Social and Industrial Review (Special Edition) December 1926, May 1927

119. Report on the Sweet trade, Social and Industrial Review (Special Edition) September, 1927

employment in Grade II occupations which were predominantly filled by semi- or unskilled black workers. In this way they could then get a foothold in a particular industry.

The interests of white employees were looked after in a number of ways. Supplementary determinations propped up industrial council agreements by preventing employers using labour excluded from the terms of the Industrial Conciliation Act at cheaper rates. This system lasted until 1930 when the Conciliation Act was amended. Three other methods were used throughout the period under review to promote white employment. Three ratio systems were used for the general purpose of protecting qualified or skilled workers' occupations from encroachment by semi-skilled or under-qualified operatives at lower rates. White skilled workers were also protected against white semi-skilled in this way, but the main thrust of the ratio was to provide places of employment for unskilled and semi-skilled white workers. Apprenticeship was encouraged for the training benefits which apprentices underwent but only where it did not involve the use of cheap labour to undercut higher paid workers. The provisions of the Apprenticeship Act which controlled the practice were themselves racially discriminatory and thus promotion of apprenticeship ensured further discrimination against blacks in general but Africans in particular. In at least one instance the lowest paid employees were to be retrenched before higher paid workers, regardless of the length of time they had been employed. Lastly, the entry of juveniles into occupations other than those largely occupied by Africans was dependent on the production of a

certificate of service which provided details of the applicant's name, age, rate of pay and the like. All of these measures, operating on a racially divided labour force with whites concentrated in the skilled positions and Africans dominant in unskilled work, served to accentuate and promote further the division along racial lines.

We need, finally, to examine the actual determinations themselves, in order to ascertain the extent to which the regulation of wages itself acted in a discriminatory way, and to see in what form that discrimination occurred.

Pursell perfunctorily remarked that the establishment of "a rate for semi-skilled workers of say R7-00 [£3.10.0?] per week in 1929 ... would probably effectively exclude the native from this position" because of the prevailing (racial) customs and traditions.<sup>120</sup> Pursell did not examine the skilled/unskilled differential, nor the implementation of regulated wages for the period 1926-1937. He specifically concentrated on the period 1937-1966 to show how the Board operated to 'uplift' African wages.<sup>121</sup> Rob Davies went further in his analysis of the sweet manufacturing industry to show, briefly, that the wage differentiation was based rather on functions within the labour

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120. Pursell, D "Minimum Wage Regulation in South Africa" p 108 note 32

121. *ibid*, pp 110-111

process than on a racial division per se. He argued that this was done to penalise "those capitals employing production processes in which lower paid Africans worked", especially semi-skilled occupations preferred for whites ie. the semi-skilled areas.<sup>122</sup> A more detailed analysis is necessary to produce a more complete picture than that provided by Pursell and Davies. The actual process whereby Africans, for example male adults, were ousted in favour of white male juveniles and white female adults can be identified. Connected to this process is the division of labour between male and female employees or, in other words, of the sexual discrimination encouraged in the work place. A better idea of the actual economic position of South Africa's workers during the period can be obtained. It must further be remembered that determinations did not always provide 'civilised' wages for all workers. Thus more careful consideration ought to be given to the arguments <sup>often advanced</sup> that wage determinations acted deleteriously on industry.<sup>123</sup>

The Wage Board reported most often that it could not recommend a 'civilised' wage for all employees included in the Minister's reference to it. In terms of the Wage Act the Board had to await further instructions from the Minister of Labour before it could act. In many instances the Minister simply dropped the matter but in others he instructed the Board to recommend wages which it "deemed fit." This type of reference enabled the Wage Board to recommend 'civilised' wages for some employees and to set 'uncivilised' wages for other

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122. Davies, R Capital, State and White Labour, pp 219-220

123. cf ch 4 pp 290-91 above

employees. Thus, workers who received higher wages were protected from undercutting by other workers and employers were not necessarily bound to accept large increases in their wage bill. Such regulation could and did ensure that the higher notches on the salary scale became more predominantly white preserves, and the lower reaches became predominantly African, with Coloureds and Indians squeezed into the middle. The racial division of labour was better regulated, controlled and entrenched.

To see how this procedure was followed and the results obtained, we need first and foremost to identify what the Board meant when it spoke about wages upon which people could live at civilised standards of life. The first thing to note is that the Board decided upon two different standards of a civilised wage, one for men and one for women. In the case of an adult male it was defined as the wage which enabled him "to maintain himself and his wife and family with a reasonable degree of comfort according to European standards". An adult woman's wage was classified as civilised if she could "maintain herself according to European standards without being dependent upon her relatives."<sup>124</sup>

In common with the norms of the day, then, the Board saw the male as the family breadwinner at all times, whilst women at best were independent units of families whose wages were meant to ensure self-sufficiency. The way was thus clear to entrench the practice of female discrimination in the work place. It appears that the Board did not alter its view significantly on this issue even during the Depression when women were supporting their families when the men were

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124. This is the most specific definition of what the Board considered to be 'civilised wages' to be found in the Wage Board Reports. Report on the Furniture Industry, 18 January 1928, Social and Industrial Review (Special Edition) February 1928 p 20.

unemployed.<sup>125</sup>

The 1928 investigation into the hairdressing trade in Pretoria provides the necessary data to determine what wage the Board thought was a civilised one.<sup>126</sup> Because the Board did not report to the contrary, it can be assumed that the wages it recommended were 'civilised' wages.<sup>127</sup> The Pretoria statements are important because they represent specific numerative comments about civilised wages in the Board's reports at hand. Employees with less than six years employment in the trade were classified as unqualified workers by the Board. It recommended a wage of £4.10.0 per week for unqualified males and £2.10.0 per week for female employees. Owing to pressure from employers and its own fears of causing trade dislocation the Board suspended the top wage and permitted payment at lower rates, increased at intervals during the suspended period until the wage ceiling was reached. Under this latter scheme males would receive £3.10.0, rising to £4.0.0 or to the £4.10.0 minimum; females would rise from £1.15.0, through £2.2.6 until they reached their

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125. cf ch 1 pp 19 above

126. Report dated 14 May 1928 Social and Industrial Review (Special Edition), 13 July 1928

127. cf for, example, Report dated 19 December 1927 Social and Industrial Review (Special Edition) January 1928

minimum of £2.10.0. The Board specifically claimed that the wages paid during the suspended period were not civilised wages.<sup>128</sup>

Other remarks made by the Board indicate further what it considered a civilised wage and what it did not. It remarked that males could not live in a civilised manner on £3.0.0 per week, but that the strictures of the conditions of the various trades concerned prevented them from raising the wage.<sup>129</sup> The ICU claim on behalf of certain Durban municipal employees for £8 per month was not acted upon because it was "not sufficient" for civilised standards of living.<sup>130</sup> Furthermore, in one engineering establishment more whites were employed at an average of £3.6.0 to £3.8.0, not because that was a civilised wage but because of "the insistence of the Department of Labour."<sup>131</sup> Attempts by the Port Elizabeth Milling Employees' Union, a registered coloured union, for a minimum wage were thwarted because they fell below "civilised standards".<sup>132</sup>

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128. Report dated 14 May 1928 Social and Industrial Review (Special Edition) 13 July 1928
129. Clothing trade, report, 28 September 1927, Social and Industrial Review (Special Edition), November 1927; Furniture making, report, 18 January 1928, Social and Industrial Review (Special Edition) February 1928; Catering trade, report, 12 September 1930, An 159-1931
130. Report dated 13 May 1929, An 111-1929 ii; 1931 Wage Board Report pp 100-101. cf ch 6, pp 364 ff below for a detailed discussion of the Wage Board's ICU investigation.
131. Report dated 30 April 1934, An 914-1934
132. Report dated 6 August 1930, An 162-1931; 1931 Wage Board Report p103

Unskilled employees in Bloemfontein received a minimum of 3/6 per day, later reduced to £1 per week, after "due regard" had been taken of the civilised standards clause in the Act.<sup>133</sup> This in effect meant that because African unskilled workers supposedly lived below civilised standards they did not need a higher wage. But white workers were also determined wages below what the Board considered sufficient to live in a civilised manner.

It is clear that during the Board's early years to 1933, with a possible exception during the depression discussed below, a fairly definite idea of what constituted civilised wages existed. To summarize: the civilised minimum for adult males was £4.10.0 per week and for adult females, £2.10.0. In their majority reports on the tea, coffee and chicory trades, Lucas and Roberts declared that the Board had "always held" that the female civilised minimum was £2 per week.<sup>134</sup> The evidence cited above would indicate that this was not quite the case. It is possible that such a statement was made to counteract Van der Horst's report which urged that a wage of £1.10.0 was sufficient to attract more white women to the trade.<sup>135</sup> Whatever the case, the Board's more precise statements indicate the civilised wage as that set out above.

Lucas's Wage Board was not re-appointed in 1935. When the Wage Act was amended in 1937, McGregor, Windsor and Botha were not immediately

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133. Reports dated 30 May and 29 October 1928 in Social and Industrial Review (Special Edition) 29 June and 16 November 1928 respectively.

134. Majority reports, no's 325 and 331, dated 13 April and 26 August 1933, Ans 175-1933ii; 144-1934 respectively.

135. Minority report no 327, 13 April 1933, An176-1933ii.

replaced.<sup>136</sup> Their thoughts on what constituted a civilised wage are not contained in any of their pre-1937 reports, but only in reports issued under the new Act. The 1937 Act removed the civilised wage clause which stipulated that the Board had to await further instructions from the minister if it could not recommend civilised wages for all employees included in the initial reference. It was replaced by a section that required the Board merely to indicate in its reports which "class or classes of employees" received civilised wages according to its particular recommendations.<sup>137</sup> It is important to note that wages stipulated for the higher paid worker did not necessarily indicate the minimum civilised wage. The Board's recommendations provided for relative levels of civilised wages. For example, in the hair-dressing trade both the £2.10.0 minimum for a manicurist and the £6.10.0 for a qualified hairdresser in the ladies' trade were classified as civilised.<sup>138</sup> Manicurists were overwhelmingly female, and the recommendation thus fell into line with the schema of the early Board. Female hairdressers in the ladies' trade would receive £4.0.0 per week, as opposed to £6.10.0 for males. The same wage of £6.5.0 for males and female hairdressers in the gentlemen's trade was also stipulated. The lowest wage classified as civilised in trades other than hairdressing was £3.0.0 for vehicle drivers and gut

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136. cf ch 3, pp117-8 above

137. Act 44-1937, s 6(b)

138. Report No 398, recommendation 399, 10 March 1937 An 165-1938ii

classifiers in the meat trade.<sup>139</sup> Whereas the previous Board had added the relative concept of "reasonable degrees of comfort",<sup>140</sup> the later Board conceded in one instance that "the figure £3.17.6 per week represents a bare living on the so-called civilised standard."<sup>141</sup> It would appear, therefore, that the notion of a civilised wage remained fairly constant during the whole period under review, except that it was easier to suggest wages at fractionally higher levels after the depression than before. This will become clearer from the analysis of selected determinations to which we now turn.

Before attempting to analyse the available statistics to determine how the civilised labour policy operated, a few cautionary comments need to be made.

First we need to be clear on the difference between the dismissal and displacement of employees. The former refers to normal retrenchment, resultant from structural pressures, or the dismissal of employees, regardless of race per se, to effect cost saving or because of redundancy through mechanisation. Displacement refers to the process whereby one group of employees is displaced in favour of another group, either black or white, male or female, highly paid, lower paid. As

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139. Report no 392, recommendation 393, 22 December 1937, An 55-1938ii

140. Report on the Furniture trade dated 18 January 1928, Social and Industrial Review (Special Edition) February 1928

141. Report no 373 dated 9 December 1936 Motor driving occupation, An 138-1937

we are concerned here with the racial and sexual breakdown within industry, any consideration of the ratio between different groups of employees needs to be based on the racial breakdown of the industry as a whole. Thus, for example, if the number of white male juveniles employed in a particular wage bracket increases during the enforcement of a determination it is instructive to consider either at whose expense they are employed or the relative percentage increase in employment of the groups involved.

Secondly, although it was argued above that wage determinations were structured to promote white employment, it needs now to be shown as far as possible the actual extent to which it occurred. A number of factors need to be taken into account. The wage prescribed did not necessarily equal the wage paid. Determinations were not consistently followed by employers: exemptions, evasions, the provision of intermediate wage scales in certain instances, collusion between employers and employees, court invalidations of determinations and ineffective inspections, all operated against the aims of the civilised labour policy. Whereas it is possible to arrive at definite conclusions for some trades, at the general level only certain tendencies can be identified, which in the absence of contrary evidence, appear valid.

Three trades have been selected as representative of three main types of investigation and determination. The baking and confectionery trade on the Witwatersrand and in Pretoria represents supplementary determinations, because of the different results obtained in the two areas. It was noted above that the Pretoria trade succeeded in

increasing the number of whites in the trade whereas the Witwatersrand trade did not experience as remarkable an increase. The sweet industry illustrates the case of general determinations like the tea, coffee and chicory trade, or the baking trade in areas outside the Transvaal which were not covered by supplementary determinations. These various trades represent the group in which greater white employment was ensured through the operation of determinations. Lastly, the dyeing, cleaning and laundry trade represents trades in which no marked changes took place in the racial division of labour because they were not specifically ear-marked as suitable for white employment. The laundry trade illustrates the general tendency for determinations to increase the number of white workers employed at slightly higher wages during the period as a whole.

The Wage Board set fairly uniform wages for labourers or unskilled workers. These tended to fluctuate between £1 and £1.4.0 per week.<sup>142</sup> It will be recalled that this wage bracket fell far below the civilised wage for white male adults. One result of the

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142.	eg.	Det 50	Furniture trade	£1.4.0
		Det 48	Sweets	£1.4.0
		Det 45	Glass Bevelling & Silvering	£1.4.0
		Det 43	Laundry, Dyeing & Cleaning	£1.2.6
		Det 19	Tea , Coffee, Chicory	£1.2.0
		Det 14	Leather	£1.2.0
		Det 25	Unskilled employees	£1.0.0
		Det 46	Textiles	£1.0.0

cf Minority Report, Native Trade, An 211-1934

regulation of unskilled rates was to decrease the number of employees employed for less than the £1 per week and to increase the number who received up to £2 per week.<sup>143</sup> Within this general classification, a number of points can be stressed. The example of the baking trade is instructive. Whilst in both areas the number of African male adults decreased in the below £1 bracket, the numbers increased in the next bracket on the Witwatersrand where the determination was not operating satisfactorily, whilst in Pretoria that number decreased. The latter trend was due to the fact that white male juveniles were used to displace African male adults in the wage bracket normally reserved for African labour.<sup>144</sup> The actual divide in wage terms appears to have been £1.5.0 per week, with whites displacing blacks above this level in Pretoria and more whites as well as Africans being employed at this rate on the Rand.<sup>145</sup> In both areas the percentage of the workforce employed below £1 per week dropped by approximately half, and increased likewise above that limit.<sup>146</sup> As already noticed, the number of whites employed in place of blacks rose more dramatically in Pretoria than on the Rand.<sup>147</sup> The area in which such displacement took place was in the wage bracket normally reserved for Grade II or African employees. Their places were taken by white male juveniles who were then given a foothold in the industry. It must be noted that this displacement was

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143. Table 4, p457 below

144. Table 5i, p 458 below

145. Table 5ii, p459 below

146. Table 5i p458 below

147. Table 1 p454 below

not a natural phenomenon per se: it depended to a large extent on employer co-operation, thus its relative success and failure in two areas covered by determinations. The available representative figures also indicate that the number of white males in higher wage brackets also increased. Pretoria numbers increased in the £5 - £5.19.11 bracket most markedly, whilst on the Rand the bracket which showed the greatest increase was from £4 - £4.19.11. Similarly the number declined in the £2 - £2.19.11 and £3 - £3.19.11 brackets on the Rand and in Pretoria respectively. Employees of other race groups rose ever so slightly up the scale on the Rand but dropped in Pretoria.<sup>148</sup> One other notable feature about the baking trade in these areas was the negligible number of women employed during the period.

The sweet determinations for the Union are more difficult to monitor. The Union was divided into four districts until 1933 and these were distinguished not by province or geographical proximity but by the nature of the trade in the different centres. Thus the Witwatersrand and Pretoria formed one district, Uitenhage and Worcester another, whilst Grahamstown was linked to, inter alia, Pietermaritzburg.<sup>149</sup> Recommended wage rates were higher in the Witwatersrand/Pretoria complex,

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148. Table 5iii, p~~460~~ below

149. The districts were: A: the municipal areas of Krugersdorp, Roodepoort, Maraisburg, Johannesburg, Germiston, Brakpan, Benoni, Boksburg, Springs and Pretoria. B: municipal areas of Durban, East London, Port Elizabeth, Cape Town, Simonstown, Kimberley and Bloemfontein. C: Pietermaritzburg, Kingwilliamstown, Grahamstown, Wellington, Paarl, Stellenbosch, Pinetown Public Health Committee Area. (Pietermaritzburg was moved into category B in 1930). D: Uitenhage and Worcester. Table 6 ~~pp 462~~ below provides a breakdown of the approximate percentage of the total labour force of the sweet industry in the Union.

and were lower elsewhere; the last two categories which represented the smallest section of the country's trade being the lowest. The 1932 recommendations scrapped the district divisions and laid down uniform rates for the Union as a whole. The determination which followed was more in line with the provisions of division A recommendations.<sup>150</sup> Grade II employees were to receive between £1.0.0 and £1.4.0 per week depending on districts; sweetmakers from £5.10.0 to £6.10.0 and Grade I male employees, £2.8.0 - £3.0.0 and females £1.12.0 - £2.2.6, again depending on the districts.<sup>151</sup> The 1932 alteration involved a minimum of £1.4.0 for labourers, £1.10.0 for general workers, £3 for assistant sweetmakers and £6 per week for sweetmakers. This represented a fairly rigid demarcation of wages in the industry. Unfortunately the available figures denoting wage ceilings and the members employed do not indicate regional or district differences. Two main features nevertheless can be identified. First, white women dominated the labour force,<sup>152</sup> and second, the large percentage of coloured people, again mostly women, involved in the trade was due to the dominance of the Cape, and especially the Peninsula area, in the sweet trade itself.<sup>153</sup>

The number of skilled employees in the sweet trade did not alter dramatically during the period 1926-1932. On average, the wages of skilled employees rose quite substantially, the most dramatic increase

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150. cf Social and Industrial Review (Special Edition) 13 July 1928; Recommendation dated 25 August 1930, An 125-1931 and Recommendation dated 15 December 1932 An 333-1933

151. *ibid*

152. Table 6ii, p 462 below

153. Table 6i, p below. The Cape Peninsula itself represented 51.62%; 43.20%; 42.29% and 38.05% of the labour force in 1926, 1928, 1930 and 1932 respectively. The decline from 47.16% in 1926 to 32.47% in 1932 in the total percentage of coloureds employed reflects the declining dominance of the Peninsula. An 112-1933

being in the £6 - £6.19.11 bracket. The figures indicate that the £6 minimum did not become the maximum wage and that a fairly substantial number of skilled employees received weekly wages above that level. White adult males dominated the skilled ranks, although a few coloureds did rise in the ranks as well. It can be noted that no Africans or Indians were regarded as skilled employees.<sup>154</sup> Only one African was included in the skilled category in 1932.<sup>155</sup>

In unskilled work, the number of people employed for less than £1 per week decreased for all race groups, except that in 1930 the number of coloureds employed in this category had increased by 5%.<sup>156</sup> This latter increase resulted from the employment of more coloured females, both adults and juveniles, at just less than £1 per week. Their wages were set at a minimum of 18/- in the district which included the Cape.<sup>157</sup> Wages were generally pushed above the £1 minimum after 1926, but the number of whites employed above the level increased at a greater rate than other race groups.<sup>158</sup> The lower rates for juveniles, both male and female, were set between 16/- starting rate and a ceiling of £2.10.0. In the £1 to £1.19.11 bracket, the most dramatic increase occurred among white female juveniles, coloured female adults and juveniles, and African male adults. This latter group represented mainly Grade II employees. By 1930 the white females took the lead whilst coloured

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154. Table 6iii p 663 below

155. An 112-1933. The report does not split skilled workers into their respective wage categories.

156. Table 6iv p 664 below

157. Social and Industrial Review (Special Edition) 13 July 1928. Table 6v p 665 below

158. Table 6iv p 664 below

women dropped back slightly. It is clear that coloured women in general lost out to white women at a time when the group as a whole decreased in proportion to the 1928 figure and other brackets as a percentage of the whole.<sup>159</sup> White adult women came to dominate the £2 - £2.14.11 bracket as well due to a policy of increased employment.<sup>160</sup> In this industry as well we can conclude that displacement of black employees (in this case coloured) in favour of whites (in the form of women, both juveniles and adults) took place in the lower wage scales, scales which normally were considered to be labourers wages.

The dyeing, cleaning and laundry trade can be commented on very briefly. The operation of the wage determination did not promote the employment of whites to any remarkable extent.<sup>161</sup> Nevertheless white employment increased by 72% between 1926 and 1937 and black employment by 37% for the same period.<sup>162</sup> Determination 43 superseded the 1928 determination in July 1932 and lowered the minimum wages. Those wages remained in force right up until the end of the period. The average wage for white adult males was £4.8.8 per week, for white adult women £1.17.0 and between £1.7.7 and £1.13.6 for the other race groups. Seven percent of the workers received less than £1.2.6, the scheduled minimum, and the majority of Africans received less than

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159. Table 6v p 465 below

160. Table 6vi p 466 below

161. Table 7i p 467 below

162. Report of the wage Board dated 23 July 1938 An 246-1938ii

£1.5.0. The vast majority of whites earned £1.10.0 and over. Even though the Board expressed surprise to discover that the number of whites increased, they were employed mostly in supervisory or clerical posts, whilst Africans and the majority of other blacks were employed as ironers, washers, mangle hands and labourers. The racial division of labour operated effectively in this trade even though wages all round were meagre. Whites tended to move into the higher wage brackets and blacks dominated the lower brackets, and in some cases actually crept down the ladder.<sup>163</sup>

The analysis of the three representative industries above reveals a number of interesting points. Firstly, increased white employment did take place but its form differed in different trades. White male juveniles mostly replaced Africans in the baking trade in the Transvaal, white women, and to a lesser extent coloured women, encroached in the sweet trade and increased white employment occurred in the dyeing trade in supervisory posts as opposed to manual tasks. Regional variations are also detectable: the different success rates in the operation of determinations between Pretoria and the Reef, and the regional differences in the labour force's constitution in the sweet industry, for example, are instructive. At the beginning of the civilised labour policy period, the employment of whites met with varying degrees of success. In the Transvaal it was reported that white employment was increasing apace, especially in

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163. Table 7ii ~~pp~~ below

food industries. In the Western Cape, on the other hand, cheaper black labour was still preferred due to the influx of Africans into the area and the subsequent increased competition from lower paid workers. Developments were slower in the eastern Cape and were even slower in Natal.<sup>164</sup> In the years that followed, the Chief Inspector of Factories reported that industrial agreements and wage determinations were influencing the steady increase in white employment throughout the Union.<sup>165</sup> No changes in the pattern were reported during the depression and the evidence suggests that displacement continued during 1932 and after.<sup>166</sup> White employment increased at the rate of nearly 60% in the sweet industry between 1926 and 1932. The increase was 68% and 65% in the baking trade on the Reef and in Pretoria respectively, and 135% in the clothing industry (other than Pretoria and the Reef) between 1926 and 1931.<sup>167</sup> The rate of growth in the white labour sector appears to have slackened after 1932. In the Baking trade on the Witwatersrand for the period 1926-1936 white employment increased by 41% as compared to blacks at 26%. Total employment had increased by 25% from 1928 and 26% from 1926-1936.<sup>168</sup> Similarly in the textile industry for the Union, white and black employment increased at 74.9% and 74% respectively between 1932 and 1936 although whites still

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164. Department of Labour, Factories Division, Report for 1924, UG 21-1926, p 501
165. Department of Labour, Reports of the Chief Inspector of Factories UG 31-1927 pp 7-8; UG 38-1928, pp7-8; UG 47-1929, p 6
166. Department of Labour, Factories Division, Reports of the Chief Inspector of Factories UG 33-1930 pp 9-10; UG 24-1931, p 8. Department of Labour Annual Reports for 1932 and 1933, UG 37-1933 p 25 and UG 43-1934 p 13 respectively
167. Figures derived from Table 8i p<sup>469</sup> below
168. Report dated 22 December 1937, An 56-1938ii, cf Table 8ii p<sup>470</sup> below

commandeered 55% of the total labour market.<sup>169</sup>

But having said this, we need to recall that the regulation of wages in particular industries was not the only factor which encouraged increased white employment. In the East Cape in particular, it was publicised policy of certain companies, including the motor manufacturers, to employ whites exclusively.<sup>170</sup> But the regulation of wages was also influential in that region.<sup>171</sup> Similarly the expansion of some trades such as the clothing trade in the Western Cape absorbed large numbers of white women.<sup>172</sup> As noted in chapter 1, better working conditions such as the provision of rest rooms, seating, better ventilation, holiday pay and the like, were factors which came to assume greater importance in the minds of employers during the period 1925-37.

Those employers who wanted to employ whites as a matter of prejudice, policy, securing of government contracts or tariff protection, did not always succeed. Opposition from African and Coloured employees compelled at least two employers to abandon their attempts to employ whites in Durban and Johannesburg respectively. Again this type of opposition was not always successful, as one employer was "able to overcome the resistance of his native employees and introduced Europeans into his factory."<sup>173</sup> Other aspects of worker reaction to the civilised

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169. Wage Board Report dated 26 November 1936 An46-1937. cf Table 8ii p 470 below.
170. Department of Labour, Reports of the Chief Inspector of Factories, UG 31-1927, p 7; UG 38-1928, p7; UG 47-1929, p 6
171. Department of Labour, Report of the Chief Inspector of Factories, UG 47-1929, p 6
172. Department of Labour, Report of the Chief Inspector of Factories, UG 38-1928, p 8, Department of Labour Annual Report for 1932, UG 37-1933, pp 24-25
173. Report by the Wage Board, Glass Beveling and Silvering, dated 16 April 1931. An 708-1931

labour policy were dealt with in chapter one.

To summarize: the regulation of wages and the relative improvement of working conditions encouraged whites to enter employment they had otherwise rejected and employers, for a number of reasons centred upon their own interests, were prepared to employ the more costly whites. The tendency for whites to replace blacks, especially Africans, was more marked before the depression than after. Wages were set at such levels that African adult males and females were brought into closer competition with white male and female juveniles. Competition was also intensified between adult whites entering the trades and black adults already employed in the trades. The reasons why whites won through were several: white unions had more bargaining muscle than black unions; the white labour movement was itself divided on the issue of the merits of industrial legislation and on the merits of the necessary organisation of black workers. It was only during the 1930s that the concept of a black consumer class took root and thus necessitated the greater employment of blacks. Not least the unequal competition for skills, and education between whites and blacks affected the trend. The benefits of a split labour market for economic stability and organisation, spiced with an adequate quantity of prejudice, ensured that white labour with its political voice won through. Underpinning this structure was the system of coercion. Those members of the working class who did not kow tow to the whims of the larger state, fell under the Riotous Assemblies Act, the strike prevention clauses of the Conciliation Act, the Masters and Servants

Act and the Native Administration Act, to name but a few.<sup>174</sup> To complete our picture, we turn in the next chapter to plot the direct application of the Wage Act to Africans.

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174. cf ch 1 above

**CHAPTER 6 - The direct application of the Wage Act to Africans  
as unskilled workers**

We have from time to time throughout this study touched on the relation of the policies of the Wage Board to Africans in general. We come finally to a closer investigation of the problem.

The Industrial and Commercial Workers' Union gave qualified support to the Wage Act. In April 1925 at their fifth annual conference and the third African Labour Congress in Johannesburg delegates welcomed the Wage Bill in principle, but protested at the exclusion of domestic and agricultural workers who formed a large part of the ICU membership.<sup>1</sup> In 1927 Kadalie expressed the opinion that the Wage Board had made it difficult for white workers to claim that Africans were a danger because of their ability to undercut whites in the labour market. "If the Pact Government had done any good thing for the workers" he said, "it was the institution of this Wage Board".<sup>2</sup> Kadalie's faith in the good offices of both the Board and the Pact Government does not appear to have been marred by the fact that the Select Committee on the Wage Bill refused to receive the ICU delegation. Instead they protested to W F Beyers,

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1. Kadalie, C My Life p 75. Wickins, P The Industrial and Commercial Workers Union of South Africa (hereafter The ICU) p 87
  2. Report of speech to Annual Conference, April 1927. Workers' Herald 17 May 1927. Wickins, *ibid* p 138

Minister of Mines and Industries, about the proposed amendments to the 1911 Mines and Works Act and submitted a memorandum based on conference resolutions to the Committee.<sup>3</sup> Kadalie's 1927 address, based on the assumption of Government good faith, called on Provincial Secretaries to "stand out and demand a rise in wages in their different centres."<sup>4</sup> The 1928 Economic and Political Programme of the ICU, though mainly concerned with agricultural issues, included the outline of a strategy to fulfil the task of getting higher wages. The marketing of the Board was to be invoked only after all other approaches and negotiations with "employers, employers' organisation and farmers' associations" had failed.<sup>5</sup>

Kadalie's moderation was approved by interested liberals who operated largely within the new institutions formed in the 1920s. These bodies included the SAIRR, the joint councils and the liberal universities.<sup>6</sup> Their liberalism was an "'incorporationist' liberalism ... conceived for controlling black workers."<sup>7</sup> The Johannesburg Joint Council urged the Department of Labour and Native Affairs to encourage

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3. Workers' Herald 28 April 1926. Wickens *ibid* p 88

4. Workers' Herald 17 May 1927, Wickins *ibid* p 133

5. Workers' Herald 12 May 1928. Wickins *ibid* p 156

6. Bozzoli, B (ed) The Political Nature of a Ruling Class p 189

7. *ibid*, p 212

and accede to applications to the Board "wherever possible." The Council stressed the necessity that "non-European workers", but particularly Africans, "should find hope of redress for their grievances in constitutional methods of wage adjustment." The Wage and Industrial Conciliation Acts provided the machinery whereby the wage gap between black and white could be softened, "without any upheaval"<sup>8</sup>. Ethelreda Lewis, Kadalie's self-appointed mother hen,<sup>9</sup> suggested to Hertzog that it was

surely better to have Kadalie, with his undoubted power over fifty thousand natives, on the side of reasonable trade union ambitions for the black man than to leave him as a useful cats-paw to men of the Moscow type, who within the last twelve years have done untold harm to South Africa by means of the Native. 10

When Kadalie expelled communists from the ICU, an act which won wide approval from white liberals,<sup>11</sup> she urged Hertzog to acknowledge the deed:

Sir, such action would bear much fruit, not only for Africa but beyond it. It would be an acknowledgement of belief in and appreciation of the recent efforts to clean up the ICU and to keep a moderate course. 12

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8. Draft Memorandum. "The Native in Industry". 1928 paras 35-36. SAIRR Archives 71.4.5
  9. Lewis has been reported as saying that "since Kadalie would not come to the Joint Councils we took the Joint Councils to Mr Kadalie." Mokone, S "Majority Rule: Some Notes, The ICU and Kadalie: Early Beginnings" Educational Journal XLIX (5) Jan-Feb 1978
  10. Lewis - Hertzog, 3 January 1927. ICU Papers Box 32 C2.3.7
  11. Simons and Simons, Class and Colour in South Africa p 359
  12. Lewis - Hertzog, 27 January 1927 ICU papers Box 32 C2.3.7

Hertzog was not prepared to follow Lewis's suggestion. He did let out, though, that he was "glad to know" that Kadalie had turned to moderation and was "evidently taking his stand against communism".<sup>13</sup> Hertzog's pre-election "sincere desire" that the "faith and sympathy" which was to be engendered between the races of the Union should exist and to which end he would exert all his influence,<sup>14</sup> was finally stripped of its facade. Hertzog further tarnished his blemished reputation when he removed the only 'sympathetic' Minister from the Cabinet, Walter Madeley. Pressure from Hertzog had forced Madeley to withdraw his invitation to the ICU to discuss with himself and Andrews, the General Secretary of SATUC and a communist, the possibility of raising the wages of African postal workers in Johannesburg. The workers' demands followed in the wake of the refusal by the Minister of Agriculture, Gen Kemp, to increase the wages of African workers at the Onderstepoort Veterinary Research Department.<sup>15</sup> In the event, Ballinger, Kadalie and two others forced their way into Madeley's office and the meeting took place. Hertzog was not impressed by Madeley's argument that he had effectively ignored the ICU delegates. Hertzog reshuffled his cabinet when Madeley refused to resign.<sup>16</sup>

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13. Private Secretary, on instruction - Lewis 3 February 1927  
ICU Papers Box 32 C2.3.7

14. Hertzog - Kadalie, 21 July 1921. Copy in ICU Papers Box 32 C2.3.7

15. Workers Herald 31 December 1928. Wickins, P The ICU p 173

16. Wickins, P The ICU p 173

The National Council of the ICU congratulated Madeley for his "sacrifice [of] personal profit for principle".<sup>17</sup> The ICU eulogy was somewhat misplaced. Although Madeley's insistence in 1927-28 upon an 8s minimum wage for unskilled workers in the building trade drew applause from De Norman, the ICU Western Cape chairman,<sup>18</sup> his motivation was not exactly unbiased. De Norman's attitude revealed the depth of confusion which existed within the ICU over policy consideration. De Norman, a member of the Cape Town Committee of the Communist Party,<sup>19</sup> argued that Madeley's proposal was not intended to establish a colour bar.<sup>20</sup> The African Workers' Club on the other hand argued that his policy was in effect "a subtle way of saying to

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17. Wickins, P "The Industrial and Commercial Workers Union of South Africa" (hereafter PhD Thesis), p 527 footnote 2. Wickins, P The ICU pp 173-4
18. Workers Herald 17 May 1927. Wickins, P Ph D Thesis, p 413
19. Roux, E Time Longer than Rope, p 164. Lerumo, A Fifty Fighting Years p 47
20. Workers Herald 17 May 1927. Wickins, PhD Thesis, p 371

contractors, 'You shall not employ Black labour'."<sup>21</sup> De Norman's analysis appeared not to have been completely out of character. Expelled from the ICU because of his Communist Party membership, he

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21. Champion, A W G "The Truth about the ICU" pp 15-16  
 Information on the African Workers' Club is scanty. The works of Simons and Simons, the Rouxs, Lerumo, Davenport, Karis and Carter do not mention it. Kadalie and Wickins also tend to ignore it, the former more so than the latter. The most useful and detailed source about its history I have is contained in a letter from Prof MW Swanson of Miami University, Ohio, dated 16 January 1983. Margery Perham, African Apprenticeship pp 191-201 provides a lively description of her visit to the ICU/AWC in January 1930. I am grateful to Professor Swanson for bringing this latter reference to my attention. It is from the above sources that the following brief account has been compiled.
- The Club was the first of its kind formed in Durban. Recreation, church and social clubs for Africans had been formed on the Witwatersrand during the 1920s. Champion formed the club in late 1925 (Workers' Herald 15 November 1925) at the time of the ICU's recruitment drive in the city. (Kadalie, My Life pp 95-6) Champion claimed that the clubs of the time were the chief means of attracting workers to the ICU (Swanson). Champion rented a vacant warehouse at 11 Leopold Street from an Indian merchant named M E Paruk and this became the headquarters of both the ICU and the Workers Club. The premises were destroyed in 1929 by white gangsters and the ICU moved to the outer reaches of Durban (Swanson). Champion appears to have remained a trustee of the club until it collapsed when the ICU fell apart in 1930 (Wickins The ICU p 161, 149). It was revived under the name of Natal Workers' Club from late 1930 after Champion's return from voluntary exile in Johannesburg and lasted until "cavalier behaviour" within the club and claims that he "lined his own pockets at the expense of the members." (Both Perham and Swanson would agree with this). The club had a constitution which was "consistently flaunted." Unfortunately Wickins does not disclose what it laid down (ibid p 148).
- Kadalie's account of the activities of the club tells less than half the story. Both times he mentions that the club's sole purpose was as a venue where modern dancing was taught, (ibid pp 95-6; 162-3). Perham's account reveals that entertainment was not the sole activity at the club. Politics was discussed and songs with political themes accompanied traditional dances. Modern dancing appears to have been the prerogative of the better educated members. Champion later said that the "absence of organisations run solely by Africans so that they may teach one another as we used to do in the ICU is a great hardship ... The Natal Workers' Club civilised the African people ...", (Swanson). Furthermore, the fact that the Workers' Club published at least one political pamphlet surely indicates a larger purpose than mere entertainment. More research is needed into the structure, membership and social role of the African clubs of the period.

refuted the latter and returned to the reformist fold of the ICU.<sup>22</sup>

Kadalié remained in the conciliationist camp even though he continued to oppose the Colour Bar Act and other elements of oppression like the pass laws and the civilised labour policy.<sup>23</sup> The ICU soon put the Wage Act to the test in a number of centres. The most important investigation was into the position of unskilled workers at Bloemfontein. We deal first of all with the Bloemfontein investigation and the problems it presented to administrators and government alike before turning to the other applications which were made before the change of policy which took place in 1930. The developments of the 1930s are examined next in the light of the altered policy.

The Bloemfontein investigation arose directly out of popular action in the African location of Waaihoek, the smallest of the three Bloemfontein locations, in April 1925. Wickins's description of the troubles as a "brief but bloody riot"<sup>24</sup> and the Native Affairs Department's identification of them as an émeute<sup>25</sup> are misleading. The avail-

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22. Roux, E Time Longer than Rope p 164

23. cf, for eg, Workers' Herald 28 April 1926; Wickins, P The ICU pp 82, 87-88, 91

24. Wickins, P, *ibid*, p 88

25. Department of Native Affairs Report for 1922-26, UG 14-1927, p 19

able evidence suggests that even though the outbreak lasted for only two days, the problems which gave rise to the disturbances were deep-rooted.<sup>26</sup> The state's response was dictated by the realisation that the problem was deepseated and could not be solved easily.

The physical side of the disturbance had at least three distinct aspects. The first demonstration of a challenge to authority occurred when several hundred women gathered on a square in the location with paraffin tins of beer, on Sunday 19 April 1925. They objected to "the manner in which the police enforced the kaffir-beer restrictions" in the town. These were restrictions on "the brewing and selling of kaffir beer" which attempted to avoid the anti-social features of a perfectly ordinary African custom.<sup>27</sup> Part of the problem perhaps lay in the fact that Bloemfontein had acted promptly to bring the locations under the Urban Areas Act in November 1924. Thus the restrictions were

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26. The account that follows is based mainly on the "Report of the Commission of Inquiry - Native Riots at Bloemfontein" produced by A G E Pienaar, the Secretary for the Interior, in September 1925. Wickins's account was based on press reports and the Native Affairs Department report for 1922-26, dealt with the incident in eight sentences (UG 14-1927, pp 19-20). Schoeman, K Bloemfontein : Die Ontstaan van 'n Stad 1846-1946 depended to an extent on the Pienaar Report, but, for reasons outlined below, underplayed the struggle which took place to secure a determination.
27. Davenport, T R H "The Triumph of Colonel Stallard" pp 78-9. The 1923 rule affected buying and selling in three ways: "first, liquor other than kaffir beer was not permitted in locations; second, domestic brewing could be authorised or refused by the local authority, but brewing for sale was not allowed; and third, if domestic brewing proved unsatisfactory, the local authority could itself obtain permission from the Minister to set up a monopoly for manufacturing or sale."

new and location dwellers were not yet used to them.<sup>28</sup> The Commission was of the opinion that some of the women were prepared to be arrested when the police arrived, which indicated that they regarded the gathering "as a sort of passive resistance movement" whilst others were prepared to "defy and resist the police." The police were challenged, they fired warning shots, and the crowd fell back. Armed civilians entered the fray and one African, Simon Debe, was killed. A thunder and hailstorm broke and the crowd dispersed. James Mpinda, a blockman and member of the Native Advisory Board, was accused of organising the strike which occurred the next day.<sup>29</sup> The strike, which involved withholding labour, was also accompanied by "some sort of an attempt of a boycott of the European shops".<sup>30</sup> The crowds who gathered in the location which abutted

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28. *ibid*, p 79
29. The Pienaar Commission summarised the administrative structure of the whole location in these terms: "The location is under an assistant superintendent and a staff of four Europeans with a native typist and interpreter and two native messengers. The location is divided into twelve blocks, containing approximately 250 huts each, and for each block a native blockman is elected by the popular vote of the natives in his block. In addition, three blockmen are nominated by Town Council, and the fifteen blockmen form a Native Advisory Board, with the superintendent of locations as chairman. Each block has its Block Committee of ten natives elected by the natives of the block, their function being to advise their blockman. The Native Advisory Board keeps in touch with the Native Affairs Committee of the Town Council through the superintendent, and the board is consulted by the Committee on all matters of policy affecting the location." Pienaar Commission p 479. The NAB was established in 1919 following the success of the Native Affairs Committee of the Council which had been established in 1913. The NAB, which comprised 12 popularly elected and 3 municipally nominated members who all together elected their own chairman, was intended to "'promote the welfare of of (sic) and to advise the native residents in the Municipal locations, and to advise the Municipality with regard to the control of the locations.'" This body seems to have virtually collapsed by the time the crisis was reached, not least through Selby Msimang 's exposure of some members' receiving bribes from the Municipality. Schoeman, K *Bloemfontein* p 279-180. cf Davenport T R H, "The Triumph of Colonel Stallard" pp 77-79 for a general summary of the provisions of the Urban Areas Act.
30. The reason for the boycott of white traders is not alluded to in the Commission Report, but it is possibly related to the Urban Areas Act which also empowered local authorities to control location trading. cf Davenport T R H, *ibid*, p 79

on the white area of Bloemfontein, were dispersed by a combined force of officially constituted special police and white civilian vigilantes who, according to the Commissioners, merely wanted to "'get at' the native and punish him" rather than to "protect the town". In all, the casualty figures were officially given as 5 Africans dead and 24 wounded, whilst "one native policeman was dangerously wounded, two European constables severely wounded and sixteen slightly wounded."<sup>31</sup>

The causes of the disturbances were several. The Commission reported that the only grievances put forward were against "kaffir-beer restrictions and ... the economic question of wages."<sup>32</sup> The Department of Native Affairs stressed the restrictions as the cause of the disturbances and referred to the "alleged" inadequacy of wages in Bloemfontein,<sup>33</sup> even though the Commission reported that they were "undoubtedly low."<sup>34</sup>

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31. Wickins slightly underestimates the casualties. According to his analysis 4 died, 18 were injured and 2 whites were hurt by stones. (The ICU p 88). The Pienaar Commission suggests that "no doubt there were other minor injuries among them that were not reported." (p476). Lerumo, A Fifty Fighting Years p 47 estimated that, including deaths, there were about 60 casualties. This may not be as far off the mark as at first appears. The Pienaar Commission's first term of reference, "The nature of the riot and the force used to quell it" is dealt with between pp 472-477)
32. Pienaar Commission, p 478. Wickins, The ICU p 88
33. UG 14-1927, p 20
34. Pienaar Commission, p 478

Besides these two, the Commission agreed that the Monday strike was due to the death of Simon Debe on the Sunday afternoon. His death

gave the opportunity to native agitators to foment the disturbances for their own ends, so that the suggestion to refrain from going to work next day was more widely accepted and acted upon than would have otherwise been the case, and it strengthened the lawless element in their determination to cause trouble. 35

The Commission's conclusions need to be closely investigated. Under the Municipal by-laws, the amount of beer which a householder was allowed to have for purposes of family consumption was restricted to four gallons. "Beer-parties", ill-defined as a gathering of two or more "strange natives" and the householder on whose premises beer was consumed, were illegal unless a licence, costing £1, was produced. Further, complaints were laid against the methods which police used in raids. These included their overbearing attitude and the ability to enter private premises without search warrants. They frequently raided homes "long after the inhabitants have gone to bed" and the raids were carried out "very roughly" and caused "great inconvenience to a possibly innocent householder." These complaints were enough to ensure that the police became the subject of the residents' challenge to authority.

Wilfred Moti, a "very intelligent and well-educated native" ascribed the riots to radical political doctrines and propaganda. The Commission

dismissed his evidence because it went "too far." The commissioners did not find that the ANC organised the strike and dismissed the notion that the ANC acted subversively on the strength of the fact that whites were invited to their meeting. The ANC's activities were "generally well known." The evidence before the Commission pointed to ICU organisation and influence, led in the main by the "notorious Clements Kadalie". The Commission disapproved of ICU rhetoric but was not blinded to the fact that the economic squeeze placed on poorly paid workers was immense. In their opinion, there was no doubt that the "ostensible object" of the ICU was the formation of "a kind of trade union among the natives in order to endeavour to obtain better wages." The Commission concluded that

undoubtedly the sense of grievance felt in connexion with wages, fomented and worked upon by the agents of the ICU, created a state of mind, an atmosphere of unrest and race antagonism, which made resistance to the police and other European authority more probable in the event of any disturbance arising, and it must therefore be regarded as one of the indirect causes of the riots. 36

In the light of actions taken both by the Town Council and the Wage Board after the riots, the Commission's comments on the wage situation in Bloemfontein are revealing. The Commission did not see its way clear to pronounce on economic issues and as such did not investigate

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36. *ibid*, pp 477-78

the reasons for the low wages in Bloemfontein. It did however remark that at least one factor, namely the high unemployment which existed, contributed to the problem. It is clear that differences of opinion existed over the desirability of the situation.<sup>37</sup> The Native Affairs Department drew attention to the high incidence of unemployment but claimed that the population was "too great for the actual needs of the town." Efforts to correct the situation would reap slow benefits because "so many natives have established a permanent residence" in the town.<sup>38</sup> The town clerk, Logan, led the Pienaar Commission to believe that the Town Council itself encouraged this state of affairs in the location "so as to create a reservoir of surplus labour from which native labourers may be drawn."<sup>39</sup>

The Commission asserted that if a policy such as that described by Logan existed, it was "wholly wrong". It went even further to suggest that notwithstanding the justification of the policy in those terms, it did not have the desired effect of making more labour available. Such a policy would only "lead to trouble."

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37. *ibid*, p 478. The causes of the disturbances, the second point of reference of the Commission, are covered between pp 477-9 of the Report

38. UG 14-1927 p 10

39. Pienaar Commission, p 478

The Commission stressed that only the criterion of useful employment, either in the service of whites or blacks like "shoemakers, building contractors, artisans, teachers, and so on", should be considered, and the rules "strictly applied." It pointed to the absence of administrative machinery to back up the Urban Areas Act and its regulations:

There is no native hostel, such as is contemplated by the Act, through which natives coming to Bloemfontein for work can be passed and from where, if no employment is obtainable, they can be passed to other centres. There is no farm colony, such as has been established in the Pretoria District, to which idle and disorderly natives of the habitually unemployed class can be committed. And the superintendent of the location has an insufficient staff to enable him to keep a sufficient check on natives coming into the location. 40

The wage situation in the Bloemfontein areas was, to say the least, explosive. The Commission recognised that the question of low wages was one of the "chief grievances" of the inhabitants. Two affected groups were identified by the Commission. The first were those in domestic service who in terms of the Urban Areas Act were provided with accommodation on their employers' property, and who occasionally also received food in addition to wages. This group was considered

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40. *ibid*, p 480

to be "comparatively well off." The second group comprised those folk who owned houses in the location and who had to provide for their families' needs from their own or the combined parental wages, neither of which normally exceeded £5 a month. In terms of the Urban Areas Act, the location was supposed to house people usefully employed in Bloemfontein.<sup>41</sup> The Commissioners argued that the "underlying principle of the Native (Urban Areas) Act" was "to compel employers to provide accommodation on their own premises for their native servants ...". That principle was necessary "to restrict the growth of the native locations." The Commissioners pointed out that a group of 'undesirables', namely "native prostitutes, brewers and sellers of intoxicating liquor and loafers," were "very largely ... responsible for the riots." They numbered several hundred, and had been drawn to the town in recent years. From the recommendations of the Commission it can be inferred that the "undesirable class" was largely female. The "male native" did not cause any real difficulty as he could "be dealt with under the provisions of the [Urban Areas (1923)] Act and the regulations." The African woman was singled out as the real cause of trouble. Where she was a woman

not in permanent service or living with her husband, she usually does a small amount of washing or similar work, but her main occupation is immorality and liquor-selling. She cannot be suitably dealt with under section seventeen of the Act, and she may be in

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41. The Commission referred to sections 12 and 17 of the Act, *ibid*, p 480

occupation of a stand granted to her on the strength of her former employment . 42

For these reasons the Commission recommended amendments to the Act so that women not "wholly or substantially employed", whether in domestic or other services, or who were not married to lawful residents in the area, could be repatriated at the discretion of a magistrate or native commissioner.<sup>43</sup> The Commission recommended the removal of all Africans "not usefully employed." It also stated that the

location should not be regarded by the municipality as a source of revenue, but as a place to shelter those natives who are necessary to the life of the whole community of Bloemfontein. 44

The Commission remarked on a few socio-economic issues as well. The influx of people to Bloemfontein and the unintended establishment of a "large native town ... on the outskirts" of the city was caused largely by the 1913 Land Act which forced people off the land. Once in town, the operation of the civilised labour policy denied them entry into certain jobs, as a result of which the Urban Areas Act required their removal from urban areas. Caught within a vicious circle, the Africans had "nowhere to go."<sup>45</sup> Whereas the removal of

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42. *ibid*, pp 480-82

43. *ibid*, p 482

44. *ibid*, p 481

45. *ibid*, p 479

people from the location might ease the situation, the Commission recognised that one way of alleviating the problem was the application of the "obvious remedy" of increasing wages.<sup>46</sup>

Attempts to get black wages increased in the past had "proved fruitless."<sup>47</sup> The war years had brought with them an exceptionally heavy burden on an already segregated Bloemfontein.<sup>48</sup> It was Selby Msimang, pioneer of ANC leadership in the Free State, who rose to the occasion and prepared to combat the situation. Msimang claimed in 1919 that the average wage for blacks in Bloemfontein was a mere 2s per day. On his own calculation he further claimed that a family of five needed a minimum of 4s 6d per day to survive. His campaign took off in 1919 in the form of meetings and a press campaign. He told workers to urge upon their employers the necessity of granting an increase in wages to 4s 6d per day, threatened strike action if they were not given a hearing and warned his followers of the possible repercussions which such action could invoke. The result was an average increase to all workers except railway employees, to 2s 6d. Msimang was arrested and violence broke out. The Municipality held its ground and stuck to the wage of 2s 6d per day. The Bloemfontein wage dispute aroused national interest and was one of the factors

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46. *ibid*, p 478

47. *ibid*, p 478

48. UG 14-1927 p 10

which led to the formation of the ICU as a national body at the Conference in Bloemfontein in 1920. Msimang left Bloemfontein in 1922 but the harsh conditions remained which finally blew up again in 1925.<sup>49</sup> Kadalie told a meeting of between 1 500 and 2 000 people at Waaihoek that the April 1925 ICU Congress would call on the Government to implement a minimum wage covering the Union. He was also encouraged by the fact that the Bloemfontein Town Council had already been approached for an increase in wages.<sup>50</sup> On 9 February Kadalie led an ICU delegation to meet the Council "to acquaint and interest the authorities in minimum wages for Native workers." They argued that the basic wage of between 7s 6d and £1 per week was not adequate as average expenditure per employee was £1.18s.11½d per week. The seriousness of the situation was exemplified by the fact that 95% of the 20 000 location inhabitants were workers.<sup>51</sup> It appears that nothing came of the meeting until the aftermath of the disturbances in April. Even though the vicious crushing of the strike ended open resistance for the time being, dissatisfaction continued unabated.<sup>52</sup>

Schoeman noted that in 1926<sup>53</sup> demonstrators marched through the location<sup>54</sup> with banners. Organised by Simon Elias of the

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49. Schoeman, K Bloemfontein pp 279-80

50. Workers' Herald 20 February 1925

51. Workers' Herald 2 April 1925

52. Schoeman, K Bloemfontein p 284

53. The month is not specified

54. Whether the whole location or just Waaihoek was affected is not specified.

ICU<sup>55</sup> they demanded a minimum wage of 3s 6d. Elias was prosecuted for incitement to commit public violence. His arrest aroused such anger that Bishop Carey entered the fray. He made a special trip to the location to attempt to settle the matter. Nine years after the initial agitation the workers were rewarded with a minimum wage of 3s 6d per day effective from 1 January 1929. This event Schoeman ascribed partly to the SATUC's support of the idea, and partly as a result of the 1925 disturbances. He recognised further, that the wage prescribed

was weliswaar nog nie genoeg om swart werkers van 'n behoorlike inkomste te verseker nie, maar dit het nogtans 'n gedeeltelike oorwinning vir die swartes en 'n duidelike stap vorentoe beteken, en bowendien was Bloemfontein die enigste stad in die Unie wat so 'n bepaling geken het. 56

The actual process whereby a minimum wage was set down for Bloemfontein is far more complicated than Schoeman suggests. Wickins too, appeared to miss the point when he stated that the minimum wage determination as part of a larger package deal<sup>57</sup> was granted because "white people seemed to have had an attack of conscience."<sup>58</sup>

After the April disturbances the Town Council set up a Native Wages Commission

to inquire into and make recommendations on the question of a fair basic wage for unskilled native

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55. Schoeman mistakenly referred to the ICU (ICWU) throughout his account as the International Coloured Workers' Union *ibid*, p 282-284
56. *ibid*, p 284
57. Another part of the deal was the grant to the ICU of a "lease on a site in the location for the erection of a hall and office." Wickins, The ICU p 89
58. *ibid*, p 89

labour in Bloemfontein. 59

Whether the Town Council acted on the statements made by the Pienaar Commission is not clear. Certainly, they had indicated that wages were an issue, even though they failed to analyse the economics of the problem.<sup>60</sup> The Native Wages Commission was made up of 8 employers' representatives and an equal number of Africans. The latter comprised four representative of the ICU and another four of the Native Advisory Board.<sup>61</sup> The ICU delegates later withdrew because the NWC did not accept Kadalie himself as a member.<sup>62</sup> A summary of the Commission's recommendations claimed that the ICU delegates had initially accepted 3s per day as the minimum wage but later reneged and claimed their original demand of 3s 6d per day.<sup>63</sup> It is probable that the demonstration alluded to by Schoeman took place after the withdrawal of the ICU delegation from the Commission's proceedings. In any event, the Commission advised the Town Council to approach the Wage Board "with the object of giving this rate [of 3s per day] force of law."<sup>64</sup> The chronological

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59. Wage Board Report dated 2 May 1928. Social and Industrial Review (Special Edition) 1(17) 29 June 1928
60. cf above, pp 369-70 Schoeman, K Bloemfontein p 284 is a little harsh on the Commission in this regard, with the result that he fails really to grasp the connections between 1925 and the eventual determination of the Wage Board.
61. cf note 29 above, p 366
62. The reasons for Kadalie's non-recognition are not stated. It is possible that they refused to accept his membership because he was not a local representative.
63. Social and Industrial Review (Special Edition) 1(17) 29 June 1928 p449
64. *ibid*

sequence of events needs to be set out in detail despite certain ambiguities in the evidence. The summary provided by the Town Clerk to the Wage Board refers to two NWC recommendations, the first was the 3s per day proposal and the second the approach to the Wage Board. Immediately thereafter the summary noted that

The four ICU representatives, although they supported this recommendation and promised to recommend their people to accept it, failed to implement their promise and went back to their former demand of a minimum of 3s 6d. 65

One factor needs to be taken into consideration before we attempt to unravel the ambiguity. The summary went on to state that the Commissioners for their part had not found it necessary "to call evidence as to the native cost of living in Bloemfontein" to reach their own conclusions. Faced with the prospect of the 3s minimum daily wage being made a statutory limitation and the blatant disregard for the actual cost of living in Bloemfontein, the ICU preferred, at that stage, to opt out of the proceedings. The Town Clerk urged the Wage Board to settle the matter "on a permanent basis." He mentioned the problem of the large number of unemployed in Bloemfontein and added that they wished

to prevent any dissatisfaction taking root in the minds of natives through instigations from representations from native organisations that they are not being fairly treated. 66

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65. *ibid*

66. Town Clerk - Wage Board, 5 March 1926, quoted in Social and Industrial Review (Special Edition) 1(17) 29 June 1928

The Workers' Herald reported later on in the same month that Africans were "looking to the Wage Board to act in the spirit of the Wages [sic] Act" and added that they trusted that "the Government itself ought to appreciate the attempts of the ICU to lead the bulk of the citizens" of the Union.<sup>67</sup> T Keable 'Mote, the "turncoat of Bloemfontein"<sup>68</sup> was reported in July to have compared the lot of black workers to the Israelites wandering in the desert for forty years "before they reached the promised land." He claimed that this was the

second time the Bloemfontein Native workers of different occupations have made application to the Wages Board to intervene in order to prevent the general strike which was almost inevitable after the February deadlock with the Wages Commission appointed by the Town Council.

He referred to the dismissal of employees because of ICU affiliations. He went on to state that "the class struggle must be brought into the enemies' camp" by strike action if they did not achieve their minimum wage. "If the Wage Board will not move we shall have to embark upon direct action,"<sup>69</sup> urged 'Mote, the same man who also

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67. Workers' Herald 27 March 1926

68. Wickins, The ICU p 99. 'Mote turned King's evidence against Simon Elias after the riots of 1925. Elias was acquitted and 'Mote was expelled from the ICU but returned to the fold the next year. ibid, p 89. Workers' Herald 15 October 1925

69. 'Mote, "Getting Desperate: the Wages Board and the Natives" Umsebenzi 16 July 1926

called for a passive resistance campaign to secure the minimum wage.<sup>70</sup> Such confusion in the minds of ICU spokesmen acted against them and proved to be a factor in their demise as an organisation: they had an idea about what goods had to be delivered, but did not know how to conduct the delivery.

The Wage Board's involvement with the wage dispute in Bloemfontein was to be long and tedious for two reasons. First, the government itself was unsure whether it wanted unskilled African wages investigated by the Wage Board generally,<sup>71</sup> and second, localised problems such as procedure and the actions of participants existed. The Board replied to the Town Clerk that it could not investigate the conditions of "native unskilled labourers" as a whole. Such a racial classification was not permitted by the Wage Act and if it were to make a recommendation for Africans "as a class of employees" distinct from unskilled workers as a whole, it would in effect be

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70. Wickins, The ICU p 99. Wickins called Keable 'Mote a Gingerist. This term is drawn from the "loose, but well-defined, groups" that appeared at the Colour Bar Bill conference in 1926. The Ginger groups, "composed of all the young bloods" whose "policy was 'Direct Action'" were counterposed against the Moderates "whose policy was to face facts and to deliberate soberly and moderately on them" and the Die-hards "whose policy was that 'Nay was Nay, and Yea was Yea'."(p97). My own suspicion is that 'Mote, turncoat and confused thinker that he was, could merit the full-blooded label of a Gingerist.

71. This aspect is dealt with in detail below pp 399-400

singling them out "in the same way as it would if it dealt only with red-haired or blue-eyed employees."<sup>72</sup> Clearly, the Board was only prepared to operate on an each-industry-on-its-merits policy which in effect produced a divide and rule strategy. The delay in the operation of the Board also assisted in the successful drawing of the location working class movement's teeth.

A number of applications from different industries were sent to the Board during the rest of 1926, most of which were refused, apparently for non-satisfaction of Wage Act requirements. One application made on behalf of the brick-making industry for a minimum of 3s 6d was accepted and the Board began its investigation into the industry in April 1927, two years after the outbreak. The Board reported that former members of the NWC<sup>73</sup> requested the Board to refrain from proceeding until they had considered the position afresh. Their rationale was that an isolated determination would have a possibly harmful effect on other occupations. The NWC was reconstituted with

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72. Social and Industrial Review (Special Edition) 1(17) 29 June 1928

73. The Report does not state whether this call was representative of all the NWC members or only a few commissioners.

the ICU sending along four delegates as before. The Commission met twice in May and forwarded a resolution<sup>74</sup> to the Minister of Labour who in turn instructed the Board to investigate. His instruction was dated February 1928.<sup>75</sup>

The Board found that a number of employers, including the municipality, had paid the 3s minimum as prescribed by the Native Wages Commission.<sup>76</sup> It also indicated, on the other hand, that many unskilled workers received less than that sum; some received as little as 15s per month or 6s per week, "without board or lodging." It also found that there were some whites who received a wage of 30s per week.<sup>77</sup> The Board initially concentrated its attention on employees who received less than 30s per week. It estimated the total

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74. The text of the resolution was as follows:

"That the Bloemfontein Wages Commission, consisting of members representing the following employers of unskilled labour in the Magisterial area of Bloemfontein, namely: Professional men; Merchants and Shopkeepers; Master Builders, embracing Bricklayers, Plasterers, Carpenters, Joiners, Plumbers, Tinsmiths, Painters and Decorators; Municipality; Quarrymen; and members representing unskilled Native employees in the above trades and in addition those in the following employments, namely: Butchers; Bakers; Dairies; Boarding-Houses and Hotels; Bootmakers; Motor Engineers and Garages; Millers; Printing Industry; Mineral Water Manufacturers; Transport Workers: respectfully request the Minister of Labour to refer to the Wage Board under section three (1)(a) of the Wage Act the matter of a basic minimum wage for unskilled labour in the aforesaid employments or trades for investigation and report with a view to a determination by the Minister of Labour in terms of section seven of the Act." Social and Industrial Review (Special Edition) 1(17) 29 June 1928 p 450

75. Social and Industrial Review (Special Edition) 1(17) 29 June 1928 p 450-451

76. *ibid* pp 451, 453

77. *ibid* p 451

thus affected at about 8 000 people,<sup>78</sup> and defined the term 'unskilled worker' as any employee "engaged in 'ordinary muscular work excluding domestic service'".<sup>79</sup> A new instruction to the Board of September 1928 revised the terms of the investigation to apply to adults as defined in the Natives Taxation and Development Act,<sup>80</sup> and all other males 18 years and over.<sup>81</sup> The Board came to a compromise solution over the recommendation of a minimum wage. The NWC had, as noted, suggested 3s and the ICU 3s 6d per day, which they later argued was not a living wage.<sup>82</sup> In both May and October the Board reported that it could not recommend a civilised wage, and on both occasions the Minister referred the matter back to the Board. The minimum was set down as £1 per week or 3s 6d per day in terms of the proposed determination in May. The withdrawal of the original ministerial instruction laid the way open for the compromise recommendation whereby a proviso was added that laid down that for the first 1/2 year of the determination wages not less than 18s per week and 3s per day should be paid and that for the next 6 months, not less than 19s per week or 3s 3d per day should be paid.<sup>83</sup> The number of

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78. 1929 WBR p 36

79. Social and Industrial Review (Special Edition) 1(17) 29 June 1928

80. Section 19, Natives Taxation and Development Act, Act 41-1925: "adult means a native who has reached the age of eighteen years or, in case of doubt, who appears to the officer concerned to have reached that age and who does not adduce evidence to the contrary to the satisfaction of the officer."

81. Social and Industrial Review (Special Edition) 11(10) 16 November, 1928, report dated 29 October 1928

82. Social and Industrial Review (Special Edition) 1(17) 19 June 1928

83. Social and Industrial Review (Special Edition) 11(10) 16 November 1928, report dated 2 November 1928

employees affected by this determination was given as 5 232.<sup>84</sup>

"A bomb has fallen into the Boss Camp" proclaimed Umsebenzi before the compromise recommendation had been reached. The "whole tribe of exploiters generally" had been aroused. The annual wage bill they claimed would increase by £750 000 with the 3d per day increase. The paper referred to capitalist fears that, if accepted, the award would

form a precedent and that the native workers of Johannesburg and elsewhere in the Union, together with the land workers [sic] throughout the country, will demand equally favourable rates ... 85

The SACP's optimism was to be short-lived and their analysis of capitalist fears vindicated for the refusal to grant further upliftment did not stop with the amended Bloemfontein recommendations. How and why this occurred can only be ascertained after closer examination of African contacts with the Wage Board.

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84. Department of Labour Annual Report, 1932-1933, UG 43-1934, pp 67,68

85. Umsebenzi "Hell Opened to Capitalists" 27 July 1928

The successful attempt in Bloemfontein to obtain a minimum wage determination for unskilled workers is the most well known event of that sort. But two points need to be kept in mind. First, Bloemfontein was not the only town where attempts to attain minimum wage determinations for occupations monopolised by Africans were made. Second, a concentration on the Bloemfontein determination ignores African reactions to wage determinations in trades for which wages were laid down for a number of occupations, not only unskilled ones. We deal with these two points seriatim.

A number of attempts were made between 1925 and 1937 to attain wage determinations for unskilled, largely African, workers. At least two different categories can be identified. First, a number of requests issued from Africans in the pre-Bloemfontein era which were prompted by a desire to utilise the 'colour blind' machinery of the Wage Act. Second, the fact that a determination was issued in Bloemfontein urged interested parties to attempt to secure further wage determinations for unskilled workers. The authorities considered these applications for determinations against the wider background of a debate which ensued over the practicability or otherwise of extending the 'benefits' of wage regulation to African workers. Whilst at first it was decided not to cover unskilled Africans, the changing circumstances of the 1930s forced the issue of African wages onto the state's agenda with the result that African wage earners were incorporated in the system. The industrial relations system itself

had been transformed to enable African accommodation without necessarily upsetting the general order of things.

The main organisation - with the exception of the Bloemfontein Town Council - which requested the Wage Board to investigate the wages of African workers between 1926 and 1928 was the ICU. The ICU's approaches to the Board were part of a general campaign which encouraged African workers countrywide to organise and demand higher wages.<sup>86</sup> The Union's approach was encapsulated in Kadalie's 1928 statement on the economic and political programme for that year:

A consistent and persistent agitation for improved wages for native workers must be conducted by all branches of the Union. The agitation must be Union-wide, and regard must always be had to local conditions and circumstances. Improvements, however small in themselves, must be welcomed and made the basis on which to agitate for further advances. Every endeavour should be made to enter into friendly negotiations with farmers' associations, employers' Organisations/sic and individual employers in the towns, with a view to securing improvements. If no results are obtained branch secretaries should, wherever practicable, invoke the aid of the Wage Board. In this connection a study of the Wage Act, 1925, is urged. 87

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86. For further details of this campaign, cf Bradford, H "'A Taste of Freedom': Capitalist Development and Response to the ICU in the Transvaal Countryside", passim, in Bozzoli, B (ed) Town and Countryside in the Transvaal, and Wickins, P The ICU ch 8.
87. "Economic and Political Programme for 1928". Statement by Kadalie, reproduced as Document 49b-6, Karis and Carter, From Protest to Challenge vol 1, pp 331-332

Although Kadalie suggested the above plan of action as a proposal for 1928, it is quite clear that that policy had already taken root prior to 1928. Besides the Bloemfontein wage demands, the ICU demanded a 2s per day increase in East London in 1925. The City Council initially agreed to the demand as long as private concerns went along with it. In the event, private businesses did not concur and Kadalie organised a strike which forced the Council to back down. The ICU scored a minor success<sup>88</sup> when the Council made an offer of an extra 6d per day. The ICU accepted the paltry increase.<sup>89</sup> An incident at Cathcart in the Eastern Cape highlighted one of the problems which faced people who campaigned for higher wages. An African, Lomani, was expelled from the Cathcart location by the Town Council because he applied for increased wages. Only the intervention of ICU head office officials prevented his actual expulsion, but it would appear that the application was then dropped or forgotten.<sup>90</sup>

The ICU made two applications to the Wage Board in Durban in 1926 and 1927. Champion, who apparently earlier invoked the Board

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88. Davenport, T R H South Africa: A Modern History p 210

89. Wickins, P The ICU p 89

90. Workers' Herald 28 April 1926

in Johannesburg as well,<sup>91</sup> wanted the Board to investigate the wages and conditions of 50 firemen employed by Durban whaling companies<sup>92</sup> and approximately 1 000 employees in stores and warehouses in Durban.<sup>93</sup> This latter group, 700 of whom authorised Champion to make the application, comprised people "engaged in the cleaning of and in the delivery of goods from stores or shops of wholesalers, retailers, manufacturing agents, forwarding agents and warehouses." Attendants and assistants of delivery vehicles, but not the drivers of such vehicles, were also included. For these employees, Champion requested a wage of £8 per month plus accommodation, an 8 hour day and overtime for public holidays and Sundays. The Board noted that current wages fell far below Champion's proposed wage. The Board investigated the matter in 1927 but refrained from further action pending the outcome of the Bloemfontein investigation. That determination became effective at the end of 1928. The Board reported in May 1929 that, as the requested £8 a month minimum was "not sufficient" for employees to live at civilised standards, it could not recommend a minimum wage.<sup>94</sup>

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91. Swanson, M W in personal communication to author, 16 January 1983. The 1928 draft memorandum of the Johannesburg Joint Council entitled "The Natives in Industry" refers to a Johannesburg investigation, para 35 (SAIRR Archive B71.4.5) I have not come across any reference in wage board reports, published and unpublished, to a Johannesburg unskilled workers' reference.
92. An 105-1929 ii. The application was made on 28 July 1926. The Board reported on 7 May 1929
93. An 111-1929 ii. The application was dated 17 February 1927. The Board reported on 13 May 1929
94. An 111-1929 ii

For the firemen on whaling boats, Champion requested a minimum of £12 per month and a 6 hour day. Current wages averaged £5 a month plus food. The Wage Board again refrained from taking further action until after the Bloemfontein investigation was complete and again the Board could not recommend a civilised wage.<sup>95</sup> In both cases, the Board's work was clearly held up by its involvement in the Lucas Award affair as well as the Bloemfontein investigation. More important was the Board's departure from normal procedure in that it failed to request the firms involved in the investigations<sup>96</sup> to supply it with balance sheets to indicate whether or not they could afford the increases. It is unclear whether this action reflected Wage Board indifference to the claims of African workers. In any event, the Minister refused to act on the Board's report.<sup>97</sup> The unskilled workers in Bloemfontein had been granted an 'uncivilised' wage, but the Durban workers were denied even that.

The Minister's action in 1930 with regard to at least three requests confirmed the state's policy decision not to entertain requests from,

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95. An 105-1929 ii

96. The two whaling companies involved were Union Whaling Co Ltd., and Premier Whaling Co Ltd.

97. 1931 WBR pp 100-101

or on behalf of, unskilled workers as a class of workers under the Wage Act. It is possible that the failure to achieve a wage determination in Durban was one of the causes of the violent demonstrations that broke out in June 1929.<sup>98</sup> In 1930 the Durban Borough Council applied to the government for a wage determination for unskilled workers, partly as a result of the riots of 1929.<sup>99</sup> Cape Town's City Council did likewise, possibly more out of concern for future unrest, given the lowering of wages generally brought about by the influx of Africans into the Cape Town area from the eastern Cape.<sup>100</sup> Bolitho has indicated that municipalities generally were concerned about the instability and insecurity caused by low wages.<sup>101</sup> Attempts by City Councils to get their way came to naught.

Notwithstanding the setbacks in Durban and the compromise low wage determination in Bloemfontein, some African trade unionists still retained faith in the Wage Board. Kadalie, as already noted, still urged Africans to resort to the Board, and in November 1928, the Weekly News reported that the ICU was prepared to use the Wage Board because in "our good South Africa, Boards with chairmen like Mr Lucas don't live long".<sup>102</sup> The death blow to those who still looked to the

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98. cf Wickins, P The ICU ch 12

99. Native Economic Commission (Minority) Report UG22-1932, p 152

100. *ibid*

101. Bolitho, J "The South African Wage Board 1925-1945" pp 13-14

102. Weekly News 21 November 1928. This publication was the ICU's weekly news letter; cf Wickins, P The ICU p 172

Wage Board was dealt with the Kroonstad enquiry.

State policy had clearly changed. The state was not prepared to extend wage regulation benefits to unskilled workers. That change in state policy is best illustrated by the Kroonstad investigation.

A number of applications were made in different towns, and Wickins claimed that "the most hopeful appeared to be that at Kroonstad".<sup>103</sup> It is not clear why Kroonstad appeared better situated, except that it had an exceptionally large ICU population<sup>104</sup> and that the ICU had previously involved itself in disputes in the town. One such dispute occurred in 1927. The ICU had contested an increase in location rates in the courts. The residents in the interim, either through 'Mote's encouragement or on their own prompting, refused to pay their rates. The ICU lost the case and were unable to assist members and others financially to thwart the municipality's attempts to evict those people who were "unable or unwilling to meet the demands of the City Council." To add to the plight of the inhabitants, houses from

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103. Wickins, P The ICU p 183

104. The number of ICU members in Kroonstad was put at 10 813. *ibid*, p 204

which people were evicted were pulled down.<sup>105</sup> The ICU lost a great deal of rank and file support in Kroonstad as a result of the debacle, and even Champion was unable to assure the inhabitants of the ICU's ability to look after their interests.<sup>106</sup> Whereas the Kroonstad enquiry could have reflected a desire on the ICU's part to regain local support, or, alternatively of rival factions of the ICU<sup>107</sup> to gain the upperhand in the town itself, it is quite clear from the evidence that poor conditions and general dissatisfaction among Kroonstad Africans was the main cause of the enquiry.

In July 1929, the Wage Board receive an application from Ballinger's ICU of Africa.<sup>108</sup> They requested a general minimum wage which covered all occupations, whether or not they were unskilled or skilled categories; an investigation into wage rates; the implementation of various scales "to meet special conditions and qualifications"; the hours and conditions of work and "any other matter whatever connected with labour and the conditions thereof."<sup>109</sup>

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105. *ibid*, p 154

106. RDM 8 July 1927

107. cf chapter 1, pp 104-5 above

108. The application was received on 3 July 1929, not in August as stated by Wickins, PhD Thesis, p 558; cf "Report by the Wage Board ... Kroonstad" An 51 1930 p 1, and An 108-1933 p 101. The first public sitting of the Board in Kroonstad took place on 14 August at which the ICU presented the employees' case; cf An 51-1930 p 3. For splits in the ICU cf chapter 1 pp 104-5 above.

109. An 51-1930 p 1

A public meeting, called in January 1929 by the Location Superintendent at Kroonstad to discuss the establishment of a location brewery, was attended by about 2 000 people. After the main topic was dealt with, ICU officials took over the meeting and a resolution in favour of a Wage Board investigation was carried. The ICU itself claimed that of the 1 140 employees in the trades concerned, it represented 793.<sup>110</sup> On this basis, and on the Location Superintendent's advice, the Board decided that the ICU was a representative body in terms of the Act and thus continued its investigation.<sup>111</sup>

The public meeting in Kroonstad was attended by member of both Ballinger's ICU and Kadalie's Independent ICU, employees in the

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110.	<u>Industries investigated</u>	<u>Total Employees</u>	<u>ICU Represented</u>
	Mineral Water	18	11
	Building	200	129
	Brickmaking and Clay	115	105
	Wagon Building	20	12
	Shops	422	259
	Milling	25	15
	Hotels and Boarding Houses	32	32
	Municipal Undertakings	308	230

An 51-1930 p 2

111. *ibid.* This procedure had to be followed as the ICU was not registered as a trade union under the Industrial Conciliation Act of 1924.

industries concerned, as well as the Chamber of Commerce, the Kroonstad Joint Council of Europeans and Natives, and the Town Clerk. Ballinger's ICU laid out the details of the employees' demands. The minimum wage claims ranged from £6 to £8 per month and most called for a 48 hour working week, depending on the nature of the establishment.<sup>112</sup> As with the Bloemfontein application, the ICU submitted a budget which outlined the monthly cost of living of certain African employees in the Kroonstad location. A figure of £7.6s.11d per month for the maintenance of a family of five, was submitted and "was vouched for by some European members of the Joint Council."<sup>113</sup> The Board found that rental formed a substantial part of their monthly expenditure and that on average most people lived "considerably below the standard indicated by the budget."<sup>114</sup>

112.	Trade	Present Weekly Wage		Monthly Wage Applied for			Weekly Hours Applied for
		s.	d.	£.	s.	d.	
	Mineral						
	Water	12.	0	8.	0.	0.	48
	Building	12.	0	8.	0.	0.	48
	Brickmaking and Clay	12.	0	8.	0.	0.	48
	Wagon						
	Building	12.	0	6.	0.	0.	46
	Shops	10.	0	6.	10.	0. to	
				10.	0.	0.	48
	Milling	10.	0	7.	0.	0.	48
	Hotels and Boarding						
	Houses	7.	6	7.	10.	0.	None Specified
	Municipal Undertakings	12.	0	8.	0.	0.	48

An 51-1930 p 4

113. An 51-1930 p 4

114. ibid, p 7

The Board also discovered that many employers were aware of the situation and recognised the need to raise wages but did nothing about it. Earlier objections that the application by the ICU was exorbitant persisted, with the Town Clerk leading the attack.<sup>115</sup> He argued that the £8 claim would raise the wage bill by £8 000 per annum. He further claimed that the cost of living in Kroonstad was lower than in Bloemfontein and that certain fringe benefits like certain local allowances for railway workers benefitted the local population. The Board indicated that amongst other things, the allowance was not granted to Africans. The Town Clerk pointed out that Council wages had been increased by 3d per day in April and went on to propose a different scale of wages for Kroonstad:

2s 9d a day for the first three months of employment; 3s a day for the next three months; 3s 3d for the following three months and thereafter 3s 6d a day, with the right to the Council on re-engaging such an employee to employ him at 2s 9d a-day, notwithstanding the wage he was receiving when he previously left the council's service. 116

Potential threats to job security were clearly indicated in the Council proposals. The representatives of the building, brickmaking and clay industries, and the Chamber of Commerce agreed with the Council proposals. The milling industry indicated it was prepared to

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115. *ibid*, p 3

116. *ibid*, pp 8 - 9

pay a wage of 3s 6d, but asked for exemption from any determination on the grounds that it could not pass increased costs of production on to the consumer. The hoteliers argued that their industry was different and disagreed with the Council proposal. The Joint Council called for the same scale of wages as the Council, but did not subscribe to the section which mentioned the right to pay re-engaged employees at the first notch on the scale. The Board, unfortunately, did not record the responses of the employees' representatives to the Council proposals.<sup>117</sup> Figures provided by the employers indicated that roughly two-thirds of African employees earned between £2 and £4 per month, and that the largest number in the lower bracket were employed in shops.<sup>118</sup> The total inadequacy of the Council's proposals, disregarding their shameless escape hatch, were blatantly obvious.

The Wage Board, almost by way of justification or apology, reported on the situation of the location. It was "pleasantly situated about 1½ miles from the railway station"<sup>119</sup> but was in effect 2½ miles from the centre of town, which distance was recognised by the secretary of the Kroonstad Native Advisory Board a long way to go for the "smallest necessities of life."<sup>120</sup> The failure to secure a determina-

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117. *ibid*, p 9 - 10

118. *ibid*, p 12

119. *ibid*, p 13

120. Evidence to the Native Advisory Board, Kroonstad, on behalf of the inhabitants of the Kroonstad Municipal Locations. Written down upon the 25th August, 1932, and passed and approved by the NAB at a Special Meeting held at the Location Hall on Friday the 26th August 1932. SAIRR PB 30 N 2. I am grateful to Professor T R H Davenport for this information.

tion ensured that the average wage in Kroonstad in 1932 which was supposed to acquire the "smallest necessities of life" remained a meagre £2. 5s. 2d. per month as against £3. 10s in the Transvaal.<sup>121</sup> The houses were "of a good type" and appeared "to be well cared for by their owners",<sup>122</sup> but the Board had also noted that most families had been forced to rent two 40 ft x 40 ft sites because one had proved inadequate.<sup>123</sup> It is quite obvious that conditions in Kroonstad were not even remotely Elysian, and that the ICU demands were justified. Their satisfaction was not to become reality.

The Board reported in September 1929 to the Minister of Labour that it was unable to recommend wages upon which people could support themselves according to civilised standards. The Minister failed to respond.<sup>124</sup> It remained for William Ballinger, as the Administrative Secretary of the ICU of Africa, to respond and, in part, to reveal his true colours. In an erratic yet forceful memorandum he wrote that a

crisis of immense importance, pregnant with possibilities of forced extreme violence, on the part of non-European Industrial organisations is foreshadowed by the failure of the Minister for Labour to give a 'determination' in respect of the ICU of Africa's request for a minimum wage. 125

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121. ibid
122. An 51-1930 p 13
123. ibid, p 7
124. An 108-1933, pp 101-103, deals sketchily with the application and the outcome
125. Ballinger, W G "Incitement or procrastination - which?" Ballinger papers, University of the Witwatersrand, A410, C1.1.4 p1

At the meeting of 14 August, at which "a number of sharp exchanges of opinion, and some rather pertinent questions between the Employers and Employees [sic] representatives" occurred, they were led to believe that Kroonstad would, in all probability, be granted a "Bloemfontein award".<sup>126</sup> The lesson to be learnt, he stated, was contained in the quasi-biblical text that ought to have framed "the entrance to the Administrative Departments that deal with requests for the better treatment of their people": "Blessed are they [sic] that expecteth nothing."<sup>127</sup> Ballinger lamented the fact that the constitutional, "peaceful way of adjusting Native Industrial workers [sic] economic disabilities" had been dashed to pieces and had in effect "given 'the extremists' a valuable piece of propaganda."<sup>128</sup> This particular cry had, as already noted, been heard in liberal platitudes to Hertzog in the 1920s.

The underlying reasons why Bloemfontein succeeded and Kroonstad failed can now be traced. The evidence reveals that the results of each application were rooted in specific and general circumstances. Throughout the period the state took an active interest in the question of African unskilled wage regulation.

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126. *ibid*

127. *ibid*, p 1 - 2

128. *ibid*, p 2

In October 1927 an important conference, attended by the Native Affairs Commission, the Departments of Labour and Native Affairs and the Wage Board, was held to discuss "the position of the African worker in industry."<sup>129</sup> The conference in effect had to assess the position of the African worker in the industrial relations structure of the Union because the industrial laws had "in the main quite frankly been framed with an eye to and emphasis upon the establishment of good conditions in industry for the white worker."<sup>130</sup> The Bloemfontein troubles and the request for a Wage Board investigation had brought matters to a head: the government had to make a policy decision. The conference, wishing to avoid possible strike action and increased tension and discord in Bloemfontein, acceded to Lucas's suggestion that the Minister should instruct the Wage Board to investigate Bloemfontein's unskilled workers' wages. Once set in motion in Bloemfontein, it was clear that the Board could not ignore further references to it from unskilled workers.<sup>131</sup> It is obvious that the state was reluctant to provide Africans with the means to obtain minimum wages. The specific circumstances of riots and unrest in Bloemfontein, linked to the activities of that city's Native Wages Commission, rather than a desire to uplift African workers per se, brought about the wage determination. The conference was correct in

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129. Bolitho, J "The South African Wage Board 1925-1945" p 11

130. Conference on the Regulation of Native Interest in Industry, 25 October 1927. Quoted in Bolitho, J "The South African Wage Board, 1925-1945", p 11

131. Bolitho, J "The South African Wage Board, 1925-1945" pp 11-12

its prediction that further applications would be made to the Board after the precedent had been established. It was only in 1930, though, that the government formally pronounced its general policy after the Kroonstad investigation had been disposed of for specific reasons.

William Ballinger referred to the phenomenon of "the Backveld farmers [sic] MLA's." He argued that farmers feared that their poorly paid workers would move to the cities if wages were increased there.<sup>132</sup> Similar arguments from urban whites that an influx of Africans into towns would occur had largely been disregarded by the Wage Board. Ballinger further suggested that "the minister for Labour's Cabinet colleagues were not in favour of referring the matter back to the Wage Board".<sup>133</sup> It is possible that Ballinger's comments were not far off the mark. Orange Free Staters generally had very strong feelings about Africans in 'white' urban areas. A statement by J H Cloete and F R Cronje, President and Executive Committee <sup>member</sup> / respectively, of the Orange Free State Municipal Association captured the essence of Free State thought on the matter:

The traditional conception of our Native Locations in the Free State, as distinguished from that of the Coastal Provinces, undoubtedly is that they are merely convenient reservoirs for the purpose of supplying the legitimate

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132. Ballinger, W G "Incitement or procrastination - which?" p 2  
Ballinger papers, University of the Witwatersrand, A410 C1.1. 4
133. Statement by W G Ballinger to Native Economic Commission, 1930  
p 2. Ballinger papers, University of the Witwatersrand,  
A 410 C1.1.3

labour requirements of our towns and villages. The genesis and subsequent slow development of the Free State Locations afford ample proof of this assertion. 134

The Urban Areas Act was amended in 1930 to give the Minister power "to compel urban local authorities to grant trading rights to selected African applicants",<sup>135</sup> but the government was "reluctant ... to use such power."<sup>136</sup> The Free State strongly resisted the grant of trading rights to Africans in locations right into the early 'forties.<sup>137</sup> That resistance was grounded in the belief that benefits in town would accelerate the migration from the countryside which would disrupt labour supplies in the rural areas. The grant of trading rights "would sooner or later be followed by the demand for complete autonomy or for a fuller measure of self-government, with the unavoidable corollary of the Municipal Franchise." Furthermore, the transformation of locations into townships would lead to "a considerable reinforcement of our Urban Native population", a feature which had to be resisted at all costs.<sup>138</sup> These sentiments were echoed by the Kroonstad Town Council. The Council also noted that the grant of trading rights would operate against the white shopkeeper, whose source of taxable income

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134. "Statement to be submitted on Behalf of the Orange Free State Municipal Association by J H Cloete, President, and F R Cronje, a Member of the Executive Committee, at the Enquiry to be held at Kroonstad on Monday the 5th September 1932, / into / the Provisions of Section 22(a) of Act no 21 of 1923, as amended by Act 25 of 1930". SAIRR PB 30 N-Z. I am indebted to Professor T R H Davenport for access to this document. Part of the text is reproduced in Davenport and Hunt, The Right to the Land, p 76
135. Davenport, T R H "The Triumph of Colonel Stallard" p 81
136. Davenport and Hunt, The Right to the Land p 76
137. Davenport T R H "The Triumph of Colonel Stallard" pp 81-83
138. "Statement submitted on Behalf of the Orange Free State Municipal Association ..." 5 September 1932. Davenport and Hunt, The Right to the Land p 76

would be impaired and that Africans could find themselves operating as frontmen for white businessmen. Further, trading rights would lead Africans to ask for security of tenure. Africans were prohibited by law to own freehold land and leases would not be permitted. As the law stood, it was "a practical bar to Natives erecting shops of any dimension, and adds to the many practical difficulties when the possibility of granting trading facilities to Natives is investigated." Finally, the Council mentioned that a location was moved earlier on because it had become "practically merged with the town and Europeans and Natives were living cheek by jowl." It was "probably unnecessary" to suggest that the move could not have taken place if Africans had had trading rights because "the compensation that would have been demanded would have been enormous."<sup>139</sup> An atmosphere of insecurity permeated white society in the Orange Free State.<sup>140</sup> Although the sentiments quoted above were expressed in 1932 there is no reason to think that they were not prevalent in 1930 at the time of the Kroonstad enquiry, or earlier. The policy followed by the Bloemfontein Town Council in 1925, for example, encouraged the presence of unemployed Africans in the locations "to create a reservoir of surplus labour",

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139. "Statement to be submitted on behalf of the Town Council of Kroonstad by Councillor C J Fullard, Mayor of Kroonstad, and Councillor H Neubauer, Chairman of the Native Affairs Committee of the Town Council of Kroonstad, at the Enquiry to be held at Kroonstad on the 5th September 1932, into the provisions of Section 22(a) of Act 21 of 1923, as amended by Act 25, of 1930". I am indebted to Professor T R H Davenport for this information.

140. Davenport, T R H "African Townsmen?" pp 98-9

of cheap labour.<sup>141</sup> In these circumstances, the provision of minimum wages for unskilled African workers could only have been seen as the provision of more suitable conditions in the locations which would lead to a more settled, permanent population. Although attempts to stem the growth of a permanent African population in the urban areas went against the trend as identified by the Holloway Commission,<sup>142</sup> the pressure on government to stop the Wage Board investigation must have been great. Other considerations, on the other hand, also played a part.

Ballinger went on to question the priorities of parliamentarians. The Kroonstad debacle proved for Ballinger that Members of Parliament were guilty of procrastination in their dealings with African affairs. He thought that MPs operated "on the assumption that the Native has an inexhaustible fount of patience." He complained that the Kroonstad investigation had not received proper treatment in Parliament.<sup>143</sup> In fact the matter was only dealt with in the form of a question by Denys Reitz, MP for Barberton, in March 1930. Creswell, in his capacity as Minister of Labour, mentioned that he had not instructed

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141. Pienaar Commission Report, p 478 cf pp 365 ff above

142. Native Economic Commission Report UG 22-1932, pp 72-74

143. Ballinger, W G "Incitement or procrastination - which?" 4-5 Ballinger papers, University of the Witwaterand, A410 C1.1.4

the Board to continue its investigation

for the reason that the whole matter of the best method of procedure in cases such as this in which natives in urban areas are solely or almost solely concerned is at present under consideration by the Government. 144

Ballinger claimed that the failure to pursue the matter in parliament was linked to the coincidence of other important policy considerations at the time. He pointed to the uproar over the Quota Bill of 1930 which proposed to restrict the entry of East European Jews into the country. Ballinger commented bitterly that

Supporting Zionism and a home in Palestine for the descendants of the 'outcast tribes', which few of the South African sons and daughters of Israel want to see and far less live in - sic is more likely to gain applause for the Politician, either seeking to consolidate his seat, or even the fickle electorate, than championing the cause of the unenfranchised African Native Industrial Workers. 145

The above passage is not as "curious" or as unworthy of further examination as one commentator's treatment of it would suggest.<sup>146</sup>

The question of Jewish immigration casts interesting light on the state's priorities. An examination of it reveals that the selfishness of politicians or the fickleness of the electorate were not the only factors at play to force African affairs into the background as

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144. House of Assembly Debates, 1930 c 1587. Reitz's question is at c 1586
145. Ballinger, W G "Incitement or procrastination - which?" pp 4-5 Ballinger papers, University of the Witwatersrand, A410 C1.1.4
146. Wickins, P, PhD Thesis, referred to this as a "curious passage", but left it at that (p 558 note 2). The passage and note were both excised from the published version of his thesis.

Ballinger suggested. Bradlow dealt with the problem of Jewish immigration into the Union but tended to ignore the implications of restricted immigration for trade unions and labour issues.<sup>147</sup> Anti-semitic feelings ran high after 1930, partly because white workers felt threatened and partly because the state encouraged restrictions on trade unionists who were Jewish and held important positions of influence in the labour movements.<sup>148</sup> The Quota Act episode indicated that labour issues in general and not only African labour matters in particular were at the higher reaches of state priority lists. The incident must be seen as part of the broader issue of control, and one which was more sensitive in white political circles than the issue of Kroonstad's impoverished African labourers.

Ballinger was also convinced that "a section of the Cabinet [Pirow, for example?], backed by a considerable group in the country" actively supported a policy of procrastination to let the frustration build up and explode. In much the same way that Smuts allegedly 'let the situation develop' in 1922, for the same reason Africans were encouraged by state inaction to react violently so that they could be taught a lesson.<sup>149</sup> Whether such cynical intent was the driving force behind official thinking is not known, but the turn to increased

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147. Bradlow, E "Immigration into the Union 1910-1948: Policies and Attitudes Part 2

148. cf Chapter 1, pp 108-10 above

149. Statement by W G Ballinger to Native Economic Commission, 1930, pp 8-9. Ballinger papers, University of the Witwatersrand, A410 C1.1.3

repression and naked force against African workers and their organisations during the "white terror" of the 1930s<sup>150</sup> is perhaps instructive. The Bloemfontein riots preceded the harsher 1930 Riotous Assemblies Act, for example, whilst Kroonstad and general policy were all in the melting pot and coincided with it.

Specific problems and considerations affected the outcome of Wage Board investigations. The Board itself, in the person of Lucas, convinced the state that a minimum wage recommendation was the best way to settle the dispute in Bloemfontein. The determination only established a precedent which was soon acted upon by unskilled workers' representatives. The experiences of African workers in occupations other than unskilled work, in which they did not necessarily predominate were somewhat different. The following section outlines how African workers in industries generally reacted to wage determinations which covered a number of grades. Thereafter, the two-pronged state response to African participation in industrial regulation is considered.

As noted in chapter one, the late 1920s witnessed the decline of the ICU and the rise of smaller unions which operated mainly in industry.<sup>151</sup> A number of reasons were suggested for the development of the new unions, but the existence of the Wage Board influenced the creation of

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150. cf chapter 1, pp 107-8 above

151. pp 104-7 above

at least two of them. In early 1928, the Native Bakers' Union was in the process of formation on the Witwatersrand<sup>152</sup> and a temporary committee of Africans in the furniture trade was formed in March of the same year.<sup>153</sup> This latter committee soon developed into the Native Mattress and Furniture Workers' Union. These two unions soon set themselves the task of investigating the operation of wage determinations in their respective trades.<sup>154</sup> Evasions of the determination for the furniture trade spurred the Mattress and Furniture Workers' Union on to organise a membership drive.<sup>155</sup> A strike was organised at the Transvaal Mattress Company in late September 1928 when it became clear that the determination was not being applied to African employees. The strike succeeded when the employers capitulated.<sup>156</sup> Another strike in the same factory just over a year later involved about 200 African workers whom downed tools over the same issue as the previous year. The strike failed to secure the workers'

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152. Umsebenzi 17 February 1928. Bolitho incorrectly cites the date as 17 August 1928, "The South African Wage Board, 1925-1945" p 22 note 2

153. Umsebenzi 2 March 1928 Bolitho, *ibid*, p 12

154. Umsebenzi 22 June 1928

155. *ibid*, 22 August 1928

156. *ibid*, 24 October 1928

demands, this time partly because the white employees failed to honour a mutual aid agreement accepted by the two parallel unions in the trade, and partly because of police action. Strikers were arrested, the Coloureds and Indians among them released and the African employees were charged under the Master and Servants Act. The labour force was thus effectively split.<sup>157</sup> The Native Bakers' Union, for its part, fought hard to maintain the determined wages after the determination had been declared invalid. Their efforts were not successful.<sup>158</sup> Other unions involved in policing wage determinations were the Clothing Workers' Union<sup>159</sup> and the Laundry Workers Union.<sup>160</sup> Similarly, Indian laundry workers were organised in Johannesburg and Durban following wide-scale infringements of determinations for the trade. By the end of January 1929 Benoni and Krugersdorp boasted a paid-up membership of 250.<sup>161</sup>

The machinery of the Wage Board and its method of procedure made determinations of minimum wages more accessible to all classes of workers. Up until 1930 it was not fettered by the type of registration problem under the Industrial Conciliation Act, and neither was

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157. *ibid*, 30 November 1929. cf also Lewis, J "The New Unionism" in Webster, E Essays in Southern African Labour History pp 134-135

158. Umsebenzi 24 October 1928

159. *ibid*, 31 January 1929; 30 January, 21 August and 13 November 1931. Lewis, J "The New Unionism" in Webster, E Essays in Southern African Labour History p 135

160. Umsebenzi 31 October 1929; 31 October, 21 November, 28 November 1930. Lewis, *ibid*, p 135

161. Umsebenzi 31 January 1929

it permitted to dictate minima in overtly racial terms. Because it was easier for African workers to work through the Board, they were encouraged to organise to draw up demands. Because employers were determined not to enforce determinations, Africans had to use unions to police determinations and secure their enforcement via any means at their disposal. Partly because the fears expressed in 1925 that minimum wage regulation would encourage unionisation with all its concomitant 'horrors' had come true, and partly because the state did not desire, for the reasons outlined above, the "upliftment" of African workers, some method had to be employed to halt the increased utilisation of the Wage Board and the increased organisation of African workers in general. This the state achieved in an essentially three pronged attack on African workers. The one, the increased use of repression was discussed in chapter one.<sup>16/a.</sup> The other two methods by which Africans were essentially removed from the ambit of the Wage Act form the main concern here.

Even before the fate of the Kroonstad investigation became known, the state took steps to prevent as far as possible further applications to the Wage Board on behalf of African unskilled workers. The regulations of 1926 which outlined the procedure which applicants for Wage

16/a. cf pp 107-11 above.

Board investigations had to follow were amended in 1929 and promulgated in January 1930. The new method of application required that supporters of an application which issued from a non-registered association had to sign a memorandum which accompanied the application.<sup>162</sup> The introduction of the separate form of application successfully excluded the vast mass of unskilled workers, most of whom were illiterate. Thus, even though the Appeal Court ruled in March 1930 that the Wage Board could not discriminate at all on racial grounds,<sup>163</sup> unskilled African workers as a class had effectively been removed from any protection under the Wage Act. Applications for unskilled workers of the type which had issued from Bloemfontein, Durban and Kroonstad effectively became a thing of the past. Lucas commented in 1932 that no applications from Africans had been received "since the promulgation of the amended regulations"<sup>164</sup> Once the state had settled the problem of African applications, it sought to remove the large body of African workers whose wages were covered by determinations in industries like furniture, baking, confectionary, leather and clothing.

The Acting-Secretary for Native Affairs informed the Board in September 1930 that it ought to refrain from recommending wages for

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162. Reproduced as Appendix A, p 445 below. cf ch 3, p 175 above

163. R vs Lewin (1930 AD 344) at 350-1 cf ch 5, pp 302-3 above

164. Lucas's addendum to Native Economic Commission Report, UG 22-1932 p 223; also quoted in Industrial Legislation Commission Report, UG 62-1951, pp 196-7

Africans, notwithstanding the difficulty such selective recommendation would entail. Grade II employees were the class of employee affected as they were "mainly, if not wholly, unskilled Natives".<sup>165</sup>

In October the Board received a stronger notice from the Department of Labour. Its attention was drawn to the establishment of the Native Economic Commission,

the scope of whose work will cover Native interest in industry and elsewhere. The investigation in question is of far-reaching importance, and it is not the wish of the Government to anticipate its finding by using in the meantime the machinery instituted under the Wage Act for the purpose of regulating the wages in occupations in which Natives mainly are employed. This being the case, it would be advisable for the Wage Board to consider whether, in making recommendation under any reference under the Wage Act, it should not reserve its recommendation in regard to classes of employment in which Natives in considerable numbers are affected, and deal in the meantime with other classes of employment covered by references issued by the Minister. 166

It will be noticed that the Government spokesmen were careful not to exclude Africans per se, but rather those classes of labour in which Africans predominated. Thus the Appeal Court ruling mentioned above

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165. Acting-Secretary for Native Affairs - Wage Board, letter received 26 September 1930, quoted in the report of the Wage Board for the Baking and Confectionary trade, 31 October 1930, An 122-1931

166. Secretary for Labour - Wage Board, letter received 24 October 1930, quoted in the report of the Wage Board for the Baking and Confectionary trade, 31 October 1930, An 122-1931. The Minister's instruction was mentioned briefly in the 1931 WBR p 50

would not be challenged and the Board's own dictum that employers could not be "classified as natives or non-natives though they may be rightly classified [sic] as skilled or unskilled."<sup>167</sup> came into play. The Board was instructed, in effect, to discriminate against Africans in terms acceptable under the Act. It was fully aware of the change in policy and the effects it would have. In its report on the baking and confectionery trade it stressed again that it could not discriminate. But it toed the line by amending its recommendation to exclude persons engaged in a variety of occupations, the vast majority of whom were Africans.<sup>168</sup> Africans were excluded in this manner from its recommendations for employees engaged in chemists, fresh produce and general dealers stores and premises licenced to sell bottled liquor.<sup>169</sup> Workers employed by shop keepers and newspaper publishers as motor transport drivers as well as employees involved in the transport of explosives and fuel were likewise excluded.<sup>170</sup> The Board conceded that such exclusion could lead to their employment "under conditions less favourable than those now obtaining."<sup>171</sup>

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167. cf ch 5, pp 304 ff above

168. An 122-1931

169. Report of the Wage Board for the Commercial Distributive Trade, 17 March 1931 An 557-1931. Also excluded were (white) apprentices under the Pharmacy Act, 1928, travellers, part-time bookkeepers, etc.

170. Report of the Wage Board for Motor Driving Occupations, 9 December 1936, An 138-1937

171. An 122-1931

The state decided to forestall the further application of wage regulating apparatus to Africans in occupations in which they predominated. Its reluctance to regulate African wages was evidenced during the conference which finally agreed to ask the Minister to set the Wage Board in motion in Bloemfontein. The Holloway Commission was appointed in June 1930 to report on the general economic position of Africans in the Union. Pending its report, the state issued instructions that the Wage Board ought not to recommend wages for unskilled, largely African, labourers. The Commission reported in February 1932, but it was divided in its views. That division was rooted mainly in differences of opinion concerning the practicability or otherwise of the extension of wage regulation to African, unskilled, labour.

The majority argued that wage regulation in urban areas would tend to increase the present rate of urbanisation and industrialisation of Africans which would lead in turn to increased unemployment in towns. The burden on local authorities to provide additional housing would be excessive. Migration to cities and towns furthermore would lead to a drain of farm labour which would cause the farming community hardship. The majority concluded that the African should be catered for in the reserves and that more stress should be laid on the development of those areas.<sup>172</sup>

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172. UG 22-1932, pp 147-148

The minority contested the assumptions made by the majority.<sup>173</sup> The influx question was dealt with in some detail with regard to the Bloemfontein determination. The minority accepted that Africans naturally preferred jobs in industry as compared to mining and farming, especially if wages were better. No evidence could be adduced that the increase in wages in Bloemfontein had led to an influx of Africans from rural areas to the city. The Manager of the Bloemfontein Native Administration Department reported in August 1931 that "the figures point to a decrease during the past three months." Furthermore, the minority claimed that Kroonstad, which did not have a determination, had experienced a "relatively greater" migration than Bloemfontein.<sup>174</sup> During the Wage Board's investigation at Bloemfontein the ICU had stated that an influx "may easily happen" but reassured those concerned with the assertion that the ICU would

urge our people to consent to reasonable measures by the Municipality to prevent an influx when there is already a sufficiency of labour to do the work of the town. 175

It is important to stress that the 1923 Urban Areas Act did not make provision for influx control as such. An amendment to the Act

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173. The minority consisted of R W Anderson, F A W Lucas and A W Roberts; the majority consisted of J E Holloway, H C M Fourie, A M Mostert, and P W le R van Niekerk.
174. UG 22-1932, pp 154-155
175. Report of the Wage Board, Unskilled Employment, Bloemfontein 30 April 1928. Social and Industrial Review (Special Edition) 1(17) June 1928

in 1930 "laid down that the urban local authority could refuse entry to any 'female Native' if there was no accommodation in the urban area." It was only in 1937 under the Native Laws Amendment Act that a policy of influx control, linked to the urban labour requirements, was introduced.<sup>176</sup> One of the problems the majority of the commissioners were concerned with was the "intensive campaign of reclamation of Native slums" and the adverse effects an influx would have on it.<sup>177</sup> The Johannesburg Joint Council of Europeans and Natives, for example, had argued that an adjustment of wages was necessary to help alleviate the financial problems of local authorities, especially those connected with housing. Rentals were too high in proportion to the wages received and municipalities operated uneconomically. The Joint Council concluded that "Industry and Commerce are benefitting at the expense of both the municipalities and the native workers."<sup>178</sup> Anderson, Lucas and Roberts argued along similar lines but stressed that African efficiency would have to be increased to offset the increase in their wages.<sup>179</sup>

For the most part, the views of both groups of commissioners were based on claims and counterclaims. What is clear is that the whole question of whether African wages should be regulated was at the

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176. Davenport and Hunt, The Right to the Land, p 72 docs 114 and 116

177. UG 22-1932 p 148

178. Report of the Wage Board, Unskilled Employment, Bloemfontein, 30 April 1928. Social and Industrial Review (Special Edition)

179. UG 22-1932 p 151

forefront of debates between policy makers. Linked to that question was the larger one of what machinery should be used to regulate their wages.

The Wage Board submitted to the Minister's instruction not to recommend wages for unskilled labourers in certain trades.<sup>180</sup> The Board, following Lucas's opinion that the Wage Act should be applied to Africans, refused to entertain appeals to alter the Bloemfontein determination. The majority of the Holloway Commission did not find "any good ground for departing from the well-established maxim that more expensive things are used less freely," but the Board was not convinced by employers's arguments that they would employ more workers at lower rates of pay. It further discounted claims for a reduction based on the fall in the cost of living during the depression. It argued that although prices had fallen to a level which enabled some people to purchase goods in fairly large quantities, the same was not true for Africans. Africans were generally

compelled by circumstances to make their purchases in very small quantities, which adds considerably to the price which they have to pay, and in fact goes far to neutralise any reduction that may generally have been made in the prices of goods. 183

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180. cf p 410-11 above

181. UG 22-1932 p 148

182. Report of the Wage Board, Unskilled Employment, Bloemfontein 27 April 1932. An 109-1933

183. *ibid*

The Board's actions in this regard finally indicated that the Bloemfontein award as Wickins stated, was an aberration.<sup>184</sup>

One concern of the advocates of generalised wage regulation was to prevent the debasement of higher paid white workers to lower levels. The depression did not hit the Union's economic infrastructure as badly as it could have, had not the rationalisation of business and the mechanisation of industry, not least as a result of state intervention, occurred. The end of the depression, the formation of the Fusion Government, the rise of black trade unions and the crisis within white labour politics, all these factors contributed to changing the rationale which lay behind economic planning. Gradually, after the initial setback of the depression years, the 'advancement' school of thought, those people who adhered to notions of upgrading the wages of the lower class of employees gained the ascendancy. Their motives were somewhat different to those of their predecessors. A far greater concentration on questions like the importance of the African consumer market and the necessary containment of worker organisation and strike activity became prime factors behind economic planning.<sup>185</sup> The switch in policy was exemplified in the decline of the Wage Board as an instrument of so-called white labour or skilled labour advancement and the tendency to return to and extend the

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184. Wickins, P The ICU p 183

185. cf ch 1, pp 73-81 and ch 4, pp 288-90 above

machinery of the Industrial Conciliation Act.

The year 1935 represents, in many ways, a turning point in the development of wage regulation in the Union. The Van Reenen Commission investigating industrial legislation reported and Lucas resigned as Chairman of the Wage Board at the end of its second term of office. The Commission reported against a national minimum wage but strongly supported arguments for increased wages for unskilled workers. The report asserted that the small, essentially white, home market, already an adverse factor on economic growth, was further hampered by racial discrimination. Cheap African labour had "a retarding effect upon the introduction of improvement in [industrial] organisation and technique." The commissioners disagreed with a Poor White Conference recommendation that the Wage Board should be empowered to fix ratios between "civilised" and "uncivilised" labourers. They urged the repeal of the 'civilised wage clause', section 3(3) of the Act, and concluded that the solution to the poor white problem lay, inter alia, in the improvement of "the general level of wages for workers in the lower-paid occupations." The prevalent idea of the depression years, that wage reduction was the means towards economic recovery, was declared dispelled by the Commission.<sup>186</sup> These opinions were not new. The Unemployment Commission, for example, had reported in 1932 along similar lines.<sup>187</sup> The Durban Chamber of Commerce and Industry in 1934 and 1935 respectively had also recommended "that serious consideration be given to the question of increasing the

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186. UG37-1935 pp 46, 38, 52, 113, 59, 60

187. UG 36-1932

wages of Natives."<sup>188</sup> The importance of the Van Reenen Commission report lay in its synthesis of the ideas of the 'advancement' school of thought in the Union at the time. The amendments to the Wage Act largely arose as a result of the Commission's findings. Against this background, the state's action vis-à-vis unskilled workers' wages after 1935 becomes more explicable.

The Wage Board received two references in September 1936 for two groups of unskilled workers in the Cape Town area. The first covered unskilled work on bridge building, excavation works, demolition sites and the preparation of sites for new construction. It excluded people employed in those occupations in the building, quarrying and/or stone crushing, brickmaking and/or tilemaking and road making industries. Employees in the latter industries were covered by the second reference.<sup>189</sup> The references were issued after complaints from the Master Builders' Association that contractors operating in the field undercut the wage paid to employees not covered by determinations or agreements. H W Tindall, the Board's secretary stated in January 1937 that "the particularly heavy programme of work" it had on hand precluded it from beginning its enquiry at an earlier date.<sup>190</sup> In the event the Board reported in

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188. Report of the Wage Board, Unskilled Employment, Durban An 584-1939

189. Report of the Wage Board, Unskilled Employment, Cape Town, An 52-1938ii and Report of the Wage Board, Quarrying and/or Stonecrushing, Brickmaking and/or Tile-making, Road-making (Cape) An 82-1938ii. The references were dated 22 September 1936

190. Tindall - Ballinger 20 January 1937. Ballinger Papers, University of the Witwatersrand, A410 C2.3.11 file 1

January 1938 that a determination would be advantageous in both areas. In terms of the new Act of 1937 the Board further reported that no class of employee covered by a determination would receive a 'civilised' wage.<sup>191</sup>

William Ballinger also returned to the fray in September 1936. He asked the Minister of Labour and Social Welfare, APJ Fourie,<sup>192</sup> to instruct the Board to investigate the wages of "semi-skilled" and "unskilled" workers in the Johannesburg magisterial district and the Witwatersrand-Pretoria industrial area.<sup>193</sup> A request was made on behalf of "a number of Non-European Organisations", which included the All African Convention, the African Dairy Workers' Union and the African Native [sic] Building Industrial Union, for adults who

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191. Ans 52 and 82-1938 ii. The term "unskilled" was defined to include "the whole or any portion of any of the following operations:- (i) loosening, taking out and removing stone and soil; (ii) cutting down, destroying and removing trees and vegetation; (iii) shovelling materials into and removing them from mortar or cement mixing machines, and mixing mortar or concrete by hand with shovels; (iv) loading and unloading materials; (v) carrying and moving mortar, bricks, stone, concrete or any other materials; (vi) dismantling, destroying and removing any portions of a building and other structure." An 52-1938 ii
192. The Department of Labour changed its name in 1935. As with the separation of Industry from the Department of Mines and Industries and its allocation to a new Department of Commerce and Industry in 1933, so the extension of the jurisdiction to Social Welfare was symptomatic of an alteration in South Africa's social framework. The expansion of industry, the acknowledgement of the necessity of trained, healthy personnel as a result of the relative shortage created by the intrusion of another labour market into the dual economics of mining and agriculture, can be seen on the macro level by the rationalisation of state organs of control.
193. Ballinger-Fourie, 24 November 1936. Ballinger Papers, University of the Witwatersrand, A410 C.2.3.6. file 1. Summaries of the contents of this letter can be found in UG 44-1937, pp 51-2, and in W G Ballinger, "Industrial Report October - December 1936," Friends of Africa. Ballinger Papers, University of the Witwatersrand A410 C.1.1.6. pp 4-5.

received £6.10 per month or less, whether in land or cash. Ballinger appealed for a minimum wage of £6.10s per month for males because that was the minimum amount "proved by 'Family Budgets' on which the average African Native family can be maintained." He used the desperate plight of white girls who were paid well below that level in certain industries as the carrot with which to coax Fourie into action. He argued that the spirit of the times, as *evidenced* by the Industrial Legislation and Holloway Commissions, favoured increasing unskilled wages. The SATLC, the Joint Councils and other organisations supported such moves. Ballinger further claimed that even Cabinet ministers had remarked in worried tones at the failure of industry and commerce to raise the wages of their lower-paid workers. The Ministers' concern, according to Ballinger, arose from

their belief that the future of South African industry depends on the exclusion of existing markets and the opening of new markets, and their conviction that this can only be done by increasing the spending capacity of the poorest section of the community 194

Considerations other than the purely economic that Ballinger mentioned included the unhealthy growth of juvenile delinquency, "general criminal tendencies among the country's urban population", and "deficiency diseases due to malnutrition".<sup>195</sup> These problems were "cancerous growths" which resulted from neglect because mothers had to find work to supplement the family's deficient income; action

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194. *ibid*

195. *ibid*

which in the long run proved fruitless. The Wage Board's attention had been drawn to the social problems of lower-paid workers during its Bloemfontein investigation. The Johannesburg Joint Council report on urban budgets, for example, revealed that "inadequate nutrition" had "a great deal to do" with the high infant mortality rate among Africans.<sup>196</sup>

Whereas some employers had accepted the severity of the situation and raised wages many had not, and Ballinger urged the Minister to bring the others into line. The matter received the Minister's "consideration"<sup>197</sup> but eventually was turned down. The refusal was couched in the familiar terms of previous applications. It was a general one and did not specify trades and industries. Furthermore, the Minister claimed that unskilled workers were covered by a number of determinations and industrial council agreements. The point was also stressed that with no specifications made, the call for a general minimum wage was impossible due to such considerations as the ability of businesses to carry on their trade successfully. The point was made that

the necessity for regulating the wages of unskilled workers has for a considerable period occupied the attention of this Department, which endeavours to ensure that all wage

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196. Report of the Wage Board, Unskilled Employment, Bloemfontein 30 April 1928. Social and Industrial Review (Special Edition) 1(17) June 1928
197. Walker - Ballinger, 28 November 1936, Ballinger Papers, University of the Witwatersrand, A410 C2.3.11 file 1

regulating measures contain suitable provision for every grade of worker, and in certain instances the Honourable the Minister has refused to give legal effect to Industrial Council Agreements which contained inadequate provision for unskilled workers. 198

The Minister's reasons were received with disappointment and justified scepticism. The reply contained, in effect, a licence for sweating labour and the Minister's concern for unskilled workers was clearly a transparent fabrication in favour of skilled workers.<sup>199</sup> Ballinger once again warned the Government that their action played into the hands of the "Native radical section."<sup>200</sup>

Ballinger's failure to get the Minister to issue a reference to the Board did not indicate that the government still operated on Kroonstad principles. The Minister's objections essentially were correct: the correct method of application would have been for Ballinger to present a memorandum which bore the signatures of those people on whose behalf he applied. Alternatively, the Minister could have taken heed of his concern and issued a reference anyhow, but the Minister chose to await the results to the Cape Town investigation.<sup>201</sup>

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198. Walker - Ballinger, 14 December, 1936, Ballinger Paper, University of the Witwatersrand A410 C2.3.11 file 1
199. Ballinger, Industrial Report, October-December 1936 to Friends of Africa, p 5. Ballinger Papers, University of Witwatersrand, A410 C1.1.6
200. Ballinger - Walker, 30 December 1936, Ballinger Papers, University of the Witwatersrand, A410 C2.3.11 file 1
201. Department of Labour Annual Report, 1936, UG 44-1937, p 52

Ivan Walker, secretary for labour, writing in the shadow of the new Act which removed, inter alia, the regulation which required non-registered applicants to sign applications and the civilised wage clause, emphasised that

the Department is alive to the necessity for taking active steps to raise the wage rated of the lower-paid workers in industry, as recommended by the Industrial Legislation Commission, and has for some time past directed its efforts to that end. 202

The first investigations into unskilled wages after the passage of the new Wage Act in 1937 were the two in Cape Town, which have already been dealt with, and one in Durban. The Durban investigation, as with the Cape Town ones, had its origins in pre-1937 Wage Act occurrences and it is thus pertinent to a discussion of the period under review.

It was noted above that the Durban Chamber of Commerce and Industry had recommended that "serious consideration be given to the question of increasing the wages of Natives."<sup>203</sup> In 1937, the annual congress of Chambers of Commerce called for

"the establishment of a minimum wage for Natives employed in urban areas ... through the medium of a representative conference convened by the Ministers of Labour and Native Affairs."

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202. Walker - Ballinger, 5 October 1937, Ballinger Papers, University of Witwatersrand, A410 C2.3.11 file 1

203. cf pp 488 ff above

The 21st Annual Convention of the South African Federated Chambers of Industries resolved that a minimum wage ought to be legislated for Africans "engaged in industrial and commercial undertakings, including local and provincial governments. It would appear that these calls were made out of a desire for stability and uniformity in the wage structure of the Union. In early 1937, the stevedores and dock-workers struck. Further trouble broke out in August. A large number of African workers gathered at the Bantu Social Centre in the town and addressed a resolution to the Native Commissioner, the City Council and the Chambers of Commerce and Industry. The resolution stated that "in spite of the general property of the country, the Native had not been affected and is still receiving the same wages as during the depression" and called for a Union-wide minimum wage. The City Council reacted in September 1937 by calling a round-table conference comprised of the Chambers of Commerce and Industry, Master Builders, Forwarding Agents and "larger employers of labour." The following resolution was passed and forwarded to the Secretary for Labour, Ivan Walker:

This meeting representing large employers of labour views with concern the growing unrest amongst Native labourers, mainly created by the absence of any wage controlled by law. The Government is, therefore, requested to appoint a Commission to go into the general question of Native wages and betterment of labour conditions on a national basis with the minimum of delay. 204

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204. Report of the Wage Board, Unskilled Employment, Durban, An 584-1939. The trades included brick and/or tilemaking; quarrying and/or stonecrushing; roadmaking; timber; distilling; manufacturing cement and/or cement products; bridgebuilding or concrete engineering; excavation and/or levelling of ground; preparation of sites for buildings or other structures; demolition of building; municipal undertakings; transportation of goods and/or passengers; mineral water manufacturing; petrol and oil trade; printing and newspaper industry; the brewing industry, and stevedoring.

The request for a commission was turned down on the grounds that it was unnecessary, "in view of the machinery which exists for the determination of minimum wages and conditions of employment." The Minister considered that the amended legislation embodied the recommendations of the Van Reenen Commission. He suggested that "the problem which has arisen at Durban is one which would most appropriately be dealt with by the Wage Board."<sup>205</sup> The Minister instructed the Board to investigate the position of unskilled workers in 17 occupations. The reference covered 14 301 workers, 76% of whom were Africans.<sup>206</sup> An investigation into the wages and conditions of unskilled labourers was thus inaugurated in Cape Town before the new Act came into force but were only completed after its promulgation. Further investigations were instituted in Cape Town, Durban, Port Elizabeth and East London shortly afterwards. In this way, the state conceded that the regulation of unskilled labourers was to lie with the Wage Board in terms of the new Act which had removed the essential impediments to the utilisation of the old Act by African unskilled workers: the 1930 regulation and section 3(3), the civilised wage clause. The 1937 Wage Act was "used extensively to improve the wages and conditions of employment" of Africans. Down to 1948 determinations covered "at least 198 324 " Africans."<sup>207</sup>

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205. Walker - Ballinger, 5 October 1937, Ballinger Papers, University of Witwatersrand, A 410, C2.3.11 file 1

206. Report of the Wage Board, Unskilled Employment, Durban An 584-1939, cf also An 13-1940

207. Industrial Legislation Commission Report UG 62-1951, p 197

The main features of the Wage Board's relation to African workers can now be traced. The ICU gave its qualified support to the Wage Act when it was promulgated. A number of applications were made to the Board as part of a larger, country-wide ICU campaign to obtain increased wages of workers generally. The state was reluctant to allow machinery, which it had ostensibly created for the 'benefit' and control of white labour, to be used by African unskilled workers. The state agreed to activate the Wage Board in Bloemfontein mainly because the conference on Africans in industry considered that the troubles there were caused largely by poor wages and working conditions. ICU applications in Durban were delayed pending the results of the Bloemfontein investigation. When the Board reported that it could not recommend 'civilised' wages the Minister failed to instruct it to recommend wages it deemed fit. The apparent success unskilled workers achieved in Bloemfontein further encouraged organisations to apply for Wage Board investigations. State reluctance in general and Free State opposition in particular resulted in the failure of the most hopeful application, the Kroonstad unskilled reference, to achieve a determination, even along the lines of the Bloemfontein compromise. Applications from other centres were also not entertained. State authorities were reluctant to provide Africans with practically any semblance of rights in urban areas, or with means to encourage their urbanisation in a climate stimulated by African worker organisation. The depression added to the reasons to remove

Africans from wage regulation for the prevalent economic thinking of the time was based on a belief that reductions in wages was the only way to get out of the economic morass. The peculiar nature of state organisation in South Africa, linked to the fact that African workers, formed the vast bulk of the unskilled labour force in the country, meant that Africans in general and workers in particular were more prejudiced by state policies than white workers.

The removal of Africans from wage regulating instruments was effected in two ways. First, Champion-style applications, applications on behalf of unskilled workers as a class of employee, were acted against. Amendments to the regulations which detailed the precise application procedure were put into effect in January 1930. It now became necessary for employees or employers who were not registered under the Industrial Conciliation Act to sign a supportive memorandum attached to any application made to the Board on their behalf. As Africans were mainly excluded from the scope of the Conciliation Act and because they were discriminated against educationally, they were largely illiterate. Thus applications to the Board on their behalf became phenomena of the past. But Africans were also covered by investigations and determinations in trades which employed large numbers of whites. These were trades, like sweet-making, furniture making, and baking, that were selected for increased white employment. One problem that was initially experienced with the Industrial Conciliation Act was that the exclusion of pass-bearing Africans from its ambit resulted in the displacement of whites for Africans. That Act was amended in

1930 to permit Industrial Councils to extend their agreements to cover non-employees in terms of the Act. The utilisation of the Wage Act to prevent employers from discrimination against more expensive white employees thus became redundant. The Supreme Court ruled in March 1930 that the Board could not discriminate against employees in terms of race. The Wage Board was instructed towards the end of 1930 not to recommend wages for grade II employees, who were, in the main, African workers. By the simple policy instruction from the Minister, a large number of Africans who were employed in trades for which new references were issued were excluded from the 'benefits' of any recommendation made by the Board. Africans in these trades had for their part to resort as in the past to strike action and trade union organisation to enforce determinations which affected them. But the effective removal of large numbers of African workers from the scope of new determinations operated against further trade union action because there was no longer anything to enforce as such. The combined use of the two measures mentioned here with increased repression meted out by the state partly explains the demise of African trade unions during the early 'thirties.

Towards the end of the depression it became clear that policy makers were divided on the merits of economic doctrines that stipulated that wage reduction was a palliative to economic distress.

By 1935 the 'advancement' school which argued that the wages of lower paid workers should be raised in the interests of economic expansion and the development of internal markets had won the day. State officials and interested parties in the country turned their attention back to the position of African unskilled workers. Against the background of changing economic thinking, renewed African union organisation and the co-option of white workers under the colour bar industrial council system, the system of wage regulation was altered. African unskilled workers after 1937 were largely dealt with under the new Wage Act which did away with the 'civilised' wage clause and the 'literacy' regulation of 1930. White workers were encapsulated more under the new Industrial Conciliation Act which, unlike the Wage Act, institutionalised collective bargaining mechanisms and organised trade union administration. In this way the workforce was more effectively split into its racial components and Africans were excluded from an institutionalised trade union dominated industrial relations system.

## CONCLUSION

Modern South African history has been analysed from a number of different perspectives. A major problem which scholars have attempted to unravel is the origins and role of the system of racial discrimination which permeates every aspect of the South African way of life.

One group of commentators argued that the system arose and became entrenched as a result of the combined effects of the racial prejudices of white workers and state intervention in the operation of a free market economy. African subordination in particular and black retrogression in general were attributed to irrational constraints which were placed on the economy. This conservative view was modified by liberal analysts who argued that employers had reaped some benefits from the system of racial discrimination. Prejudice alone was therefore not seen as the sole cause of racism. They argued that the future development of the economic system was endangered by the entrenchment of a system whereby one group (whites) were artificially supported. Radical scholars challenged these early interpretations when they argued that a direct relationship existed between the peculiar nature of the South African situation and the course of economic development. They attempted to explain the racism of white workers, rather than describe it, and they outlined how employers adjusted themselves to demands from white labour. They discovered that racism and racial discrimination were entrenched

and promoted by the way that capitalism operated in South Africa. Racial discrimination became a necessary element in the course of economic development in the Union.

The arguments and debates about the role of racial discrimination in South African development revolved around issues like the colour bar in industry and state intervention in economic affairs. The Wage Act of 1925 was but one brick in the foundation of the South African industrial relations edifice. It formed part of the civilised labour apparatus which discriminated against blacks, and introduced into industry the concept of compulsory wage regulation. An analysis of the Act can shed light on the origins and the role of racial discrimination in South Africa.

The Wage Act operated as an element of the civilised labour policy. This policy was adopted in the face of the social problem of poor whites. Although poor whites in towns were not a phenomenon unique to the 1920s, governments prior to 1924 had not really tackled the problem. They presented a threat to the general security and stability of the state. As voters they could and did influence the fortunes of ruling parties, as indigents they threatened to debase society and as unskilled workers they were seen as potential strikers. Earlier governments had relied on providing a limited number of poor whites with jobs in government service and the institution of afforestation schemes and relief works. The mining industry was loath to employ any more whites than it absolutely had to.

Its peculiar cost structure and the high cost of white labour dictated that it depended on a host of cheaper African labour and a small number of highly paid white miners.

South African industrial undertakings were given a tremendous boost by the First World War. Both prior to and after the war South African manufacturers had to compete on international and domestic markets with goods produced more cheaply by the highly capitalised countries of the capitalist world. A system of tariff protection was introduced to protect and encourage the growth of South African industries. The Smuts government was reluctant to pursue tariff protection policies vigorously because of mining house and commercial fears that prices would be raised to artificial heights. The local commercial, manufacturing and entrepreneurial farming communities urged the extension of tariffs. After the disastrous 1922 Rand Revolt, the voice of labour was joined by the other lobbies in denunciation of Smuts's policies. Different and contradictory constituencies voted together and Smuts's government was replaced by a Nationalist-Labour Party Pact coalition in June 1924.

Economic good fortune assisted the Hertzog government in its early years. The tariff was extended with the express provision that beneficiaries should employ more whites. The problem of the higher cost of white labour in the private sector was thus borne directly by secondary industry.

The Wage Act formed the third leg of the civilised labour stool in the private sector. The Apprenticeship Act, which laid down a minimum educational qualification linked to a maximum age-limit which favoured whites, and the Industrial Conciliation Act which excluded pass-bearing Africans and indentured Indians from its scope, were both taken over and administered unchanged by the new government. The Wage Act did not overtly discriminate against people of colour. It operated on an equal work, equal pay basis in the unorganised sections of industry. The Conciliation Act presupposed a degree of organisation of both employers and employees and operated on a voluntary agreement principal. The Conciliation Act was not suitable as an instrument to promote the employment of unskilled and semi-skilled workers. It protected skilled workers who dominated trade unions from the encroachment of other classes of labour, whether black or white. The Wage Act, aimed primarily at the unorganised trades in which unskilled and semi-skilled operatives were contracted, became the vehicle for the advancement of white labour employment until after the Great Depression.

The Wage Act made provision for the establishment of a national Wage Board which could be sub-divided if circumstances necessitated such action. It comprised at least three members, including a Chairman, appointed by the Minister of Labour. During its term of office the Board was staffed by civil servants like Roberts, van der Horst and Mc Gregor, or by people who were well acquainted with labour and trade union matters, like its first chairman, Lucas.

The Wage Board was not permitted to discriminate in terms of race or colour, and its recommendations covered all employees except those included in specific categories. These included agricultural workers, employees in domestic service, government servants, convict labourers and certain employees whose terms of employment were governed by agreements under the Industrial Conciliation Act. The Board had to follow strict rules of procedure which proved more of a hindrance than a boon until they were simplified by an amendment in 1930.

The Board had to take a number of factors into consideration when it made recommendations to the Minister. Two of the more important ones were: first, the Board could not recommend wages without the Minister's instruction if it felt it could not recommend civilised wages to all employees in any trade. In terms of government policy, a civilised wage was interpreted as the wage upon which employees could enjoy white standards of living. Second, it had to be convinced that the trade or industry could carry the increased wage bill.

The Board was fully aware of the discriminatory effect wage regulation had in terms of the Act. It was practically impossible for the Board to ignore the incredibly wide gap between the wages of unskilled African workers and highly paid skilled white workers. The vast number of determinations issued on the basis of Wage Board recommendations raised intermediate wage levels to well above the unskilled rate with the effect that more whites were employed in those categories. In effect, adult African males were generally displaced by adult white females and white juveniles. White males dominated the higher range

of the wage ladder. Furthermore, the Board pursued its white labour policy during its investigations. It continually made statements about the possibilities of increased white employment, and earmarked a number of trades as potential white reserves.

The clearest indication that the board was used to promote white employment can be found in the administration of supplementary determinations. These were determinations which buttressed industrial council agreements. Shortly after the promulgation of industrial council agreements it was discovered that many employers discharged white workers who fell under the terms of the new agreements, and replaced them with African workers who were excluded from the scope of the Act and hence the wage requirements of the agreements. Half of the Board's work prior to 1930 was devoted to issuing supplementary recommendations. The Board ruled that employees excluded from the provisions of the Industrial Conciliation Act were a class of employee in terms of the Wage Act. It was thus able to issue recommendations which fell in line with the council agreements. Employers could no longer employ Africans at lower wages. White workers were thus protected from displacement by lower paid Africans. The Conciliation Act was amended in 1930 to enable industrial councils to extend the terms of agreements to cover employees excluded from the Act if they thought the objects of the agreements would be defeated.

Not all supplementary investigations were meant to favour whites against Africans. One instance indicated that in the hairdressing

trade where all the employees were white, the Board issued a supplementary determination to cover white employees who had been excluded from the terms of an industrial council agreement.

Other means were also used to promote white employment. Different ratio systems were used to ensure that a certain number of whites had to be employed before a certain number of unskilled workers could be taken on. Adults were protected by ratios which controlled the number of juveniles permitted in trades and higher paid males were protected from displacement by lower paid females through similar provisions. Apprenticeship was encouraged if it provided training opportunities for youngsters, but was frowned upon if it encouraged the overt use of cheap labour.

The manufacturing sector in the Union welcomed the institution of legislation which promised to bring economic stability and curb labour unrest. Once the first Board's membership was announced and it issued its first recommendation there were howls of outrage and opposition. The Board's recommendations were high only when compared to going rates but it was forced to reconsider its awards. As the years passed the voices of opposition from employers quietened down, so that by the end of the depression their opposition had turned to support. A number of reasons exist for this change of mood.

Employers manipulated the provisions of the Act, colluded with employees to get around, and evaded the terms of, determinations.

They relied on the generally amenable courts of the land to serve in their interest. Evasion took a number of forms. Direct evasion was the most prevalent, but more subtle ways were also encountered. Bogus partnerships, fictitious loans and invalid reductions for board and lodging also occurred. Employers often reduced wages when agreements expired or tried to delay the publication of determinations.

Detractors were very rarely brought to court. The Department followed a cautious policy of persuasion and leniency and tried as far as possible to settle matters out of court. Even when the odd recalcitrant employer was prosecuted the courts would normally impose ridiculously light sentences. Quite often it paid them to pay into the court rather than pay the employee the minimum wage. Besides that, the courts often ruled that determinations were ultra-vires. In most instances the cases were won on mere technicalities. The Department of Labour was infuriated by the court rulings, but they served to highlight loopholes in the Act which were closed in 1930. Notwithstanding the inadequacy of the courts, the state refused to consider trade union calls for the establishment of special industrial courts to deal with industrial cases.

In the majority of cases the Board reported that it could not recommend civilised wages to all employees. When instructed by the Minister to do so it would often set wages at levels it considered civilised - £2.10.0 per week for adult women and £4.10.0 per week for

unqualified males - for occupations generally filled by whites or potentially filled by whites. Other occupations were normally recommended lower wages. In this way the Board satisfied employers by not recommending higher wages for Africans

The mining industry was appalled at the idea of compulsory colour-blind wage regulation in the mines. The battle between the Chamber of Mines and the Labour Party in the government was the first really intense battle between mines and state since before the South African War. Creswell added fuel to the fire when he attempted to bulldoze his Mineworkers' (Minimum Rate of Pay) Bill through the 1925 parliamentary session. The question of wage increases for certain classes of whites on the mines was settled when the Lucas award was announced. The award was binding in terms of the Industrial Conciliation Act and was granted by the Wage Board. It presented the miners with an increase acceptable to the Chamber. The only reward the miners got was the return of the colour bar in 1926, at far less cost to the mines than the Creswell Bill would have been. The mining companies were henceforth never investigated by the Wage Board. Their greatest fear that the Board would be used to raise unskilled wages was wholly unfounded.

The treatment of Africans under the Wage Act during the period 1926-1937 epitomised the general attitude of whites towards Africans in the Union. When the Act was passed, Kadalie's ICU gave it its qualified support. Their faith in the overtly colour-blind nature of the Act was borne out when a number of applications

were made to the Board from all over the country. The state was reluctant to utilise the machinery of the Wage Board for the benefit of African workers. The state's attitude indicated that the Act was not intended to uplift workers generally, but rather to enlist support from whites. The only application which had any success was one for unskilled workers in Bloemfontein. That determination was allowed because of local fears that unrest would erupt as had happened prior to the investigation. Their success in Bloemfontein prompted ICU supporters to obtain a determination for Kroonstad. The application was not entertained. Free State opposition in particular but general reluctance to grant any semblance of rights to Africans in urban areas, or to promote African working class organisation, prevailed. Many African trade unions were formed with the specific intention of monitoring existing determinations or of achieving them in 'mixed' industries and trades.

Africans were removed from the scope of the Wage Act in two ways. First, the method of application by unregistered organisations was altered: applicants now had to sign all applications from 1930. As the majority of Africans were illiterate, this amendment proved very effective and no applications were received from Africans until 1937. Second, the Wage Board was instructed to refrain from recommending wages for grade II employees by the Department of Labour in 1930. It was commonly acknowledged that grade II occupations were normally filled by African workers. These two changes ensured that the Board would not regulate wages in trades where Africans predominated, like the Bloemfontein unskilled

occupations' investigation, or where they were employed in mixed trades like baking, clothing and the like. By regulating wages according to occupation and not by colour, the Wage Board ensured the employment of whites instead of blacks.

The new policy lasted the duration of the depression. With the return of normal economic activity, policy makers began to consider ways and means of enlarging the domestic consumer market. By 1935, the ideologues of the advancement school who believed that the lowest paid workers' wages should be increased in the interests of industrial expansion won the day. Africans could not be incorporated in the machinery of the Industrial Conciliation Act because trade union rights would have been conferred on them. A separate system was devised. White workers were brought under the Conciliation Act more and more. It was a far more extensive Act than the Wage Act and better suited to controlling labour. Africans were incorporated under a revamped Wage Act in 1937 which removed the civilised standards clause and the offending application regulation. Coercive and repressive legislation like the Riotous Assemblies Act still operated to control African labour.

It is difficult to assess the economic costs of Wage Board determinations. The increased efficiency which became a feature of the period was partly the result of determinations.

The determinations do not appear to have increased production costs to any great degree. The Board justified any re-trenchment attributable to its determinations in terms of stopping

the wasteful employment of labour. The regulation of wages went a long way to removing abusive employers and of rationalising competition. When employers who employed policies approved by the Board were in difficulties, they were granted exemptions. The wages the Board recommended were not excessive but were high enough to encourage mechanisation and the reorganisation of businesses. Naturally, the Board was not wholly responsible for the changes that took place, but it played a fairly important role in promoting the changes. With the onset of the depression the board reduced wages to an extent, relaxed its exemption policy and acted leniently towards employers. The provision of minimum wages encouraged the growth of a consumer market within the country. Attention was focussed almost exclusively on whites before the depression because they already formed a fairly privileged class. After the depression, the rapid expansion that followed absorbed many of the unemployed whites back into industry and the potentially huge African consumer market was nurtured. White labour acquiesced and threw in its lot with conciliation and reformism, whilst the vocal minority were steadily isolated from the mainstream of white labour politics.

The Wage Act of 1925 promoted the employment of unskilled and semi-skilled whites from 1926 - 1935, but the bulk of its work in this regard was done between 1926 and 1930. It supplemented agreements drawn up under the Industrial Conciliation Act to prevent the employment of Africans in the place of more expensive white operatives. When Africans attempted to secure benefits through

wage determinations they were turned away. The Bloemfontein wage determination arose more as a practical solution than from a principled commitment. Even those whites whose conditions of labour were controlled by wage determinations did not secure the benefits they initially thought they would get. The Wage Board's activity did not usher in the apocalypse, nor was it intended to. The general rationalisation of South Africa before and after the depression owed not a little to the operation of the Board. The Board and the Act became redundant after the depression as white labour interests were covered by the voluntary arrangements of the Industrial Conciliation Act. The Wage Act was altered in 1937 to become the means to draw African labour into the industrial relations network of the Union.

The Wage Act of 1925 operated to restrict the entry of blacks in general but Africans in particular into jobs at particular wage levels. As such it was used to promote the employment of whites. It did not act detrimentally on economic development and in some instances actually promoted growth. Employers initially refused to co-operate, but soon changed their minds when they saw the benefits that could accrue to them. In this manner they participated in racial discrimination. White workers sought to protect their positions and they too contributed to the perpetuation of a racist system. African workers were excluded but were later incorporated in an attempt to control African labour and not to provide benefits as such.

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Appendix A

Form of Application to the Wage Board for Investigations under the Wage Act in terms of Section 12, Act 27 - 1925

A Government Notice 346, 17 February, 1926

B Government Notice 40, 10 January, 1930

APPLICATION TO THE WAGE BOARD IN TERMS OF SECTION THREE (1) (b) FOR AN INVESTIGATION UNDER THE ACT.

To the Registrar, Wage Board, Pretoria.

1. On behalf of (1) I hereby make application to the Wage Board to investigate in respect of (2) for the area of (3) the following matters:-

- (a) (b) (c)

2. I hereby certify that (1) is a trade union registered under the Industrial Conciliation Act, 1924.

3. (For use only where the answer to paragraph 2 is in the negative.)

I hereby certify that the number of employers/employees concerned in the trade and area above stated is approximately (1) and that the number of such employers/employees on whose behalf I am authorized to make this application is (2).

4. I annex hereto a memorandum setting forth the grounds upon which the Board is asked to make this investigation, and the wages, hours, and other conditions of labour which, in terms of this application, it is desired to be made the subject of a determination under the Wage Act.

(Signed) Official Designation (if any)

Date Address

4. Subject to the provisions of sub-section (1) of section three of the Act, the Registrar shall forthwith, after the receipt by him of an application for investigation, cause an acknowledgment of the receipt of such application to be forwarded to the signatory thereto, and shall as soon as may be submit such application to the Chairman, who-

- (a) may direct that further information shall be secured; (b) may advise the Minister that a Division of the Board should be appointed to make the investigation applied for;

- (1) Here state name of trade union or organization, or description of employees or employers making application. (2) Here state trade, industry, occupation. (3) Here state area concerned. (4) Here enumerate separately each subject for investigation. (5) Here state number.

APPLICATION TO THE WAGE BOARD IN TERMS OF SECTION THREE (1) (b) (i) FOR AN INVESTIGATION UNDER THE ACT.

To the Registrar and Secretary, Wage Board, Pretoria.

1. On behalf of (1) a trade union/an employers' organization registered under the Industrial Conciliation Act, 1924, I hereby make application to the Wage Board to investigate and report to the Minister upon, and submit to him recommendations in respect of (2) for the area of (3)

as to any matter connected with-

- (4) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j)

2. I annex hereto a memorandum setting forth the grounds upon which the Board is asked to make this investigation, and the wages, hours, and other conditions of labour which, in terms of this application, it is desired to be made the subject of a determination under the Wage Act.

(Signed) Official Designation

Date Address

- (1) Here state name of registered trade union or registered employers' organization making application. (2) Here state trade or section of trade. (3) Here state area concerned. (4) Here enumerate separately each subject for investigation.

NOTE.—"Trade" means and includes any function, process, industry, business, work, undertaking, occupation, profession, or calling, performed, engaged in, or carried on by an employer or employee; and also includes a group of trades.

APPLICATION TO THE WAGE BOARD IN TERMS OF SECTION THREE (1) (b) (ii) FOR AN INVESTIGATION UNDER THE ACT.

To the Registrar and Secretary, Wage Board, Pretoria.

1. On behalf of (1) I hereby make application to the Wage Board to investigate and report to the Minister upon and submit to him recommendations in respect of (2) for the area of (3)

as to any matter connected with-

- (4) (a) (b) (c) (d) (e) (f) (g) (h) (i) (j)

2. I annex hereto a memorandum signed by (5) employers/employees in the trade and area above stated, such memorandum containing my authority to act for the signatories to this application and setting forth the grounds upon which the Board is asked to make this investigation and the wages, hours, and other conditions of labour which, in terms of this application, it is desired to be made the subject of a determination under the Wage Act.

3. I hereby certify that the number of employers/employees concerned in the trade and in the area above stated is approximately (6)

(Signed)

Date Address

- (1) Here state employees or employers. (2) Here state trade or section of trade. (3) Here state area concerned. (4) Here enumerate separately each subject for investigation. (5) Here state number of applicants. (6) Here state approximate number of persons concerned.

NOTE.—"Trade" means and includes any function, process, industry, business, work, undertaking, occupation, profession, or calling, performed, engaged in, or carried on by an employer or employee; and also includes a group of trades.

## APPENDIX B

- i) Schedule to 1925 Mineworkers' (Minimum Rates of Pay) Bill indicating the occupations of underground workers covered by the Bill and the respective wage rates proposed.

**Group One:**

Machineman  
 Hammerman  
 Timberman

**Group Two:**

Platelayer  
 Pipeman  
 Truck repairer  
 Pump chargeman  
 Mason or stonewaller (excluding waste-packer)  
 Ropeman

**Group Three:**

Any mineworker, not being a learner, who is not included in group one or group two.

**Minimum Rates of Daily Pay for Underground Mineworkers****For occupations in Group One:**

Twenty shillings plus twenty per cent, ie., twenty-four shillings per shift if he has been employed for not less than two years in any one or more occupations included in group one: or if he has been employed in one or more occupations included in groups one and two, for not less than three years, at least nine months of which shall have been in the particular occupation in which he is or is engaged to be employed.

Sixteen shillings and eight pence plus twenty per cent, ie, twenty shillings per shift if he has had not less than fifteen months' experience in underground work on any mine or mines, at least nine months of which have been in one or more occupations included in group one.

**For occupations in Group Two:**

Twenty shillings plus twenty per cent, ie, twenty-four shillings per shift if he has been employed for not less than two years in the particular occupation in which he is or is engaged to be employed: or if he, having been employed for not less than two years in any occupation included in group one, has been employed for at least nine months in the particular occupation in which he is or is engaged to be employed: or if he has been employed in one or more of the occupations included in groups one and two for not less than three years, at least nine months of which have been in the particular occupation in which he is or is engaged to be employed.

Sixteen shillings and eight pence plus twenty per cent, ie, twenty shillings per shift if he has been employed for not less than fifteen months in underground work on any mine or mines, at least nine months of which have been in the particular occupation in which he is or is engaged to be employed.

**For occupations in Group Three:**

Fifteen shillings plus twenty per cent, ie, eighteen shillings per shift if he has had not less than fifteen months' experience in any underground occupation in any mine or mines.

Twelve shillings and six pence plus twenty per cent, ie, fifteen shillings per shift in any other case.

**Source: Union Gazette Extraordinary, 22nd April 1925**

ii) List of Occupations on the Mines in which employment of White Men is prescribed

Occupations	Number employed	Occupations	Number employed
Managers	} 103	Ventilation and Dust-	
Sectional Managers		allaying men	38
Assistant Managers		Surveyors	198
Underground Managers		Samplers	257
Mine Overseers	190	Riggers, Rope and Wire	
Shift Bosses	577	Splicers	30
Underground Banksmen	} 668	Blasters	12
Onsetters		Haulagemen	30
Skipmen		Native Supervisors (Under-	28
Trammers (10%)	117	ground)	
Foremen	36	Other Overseers	7
Electricians	50	Sanitary Men	74
Pumpmen	292	Miners, Reclaiming, Hand	} 582
Wastepackers	} 80	Miners, Reclaiming, Machine	
Sand-filling (15%)		181	Miners, machine-stoping
Engine Drivers (winding)	66	Miners, Hand-stoping	1,471
Winch Drivers	28	Miners, Machine-developing	570
Locomotive Drivers	20	Miners, Hand-developing	30
Inspectors (Underground)		Miners, Shaft-sinking	101
			<u>7,057</u>

List of Occupations on the Mines in which employment of White Men is not prescribed

Trammers (90%)	1,050	Masons and Bricklayers	17
Stope Timbermen	} 1,480	Stablemen	3
Shaft Timbermen		Drain and Track Cleaners	13
Carpenters	14	Handymen	9
Pipemen	406	Diamond Drillmen	21
Platelayers	262	Track Repairers	44
Fitters	113	Men Underground, not	
Drill Packers	48	classified above	<u>54</u>
Drill Sharpeners	19		<u>4,020</u>
Jumpermen	12		
Waste Packers	} 455		
Sand-filling (85%)			

## APPENDIX C

## List of Wage Board Determinations with the number of employees affected, 1926-1937

## i. 1926-1932

No.	Industry.	Area.	No. of Employees.
1	Sweet Manufacturing.....	Principal Industrial Centres...	See Det. No. 48.
2	Clothing.....	Principal Industrial Centres...	See Det. No. 42.
3	Pumpmen.....	Krugersdorp.....	7.
4	Baking and Confectionery.....	Witwatersrand and Pretoria...	See Dets. Nos. 17 and 28.
5	Furniture Making.....	Union.....	See Det. No. 50.
6	Baking and Confectionery.....	Witwatersrand and Pretoria...	See Dets. Nos. 17 and 28.
7	Sweet Manufacturing.....	Principal Industrial Centres...	See Det. No. 48.
8	Leather Manufacturing.....	Union.....	See Det. No. 14.
9	Hairdressing.....	Witwatersrand.....	80.
10	Motor Omnibus Drivers and Conductors	Principal Industrial Centres...	197.
11	Hairdressing.....	Pretoria.....	See Det. No. 41.
12	Furniture.....	Union.....	See Det. No. 50.
13	Baking and Confectionery.....	Witwatersrand.....	See Det. No. 28.
14	Leather Manufacturing.....	Union.....	630.
15	Clothing.....	Principal Industrial Centres...	See Det. No. 42.
16	Glass Bevelling and Silvering.....	Union.....	See Det. No. 45.
17	Baking and Confectionery.....	Pretoria.....	218.
18	Hairdressing.....	Port Elizabeth and Uitenhage.	See Det. No. 47.
19	Tea, Coffee and Chicory.....	Principal Industrial Centres...	703*
20	Baking and Confectionery.....	Kimberley, East London, and Bloemfontein.....	291.
21	Hairdressing.....	Capetown.....	See Det. No. 40.
22	Barmen.....	Bloemfontein and Kimberley..	57.
23	Laundry Establishments.....	Principal Industrial Centres...	See Det. No. 43.
24	Bespoke Tailoring.....	Principal Industrial Centres...	See Det. No. 44.
25	Unskilled Employment.....	Bloemfontein.....	5232*.
26	Shop Assistants.....	Principal Industrial Centres...	See Det. No. 38.
27	Sweet Manufacturing.....	Principal Industrial Centres...	See Det. No. 48.
28	Baking and Confectionery.....	Witwatersrand.....	650.
29	Furniture Manufacturing.....	Witwatersrand.....	See Det. No. 50.
30	Furniture Manufacturing.....	Durban.....	See Det. No. 50.
31	Furniture Manufacturing.....	Port Elizabeth and Uitenhage.	See Det. No. 50.
32	Furniture Manufacturing.....	East London.....	See Det. No. 50.
33	Furniture Manufacturing.....	Pretoria, Pietermaritzburg, Kimberley, Bloemfontein...	See Det. No. 50.
34	Sweet Manufacturing.....	Principal Industrial Centres...	See Det. No. 48.
35	Baking and Confectionery.....	Durban and Pietermaritzburg.	768*.
36	Clothing Manufacturing.....	Natal (certain areas).....	551.
37	Catering.....	Principal Industrial Centres...	991*.
38	Commercial Distributive.....	Principal Industrial Centres...	50,000
39	Passenger Transport.....	Capetown.....	See Det. No. 51
40	Hairdressing.....	Capetown.....	406*.
41	Hairdressing.....	Pretoria.....	65.
42	Clothing.....	Principal Industrial Centres...	6,263.
43	Laundry Establishments.....	Principal Industrial Centres...	2,611*.
44	Bespoke Tailoring.....	Principal Industrial Centres...	1,504.
45	Glass Bevelling.....	Union.....	136*.
46	Textile Manufacturing.....	Union.....	1,481*.
47	Hairdressing.....	Port Elizabeth and Uitenhage.	41*.
48	Sweet Manufacturing.....	Principal Industrial Centres...	2,008*.
49	Hairdressing.....	Bloemfontein.....	32.
50	Furniture Manufacturing.....	Principal Industrial Centres...	1,657*.
51	Passenger Transport.....	Capetown.....	1,063*.

Source: UG 43-1934

## ii. 1933-1937

No.	Industry	Area	No of employees
52	Baking Confectionery	Durban/Pietermaritzburg	768
53	Native Trade	Witwatersrand	763
54	Building	Port Elizabeth	1 476
55	Textile Industry	Union	2 668
56	Motor Transport Driving	Witwatersrand	2 619
57	Liquor and Catering	Witwatersrand	1 931
58	Furniture	Oudtshoorn	86

## APPENDIX D

## Customs Tariff

## i) Tariff Protection 1921-1924

Chicory	Crown Corks
Starch	Blankets and rugs
Calcium Carbide	Confectionery
Matches	Condensed Milk
Wrapping Paper	Footwear
Plywood	Asbestos: Cement manufactures
Metal Sheets, printed, lithoed and embossed	Paints and Colours
Sodium Carbonate	Tooth-powder, pastes and washes

## ii) Tariff Protection granted to industries either for the first time, or extended, 1925

Bacon and Ham	Blankets and Rugs
Cardboard Boxes	Baking Powder
Cheese	Broom and Brushware
Clothing, Bespoke	Earthenware Pipes
Confectionery	Shirts, Collars and Pyjamas of Silk
Fish	Cream of Tartar
Buckets, Household and Sanitary	Furniture, Wooden
Jams and Jellies	Ink and Ink-powder
Mica Manufactures	Meal Pastes
Varnishes	Condensed Milk
Printed Matter	Wrought Iron and Cast Iron Pipes
Coir Mats	Rubber Hose and Rubber Soles, Tips and Heels
	Salt

## E Arrear Wages and Underpayment, 1931-37

1931	£10 196. 7.10	No. of employees not available
1932	£ 7 495. 9. 4	No. of employees not available
1933	£ 8 734.11. 0	No. of employees not available
1934	£ 7 305.13. 7	No. of employees not available
1935	Not available	No. of employees not available
1936	£10 339. 5. 3	2 008 employees involved
1937	£14 447.14. 9	2 173 employees involved

## F Prosecutions and Convictions 1931-37

Year	Prosecutions	Convictions
1931	67	54
1932	72	66
1933	96	76
1934	109	90
1935	56	43
1936	83	71
1937	216	191

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1. Baking and Confectionary Trade: Pretoria and Witwatersrand - racial breakdown of employees 1926-1930 in percentage

AREA	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
PRETORIA	MAY 1926	29.50	66.12	0.55	3.83
	SEPT. 1927	51.73	45.40	-	2.87
	JULY 1930	46.33	50.92	-	2.75

TOTAL NO. EMPLOYEES.
183
174
218

SOURCE: 1929 WBR pp 32-33  
1931 WBR p 82

AREA	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
WITWATERSRAND.	MAY 1926	36.40	61.78	0.58	1.24
	MAY 1927	46.19	51.88	0.67	1.26
	MAY 1928	43.83	54.46	0.65	1.06

TOTAL NO. EMPLOYEES
1034
1050
1070

2. Furniture Trade: table indicating total employment of whites in percentage 1918/19-1936/37

Year	Total	Percentage White
1918-9	3 197	37
1919-20	3 619	40
1920-21	3 507	38
1921-22	3 094	38
1922-23	3 346	41
1923-24	4 113	44
1924-25	4 900	46
1925-26	5 546	46
1926-27	5 737	50
1927-28	5 929	50
1928-29	6 511	52
1929-30	6 383	53
1930-31	-	- No Census
1931-32	-	- No Census
1932-33	4 136	54
1933-34	5 427	54
1934-35	6 519	54
1935-36	7 679	52
1936-37	8 579	52

SOURCE: Union Statistics for Sixty Years, G-11 cols 119-120

3. Furniture Trade: table indicating racial breakdown in regions, 1929 in percentage

AREA	WHITE	AFRICAN	ASIATIC	COLOURED	TOTAL No. EMPLOYEES
1. WITWATERSRAND	61.00	28.50	1.35	9.16	1 856
2. CAPE AREA	36.42	5.66	0.89	57.04	1 925
3. DURBAN/P'MARITZBURG	30.35	16.05	50.53	3.08	847
4. PORT ELIZABETH, UITENHAGE	68.79	16.31	1.42	13.47	282
5. EAST LONDON	67.66	32.05	-	0.30	337
6. PRETORIA	76.47	21.57	-	1.96	51
7. BLOEMFONTEIN	76.09	19.57	-	4.35	46
8. KIMBERLEY	40.00	40.00	-	20.00	5
TOTAL					5349

## 4. Unskilled wages: percentage of workers receiving less than £2.0.0. per week in selected trades, 1926

WAGE	TRADE / AREA	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
less than 10s p.w.	1	1926	-	0.55	-	-
		1927	-	-	-	-
	2.	1926	-	0.68	-	1.20
		1928	-	-	-	-
	3	1926	0.06	0.19	0.13	0.52
		1928	-	-	-	-
	4	1927	0.04	2.36	1.82	0.69
		1931	-	0.04	-	0.08
10/- to 19/11 p.w.	1	1926	0.55	37.16	-	-
		1927	-	17.61	-	-
	2	1926	3.77	30.37	-	0.19
		1928	3.64	13.17	-	-
	3	1926	7.11	8.63	0.25	37.10
		1928	2.63	1.40	-	10.45
	4	1927	1.95	23.13	4.76	9.61
		1931	0.72	5.98	0.72	1.55
£1.0.0. to £1.19.11.	1	1926	2.73	26.78	-	-
		1927	17.04	21.59	-	-
	2	1926	4.36	29.79	-	0.10
		1928	6.54	39.72	-	0.37
	3	1926	15.09	9.59	0.06	15.15
		1928	26.15	14.98	0.08	29.36
	4	1927	6.40	22.45	11.05	8.50
		1931	7.55	34.01	15.22	15.67

1	Baking Pretoria
2.	Baking Witwatersrand
3	Sweets Union
4	Dyeing, Laundering, Cleaning Major Centres

TRADE / AREA	YEAR	TOTAL NO. EMPLOYEES
1	1926	183
	1927	174
2	1926	1034
	1928	1050
3	1926	1539
	1928	1302
4.	1927	2750
	1931	2662

## SOURCES:

- 1 } 1929 Wage Board Report, pp 32-33  
2 }  
3 An 125-1931  
4 1931 Wage Board Report, p 82

(All figures are approximations)

## 5. Baking and Confectionary Trade, Pretoria and Witwatersrand

## 5.i. White male juvenile displacement of African adult males earning less than £2.0.0. per week

WAGE	AREA	YEAR	WMA	WMJ	AMA	% TOTAL
less than 10s p.w.	PRETORIA	1926	-	-	0.55	0.55
		1927	-	-	-	-
	WITWATERSRAND	1926	-	-	0.58	0.88
		1928	-	-	-	-
10/- to 19/11 p.w.	PRETORIA	1926	-	0.55	37.16	37.71
		1927	-	-	17.61	17.61
	WITWATERSRAND	1926	-	3.77	29.98	34.33
		1928	-	3.55	13.08	16.82
£1.0.0 to £1.19.11. p.w.	PRETORIA	1926	1.09	1.64	26.59	29.32
		1927	1.70	15.34	21.59	38.63
	WITWATERSRAND	1926	0.68	3.29	29.79	34.24
		1928	0.28	5.98	39.63	46.64

(All figures are approximations)

WMA White male adult  
 WMJ White male juvenile  
 AMA African male adult

SOURCE: 1929 WBR pp 32-33

## 5.ii. Unskilled wages: racial breakdown at wages level £1.0.0. - £1.19.11. in percentage

WAGE	AREA	YEAR	WMA	WMJ	AMA	% TOTAL	T E
£1.0.0 to £1.4.11 p.w.	PRETORIA	1926	-	-	19.67	19.67	
		1927	0.57	9.66	18.75	29.55	
	WITWATERSRAND	1926	0.19	2.71	21.86	24.95	
		1928	0.09	2.43	27.20	29.90	
£1.5.0 to £1.19.11 p.w.	PRETORIA	1926	1.09	1.64	7.10	10.92	
		1927	1.14	5.68	2.84	9.66	
	WITWATERSRAND	1926	0.48	0.58	7.73	9.28	
		1928	0.19	3.55	12.43	16.92	

(All figures are approximations)

WMA White male adult  
 WMJ White male juvenile  
 AMA African male adult

## 5.iii. Wage Levels: racial breakdown in percentage

WAGE CEILING	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
£2.0.0. to 2.19.11. p.w.	1926	3.56	1.09	-	-
	1927	4.55	3.98	-	1.14
£3.0.0. to 3.19.11. p.w.	1926	6.01	0.55	-	-
	1927	3.41	-	-	-
£4.0.0. to 4.19.11. p.w.	1926	4.37	-	-	-
	1927	4.55	-	-	-
£5.0.0. to 5.19.11. p.w.	1926	3.28	0.55	-	-
	1927	12.50	-	-	-
£6.0.0. AND OVER. p.w.	1926	9.84	-	-	-
	1927	9.66	-	-	-

AREA	YEAR	TOTAL No. EMPLOYEES
PRETORIA	1926	183
	1927	176

£2.0.0. to 2.19.11. p.w.	1926	3.00	-	-	0.10
	1928	2.26	0.75	-	0.28
£3.0.0. to 3.19.11. p.w.	1926	0.87	-	-	0.10
	1928	1.78	0.28	-	0.09
£4.0.0. to 4.19.11. p.w.	1926	1.06	-	0.10	-
	1928	2.43	0.84	-	0.19
£5.0.0. to 5.19.11. p.w.	1926	1.94	-	-	-
	1928	1.40	-	-	-
£6.0.0. AND OVER p.w.	1926	23.11	-	0.19	0.10
	1928	25.70	-	0.37	0.19

AREA	YEAR	TOTAL No. EMPLOYEES
WITWATERSRAND	1926	1034
	1928	1070

(All figures are approximations)

SOURCE: 1929 WBR pp 32-33

## 6. Sweet Trade

## 6.i. Regional breakdown of sweet trade

AREA	YEAR	TOTAL %
PRETORIA AND WITWATERSRAND	1926	20.61
	1928	24.06
	1930	20.01
	1932	22.76
DURBAN, EAST LONDON, KIMBERLEY, PORT ELIZABETH, BLOEMFON- TAIN, C. PENINSULA	1926	74.49
	1928	72.66
	1930	76.66
	1932	73.21
GRAHAMSTOWN, KINGWILLIAMSTOWN	1926	2.90
	1928	2.20
	1930	2.12
	1932	2.65
UITENHAGE, WORCESTER	1926	1.14
	1928	1.13
	1930	0.18
	1932	0.15

(All figures are approximations)

YEAR	TOTAL NO. EMPLOYEES
1926	2038
1928	1771
1930	2173
1932	2008

SOURCE: AN 125-1931

An 112-1933

## 6.ii. Regional breakdown: race, sex, age in percentage

AREA	YEAR	WHITE				AFRICAN				ASIATIC				OTHER COLOURED			
		M		F		M		F		M		F		M		F	
		A	J	A	J	A	J	A	J	A	J	A	J	A	J	A	J
PRETORIA AND WITWATERSRAND.	1926	2.06	1.03	2.51	5.00	7.26	0.10	-	-	-	-	-	-	0.20	0.10	-	0.29
	1928	2.54	2.60	3.67	9.82	4.86	0.40	-	-	-	-	-	-	0.11	0.06	-	-
	1930	2.62	2.44	2.99	6.86	4.83	0.18	-	-	-	-	-	-	0.09	-	-	-
	1932	3.54	1.49	4.58	7.67	5.98	0.15	-	-	-	-	-	-	0.35	-	-	-
DURBAN, EAST LONDON, BLOEMFONTEIN, PORT ELIZABETH, KIMBERLEY, CAPE PENINSULA.	1926	1.72	1.52	4.61	7.11	10.75	0.39	-	-	0.49	0.29	0.25	0.20	6.28	1.23	22.08	17.57
	1928	6.55	1.41	4.12	9.43	10.28	0.73	0.06	-	0.73	0.96	-	-	5.53	1.30	13.38	18.18
	1930	7.50	1.61	5.20	12.43	11.64	0.23	0.28	-	0.32	0.09	-	-	5.38	1.33	14.31	16.34
	1932	6.82	1.79	9.96	11.21	9.86	0.20	0.10	-	0.40	0.40	-	-	5.33	0.85	16.43	9.86
KINGWILLIAMSTOWN, GRAHAMSTOWN.	1926	0.25	0.29	0.15	0.15	1.96	0.10	-	-	-	-	-	-	-	-	-	-
	1928	0.28	0.11	0.17	0.06	1.24	0.34	-	-	-	-	-	-	-	-	-	-
	1930	0.51	0.18	0.05	0.41	0.87	-	-	-	-	-	-	-	0.05	0.05	-	-
	1932	0.80	0.75	0.25	0.40	0.45	-	-	-	-	-	-	-	-	-	-	-
UTENHAGE, WORCESTER.	1926	0.15	0.10	0.15	0.64	-	-	-	-	-	-	-	-	0.10	-	-	-
	1928	0.11	0.11	0.51	0.23	-	-	-	-	-	-	-	-	0.11	-	0.06	-
	1930	-	-	0.09	-	-	-	-	-	-	-	-	-	0.09	-	-	-
	1932	-	-	0.10	-	-	-	-	-	-	-	-	-	0.05	-	-	-

YEAR	TOTAL NO. EMPLOYEES
1926	2038
1928	1771
1930	2173
1932	2008

WAGE CEILING	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
£2.0.0. to 2.19.11.	1926	-	-	-	3.49
	1928	1.23	-	-	1.23
	1930	1.94	-	-	-
£3.0.0. to 3.19.11.	1926	4.66	-	-	5.81
	1928	4.93	-	-	-
	1930	0.97	-	-	-
£4.0.0. to 4.19.11.	1926	11.63	-	-	9.30
	1928	4.93	-	-	4.93
	1930	5.83	-	-	0.97
£5.0.0. to 5.19.11.	1926	13.95	-	-	2.33
	1928	8.64	-	-	-
	1930	16.50	-	-	0.97
£6.0.0. to 6.19.11.	1926	9.30	-	-	-
	1928	24.69	-	-	8.64
	1930	21.36	-	-	9.71
£7.0.0. to 7.19.11.	1926	19.78	-	-	-
	1928	17.28	-	-	-
	1930	16.50	-	-	0.97
£8.0.0. to 8.19.11.	1926	8.14	-	-	1.16
	1928	11.11	-	-	-
	1930	14.56	-	-	-
£9.0.0. AND OVER	1926	10.47	-	-	-
	1928	12.35	-	-	-
	1930	8.74	-	-	-

## 6.iii. Skilled employees: racial breakdown of wage levels in percentage

YEAR	TOTAL No EMPLOYEES
1926	86
1928	81
1930	103

SOURCE: AN 125-1931

(All figures are approximations)

## 6.iv. Unskilled employees: racial breakdown of wage levels in percentage

YEAR	TOTAL NO. EMPLOYEES
1926	1539
1928	1302
1930	1772

WAGE CEILING	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
LESS THAN 10s p.w.	1926	0.06	0.19	0.13	0.52
	1928	-	-	-	-
	1930	-	-	-	-
10s to 19/11 p.w.	1926	7.11	8.63	0.25	37.10
	1928	2.63	1.40	-	10.45
	1930	1.00	0.38	-	15.24
£1.0.0. to 1.19.11. p.w.	1926	15.09	9.59	0.06	15.15
	1928	26.15	14.98	0.08	29.36
	1930	26.16	15.40	0.39	24.83
£2.0.0. to 2.19.11. p.w.	1926	2.30	0.32	-	1.35
	1928	7.63	1.08	-	2.48
	1930	9.38	1.35	0.30	1.76
£3.0.0. to £3.19.11. p.w.	1926	0.95	-	-	0.89
	1928	1.76	0.23	-	0.85
	1930	1.46	0.34	0.06	0.68
£4.0.0. AND OVER. p.w.	1926	0.45	-	-	0.31
	1928	1.46	-	-	0.38
	1930	1.19	-	-	0.34

(All figures are approximations)

6.v. Coloured and white female employees: comparative table

UNSKILLED AS % OF TOTAL NO. OF EMPLOYEES

YEAR	WHITE			COLOURED			No.
	A	J	TOTAL	A	J	TOTAL	
1926	6.92	13.02	19.94	27.34	20.39	47.73	1522
1928	7.22	23.33	30.55	15.65	21.73	37.38	1267
1930	10.08	20.32	30.40	16.26	19.48	35.73	1761
1932	16.76	19.96	36.72	19.18	12.65	31.83	1533

(All figures are approximations)

FEMALES AS % OF TOTAL NO. OF EMPLOYEES

YEAR	WHITE	COLOURED	TOTAL	No.
1926	20.22	47.73	67.95	1608
1928	28.03	37.38	65.41	1348
1930	29.22	35.73	64.95	1861
1932	34.16	31.83	65.99	1619

(All figures are approximations)

SOURCE: AN 125-1931

An 112-1933

## 6.vi. Percentage female employees to total percentage of wage bracket

SKILLED

WAGE CEILING	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
£2.0.0. to 2.19.11. pw	1926	-	-	-	-
	1928	1.23	-	-	-
	1930	1.94	-	-	-
£3.0.0. to 3.19.11. pw	1926	2.33	-	-	-
	1928	1.23	-	-	-
	1930	-	-	-	-
£4.0.0. to 4.19.11. pw	1926	-	-	-	-
	1928	1.23	-	-	-
	1930	-	-	-	-

(All figures are approximations)

YEAR	TOTAL No. EMPLOYEES
1926	86
1928	81
1930	103

SOURCE: AN 125-1931

UNSKILLED

WAGE CEILING	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
LESS THAN 10s pw	1926	0.06	-	0.13	0.52
	1928	-	-	-	-
	1930	-	-	-	-
10s to 19/11. pw	1926	5.96	-	0.25	35.36
	1928	2.47	-	-	10.45
	1930	0.78	-	-	14.74
£1.0.0. to 1.19.11. pw	1926	12.85	0.28	0.06	34.09
	1928	21.36	-	0.08	26.58
	1930	22.30	-	-	20.93
£2.0.0. to 2.19.11. pw	1926	0.95	-	-	0.06
	1928	6.34	-	-	0.37
	1930	7.00	-	0.06	0.06
£3.0.0. to 3.19.11. pw	1926	0.12	-	-	-
	1928	0.30	-	-	-
	1930	0.11	-	-	-
£4.0.0. AND OVER	1926	-	-	-	-
	1928	0.08	-	-	-
	1930	0.08	-	-	-

(All figures are approximations)

YEAR	TOTAL No. EMPLOYEES
1926	1539
1928	1302
1930	1772

## 7. Dyeing, Cleaning and Laundering

## 7.i. Racial breakdown of workforce

AREA	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
UNION	1927	18.84	41.96	19.16	20.04
	1931	20.81	40.72	18.41	20.06
	1937	22.56	39.37	20.17	17.90

(All figures are approximations)

YEAR	TOTAL No. EMPLOYEES
1927	2750
1931	2611
1937	3955

SOURCE: 1931 WBR p 82

An 246-1938ii

## 7.ii. Racial breakdown of wage levels

YEAR	TOTAL NO EMPLOYEES
1927	2750
1931	2611
1937	3955

WAGE CEILING	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
LESS THAN 10s p.w.	1927	0.04	2.36	1.82	0.69
	1931	-	0.04	-	0.08
	1937	-	0.26	0.10	0.16
10/- to 19/11 p.w.	1927	1.95	23.13	4.76	9.61
	1931	0.72	5.98	0.72	1.55
	1937	0.28	1.24	0.40	1.14
£1.0.0. to 1.19.11. p.w.	1927	6.40	16.05	11.05	8.50
	1931	7.55	33.97	15.22	15.67
	1937	10.53	37.42	18.00	15.17
£2.0.0. to 2.19.11. p.w.	1927	2.81	0.44	1.20	0.85
	1931	4.11	0.53	1.88	1.77
	1937	3.78	1.01	1.43	1.32
£3.0.0. to 3.19.11. p.w.	1927	2.01	-	0.33	0.29
	1931	1.32	0.12	0.53	0.38
	1937	3.87	0.18	0.66	0.52
£4.0.0. to 4.19.11. p.w.	1927	1.35	-	0.08	0.08
	1931	4.21	0.08	0.08	0.64
	1937	1.24	0.05	0.03	0.03
£5.0.0. to 5.19.11. p.w.	1927	1.21	-	-	0.04
	1931	0.49	-	-	-
	1937	0.40	0.03	0.03	-
£6.0.0. AND OVER p.w.	1927	2.95	-	-	-
	1931	2.45	-	-	-
	1937	2.02	-	-	0.03

(All figures are approximations)

SOURCE: 1931 WBR p 82

An 246-1938ii

## 8. Labour Force Racial Breakdown in Percentage

## 8.i. Sweets

AREA	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
UNION	1926	30.57	20.51	1.13	47.79
	1928	41.56	17.90	1.75	38.79
	1930	44.04	17.90	0.41	37.64
	1932	49.35	16.98	0.80	33.12

(All figures are approximations)

YEAR	TOTAL NO. EMPLOYEES
1926	2038
1928	1771
1930	2173
1932	2008

SOURCE: An 112-1933

## 8.ii. Textiles

AREA	YEAR	WHITE	AFRICAN	ASIATIC	COLOURED
UNION	1932	55.1	14.9	15.4	14.6
	1936	55.2	24.0	11.0	9.8

(All figures are approximations)

YEAR	TOTAL No. EMPLOYEES
1932	1529
1936	2668

SOURCE: An 46-1937

## 9. EXEMPTIONS

Exemptions granted to 11 November 1929:

No. of employees affected by Determination	Determination	Exemptions Issued	Exemptions Current
80	Hairdressing (9)	1	0
1657	Furniture (12)	34	33
6263	Clothing (15)	18	14
703	Tea, Coffee, Chicory (19)	1	1
291	Baking and Confectionary (20)	1	1
406	Hairdressing(21)	6	4
2611	Dyeing, Cleaning, Laundering(23)	8	7
1504	Bespoke Tailoring (24)	48	48
5232	Unskilled (25)	2	2
50000 (?)	Shop Assistants (26)	159	133
<hr/>		<hr/>	<hr/>
69397		279	243
<hr/>		<hr/>	<hr/>

Exemptions granted to 30 June 1932:

No. of employees affected by Determination	Determination	Exemptions Issued	Exemptions Current
1657	Furniture (30 - 33)	141	27
6263	Clothing (42)	224	224
630	Leather (14)	1	0
768	Baking and Confectionary (35)	8	4
136	Glass Bevelling		
	Silvering (16)	25	0
703	Tea, Coffee, Chicory (19)	5	2
41	Hairdressing (18)	10	2
65	(41)	0	0
406	(40)	3	3
22	Barmen (22)	1	0
2611	Laundries (23)	62	37
1504	Bespoke Tailoring (24)	133	41
5232	Unskilled (25)	25	5
50000 (?)	Commercial Distributive (38)	351	275
991	Catering (37)	343	144
2008	Sweets (34)	9	1
<hr/>		<hr/>	<hr/>
72737		1341	765
<hr/>		<hr/>	<hr/>

SOURCE: Cousins - Under Secretary for Labour, 16 November, 1929  
Department of Labour Archive, 1427/Lc/1069/2 Part 1

## 10. Minimum Wage Determinations 1927-1931, 1931-1934.

The table below is reproduced from Pursell, D "Minimum Wage Regulation under the South African Wage Act" pp239-240. The wage rates are in Rand (Pursell's conversion), and the percentage in the right-hand column represents the positive/negative relation between the earlier and the later period.

Industry	1927-31	1931-34	% + or -	Industry	1927-31	1931-34	% + or -
<u>Sweet Industry</u>				<u>Hairdressing (Cape Town)</u>			
Sweet maker	13.00 - 11.00	12.00	+9.1 to -7.9	Gents trade:			
General worker	6.00 - 4.80	3.00	-50 to -20.8	Qualified male	11.00	9.00	-18.2
Grade 1	2.40 - 2.00	2.40	+20 to 0	Ladies trade:			
<u>Baking and Confectionary</u>				Qualified male	12.00	9.00	-25
<u>(Durban/Pietermaritzburg)</u>				Qualified female	8.00	5.00	-36.5
Baker	10.00	6.00	-40	<u>Hairdressing (Port Elizabeth)</u>			
Packer, Vanman, Storeman	8.00	6.00	-25	Gents trade:			
Grade 1	2.25	2.40	+6.7	Qualified male	11.00	10.00	-9
<u>Furniture</u>				Ladies trade:			
Skilled worker	10.80	10.80	0	Qualified male	12.00	11.00	-8.3
Driver, Storeman				Qualified female	8.00	7.25	-9.4
Timekeeper	8.00	6.00	-25	<u>Hairdressing (Uitenhage)</u>			
Labourers	2.40	2.40	0	Gents trade:			
<u>Hairdressing (Pretoria)</u>				Qualified male	10.00	9.00	-10
Gents trade:				Ladies trade:			
Qualified Male	12.00	10.00	-16.6	Qualified male	10.00	9.00	-10
Ladies trade:				Qualified female	6.00	5.50	-8
Qualified male	14.00	11.00	-21.4	<u>Glass Bevelling and Silvering</u>			
Qualified female	8.10	6.00	-25.9	Glass Bevellers? Silverers	10.00	1s.3d. per hour or 6.00	-40
<u>Commercial Distributive</u>				<u>Passenger Undertakings</u>			
<u>Trade</u>				<u>(Cape Town)</u>			
Qualified male clerk	10.00	8.30	-17	Drivers	10.00	8.80	-12
Qualified female clerk	5.50	4.38	-20.3	Conductors	8.00	6.20	-22.5
<u>Laundries</u>							
Dyer, Cleaner	12.00	12.00	0				
Examiner, Sorter,							
Checker	5.00	3.00	-40				
Grade 1	2.25	2.25	0				

## BIBLIOGRAPHY

## Outline

## A. Manuscripts

1. Central Archives Depot, Union Buildings, Pretoria
2. Cory Library for Historical Research, Rhodes University, Grahamstown
3. Library of Parliament, Cape Town
4. Strange Library of Africana, Public Library, Johannesburg
5. William Cullen Library, Historical Manuscripts Department, University of the Witwatersrand, Johannesburg

## B. Official Publications - Published and Unpublished

1. Cape of Good Hope
  - a. Commission Reports
  - b. Parliamentary Papers
  - c. Select Committees
  - d. Statutes
2. Southern Rhodesia
  - a. Commission Reports
  - b. Conference on Closer Association in Central Africa, 1951
3. Union of South Africa
  - a. Annual Departmental Reports
    - i) Labour
    - ii) Mines  
Mines and Industry
    - iii) Native Affairs  
Native Affairs Commission

- b. Census and Statistic Reports
  - c. Commission Reports
  - d. Miscellaneous Reports
    - i) Board of Trade and Industries
    - ii) Department of Labour
  - e. Parliamentary Papers
    - i) Government Gazettes and Government Gazettes Extraordinary
    - ii) House of Assembly Debates
    - iii) Select Committee Reports
    - iv) Senate Debates
    - v) Votes and Proceedings of Parliament
  - f. Provincial Ordinances
  - g. Statutes
  - h. Wage Board Reports, Recommendations and Determinations.
    - i) General Reports
    - ii) Individual trades and industries
4. United Kingdom
- Department of Overseas Trade

**C. South African Law Reports**

**D. Newspapers and Journals**

**E. Books and Journal Articles**

**F. Seminar Papers, Unpublished Theses and Dissertations**

#### A. MANUSCRIPT COLLECTIONS

Most of the manuscript material consulted for this study is located away from Grahamstown. Material in the Cory Library, Rhodes University, which proved marginally useful included the Ballinger papers, a selection of evidence presented to the Witwatersrand Mine Natives' Wages Commission, UG 22-1944, as well as the Gold Fields Collection and the Xuma papers. The former is a valuable collection of material which details gold mining history at the turn of the century and the latter, filmed from the collection at the University of the Witwatersrand, comprises the personal papers of a prominent African politician.

The records of the four main trade union organisations from the first half century housed at the University of the Witwatersrand are unquestionably the best archival source for early white trade union studies. Mention must be made of the equally invaluable catalogue compiled by Mrs Anna Cunningham which has made this colossal archive wholly accessible to researchers. This source of information was supplemented by the papers of the Industrial and Commercial Workers' Union, South African Institute of Race Relations, J D Reinalt-Jones and the Ballingers. It was from a perusal of these documents that the author was able to grasp something of the dynamism of the white labour movement in particular and labour in general.

The archives of the Department of Labour at the Union Buildings in Pretoria proved useful with regard to the administration of the Wage

Act. A problem exists with the absence of any specific primary detail concerning African trade unions, wage rates and the Department's policy statements in these regards. My attempts to secure access to particular closed files in the Department of Native Affairs' archive which dealt with these subjects went unacknowledged and thus proved unsuccessful right up to the date of submission of this thesis. I trust that that action was the result of an oversight and does not represent deliberate policy on behalf of the authorities at the Central Archives Depot.

1. **Central Archive Depot**

T Boydell Collection  
 F H P Creswell Collection  
 Department of Labour Archive

2. **Cory Library**

W C Ballinger Papers  
 Gold Fields Collection  
 A E Xuma Papers

3. **Library of Parliament**

Scrapbooks of Parliamentary Reports : De Burger 1921  
 Ons Land 1921  
 Senate Debates 1921

4. **Strange Library**

South African Labour Party Archive

## 5. William Cullen Library

M and W G Ballinger Papers  
 Industrial and Commercial Workers Union Papers  
 J D Rheinalt-Jones Papers  
 South African Institute of Race Relations Archive  
 Trade Union Council of South Africa Records:

Cape Federation of Labour Unions  
 South African Industrial Federation  
 South African Trades Union Congress  
 South African Trades and Labour Council

A B Xuma Papers

## B. OFFICIAL PUBLICATIONS

## 1. Cape of Good Hope

## a. Commission Reports

1893/4 Labour Commission G 39 - 1893

G 3 - 1894

## b. Parliamentary Papers

i) Government Gazette 1886

ii) Votes and Proceedings 1886

## c. Select Committees

1890 Labour Question SC 12 - 1890

## d. Statutes

1887 Labourers' Wages Regulation Act No 23 - 1887

## 2. Southern Rhodesia

### a. Commission Reports

1930 Industrial Relations in Southern Rhodesia  
(Clay) CSF 3 - 1930

### b. Conference on Closer Association in Central Africa, 1951

Comparative Survey of Native Policy in Southern Rhodesia, Northern Rhodesia and Nyasaland.  
(Published by the Southern Rhodesian Government for a Committee of the Central African Council)  
C34305

## 3. Union of South Africa

### a. Annual Departmental Reports

#### i) Labour

1924 Factories Division UG 21 - 1926  
1925 Factories Division UG 6 - 1927  
1926 Chief Inspector of Factories UG 31 - 1927  
1927 Chief Inspector of Factories UG 38 - 1928  
1928 Chief Inspector of Factories UG 47 - 1929  
1929 Chief Inspector of Factories UG 33 - 1930  
1930 Chief Inspector of Factories UG 24 - 1931  
1931 Chief Inspector of Factories UG 25 - 1932  
  
1932 UG 37 - 1933 (Incorporating Chief Inspector of Factories)  
1933 UG 43 - 1934 (Incorporating Chief Inspector of Factories and Wage Board)  
1934 UG 11 - 1936 (Incorporating Chief Inspector of Factories and Wage Board)

- 1935 UG 4 - 1937 (Incorporating Chief Inspector of Factories and Workmen's Compensation Commission)
- 1936 UG 44 - 1937 (Incorporating Chief Inspector of Factories and Workmen's Compensation Commission with Wage Board)
- 1937 UG 30 - 1938 (Incorporating Chief Inspector of Factories and Workmen's Compensation Commission with Wage Board)
- 1938 UG 51 - 1939 (Incorporating Chief Inspector of Factories and Workmen's Compensation Commission with Wage Board)

i) Mines

- 1910 Inspector of White Labour (Transvaal) and the Government Labour Bureau (Cape) UG 29 - 1911
- 1911 White Labour Department UG 51 - 1912
- 1912 White Labour Department UG 43 - 1913

Mines and Industries

- 1913 Labour and Industries UG 21 - 1914
- 1920 Factories Division UG 8 - 1922
- 1921 Factories Division UG 14 - 1923
- 1922 Factories Division UG 9 - 1924
- 1923 Factories Division UG 15 - 1925

ii) Native Affairs

- 1922 - 1926 UG 14 - 1927

**Native Affairs Commission**

1921	UG	15	-	1922
1922	UG	36	-	1923
1923	UG	47	-	1923
1924	UG	40	-	1925
1925-26	UC	17	-	1927
1927-31	UG	26	-	1932
1932-33	UG	3	-	1934
1936	UC	48	-	1937
1937-38	UG	54	-	1939

**b. Census and Statistic Reports**

**i) Industrial Census**

1917	UG	14	-	1918	1921/2	UG	14	-	1924
1918	UG	51	-	1918	1922/3	UG	41	-	1924
1917/8	UG	17	-	1920	1923/4	UG	41	-	1927
1918/9	UG	28	-	1921	1925/6	UG	32	-	1928
1919/20	UG	48	-	1921	1927/8	UG	18	-	1930
1920/1	UG	40	-	1922					

## ii) Industrial Census of Factories and Industries

1928/29	UG 44 - 1930	1934/5	UG 30 - 1937
1929/30	UG 33 - 1931	1935/6	UG 24 - 1938
1933	UG 31 - 1935	1936/7	UG 39 - 1939
1934	UG 34 - 1936	1937/8	UG 21 - 1941

## iii) Union Statistics for Sixty Years

## c. Commission Reports

1913	Assaults on European Women (De Villiers)	UG 39-1913
1913	Economic Commission (Chapman)	UG 12-1914
1920	Low Grade Mines Commission (Kötze)	UG 34-1920
1925	Native Riots in Bloemfontein(Pienaar) Government Notice Government Gazette	GN 1553 GG 11 September 1925
1925	Economic and Wage Commission (Clay)	UG 14-1926
1932	Native Economic Commission (Holloway)	UG 22-1932
1932	Cost of Living Commission (Fahey)	UG 36-1932
1935	Industrial Legislation Commission (Van Reenen)	UG 37-1935
1951	Industrial Legislation Commission (Botha)	UG 62-1951

d. Miscellaneous Reports

i) Board of Trade and Industries

1945 Investigation into manufacturing industries in the Union of South Africa. 1st Interim Report. Report No 282

ii) Department of Labour

1939 Inter-departmental Committee on Wages of unskilled labourers in Government Service, (Norval) (Commission for Administration. Register No 782)

e. Parliamentary Papers

i) Government Gazettes and Government Gazettes Extraordinary  
1910-1937

ii) House of Assembly Debates

1910 - 1914  
1915-1923 (as reported in the Cape Times)  
1924-1937

iii) Select Committee Reports

1913 European Employment and Labour Conditions	SC 9-1913
1917 Wages (Specified Trades) Bill	SC 4-1917
1921 Regulation of Wages Bill and Apprenticeship Bill	SC 9-1921
1925 Wage Bill	SC14-1925
1925 Mines and Works Act, 1911, Amendment Bill	SC15-1925

1930 Riotous Assemblies Bill	SC 8-1930
1930 Wage Amendment Bill	SC 9-1930
1937 Wage Bill and Industrial Conciliation Bill	SC 5-1937

iv) **Senate Debates**

cf section A2

1924-1936

v) **Votes and Proceedings of Parliament**

1912	1920
1913	1930
1914	1935

f. **Provincial Ordinances**

**Shop Hours Ordinances**

Cape	14-1930
Natal	5-1923
Orange Free State	6-1925
Transvaal	5-1923

g. **Statutes**

Industrial Conciliation Act No 11-1924

Industrial Conciliation (Amendment) Act No 24-1930

Industrial Conciliation (Further Amendment) Act No 7-1933

Mines and Works Amendment Act No 12-1911

Mines and Works Act 1911 Amendment Act No 25-1926

Native Labour Regulations Act No 15-1911

Native Taxation and Development Act No 41-1925

Regulation of Wages (Apprentices and Improvers) Act No 29-1918

Riotous Assemblies and Criminal Law Amendment Act No 27-1914

Riotous Assemblies (Amendment) Act No 19-1930

Wage Act No 27-1925

Wage Act, 1925, Amendment Act No 23-1930

Wage Act No 44-1937

Wage Determinations Validation Act No 21-1930

Wage Determinations Validation Act No 16-1935

#### **h. Wage Board Reports, Recommendations and Determinations**

A large number of the Wage Board's reports were published intermittently as special editions to the Department of Labour's journal, Social and Industrial Review, until the end of 1930. Thereafter, with very few exceptions, the reports remained unpublished in the form of Annexures to the Votes and Proceedings of Parliament. An extended visit to the Library of Parliament in Cape Town soon revealed the extent and bulk of the reports. The Library very kindly provided microfiche copies of all the reports for the period 1931-1938, with the exception of a few in 1936 which could not be traced. A number of other reports, among them a few which dealt with unskilled work prior to

1931, which had not been published were also located and copies made. These microfiche have now been deposited in the Cory Library, Rhodes University. The value of these reports as source material is amply evident from their extended use in this study. They provide one with more information than the inadequate annual reports of the Department of Labour.

The reports have been divided into two sections. The first comprises the two three year reports made by the Board in 1929 and 1931 respectively. The first was published, the second not. These are both long reports and are indexed, as are a number of the larger individual reports. The second part is arranged by individual trade or industry. An insignificant number of discrepancies with the official Index to Manuscripts occur and errors in the latter have been corrected here.

i) **General Reports**

- i. Report to the Honourable the Minister of Labour by the Wage Board upon the work of the Board for the Three Years Ended 28 February 1929. 2443-26/3/29
- ii. Report to the Honourable the Minister of Labour by the Wage Board upon the work of the Board for the period 1st March, 1929, to 31st December, 1931. An 108-1933

ii) **Individual trades and industries**

**Baking**

Social and Industrial Review (Special Edition) -  
September, 1926

**Baking and Confectionery**

- i. Social and Industrial Review (Special Edition) -  
September 1927; February, I(11) May, I(12) June,  
II(6) 14 September 1928; III(14) 15 March, III(16)  
12 July, IV(8) 6 September, IV(20) 27 September,  
V(21) 11 November 1929.
- ii. Annexures to Votes and Proceedings -  
110, 134 - 1929 2nd Session; 54, 122, 259 - 1931;  
67 - 1933 2nd Session; 209, 212, 354 - 1934;  
809 - 1937; 56, 60 - 1938 2nd Session.

**Barmen in Licensed Victuallers Trade**

Social and Industrial Review (Special Edition)

I(6) March, II(4) 27 July, II(9) 26 October 1928

**Bespoke Tailoring**

- i. Social and Industrial Review (Special Edition)  
I(16) June, II(12) 8 December 1928
- ii. Annexures to Votes and Proceedings -  
114, 132, 137 - 1933

**Biscuits**

Social and Industrial Review (Special Edition)  
September 1926

**Building**

Annexures to Votes and Proceedings -  
664, 813 - 1934

**Canvas and Rope Working**

Annexures to Votes and Proceedings  
57 - 1931/2

**Catering (including Restaurants, Refreshment and Tea Rooms)**

Annexures to Votes and Proceedings  
104 - 1929 2nd Session; 123, 159, 159a, 559, 560 - 1931;  
191 - 1931/2

**Clothing**

- i. Social and Industrial Review (Special Edition)  
September 1926; November, December 1927;  
I(15) June 1928.
- ii. Annexures to Votes and Proceedings  
161, 523 - 1931; 140, 332 - 1933

**Clothing and Bespoke Tailoring**

Annexures to Votes and Proceedings -  
56, 81, 82, 194, 469, 604 - 1931/2

**Commercial Distributive Trade**

Annexures to Votes and Proceedings -  
537, 557 - 1931; 52, 55 - 1931/2

**Confectionery**

Social and Industrial Review (Special Edition)  
September 1926

**Dairy Produce**

Annexures to Votes and Proceedings  
208 - 1934

**Dyeing, Cleaning and Laundering**

- i. Social and Industrial Review (Special Edition)  
I(13) June, II(11) 7 December 1928
- ii. Annexures to Votes and Proceedings  
246 - 1938

**Engineering**

Annexures to Votes and Proceedings  
914, 915 - 1934

**Firemen, Whaling Companies**

Annexures to Votes and Proceedings  
105 - 1929 2nd Session

**Furniture**

- i. Social and Industrial Review (Special Edition)  
December 1926; May 1927; February, I(9) May, 1928
- ii. Annexures to Votes and Proceedings  
592 - 1930; 113, 160 - 1931; 247, 249 - 1933  
69, 98 - 1933 2nd Session

**Glass Bevelling and Silvering**

- i. Social and Industrial Review (Special Edition)  
December 1926; October 1927; I(8) May 1928
- ii. Annexures to Votes and Proceedings  
708 - 1931; 51, 88, 91, 253 - 1931/2

**Glass-Bottle Making**

Annexures to Votes and Proceedings  
582 - 1935

**Hairdressing**

- i. Social and Industrial Review (Special Edition)  
January, I(7) April, II(1) 6 July, II(3) 13 July,  
II(8) 26 October 1928; IV(17) 19 July 1929
- ii. Annexures to Votes and Proceedings  
50, 83, 89, 92, 93, 193 - 1931/2; 115, 141, 224,  
246 - 1933; 165 - 1938 2nd Session

**Hotels and Bars**

Annexures to Votes and Proceedings  
109 - 1929 2nd Session; 58 - 1931/2; 110, 113,  
138, 223 - 1933

**Leather**

Social and Industrial Review (Special Edition)  
January, June, September 1927; February, I(14)  
June 1928

**Liquor and Catering**

Annexures to Votes and Proceedings  
47 - 1937; 88 - 1938

**Meat**

Annexures to Votes and Proceedings  
53, 709 - 1931; 133, 248 - 1933; 97, 99 - 1933 2nd  
Session; 77, 307 - 1934; 103 - 1938; 55, 191 - 1938  
2nd Session

**Milling**

Annexures to Votes and Proceedings  
162 - 1931

**Motor Omnibus and Passenger Transport Undertakings**

- i. Social and Industrial Review (Special Edition)  
November 1927 ii; February 1928
- ii. Annexures to Votes and Proceedings  
83, 124 - 1931; 49, 87, 90, 704 - 1931/2; 245 - 1933;  
70, 71, 96, 100, 101 - 1933 2nd Session

**Motor Driving (ie freight transport)**

Annexures to Votes and Proceedings  
138, 438 - 1937; 57 - 1938

**Native Shops and Eating Houses and Native Trade**

- i. Social and Industrial Review (Special Edition)  
IV(19) 6 September 1929
- ii. Annexures to Votes and Proceedings  
78, 210, 211, 534, 638 - 1934

**Private Hotels and Boarding Houses**

Annexures to Votes and Proceedings  
111 - 1933

**Quarrying and/or Stonecrushing, Brickmaking and/or  
Tile-making, Road-making (Cape)**

Annexures to Votes and Proceedings  
59, 82, 269 - 1938 2nd Session

**Shop Assistants**

Social and Industrial Review (Special Edition)  
II(7) 5 October 1928; III(13) 1 March 1929

**Sweets**

- i. Social and Industrial Review (Special Edition)  
September 1926; May, September 1927; II(2) 13  
July 1928; III(15) 23 May 1929
- ii. Annexures to Votes and Proceedings  
106 - 1929 2nd Session; 125, 478, 558 - 1931;  
112, 134, 333 - 1934; 585 - 1939

**Taxi-Cab Drivers**

Annexures to Votes and Proceedings  
353, 913 - 1934

**Tea, Coffee and Chicory**

- i. Social and Industrial Review (Special Edition)  
I(10) May 1928; II(5) 7 September 1928
- ii. Annexures to Votes and Proceedings  
68, 175, 176, 177, 178 - 1933 2nd Session;  
144, 147 - 1934

**Textiles (Including canvas, yarn, rugs, shawls, ropemaking)**

Annexures to Votes and Proceedings  
48, 57, 60 - 1931/2; 135, 136, 139 - 1933;  
46, 256 - 1937

**Tobacco Twisting**

Social and Industrial Review (Special Edition)  
December 1926; November 1927

**Unskilled Employment****Bloemfontein**

i. Social and Industrial Review (Special Edition)  
I(17) June, II(10) 16 November 1928

ii. Annexures to Votes and Proceedings  
109 - 1933

**Cape Town**

Annexures to Votes and Proceedings  
52, 61, 268 - 1938 2nd Session

**Durban**

Annexures to Votes and Proceedings  
111 - 1929 2nd Session; 584 - 1939; 13 - 1940

**Kroonstad**

Annexures to Votes and Proceedings  
51 - 1930

**Port Elizabeth**

Annexures to Votes and Proceedings  
67, 73 - 1940/1

**4. United Kingdom****Department of Overseas Trade**

Report on the Economic and Financial Conditions in  
South Africa June 1921

Report on the Economic Conditions in South Africa  
July 1922

Report on the Economic Conditions in South Africa  
July 1923

Report on the Economic Conditions in South Africa  
July 1924

- Report on the Economic Conditions in South Africa  
June 1928
- Report on the Economic Conditions in South Africa  
September 1929
- Report on the Economic Conditions in South Africa  
July 1931
- Report on the Economic Conditions in South Africa  
September 1933
- Report on the Economic Conditions in South Africa  
October 1935

**C SOUTH AFRICAN LAW REPORTS**

- Appellate Division  
Cape Provincial Division  
Eastern Districts Local Division  
Griqualand West Provincial Division  
Natal Provincial Division  
Orange Free State Provincial Division  
Transvaal Provincial Division

**D        NEWSPAPERS AND JOURNALS**

Arbeider en Arm Boer	Rand Daily Mail
Eastern Province Herald	South African Young Communist
Indaba Zamakomanisi E Tekwini	Umsebenzi (including South African Worker)
International	Workers Herald
National Industrial Bulletin	Young Worker
New Africa	

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