

“MAKING APARTHEID WORK: THE ADMINISTRATION OF THE 1953 NATIVE
LABOUR (SETTLEMENT OF DISPUTES) ACT”

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Introduction: From Labor Bureau to Shop Floor

The historiography of the apartheid era in South Africa remains peculiarly divided. On the one hand, there is the “struggle” literature, offering stirring accounts of the ANC and the PAC, the Communist Party, the Defiance Campaign, the UDF, left-led trade unions, and other divisions of the mass-based opposition that eventually brought the apartheid state to its knees. In these accounts, the focus rests on the dynamics of mass organizations, the effectiveness of leadership, the questions of strategies and tactics, and the regime’s repressive power, primarily in its resort to the armed force of the state.

Of course, there is another history of apartheid, a tale of failed utopian racialized social engineering and the piecemeal construction of a bureaucratized racial state, sometimes monolithic, often, in the more subtle accounts, divided against itself, or at least with multiple, overlapping, and sometimes even contradictory agendas.¹ But this school of historical sociology tends to analyze macro-planning, looking at influx control, the NAD, the labour bureaux, and key players in apartheid’s ideological and political economy, such as SABRA, the Broederbond, or SANLAM. Rarely do these accounts of apartheid planning and state function intersect with the historical experience or agency of its objects, ordinary Africans.²

Moreover, when analyses of apartheid have taken up the crucial question of the control of the growing numbers of Africans drawn into the urban manufacturing sector after 1948, they have examined the regulation of labour flows rather than the equally significant task of the blunting of worker demands for decent wages, fair working conditions, and trade union recognition. Much of the literature assumes that the strictures of pass and residence requirements proved sufficient to discipline black workers.

In part, the historiography of the apartheid state has focused so resolutely on the question of labour **markets** rather than labour **relations** because the original Marxist challenge to “liberal” scholarship quite rightly set out to demonstrate the importance of migrant labour to the political economy of South African capitalism, especially in the mining sector.³ Even critics of the so-called “cheap-labour thesis” advanced by the revisionists have seen an analysis of influx control as the key to unlocking the relationship between capitalism and apartheid. Doug Hindson, in *Pass Controls and the Urban African Proletariat*, notes that the focus on migratory labour has led to the neglect of “a crucial feature of the apartheid period....the growth of a settled urban African proletariat.” He criticizes revisionist historiography for ignoring the “fact that the pass system regulates labour market processes rather than the direct relationships of production.” Yet Hindson himself merely turns the analysis of influx control on its head, to demonstrate its “functionality” for capitalism as a means of “promoting the stability of a permanent urban African workforce.” The pass system, he concludes, “promoted segmentation of African labour markets, and secured a system of differentiated African labour power.”⁴ Deborah Posel, who offers one of the more compelling accounts of apartheid’s contradiction between the twin demands for black labour and the desire for “total segregation,” concludes that “Labour ‘stabilisation’, in the NAD’s eyes, would be won by changing employers’ attitudes to African labour, rather than by ‘stabilising’ the workers,” thus hinting that apartheid labor control would be fought out on factory floors as well as at the pass office.⁵ Nevertheless, her book looked only at the state’s efforts to distribute and regulate labour flows, rather than to structure the workplace relationship between the emergent African proletariat and manufacturing capital.

But by accepting—indeed, even encouraging--a measure of African proletarianization while negating its political consequences, the apartheid state played an important role in mediating between African industrial workers and their employers. Historians of apartheid have paid far too much attention to the 1952 Native Laws Amendment Act that instituted NP influx control, and not nearly enough to the 1953 Native Labour (Settlement of Disputes) Act, the signal piece of legislation that established industrial relations machinery for proletarianised Africans. Given that the Native Labour Act (NLA) “endured with remarkable success as the sole form of direct [state-sanctioned] negotiation available to African workers” for over a quarter century, this neglect is striking.⁶

By narrowing the focus to the administration of apartheid labour legislation for African workers, this paper hopes to offer a preliminary analysis of the apartheid state's efforts at labour control that calls attention to "relations of production" rather than the regulation of labour flows, to shop floor control rather than influx control. Moreover, such an approach can begin to bring the history of state labour policy into alignment with the "struggle" narrative of African trade unionism during the 1950s. In particular, I want to explore the contest for the hearts and minds of African workers waged in the late 1950s. On one side was ranged a complex apartheid labour relations bureaucracy, under the auspices of the Department of Labour rather than the NAD, designed to thwart and co-opt any impulse to independent trade unionism among urbanised Africans. This bureaucracy was embodied in the Central Native Labour Board (CNLB) established by the 1953 Native Labour (Settlement of Disputes) Act, and supplemented by the ten "Regional Native Labour Committees" set up under the Act. Poised against this apartheid industrial relations structure, we find the "non-racial" trade unions of the South African Congress of Trade Unions(SACTU) that sought to organize African unions beyond the bounds of state sanction or recognition, indeed in direct opposition to the ersatz mediation mechanisms established by the 1953 Act. To consider these histories of labour repression and struggle in tandem reveals that they were in fact tightly bound up with one another. Throughout the 1950s, the Native Labour Board, and the regional committees it spawned, approached the persistent "problem" of "native" shop-floor unrest in the Union's factories with an acute awareness that their efforts at mediation and co-optation formed a bulwark against SACTU and "the overtures of the disguised communist agitator".⁷ For their part, African trade unions in general and SACTU in particular pursued an organizing strategy that cannot be grasped without an understanding of their status as workers' organizations built primarily outside of the state.

African Trade Unions and the State

Both the genesis of the 1953 Act and the trajectory of African trade unionism in the postwar period can be located in the ongoing debate over the recognition of Africans as "employees" under South African labour law. After the passage of South Africa's first Industrial Conciliation Act in 1924, an elaborate machinery of conciliation and mediation that excluded all "pass-bearing natives," and thus in practice applied to white, Indian, and Coloured workers, governed industrial relations. For trade unions to gain access to the state's mediation machinery,

particularly the industrial councils that negotiated wages and conditions in specific industries, they had to “register” with the Minister of Labour. Parliament revised the Act in 1937, but the law continued to exclude the vast majority of the South African working class from the corporatist collective bargaining structure it established.

This industrial relations machinery became increasingly inadequate as the composition of the workforce in the growing manufacturing sector began to change, especially during World War II. From the 1930s on, hundreds of thousands of African workers moved to urban areas, entered the secondary manufacturing sector as unskilled and semi-skilled operatives, and began to encounter European workers in workplaces far less stratified and rigidly controlled than the gold mines that had previously shaped the experience of the vast majority of the African proletariat. Between 1940 and 1948, stimulated in large part by the growth of manufacturing during the war, the number of African workers in this sector increased from 161,765 to 307,597, while the number of whites in manufacturing grew at a much less dramatic rate, from 114,272 to 162,201 in the same period.⁸ During apartheid’s heyday, in the period 1950-1970, the number of Africans employed in manufacturing doubled once again.

Naturally, these increases had important ramifications for African trade unionism, and even briefly placed the question of African workers’ collective bargaining rights on the Union Party and Smuts’s wartime agenda. By the close of World War II the Council of Non-European Trade Unions (CNETU) boasted 158,000 members. According to one historian the year 1943 marked the “high water mark of pressure for recognition of African trade unions,” and another recently has argued that “the war helped create a basis for unity between all workers.”⁹ Yet with continued refusal to recognize African workers as “employees” subject to the Industrial Conciliation Act, after 1945 much of this momentum dissipated. Moreover, even in the “liberal” 1940s, despite the talk of the recognition of African trade unions, strikes by African workers had been made illegal by War Measure No. 145, which remained in force after the war. The crushing of the 1946 miners’ strike by armed police put African workers on notice that the brief interlude of the war years had ended.

In the immediate post-war years the structural obstacles to maintaining African unions proved overwhelming, even while demographic conditions conducive to their growth continued to expand. With no negotiating mechanism under the ICA, and continued legal bars against strikes by African workers, collective bargaining proved elusive for African unions and many members

tended to drift away. The unskilled African proletariat created by the war continued to be a transient working class, and legal restrictions on the movement of all Non-whites made union stability and administration impractical if not impossible. Finally, without any corporate recognition by the state, basic mechanisms like stop orders could not be put in place.

Nevertheless, when the Nationalist Party came to power in 1948 it inherited a peculiar patchwork of an only partially racialized industrial relations regime. Although denied the status of “employees,” and thus not party to negotiated Industrial Council agreements, unorganized African workers could still be subject to the agreement in the industry in which they worked, and even benefit from it. Similarly, the Wage Act of 1937, designed to investigate and set wages for unorganized workers, also on occasion was applied to African workers.

What African workers were usually denied, however, was direct participation in the negotiations that determined the conditions of their working lives. Nevertheless, African trade unions were by no means illegal; they simply were barred from state recognition and collective bargaining as overseen and guaranteed by juridical and administrative mechanisms. Despite the postwar collapse of CNETU and its affiliates, as of 1949, 12,000 Africans still belonged to 32 unions that had independently secured collective bargaining through direct negotiations with their employers, and a handful of these unions belonged to the major trade union federation, the SATLC.¹⁰ In the printing, clothing, and furniture industries, a second form of African union could be found, where “registered trade unions formed Native organizations which operated under their supervision.” These so-called “parallel”, or “branch” unions, did in fact provide access to state mediation and stop orders but also subordinated African interests to those of the “parent” union. Other African unions claimed to have separated from registered unions that had been ordered by the Department of Labour to “eject Native members from their ranks,” but because of “leftist influence” maintained a very close relationship. Finally, provoking the greatest level of anxiety for the Nationalists, were the twelve SATLC unions that continued to accept a total of 3,700 “Natives” into a mixed membership “in complete disregard” of a 1945 order barring them from doing so. Some of these unions “claimed that the Native sections...had been formed into separate organizations,” but the government voiced its strong suspicion “as to whether any effective separation has taken place.”

It was precisely this sort of affront to apartheid that the Nationalists pledged themselves to eradicate as they contemplated the task of conforming South Africa’s labour laws and trade

union structures to the project of apartheid. In 1949 the new Minister of Labour, Ben Schoeman, established the Industrial Legislation Commission of Enquiry (ILCE), also known as the Botha Commission, to examine the state of industrial relations in South Africa. The Commission's terms of reference gave it a mandate to address what the Nationalists saw as the persistent problem of mixed trade unionism, as well as the pressing question of incorporating African workers into the ICA as "employees."¹¹ African trade unionists remained suspicious of the inquiry, as did their leftist allies. Not surprisingly, African workers who testified before the Botha Commission demanded full recognition under the terms of the Industrial Conciliation Act currently in force, either out of fear that "Natives would receive something inferior to that granted to Europeans" in separate legislation or, as the Commission saw it, because of "the result of communistic influences."¹²

Much to Schoeman's dismay, when it issued its recommendations in 1951, the Botha Commission actually took heed of the many witnesses who testified in favor of "legal recognition of Native trade unions...provided for in legislation separate from that applying to other races." Such legislation, of course, in the Commission's view must include "special measures for their control and guidance." This paternalistic approach represented a middle position on the matter of recognition of African trade unions. But it depended on a flagrant disregard of other requests, from the remaining independent African trade unions, from the SATLC, and even from employers, urging the Commission to incorporate African workers into existent labor relations law as "employees," either in separate branches or fully mixed unions. The problem with such full legitimation, as the Botha Commission saw it, was that African trade union rights to sit on committees and industrial councils, to negotiate, to hold office, to elect leaders and vote on collective decisions, and to participate "on a basis of absolute equality with workers of other races" might undermine the racial inequality fundamental to South African society. Recognizing quite rightly that union enfranchisement "might be regarded as a precursor for the enfranchisement of natives" the Botha Commission in the end opposed it. Few bodies have so clearly articulated the emancipatory potential of trade union rights for a racially subordinate class.¹³

Two years later when he proposed the Native Labour Act to Parliament, Minister of Labour Schoeman disregarded his own Commission's recommendation, flatly refusing recognition of any kind to African trade unions. Schoeman and the Nationalists, however, admitted that the

existing *ad hoc* coverage of African workers in South Africa's industrial legislation left a manufacturing sector increasingly dependent on African labour without any direct means of settling disputes with workers. But the Minister of Labour's contention that "Some machinery should be created which will provide for the equitable regulation of conditions of employment for Native workers and the prevention of settlements and disputes" should be understood only in the most euphemistic terms.¹⁴ The Native Labour Act, as presented to Parliament in August 1953 established an elaborate, hierarchical, and highly paternalistic structure of industrial legislation for Africans (excluding those in mining, agriculture, and domestic labour, of course) that allowed the Department of Labour to "look after" their interests without any input from workers themselves.

Mirroring other aspects of the emergent apartheid state structure, the NLA combined strict "European" oversight with local collaborative structures reliant on African participation. In this case, the all-white Central Native Labour Board claimed to represent the interests of African workers at industrial councils and before wage boards and to be the ultimate arbiter of disputes between African manufacturing workers and their employers. The "eyes and ears of this body of European representatives of African interests," in the words of the South African Institute of Race Relations (SAIRR), were "regional native labour committees" consisting of three African members—appointed by the Minister of Labour—presided over by a local white "Native Labour Officer." Schoeman assured parliament without irony that he was "quite confident that I will find the right people to appoint to these committees," but made it quite clear that he would not consult with African trade unions or workers in doing so (Hansard, 8/18/53, 1852). Instead, in consultation with "other organizations or leaders of Native opinion" Schoeman naively believed he could appoint regional committee members who "will have the confidence of the Native workers." (Hansard, 8/4/53, 873) Disputes over wages, working conditions, unreasonable retrenchments, and other workplace matters were to be brought by African workers, employers, or committee members to the regional committee and the Native Labour Officer for resolution. The Act extended the criminalization of strikes by African workers, and made absolutely clear that no Africans could belong to any registered trade union.¹⁵ As proposed, the Act offered African workers no collective representative mechanism for the airing of workplace grievances, but as we shall see, in an important modification the final version of the Act permitted the establishment of "works committees."

Several aspects of the NLA are particularly noteworthy. First, Schoeman did not think it necessary or expedient to make African trade unions illegal. This no doubt reflected his infamous conviction that the weakness of these unions coupled with the many obstacles thrown in their way would cause them “to die a natural death,” a prognosis that ultimately proved premature. It also may have stemmed from the vociferous opposition to the bill mounted by the SATLC, which continued to insist on the recognition of African workers as employees under existing industrial conciliation laws.¹⁶ To ban trade unions outright—even African trade unions—may have been a step the Nationalists could or would not take politically in 1953.

Secondly, it does seem significant that the state apparatus designed to oversee African workers was entrenched in the Department of Labour rather than in the NAD. As a UP parliamentarian correctly noted from the floor during debate on the bill, the legislation represented a “tacit admission...of the fact of an integrated Native urban population in industry.”(Hansard, 4/8/53, 876) If the NAD in the 1950s became the workshop of a Verwoerdian grand plan of “separate development” dependent on the “canalization” of migrant labour, the Department of Labour concerned itself with a very different set of issues as it sought to discipline a relatively stable African working class rather than check or reverse the process of African proletarianization. During debate on the bill, Schoeman himself admitted without reluctance that he had “repeatedly tried to emphasize how necessary it was to have a stable labour force; what the employers should do in order to stabilize the Native labour force; how to increase the productivity of the Natives.”(Hansard, 14/8/53, 1632). Indeed, it might be possible to argue that the apartheid industrial legislation bureaucracy worked at cross-purposes with “native policy” oriented toward facilitating labor transiency, as it emanated from NAD.

Finally, the 1953 Native Labour Act aimed not just to squelch African trade unions with force, but also to offer a potential alternative that would draw African workers away from the blandishments of the “agitators” and towards the suffocating paternalistic embrace of the apartheid state. In the view of the Nationalists (and, it should be added, the UP as well), Africans were not “ripe” for trade unionism. Thus to allow them full recognition, without appropriate government control, would make them easy prey for leftists bent on using African workers for their own nefarious ends. Indeed, to extend any kind of recognition, even of the most limited kind, “will act as an incentive and you will probably have a very large and not very sound Native trade union movement in South Africa” that could be “used as a political weapon”(8/4/53, 869),

presumably by the Communists. In Schoeman's considered view "the Native worker is only interested in trade unions when he feels that he is not receiving a decent wage, when his working conditions are bad." (8/14/53, 1635) If the state could establish mechanisms "which will enable them to channelize their grievances and bring them to the attention of the authorities" African workers would lose interest in trade unions, he believed. (8/4/53, 872). But Schoeman remained quite clear that the Act did "not aim at creating a system of collective bargaining between employer and employee." Instead, the regional committees and the CNLB "are really arbitrators [that] are to negotiate between employer and employees." (8/14/53, 1638) Thus Africans would have no recognized rights to a democratic, organic, grassroots process of a protected sphere of trade unionism. As Labour Party MP Alex Hepple concluded, "for collective bargaining it substitutes autocratic power in the hands of State officials."¹⁷

African Workers and the Native Labour Act

In the face of this "autocratic power" African workers were not entirely helpless, and continued to pursue their interests outside the bounds of the Act wherever possible. The Act itself did not, in fact, outlaw African trade unions, a point upon which both the Minister of Labour and trade union militants agreed. But as both their advocates and enemies noted, these unions appeared exceedingly weak by the mid-1950s. Schoeman, whenever challenged in the parliament about his hostility to African unions, reminded the opposition that they represented only a very small minority of workers in any case. "This legislation," he claimed, "is not designed for the microscopically small number of Natives who might be capable of running a trade union."¹⁸ And with no right to strike, no legal obligation on the part of employers to recognize or meet with them, no stop-orders to collect dues, a leadership banned, suppressed, or on trial, a membership hampered by restriction on residence and movement, and police harassment, African unions faced daunting obstacles. Given the state's hostility, people like Hepple reached out to employers, warning them that unless they "recognise and negotiate with African trade unions" there would be no industrial peace. (Hepple, 39). Hepple claimed that in 1948 "industrialists were ready and willing to recognise African trade unions," but by the late 1950s they had become "more hesitant." (40)

When in 1954 the SATLC decided once and for all to bend to the prevailing winds and reject the incorporation of unregistered African unions and workers into its ranks, the remaining

left-led mixed unions joined with the remnants of independent African trade unions to form the South African Congress of Trade Unions (SACTU). This is not the place to rehearse the contentious debate about SACTU's place in Congress and the tensions between its trade union and political roles. The point here is that SACTU's efforts to build unions of African workers after 1955 depended entirely on the willingness (or necessity) of individual employers to negotiate directly with trade union representatives, something many of them proved reluctant to do. They could always point out that since their competitors would not recognize the union, to do so would be economic suicide for employer and employee alike. Moreover, rather than deal directly with nascent African unions, employers often referred them to the machinery set up by the 1953 Act. SACTU unions thus had to patiently build shop-floor structures until they were able to, in the words of one of their militants, "negotiate from strength." But without the strike weapon to contend with, employers had little incentive to negotiate. As a result, as one SACTU militant suggested to me in an interview, SACTU unions were not "bent on strikes as the method of resolving disputes" and instead "exhausted every conceivable method to negotiate" once they had built up sufficient organization inside a plant.(interview w/ Billy Nair)

The NLA outlawed downing tools and presenting specific demands to the employers as a condition to recommence work, and specified criminal penalties for such traditional strike action. Nevertheless, aggrieved African workers found ways around this restriction. For example, stevedores in Port Elizabeth in February 1957 demanded double wages in the midst of the Suez crisis when the harbour worked at full capacity. To enforce this demand they refused to work overtime, and then simply failed to show up for work. But, as the CNLB pointed out, since dockworkers gave their labour on a daily casual basis "their action could not be regarded as a 'strike' in terms of the Act as they were merely refusing to re-offer their services."¹⁹ Employers broke the "strike" after ten days when the chairman of the NLB found replacement workers for them from East London. The CNLB noted that "there was ample indication that the 'stoppage' was instigated by elements of the African National Congress" and remarked that "the decisive manner in which their efforts were defeated had a wholesome effect on the native labour force in general." East London docks as well were the site of go-slow actions designed to improve wages. In November 1957 milling workers in Johannesburg, "instigated and led by back-stage leftist elements," struck work and were able to negotiate for wage increases. With dismay the CNLB regarded this as "a signal victory in their struggle for the right to ignore the Act and to negotiate

directly with their employers.” This action proved successful because “the workers made no demands on their employers and could not, in terms of the Act, therefore, be prosecuted for ‘striking’.”²⁰

Despite these stratagems, the legal space for sub-rosa trade unionism and industrial action grew ever narrower during the 1950s, especially as the Department of Labour urged employers to use the available machinery instead of pursuing non-statutory and independent agreements with unions that attempted to “blackmail” them.²¹ But once in place, just what did the “Native labour” apparatus of apartheid actually do? Did it serve merely as a “toy telephone” to create the *appearance* of industrial relations, or did it come to develop a peculiar logic of its own? Understaffed and overworked, the regional native labour committees and their native labour officers were expected to oversee all matters pertaining to African workers. This included visiting workplaces in order to explain the terms of the Act; attending Industrial Council, Wage Board, and Conciliation Board hearings that would have an impact on African workers’ wages and conditions of employment; and handling all labour disputes between African workers and their employers, hopefully before such conflicts reached the level of a damaging work stoppage or prosecutions for illegal strikes (which, of course, also disrupted production).

Evidence culled from Hansard, Department of Labour Reports, and the annual surveys of the SAIRR, suggests that the regional committees intervened in industrial disputes with some regularity, at least during the 1950s. In many cases, alerted to grievances by either employers or workers, the local native labour officer was able to settle disputes before a walkout took place. But in a surprising number of cases, African workers continued to take job actions in the face of potential criminal penalties. These “strikes” were almost always of short duration—a matter of hours, rather than days—but they were not always resolved merely by arrests and prosecutions of workers. Since, in the Department of Labour’s view, some strikes were in fact caused by “ignorance or other reasons not ascribable to deliberate defiance by the workers” they did not “warrant the institution of criminal legal proceedings”²²--perhaps merely the threat of prosecution sufficed. Nevertheless, on occasion workers found that the native labour board settled their grievances to their satisfaction, by getting employers to improve wages or conditions. The following table indicates the level and outcome of “dispute resolution” during the first full five years of the Act’s existence (it went into force on 1 May 1954):

	1955	1956	1957	1958	1959
DISPUTES	--	136	130	65	61
STRIKES	82	92	112	64	39
CONCESSIONS	15	11	13	9	27
PROSECUTIONS	22	21	20	23	13

The CNLB internal report to the Minister of Labour for 1957 makes possible a closer analysis of the Act's operation during a year which saw a level of industrial unrest among African workers not to be repeated until 1973. Despite the fact that the number of total disputes appears to have peaked in 1957, the CNLB reported "notable progress has been made in establishing and maintaining sound labour relations."²³ It also worried, however, that "underneath the surface some disturbing tendencies were discernible," namely the activities among workers of SACTU and its ally, the ANC. Clearly the CNLB saw itself as playing a crucial role in the front line of defense against independent African trade unions.

In an analysis of the 112 strikes in which it intervened in 1957, the board noted that 32 of them entailed demands for higher wages, 29 centered on "demand for change in working hours and other conditions of service," and 27 were over the dismissal of fellow workers. Behind these "official" reasons, however, the Board claimed to detect the dreaded hidden hand of agitators, claiming that in 30% of the strikes "there had been instigation from outside leftist quarters." This influence proved especially prevalent in strikes over dismissed workers, as the fired employees were often themselves agitators. Quite remarkably, however, the Board still attributed much of the strike activity to "poor handling of labour" and observed that strikes over work conditions "could be readily eliminated...by more humane and scientific labour management." And while the CNLB did not lay wage strikes quite so directly at the feet of management, a section of the 1957 report did suggest that such grievances were not entirely unreasonable.

Ultimately, the CNLB feared that the recently urbanized African work force might prove receptive to the propaganda of the state's enemies. The Board suggested that the "adjustment from an unfettered life of a herdsman and a tiller of the soil in a subsistence economy to the rigorous life of an industrial worker in a regimented money economy" made the African working class "easy prey to the overtures of the disguised communist agitator, the glibness of the self-seeking demagogue and the fallacies of the misguided philanthropist." While part of the Board's overheated rhetoric on this matter should be attributed to an internal struggle for state resources, the ongoing efforts to combat leftist influence in factory and mill had significant consequences.

First, the Board and its members felt that both employees and employers needed to be made more aware of the provisions of the Act so that its mediation machinery, as crude as it was, could be mobilized. Board members actively encouraged employers to steer disgruntled workers their way. While this served to siphon off discontent, it also brought grievances before arbitrators who on occasion urged employers to meet workers' demands. Secondly, in order to wean African workers away from unions and agitators, the CNLB increasingly came to recognize the importance of increased wages. Finally, frustrated by their inability to know what sort of grievances African workers had before they exploded into a dispute, the CNLB eventually came to encourage some expansion in the one form of representation granted to African workers by the NLA, the works committees.

In addition to settling disputes, the CNLB made a great deal of noise about its role in "negotiations for improved conditions of service" for African workers by "representing" their interests before Wage Boards and Industrial Councils. This was a somewhat delicate process. Obviously, wage improvements would, it was hoped, discourage African workers from joining trade unions or taking industrial action. Yet, because these wage improvements were made over workers' heads, without their participation, Chairman of the CNLB, S.D. Mentz, could boast that the "benefits obtained for Bantu workers had been obtained by friendly negotiation [with employers]....without the workers being aware thereof."²⁴ Furthermore, the Board, Mentz admitted, "consistently refrained from making any representations which...would have unduly disturbed the country's economy" and was well aware that any wage increases should take account of "the ability of industry to continue competing with other countries in export markets." At the same time, in the 1957 CNLB report, Chairman Mentz noted that "while it is true that many demands for increased wages are the result of instigation by outside agitators, it nevertheless cannot be denied that there is a certain measure of social, economic and moral justification in these demands."²⁵ Indeed, in some ways the CNLB went so far as to repudiate one of the key ideological props of the migrant labour system when it admitted that African wages were too low to support a wage earner and his family. "The inadequacy of existing wage rates for maintaining civilised living standards provide extremely fertile soil for the leftist agitator to sow discontent and to propagate revolutionary ideas among the native working masses," the CNLB report concluded. The report recommended a study of the "merits and

implications of a firm policy designed to secure a progressive raising of the general level of unskilled wages.”

Muriel Horrell, in her 1961 survey of race relations for the SAIRR, pointed out however that Department of Labour claims that the CNLB helped raise African wages was somewhat disingenuous. The “improvements in wages were decided upon at [Wage Board and Industrial Council] meetings attended by Labour Department officials,” Horrell noted, but did not necessarily reflect their own representations or negotiations with employers on behalf of African workers.⁽²⁰⁹⁾ As the CNLB admitted in its own internal report, when attending IC meetings the Board “adhered to its established policy of keeping a watchful eye on the interests of the native workers, without making specific demands.”²⁶ Nevertheless, in Parliament the Minister of Labour presented all wage increases for African workers as due to the good works and oversight of the Native Labour boards. Still, over time the administrators of the NLA came to see their task as convincing employers to use the machinery of the act to improve wages and conditions as a way of settling or avoiding disputes. In exchange, however, they felt that the productivity of African workers should increase. “One cannot simply increase wages to any level unless it is accompanied by higher productivity,” the deputy Minister of Labour told Parliament in March 1960.²⁷ It is also worth noting that at this stage he rejected out of hand the rationale for wage improvement that rested on the boosting of purchasing power, as well as the very idea of a family wage for Africans that the chair of the CNLB himself had broached three years before.

Just as the internal development of the administration of the NLA led inexorably towards a limited consideration of the problem of low African wages, so too did apartheid’s labour bureaucrats find themselves revisiting the issue of worker representation. While explicitly designed to thwart any possibility of collective bargaining, the NLA as passed actually established a mechanism by which workers themselves might collectively express their grievances at a plant-wide level. In the debate on the NLA that took place in Parliament in August 1953, the most important concession Schoeman made to objections that the Act “does not make any provision for direct representation either by Native employees or the employers”^(8/4/53, 880) was to amend the proposed bill to permit “works committees,” hedged with restrictions as much as possible. Established by African workers in individual plants, after informing their employer of their intention, these committees then appointed (in the presence of

the Native Labour Officer) a member who would be their liaison with the regional native labour committee in their area.

For members of the Labour Party, the remaining “Native Representatives”, and perhaps some progressive UP MPs as well, these committees, while clearly inadequate, would serve as the opening wedge of the collective bargaining rights the Act served to deny. In Schoeman’s eyes, the works committees were in all likelihood window dressing designed to ease passage of the bill, but not to be taken seriously in the administration of the Act. SACTU activists agreed, seeing them as “stooge committees” and actively discouraging African workers from joining them. After the first six years of the Act’s operation only 10 works committees were in place. Though the Minister of Labour claimed in 1960 that this was because “these committees are being opposed by the A.N.C. and the P.A.C. which do not want to hear of anything but the recognition of native trade unions,”(5/6/60, 6927) in fact the CNLB had until then regarded them as unimportant. In its report for 1957, the CNLB noted that “In accordance with departmental policy, the establishment of these committees have in no way been encouraged.”²⁸ Yet in response to the crisis touched off by Sharpeville in March 1960, works committees began to look more useful as a safety valve, and the Department of Labour did a volte-face on the matter, suddenly actively encouraging their expansion.

The Native Labour Act in the Wake of Sharpeville

The unrest, stayaways, and state of emergency that followed the Sharpeville massacre in the fall of 1960 cast the functioning of labour relations policy for African workers in a new light. Seeing the protests in the aftermath of Sharpeville as a symptom of genuine grievances felt by the growing African urban working class in secondary industry, the United Party charged that the 1953 Act had “endeavoured to erect a sapling against a whirlwind.”²⁹ Re-evaluations of the Department of Labour’s approach to the questions of wages and collective bargaining were called for from the floor of Parliament that May. The UP MP from Yeoville, S.J.M. Steyn, challenged the Minister of Labour to take some responsibility for the chaos engulfing the country. “The workers...have for some reason or other developed a sense of grievance and frustration which has made it possible for agitators to batten upon them,” he complained. But because the government had failed to address adequately the needs of the permanent African working class in the union’s urban areas it should not continue to “hide behind the story” that

”all the troubles we have experienced with our urban labour force in recent weeks has been due to agitators.” In particular, Steyn accused the Nationalists of doing too little too late to ensure increases in paltry African wages, a crucial and legitimate grievance in his view. (Hansard, 5/6/60, 6874) Industry could not or would not voluntarily increase wages, and the recent work of the Wage Boards in addressing wages of unskilled workers had proved inadequate, Steyn claimed. Only one path remained open to stabilize conditions among the African working class: “the time has come for us to consider the most important means of the disposal of a private enterprise to adjust wages, which is collective bargaining.”(5/6.60, 6878).

Yet when pressed from the floor by Nationalist MP’s who felt he had joined the few lone voices (Helen Suzman, Margaret Ballinger, and Lee-Warden, for example) advocating the full recognition of African trade unions, Steyn backed off. He and his UP colleagues continued to insist that Africans were “not ready” for trade union independence or the right to strike, and that instead collective bargaining should be done on their behalf by the white unions. The unwillingness of the political opposition to embrace the logic of their own position allowed the Nationalists the space to shore up the NLA by resurrecting “the only part of that machinery that was at all democratic,” namely the works committees. “Do we want to make use of these opportunities for negotiation,” asked the Minister of Labour in response to parliamentary criticism, “or do we want to force out the Natives and give them their own trade unions?” The NLA was sound, he insisted, and “every effort should be made to put this machinery to the most effective possible use.”(5/9/60, 6938, 6957).

As for the matter of wages, the Minister replied that “the Government...has borne fully in mind that the wages are low and that they should be increased quite considerably.” In fact, he claimed, it was the CNLB that had proved “the champion of the Natives in industry” and had improved the wages of nearly 200,000 African workers in the past year alone. The problem was employers, who complained they could not afford to increase wages. “The employers have fallen into a sort of psychological state of mind which makes them believe that the cheap labour which is so abundant in South Africa is the solution to all their problems,” the Minister complained, without apparent irony. “Automation and mechanization are being introduced on a very small scale”, and without managerial attention to productivity increases “this so-called cheap labour, because it is misused, becomes expensive labour.”³⁰ Thus grappling with a crisis touched off by the repression of working class demands, government and industry each attempted to shift the

blame to the other party. At the same time, there began to develop a ruling-class consensus that some of the demands of African workers might have to be met without unleashing the pent-up desire for trade union representation.

The rethinking of policy inside the labour relations bureaucracy itself was revealed six months later, when the ten regional native labour committees came together in Cape Town to discuss the administration of the NLA. The Chair of the CNLB found himself pushed by the usually pliant Africans on the regional committees to increase the Board's commitment to improving conditions for African workers. The Department of Labour had indeed found a strata of Africans willing to serve on the regional committees, just as Schoeman had promised: small businessmen, labour contractors, churchmen, indunas. Their distance from the lives of ordinary African workers was compounded by their limited access to the workplace and their lack of participation in the grievance procedure, about which by 1960 they were willing to complain.³¹ One African committee member, for example, noted that the Native Labour Officers often failed to "take us fully into their confidence." "If they have to go and settle a dispute," he insisted, "they must take us with them at least."³² The NLO for Johannesburg pointed out that "committee members have no contact with the inhabitants or the workers in the area in which they really live."³³

In his opening remarks to the conference, the Deputy Secretary of Labour informed the gathered committee members that "positive steps should now be taken" to establish works committees. Through these committees, he claimed, "Labour Officers will better be able to learn the wishes, aspirations, and requirements of the workers."³⁴ He continued to insist that the initiative must come from workers themselves, and somewhat disingenuously expressed surprise that "not more use has been made of this machinery which is basic to the whole Act." In response, T. Mnyanda, one of the regional members from Port Elizabeth, stated openly "there are many employers who still fail to treat African workers in this country as human beings and to pay them as such." The NLA, he continued, "meant to take away from the African worker the right of collective bargaining." For Mnyanda, the works committees would be the next best thing to actual trade unions, and "appeal to employers for improving the conditions of African workers."³⁵ Finally, Mnyanda averred, "the time has arrived when Africans should be on [the CNLB] and be able to tell the Europeans how we feel." In order to avoid the threat of

communism, he claimed, “pressure must be brought on employers to improve conditions of employment and increase wages.”(16)

In response to some of the members’ remarks, the Chairman of the CNLB claimed “the ideal that this Board is striving after is a uniform wage for unskilled labour.”(15) Later on, however, he reminded committee members “when contacting workers the importance of increased productivity should be stressed.” When it came to the question of wages, an African member claimed, “What we want, Mr. Chairman, is a living wage,”(63) and many others agreed that African wages remained too low. Without fully acknowledging it, the wage discussion took place on terms set by SACTU’s national campaign for a pound a day minimum wage. “There will be no peace among the people as long as the wages are so low” concluded a committee member from Pretoria.(66) In his own remarks, Chairman of the CNLB Mentz noted that African labour was “anything but cheap,...because the amount that is paid is not earned by productivity,” but in the most patronizing fashion characterized this as “a certain measure of charity” rather than a fundamental contradiction in the economic system.

Moreover, Mentz now insisted that the idea that “collective bargaining was prohibited...is a misconception of fact altogether” because of the existence of works committees. “You can have collective bargaining but not on a union basis, you have it on an individual working place basis” he informed the assembled African “representatives” of working class interests. He admitted, however, that the CNLB had “not propagated the establishment of Works Committees” but also accepted “that it is our duty to educate workers gradually where perhaps ultimately they will be in a position to form trade unions again.”

The response to such unbridled paternalism proved quite diverse. The Native Labour Officer from Durban cautioned that works committees would have to be overseen carefully. At Dunlop’s in Durban, he warned, SACTU militants had infiltrated the works committee and attempted to turn it to their own uses. Similarly, the Labour Inspector for Cape Town noted that “there seems to be a bit of hesitancy on the part of the employers” to permit the establishment of works committees as “they are not quite sure that the correct people will be elected on the Committees” and feared the presence of agitators.(33) No one reminded him of the employers’ statutory obligation to respond to a committee if the workers in a plant announced their intention to form one. Even an African member, J.M. Mohlala of Benoni, agreed that “we should be careful to ask people to elect these Works Committees” because of the threat of Communist infiltration.

Another African committee member, a former induna, saw the works committees as effective transmission belts of petty workplace grievances that could nip disputes in the bud. And Mnyanda, reminding the Chairman that “there is strong opposition to this Act by the Africans,” insisted that “in order to win the confidence of the people who are today strongly prejudiced against the Works Committees we should have an amendment in the Act for the ultimate recognition of [African] Trade Unions.”(30). This, of course, was precisely what the Works Committees were designed to avoid.

As we know, over the three years following Sharpeville the state mercilessly crushed all opposition to apartheid, including the African trade unions allied to Congress through SACTU. The operation of the apartheid labour bureaucracy does nothing to dispel the importance of the apparatus of the police state in securing the conditions for the perpetuation of white supremacy for another three decades after the upheavals of the early 60s. But I have attempted to reveal some of the inner workings of apartheid’s labour bureaucracy in order to suggest that such coercive tactics accompanied efforts to shore up apartheid through meeting the basic demands of proletarianised African workers in a minimalist and paternalistic fashion. In practice this meant a multipronged approach designed to address three aspects of the strained relations inside South Africa’s factories and more settled working class communities. First, the state did attempt to increase African wages, but always coupled this with a demand for increased productivity—i.e., harder work or an upgrade in skills and mechanization that might require the scaling back of the urban labour force. Second, the state began to encourage employers to make use of the NLA and to “negotiate” with African workers under its limiting terms. More than anything else this was understood as a credible attempt to provide an alternative to the radical trade unionism preached by SACTU in these years. Finally, because the machinery of the NLA looked increasingly illegitimate without some outlet for worker participation, the Department of Labour began a very tentative encouragement of the expansion of works committees after 1960. “Because [Africans] asked for it themselves,” the Minister of Labour told Parliament in May 1961, referring to the Cape Town conference of the previous year, “I immediately issued an instruction that works committees should be established more rapidly and on a larger scale.”(5/17/61, 6625). One can only wonder what the response would have been if he or the CNLB had dared asked African workers themselves what they wanted. “Africans who are politically aware,” remarked Muriel Horrell in the 1961 Race Relations survey, “resent the paternalistic nature of the system and ask

for the same freedom as others possess to negotiate directly with their employers and to organize without restrictions with the aim of improving their status and working conditions.”³⁶ For that, they would have to wait another two decades.

Conclusion: Capitalism and Apartheid Revisited

Almost thirty years ago Harold Wolpe suggested that the shift from segregation to apartheid reflected the collapse of the rural-subsistence base provided to migrant labour by the reserves. In response, he argued, the state elaborated new mechanisms of repressing the aspirations of the African working class and keeping their wages at a sub-par level. The 1953 Native Labour (Settlement of Disputes) Act was one of the examples, designed as it was, in Wolpe’s view, to “contain the accumulation of pressure on the level of wages,” although subsequent analyses have largely chosen to ignore its significance.

Yet I think the close examination of the functioning of the Act suggests a more complex picture. Predicated upon the realization that a proletarianised, settled, urbanized African working class would remain a permanent feature of South Africa’s manufacturing landscape, the Act sought to channel the demands of this class into a mold acceptable to the makers of apartheid and employers alike. This did not mean simply brute suppression of wage demands, but a far more insidious process—the absorption and redirection of trade union impulses, the bureaucratic recognition and cooptation of working-class grievances, and a paternalistic structure of industrial relations designed to steer workers away from radical trade unionism. The Act’s proclaimed purpose of “settling disputes” should be understood as quite genuine, as it sought to insure industrial peace in South Africa’s fast-growing manufacturing sector. Furthermore, over time the bureaucrats who oversaw relations between African workers and their employers came to believe that African wages were indeed too low, and to argue that in contrast to mining and agriculture the manufacturing sector demanded a stable workforce with improved levels of productivity linked to gradual wage increases. The iron fist of anti-strike prosecutions remained an important weapon in the state’s arsenal, to be sure. Yet in response to ongoing shop-floor discontent during the decade, as well as the wider politicization of working-class action seen in the latter part of the 1950s, culminating in the crisis of 1960, apartheid policymakers in the Department of Labour felt compelled to address the issue of low wages and to expand the use of the works committees they had once regarded merely as a bone thrown to the UP on the floor of parliament.

Does this mean that the liberals were right and the Marxists were wrong, that in fact the demands of manufacturing capital proved incompatible with the rigidity of the labour market under apartheid? Not necessarily. My point is that the use of influx control to extend the cheap labour power of migrants to the manufacturing sector was not a *sufficient* condition for continued accumulation. Instead, tight control over the labour market had to be coupled with state mechanisms for labour stabilization, discipline, and mediation, without opening the door to collective bargaining rights for African workers. Considered from another angle, apartheid labour market policy addressed the concerns of white workers, farmers, and the mining sector, while industrial relations policy responded to the needs of the owners of manufacturing capital. Thus, the Department of Labour oversaw this latter realm of the apartheid state rather than the NAD. In fact, to the extent that Native Labour boards and their officers addressed the wage and productivity crisis identified as early as the late 1950s they may even have undermined the goals of the NAD, which continued to regard African workers as temporary sojourners in manufacturing areas. The point here is not that manufacturing capital “opposed” apartheid, whether objectively or subjectively. Rather, by shifting the debate about capitalism and apartheid away from influx control, pass laws, and “Native affairs,” and towards industrial legislation, shop floor struggle, and bureaucratic anxiety about the question of wages and productivity we may be able to ask a different set of questions about the political economy of apartheid. Redirecting our attention to the shop floor will help return working class struggle to the center of an analysis of the shape and trajectory of the apartheid state, and to recognize and accommodate to our analysis apartheid’s internal contradictions and “reformist” tendencies at a much earlier date than is customary.

NOTES

¹ Posel, Evans, O’Meara.

² The one exception is Bonner, Delius, and Posel, eds., *Apartheid’s Genesis*. Nevertheless, when the essays in this superb collection look at Apartheid labour policy they retain a typical focus on influx control, canalization of labour, and other efforts to racialize South Africa’s labour market. I have been unable to find any Apartheid state historiography that considers state interventions in labour relations, an entirely different matter.

³ The key texts here are Wolpe and Legassick.

⁴ Doug Hindson, Ravan, 1987, pp. ix-xi, 10.

⁵ Posel, *The Making of Apartheid*, 90.

⁶ Alf Stadler, *The Political Economy of Modern SA* (CT:DP, 1987), 173; the only sustained treatment of the 1953 Act is Horner, *SALB*; To give but one example, among many, of the Act’s neglect, a recent synthesis of the political history of apartheid, does not even include the 1953 Native Labour (Settlement of Disputes) Act in a list of key acts of apartheid legislation; Heather Deegan, *The Politics of the New South Africa: Apartheid and After* (Harlow: Longman, 2001), 24.

⁷ CNLB, rept. 1957, p. 15.

⁸ Union of South Africa, Report of the Industrial Legislation Commission of Enquiry, U.G. 62-1951 (Parow, 1951), table 23A, p. 18 (hereafter cited as ILCE).

⁹ Larry Welcher, "The Relationship Between the State and African Trade Unions in South Africa, 1948-1953," South African Labour Bulletin 4(September 1978), 38; Philip Bonner, "Black Trade Unions in South Africa Since World War II," in Robert M. Price and Carl G. Rosberg, eds., The Apartheid regime: Political Power and Racial Domination (Berkeley: Institute of International Studies, 1980, pp. 174-193, p. 179; Alexander, Workers, War and the Origins of Apartheid, p. .

¹⁰ Hansard, 4 August 1953, col. 866-67; Horrell, Racialism and the Trade Unions, pp. 5-6; ILCE, pp. 202-04, 210-11.

¹¹ ILCE, pp. 198, 201-02; South African Trades and Labour Council, "Memorandum Presented to the Industrial Legislation Commission," Annexure "D", p. 58, Alex Hepple Archive, microfilm, Center for research Libraries(CRL), Chicago, IL.

¹² ILCE, p. 201, 212

¹³ ILCE, pp. 212-13, 215, 300; Welcher, "The Relationship Between the State and African Trade Unions."

¹⁴ Hansard, 8/4/53, 867.

¹⁵ Alan de Kock, Industrial Laws of South Africa (CT: Juta, 1956), 490-523; H. M. Robertson, "The Native Labour Settlement of Disputes) Bill," January 1953, SAIRR, pt. III, AD1947, Box 34, File 59.2.1, Wits.

¹⁶ SATLC, "Minutes of the Special Conference of Trade Unions," 14-15 August 1953, TUCSA Papers, Pt. I, AH646, 1.27, Wits.

¹⁷ AH, A Trade Union Guide for South African Workers(Jb:SACTU, 1957), 16.

¹⁸ Hansard, 4/8/53, 866.

¹⁹ CNLB, "Report for the Year 1957," Department of Labour Papers(ARB), vol. 3288, file 1196/3/2, pt. 1, State Archives, p. 4.

²⁰ CNLB, Report 1957, p. 5, 21.

²¹ CNLB, 18.

²² CNLB, 8; D of L. Report, 1961.

²³ CNLB, 3.

²⁴ SDM to EL regional Cttee., Minutes of the 62nd Meeting of EL RNLC, 11/13/59, Cape Archives.

²⁵ CNLB, 18.

²⁶ CNLB, Rpt., 1957, p. 6.

²⁷ Hansard, 3/8/60, 2965-66

²⁸ CNLB, rept. 1957, p. 11.

²⁹ Hansard, 5/6/60, 6923)

³⁰ Hansard, 5/9/60, 6936-37.

³¹ Were these mere stooges and collaborators, as ANC partisans charged (then and now)? Certainly by the fact that they helped administer apartheid labour legislation they must be considered as such. But some evidence suggests that theirs was a genuine approach to the problems of black workers, not merely opportunism. Matloporo, who objected to the Deputy Secretary's use of Afrikaans in his opening address, seconded his remarks.

³² Conference, 13

³³ Conference, 45.

³⁴ "Record of the Conference of Regional Native Labour Committees," Cape Town, 8-10 November 1960, Regional Inspectorate of Labour papers(IEL), vol. 59, East London, 4/8/7/4, Cape Archives, p. 6.

³⁵ Conference, 8.

³⁶ RR, 1961, 209.