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NATIVE ECONOMIC COMMISSION

CAPE TOWN 24th APRIL 1931 9.30 A.M.

NINETIETH PUBLIC SITTING

PRESENT:

Dr. J. E. Holloway, (Chairman),

Major W. H. Anderson, Mr. A. M. Mostert,
Dr. H. C. M. Fourie, Dr. A. W. Roberts,
Mr. F. A. W. Lucas, K.C., Senator P. W. le Roux van
Niekerk,

Mr. C. Faye, (Secretary).

MR. AARON ZALMAN BERMAN, Public Accountant,

called and examined:

CHAIRMAN: Will you please tell us what you have to say ?- After very considerable study of Native affairs in the Cape, I came to the conclusion that it was very difficult, if at all possible, to get some reliable information and full understanding of the subject if viewed as something entirely different from the economic position of the community among whom the Natives have now settled and live together. If viewed as part of the whole structure, one may get an intelligent conception of both the problem and any suggested solution, but if viewed entirely separately, divorced from the rest of the community, one will neither understand the problem nor find any solution. It is a popular misconception that trade unionism or labour organizations among Europeans are centuries old,

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and that among Natives they are just beginning to manifest themselves. It would appear that trade unionism in South Africa is probably 50 years old and in the first 20 years of its existence, it was found that there were but a ~~very~~ few isolated unions with a membership of a few hundred. The Native followed the European mode of organization some 15 years ago.

It is hardly conceivable that it could have been otherwise. Men working side by side will naturally look to one another for the best manner in which to protect their interests and to organize for that purpose, but to my mind the formation of the first Native trade union in Cape Town or in South Africa, for that matter, will give us an excellent illustration as to how closely the Native follows the European mode of organization and as to how closely he follows European modes of self protection.

I do not think it is known at all that the first trades union of Natives in the Cape came into being as a result of an appeal by the Cape Federation of Trades for some steps on the part of workers in the town to protect the country against export of its foodstuffs overseas. This was in 1919, and the cost of living at the time was rising daily and, ^{spite} instead of the claim that we did not have enough foodstuffs for the requirements of the country, export of our foodstuffs was going on apace.

The Cape Federation of Trades had no adherence either at the Docks or at the Railways and at that time the ~~newest~~ nucleus of a trade union among Dock labourers had already come into being. Appeal was made to all workers to use their influence and whatever power they had to put a stop to the continuous export of foodstuffs that was going on.

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The response to this came from the Dock labourers of Cape Town and the numbers given variously as 5,000 or 8,000 struck work. These men refused to let ships at the Docks load foodstuffs. The Federation of Trades was staggered at the response to its appeal. I do not know whether they realised the extent to which things were taken literally by the Natives.

Well, the Federation found itself faced with the task of feeding thousands of Natives who were thrown out of work and were starving. The strike was settled and the I.C.U. came into being and the movement spread throughout the country.

It is quite easy to start a union which the Natives would join, but it is very difficult to keep it going. It is difficult to keep a trades union going which has to follow orthodox European lines and at the same time is unable, as a result of the ~~magik~~ way in which it finds itself separated from the various groups belonging to the same union, to keep alive such an organization.

We find that all types of trade unionism are primarily based on craft lines. Originally, all trade unions were on craft lines. In the same industry, we find various men organized among their occupations. There were over 40 different unions in the engineering trade in Britain, fitters, turners, ironmoulders and other sections. Eventually, the tendency came into being for the unions to amalgamate on the lines of industry instead of on the lines of craft and it is very interesting to bear this in mind. Instead of there being unions for masons, bricklayers, painters and electricians the tendency today is to organize them on the basis of industry

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and those who are engaged in industry will be found in one union.

But this cannot be applied to Natives or general workers. You find this position in regard to Native labourers -- the Native labour, the unskilled work which he is doing, is such that today he is working in a quarry and tomorrow in a shop, and the next day you find him engaged on building operations and the week after you find him working in the garden. It is difficult to keep in touch with them, or to keep any union to which he may belong intact when the nature of the work is such that one may eventually have to lose touch with him. And although, in every instance, when the I.C.U. was formed, it had a huge membership in a very short time, it was difficult to keep the unions alive, not because the Native is not ready for industrial organization, but because the form of his organization is such that we cannot keep them together.

If we compare the organization of the Natives here to the other trades union organizations in other parts of the world where the same type of labour is organized, you find the same phenomena. Trade unions are brought into being in a week or in a month and they lose their membership next month. As some other form of labour organization will have to be found, which will meet the requirements of the Natives and enable them, if they are working in different spheres, to retain their membership or allegiance to the union, careful consideration of the subject is essential.

That such an organization is necessary, I need hardly say. All our protective forms of labour legislation can generally be placed into two sections, the one which encourages

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organization and provides the machinery to work through that organization and with that organization, and another form which is meant for those who, by reason of their inability to organize, are unable to look after themselves and their interests. As to the first one, the Native is unable to take advantage of that. Unfortunately, the Native has not yet ~~as~~ any assistance there yet, - I am now referring to the Wage Act, - and he is not likely to get any assistance so long as the present condition remains.

We had in the Cape a number of unions organized. The Natives comprised 90 to 95% of the members of those unions, but it must be understood that these unions are not purely Native, inasmuch as the Coloured employees in the same particular industries, are organized with them. And I want to say at this stage that, as far as the Cape trade unions are concerned, and there are no exceptions, there is not the slightest prejudice or bias against the Natives trade unions.

SENATOR VAN NIJHEK: Not in one organization? - Not in one. There is not one organization in which Natives are not accepted if they are allowed to work in the industry.

In the same organization? - Yes, in the same organizations, and sitting at the same table, and there is no prejudice whatever against them. There was. Fifteen years ago, there was a struggle and the struggle was not directly as between the Natives and the Europeans, but between the Coloured and the Europeans. Let me say that the Native entered trade unionism without any struggle whatever and he was accepted in the same way as the Coloured man, but there

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was a struggle on the part of the Coloured man to enter trade unionism, although this has gradually disappeared.

DR. ROBERTS: Can you tell us why it has disappeared ?- I shall try to give you the history. In some industries, the Coloured men organized separately. Take the building trade, for instance. Only a few years ago we had two bricklayers' unions, the one was an European union and the other a Coloured union; the one was called "Bricklayers' Union No.1," and the other "Bricklayers' Union No.2," and whenever wages were fixed and an agreement made with the employers, the two unions were consulted, and whatever wage was fixed for Bricklayers' UNion No.1, a lower wage was fixed for No.2.

It is interesting to note that No.2 always accepted 2d or 3d per hour less, until the stupidity of it became obvious, even to the most reactionary members of the union, because the members of No.2 Bricklayers' Union were always employed, while the others were out of work, so, in order to protect the European bricklayers, the Union found it necessary to abolish Bricklayers' Union No.2, and to take its members into the Union.

There was a great deal of political friction about that. Some of the Coloured bricklayers opposed the union on political grounds. Some Coloured labourers said, "If the White man takes 2/-, you must take 1/10d or 1/11d, or 1/8d and so on. If you do not do so, you will not get a job." Curiously enough, it was to the interest of the White workers that the fusion came about, and the Coloured men realised it, and it was a gesture of sacrifice on the part of the Coloured men when the amalgamation actually took place.

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Now, when the Natives came in, they were accepted without a struggle. On the Executive of the Cape Federation of Trades, there are Natives and Coloured men. We had a Coloured Vice-President for many years. Recently, we had an acquisition in the shape of four unions which were previously organized on their own and federated as such.

It would be difficult for people who are not acquainted with conditions in the Cape, to realise what a welcome these four semi-Native ---- they are not exclusively Native --- what a welcome they had from the Federation. Well, they were assured of every support and loyalty and they were referred to as brothers, which is a term usually employed in trade union circles. You hear of Brother So-and-so and So-and-so.

Two of their men were immediately placed on the Executive. Now, these four unions represent the quarry-workers of the Union, which is almost exclusively Native, the laundry-workers' union, which is predominantly Native, so far as the male workers are concerned, and Coloured so far as the female workers are concerned; and then there is the stevedores' union, which is Coloured and Native, I think they are representative of every race and every mixture one can imagine; and then finally the general workers' union which has not been functioning too well, owing to various reasons.

CHAIRMAN: What is the chief racial creed in the stevedores' union ?- It is always changing, but it is predominantly Native ---- no, it would be about half Native and half Coloured.

I am referring to the union now ?- Yes.

Is that union a true indication of the whole occupation

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--- that is to say, are the stevedores about half Natives and half Coloured ?- I do not quite follow.

MR. LUCAS: Would you say that it is 50/50 outside the union ?- I see; the membership would reflect the general proportion of the racial groups in the industry. The only thing that would permeate, that would unite the various Native workers in town, would be of such a general nature that it could be almost done by legislation. The only thing they have in common are wages and hours, and I want to stress this point. It may seem to an outsider that these two factors are the sole factors which interest the trade unions. You will find some trade unions working on an agreement, extending it for five years, where wages and hours are laid down as something stationary, and yet the unions are very active and busy. Hours and wages form only a small part of the activities of an union, but owing to the reasons which I have set out, which govern Native employment, these would be the only two things which the various Native workers have in common.

Now that brings us to the question of a basic minimum wage for Natives. We have not had anything like it in South Africa, but in view of the difficulty that surrounds organization of Natives in the urban areas, it might be necessary for a basic minimum wage to be fixed by law, either through the Wages Board or in some other way. You will not get Natives to improve their conditions as far as hours and wages are concerned, through organization under present conditions.

DR. ROBERTS: Why not; what makes you say that ?-

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Well, because they cannot organize. You may organize them for a day but, as I have explained, tomorrow they are gone. It comes to this, that the mobile nature of their work is such that you cannot hold them in a union. Men organized in shops you will find have strong unions and they have their own shop stewards. You do not communicate with the men over the telephone, because they have no telephone for one thing, and they do not live for a long time in the same place, they shift about. If you want to get into touch with them, you have to do so through their shop steward.

In the printing trade, you have Fathers of the Chapel. Seeing that you cannot have something like that with the Native workers, you have to find some other means of stabilising matters. I have been trying to explain that point. You have heard evidence, not only here but elsewhere, that their pay is bad. You need not come to me to hear that, it is common knowledge. It is another curious phenomenon that, while a Native employed in a skilled trade is not only allowed to get into union, but is compelled to join up; the Native labourer working in the same industry is not organized and is not accepted in the union.

To illustrate to you the gulf that separates the Cape mentality from the Transvaal mentality so far as Coloured is concerned, you will be surprised to hear that ~~x~~ ~~is~~ a Native who works on a building or in a furniture shop or in some other kind of factory would be prevented from working if he were not prepared to join the union. That is a very important point.

SENATOR VAN NIEKERK: You say that that is so here in the Cape ?- Yes. I may tell you that we have Coloured

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members sitting on an executive union which is predominantly White. We have a Chairman, a Coloured Chairman of a Union in the Furniture Industry in Cape Town where the majority of the men, at one time at anyrate, were White.

CHAIRMAN: What is the position now? - He is still Chairman.

Yes; but what is the position in regard to the membership now? - The membership is becoming more Coloured.

Is it predominantly Coloured now? - Almost so; of course, the word "predominant" is rather vague. There are more Coloured than White. It is another thing that we must take notice of. For years and years there has been a feeling abroad that it was necessary to co-operate on national lines, that is to say, the North and South should come together, but only a few years ago this was found to be impossible on the ground of colour. When the first invitation from the North was received here many years ago, to send delegates to the Conference, the first thing the Cape Federation did was to select two Coloured men to go; not because they were the ablest men, but because they wanted to shew our stand, namely, that the first thing that we have to get them to accept is that trade unionism knows no colour or distinctions. Had there been Natives at the time, they would have sent Natives, but, owing to the fact that Natives did not join skilled industry, we could not send them. The Conference was abortive and it was evident that they would not sit with them, but, at the last council meeting in Durban, there was a Native in attendance, representing a section of the Cape workers through the Cape Federation of Trades.

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I might say that, in theory, the Northern Unions have already accepted the Cape policy of no colour bar. In theory, the National Unions which have a membership in the various parts of the country, are bound to accept Coloured men. Now, a Coloured man who is a member of a Cape trade union which is nationally organized, has the right to go to any other part of the country and get his Cape Town card exchanged for a Johannesburg card, or a Port Elizabeth card, or a Durban card or anything. Of course, the social prejudice is strong enough to make an intelligent Coloured man think twice before going to Johannesburg, because he knows that he would probably not be tolerated. But the condition that cards are interchangeable was insisted upon by other unions from the Cape before they allowed the National Unions to co-ordinate their activities.

The greatest hostility towards Native labour in the country was always expressed by the Mine Workers' Union of the Witwatersrand and, as a union, it is practically non-existent. The sounder and the more class conscious and intelligent a worker is, the less is his colour prejudice. That has been our experience in the Cape over many years. The more militant a worker is, the less his colour prejudice.

CHAIRMAN: With regard to unions that have a national organization, is not the difficulty introduced there by having a national industrial council? - Yes; the law helps in the removal of the colour bar from trade unions. Much to their annoyance and disgust, the Mine Workers' Union recently had to eliminate the colour bar from their constitution as a condition to their becoming registered under the Act. In

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that respect, the law certainly does help.

Take the National Industrial Council of the Building Trade, do not they in effect exclude non-European skilled labour ?- No. The Cape committee consists of a good number of Coloured men on the Council.

Apply that to the Transvaal ?- No, in the Transvaal there are no skilled artisans, no Coloured skilled artisans in the building trade.

Supposing a man, who is a member of your committee in the Cape Peninsula, a Coloured man, goes to the Transvaal in a place where he has to work under a national building council rules, would he get in ?- No, he will have to be elected first as a member of the council.

That is not the point. Will he get in as a craftsman? There is no national industrial workers union in existence.

Not a union, I am speaking of a council ?- The council cannot secure him admission in the union. The employers are organized nationally, the employees are not. There is the Western Province Building Workers' Industrial Union, in which Coloured men predominate, then there is the Building Workers' Industrial Union in the Transvaal, with branches in other areas in the Cape and where there are no skilled Coloured building workers. Then there is the Amalgamated Society of Woodworkers, which has a different organization again. In order to arrive at a national agreement, the various employees organizations have to select their representatives on the council and the employers organization, which is on national lines, elects its representatives, but if a member of the Amalgamated Society of Woodworkers in Cape Town goes to the

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North, he would be entitled to membership as a matter of course.

As I say, the better class of Coloured man, and the artisan is the better class, would fight shy of the North on account of the class prejudice. That, of course, is something which only time may be able to change, but unfortunately that position prevails at present.

Your point is that where your trade union is national through the exchange of cards, the Native from here can get into the Union in the Transvaal, or anywhere else in South Africa ?- Yes, that is the position.

And, as regards actual employment, the Industrial Council frequently sees to that ----? No. The Industrial Council have nothing to do with the employment of an individual.

In skilled trades ?- No, the Industrial Council merely exists for the fixing of wages, hours and conditions of work, and for the bringing into being conditions to be observed and to see to it that wages and hours as laid down are carried out.

MR. LUCAS: The point is that the Industrial Council would not be allowed to lay down a colour bar ?- No.

It is frequently stated, on the part of the Transvaal workers, who still maintain the colour prejudice, that the objection to Coloured trade unionism is not on principle but on social grounds. It is frequently stated that they do not like to sit side by side with a Coloured man or a Native. In the Cape, we do not notice that prejudice. When you enter this hall, when there is a general meeting of a union, you do not find the White man sitting on the one side and the Coloured man on the other side. The trade unionists, the White men in the Cape, are too well-behaved and too considerate to shew

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any contempt for the Coloured man. Even in the Cape Federation Executive or in the Joint Council, you will find that Natives and Coloured men and White men are sitting together as if they are not of different races; and, curiously enough, where the other view is held, where Native trade union organization is objected to on social grounds, you will find that the objection really is extended even to such trade union organization which is entirely apart and separate. That is a curious phenomenon, which I have noticed over and over again.

MAJOR ANDERSON: Is this absence of colour prejudice extended to other part of the Cape; for instance, is it extended to Port Elizabeth ?- No, I shall come to that. Unfortunately, the prejudice is there.

DR. ROBERTS: But you say there is no such prejudice in Cape Town ?- No, there is not.

How long have you lived in Cape Town ?- I have been here for 18 years, and I was here to see the entry of the first Native into trade unionism.

CHAIRMAN: When was that ?- That was in 1921, that was a Native. Of course, we had Coloured men in the Cape Federation of Trades from its very inception; that was four years before that.

SENATOR VAN NIEKERK: Is there any racial distinction among the membership of Europeans --- I mean, do you find any distinction against the Dutch-speaking tradesmen ?- No, not at all. As a matter of fact, the entry of Dutch-speaking men into the unions is also a fairly recent phenomenon. Dutch-speaking Europeans, I am referring to. Some 15 or 16 years

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ago, very few Dutch-speaking workers, Europeans, were members of the union. Those with Dutch names were not necessarily Dutch-speaking, but I must say that European workers, Dutch-speaking European workers, take to trade unionism like the proverbial duck takes to water, and they find themselves very much at home in the movement and I may say that, in some unions, they almost predominate.

Now I come to the position at Port Elizabeth and other parts of the Cape. I want to emphasize that ~~at~~ Port Elizabeth and other Ports of the Cape are a sort of half-way place between the mentality of the Cape and the mentality of the North. You will find that, in Port Elizabeth, there is a good number of Coloured men in the Unions, although the prejudice against them is considerable, but as we have permeated --- ~~as~~ I say "we", I mean trade unionism in the Cape has permeated --- to a certain extent to the Northern part of the Province and we are quite satisfied that we shall eventually permeate the Transvaal. It is only a matter of time.

The prejudice here 15 or 16 years ago against the Coloured man was just as strong as it is today against the Natives, but, of course, as you know, things in South Africa happen very quickly. And that applies to the political field as well as to the industrial field.

The last 15 years have brought such a change in the outlook of the White worker, that it is almost inevitable. From the total exclusion of the Coloured man, which made it necessary for two unions to oppose each other, you find today that membership of Native and Coloured men is compulsory in the unions.

There is another factor which will illustrate the

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absence of the racial aspect and the need for emphasis to be laid on the economic aspect. Where there are more Native and Coloured artisans, there is less colour prejudice. In such industries where the Coloured man predominated, in such industries we found the colour prejudice on the part of the White workers almost negligible. It really comes to this that, when a man is prepared to work side by side with a Coloured man all day long, surely he cannot object to sit side by side with him once a month at a meeting of his trade union, and there the whole weight of the thing centres.

Colour prejudice and Native prejudice are economic prejudices.

SENATOR VAN NIEKERK: You say they are economic and not racial? - No, it is not racial. If it were racial, it would have permeated all the Europeans all the world over. The fact that it is peculiar to South Africa is because we know that the Natives occupy a low economic status. There is as much prejudice in Liverpool against the Dock labourers as we have against the Coloured man, in fact more so, and I can say that the attitude of the Coloured man here compares very favourably with that of the Dock workers in Liverpool. Both as regards physique and other standards; but, when I say that, I do not include education.

The lowest paid workers in Liverpool, that is the Dock workers, have a provision for compulsory education, whereas we have not got that here for our Natives. That is probably because we all fancy ourselves here to be superior to the other parts. Our poorer section of the community, which is our Coloured and Native section, compares favourably to the other sections of the communities in other parts of the

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world, except in respect of education.

CHAIRMAN: Well, of course, we never think that the population of any other country is better than the population of our own country? - No, that may be so, but we have here to deal with certain definite points. We have here to deal with a certain section of our community. The hostility towards Native organization in the countryside is another characteristic point to which I wish to draw attention. That hostility is violent, it is absolute, and it is uncompromising. The agricultural community in the country will not tolerate any form of Native organization, but that is only part of the phenomenon. In truth and in substance, they are opposed to any form of organization among their employees and we cannot under-estimate the importance of that objection to this movement, because it is maintained that Native and Coloured trade union organization is based on racial grounds.

Anyone who is acquainted with employers in the countryside, will know that they are as violently opposed to any form of organization in their midst. The lowest wages are paid in the country for the same classes of work. The hostility to trade unionism and to trade union organization is strongest in the countryside. Hostility to all legislation governing wages and hours of labour is strongest in the country. And why is that? Our Government recognise it. Every bit of beneficial labour legislation starts off by saying that it shall not be applicable to agriculture -- to White or Coloured.

Of course, that is due to the general backwardness of the countryside, which is not peculiar to South Africa. We

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know that it has always been so; the country is always behind the towns. The same thing exists in other parts of the world - always anything that is liberal or advanced is opposed by the country and we must not run away with the idea that it is objected to on account of racial prejudice. The objection is not racial in any way.

Coming now to the effect upon Natives of certain legislation. This is a sad piece of work. The Industrial Conciliation Act, which I suppose is admitted to be the principal Act governing labour matters in the country, has undergone a considerable change. When it was first mooted, it was violently opposed by labour men in the country and by trade unionists. It was then sent to a Select Committee, and it was considerably modified, so much so that it became acceptable to the more conservative elements in trade unions in the country.

It is necessary to know this in order to visualise the importance of the third change. In the first instance, it was meant primarily to be an Act to make strikes illegal. It became necessary for the Government to pass this Act after the 1922 troubles, the upheaval on the Rand. The Bill definitely laid down that in essential services all strikes under all conditions are illegal and are forbidden. In other industries, the declaring of strikes was made very difficult.

You cannot very well get up in the middle of the day, through down your work and say, "we are going on strike". It simply cannot be done. If you have a dispute, you have to go through the necessary machinery and, if then you cannot come to an agreement, you have to go to the Minister and then you have to have a mediator and, if the mediator fails to mediate, then you have to go to the Minister again, and he

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has to try and decide what should be done. The idea, of course, was to lengthen out the period of negotiation so as to prevent any violent action taking place. In practise, this has worked, I will not say very well, because I would be taking up sides~~x~~ in regard to matters on which there are differences of opinion, but it has worked well from the point of view of those who framed the Act.

CHAIRMAN: It achieved its purpose ?- Yes. The grievance is usually felt more keenly at the moment. When months pass by, I suppose even among married people a conciliation sets in. Now, in order to make this Bill acceptable to the trade unions, some concessions were made to them. It was also made a criminal offence for an employer to change his terms of employment without notice, or, as soon as he gave notice of such change of terms, it became competent for the men to say, "We have a dispute", and pending the settlement of the dispute through the elaborate machinery of the Act, the old payment of wages has to remain in force.

I want to emphasize this to the Members of this Commission. An employer today is no longer at liberty to say, "From tomorrow on we shall work 7 hours per day, or 9 hours per day, or so on". He can no longer say, "Business is bad and I am going to reduce wages from tomorrow". He cannot do that, he has to give notice and the moment he gives such notice, the men can say, "We do not agree, there is a dispute". The employers can prolong deliberations, but so can the employees. They can prolong deliberations for a month and they can continue working on the old wages and the old conditions all that time.

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CHAIRMAN: Subject to the fact, of course, that in the meantime a certain number of them may be dismissed through his closing down part of the work ?- Yes. It would be looked upon by a sympathetic administration as inevitable.

Would it be looked upon as an attempt to avoid the Act ?- It depends upon the administration. It might also be looked upon unfavourably.

Yes, but at the same time you could not prevent a man from doing that, if he maintained that carrying on under those conditions was economically impossible for him ?- If you were conversant with business and with business matters, you would know that those conditions never obtain. Wages are never so high and business is never so bad that the continuation of the payment of existing wages would mean the closing down of a place. There is too big a margin of profit.

You are somewhat of an optimist ?- No, I am an expert. I am an accountant by profession.

I do not question your profession, but I say that you are an optimist ?- Well, I think so.

MR. LUCAS: You think that some of the attacks on the Wage Board are not justified ?- I do not only think so, I know it. Now, the third change came over the working of the Industrial Conciliation Act, when the new Government came into power. As I have already explained, the second change was made in the Select Committee. The Bill was introduced as a very reactionary and anti-labour measure. It went into Select Committee and they got Mr. Sampson and others to co-operate so as to try and make it acceptable, but, mind you, the concessions given by the workers in exchange

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for the few benefits which they get, are very drastic and very far-reaching. You will find, I suppose, one of these days, 300 tramwaymen before the magistrate and they will be fined for being on strike because a strike was illegal.

Are you referring to the recent strike? - Yes. In essential services men can never have a strike, but in those services there is a compulsory arbitration provision. That means that if they cannot come to a settlement through mediation, then the Minister can appoint an arbitrator. You will have noticed, on examining the Act, that arbitrary powers are vested in the Minister. That is to say, the Minister may or he may not do a thing. If it is reported to him that so and so is the case, he may or he may not take any steps.

In addition to that, when the Wages Act was passed, the hands of the Minister who administers the Industrial Conciliation Act, were strengthened to an unprecedented extent and, Mr. Chairman, it was meant to be so. If employers prove to be obdurate or unreasonable and would not listen to the mediator, the Minister could call upon Mr. Lucas and say to him, "Here is a big stick. You ^(the employers) will not pay £5 per week, you will not agree to the suggestions of the mediator; very well, we shall tell Mr. Lucas about it and he will go into matters, and as we know that the payments made to the workers are unreasonable, the chances are that the Wage Board will give what the employers will not give through the mediator."

The result was that the Industrial Conciliation Act as administered by a sympathetic administration, became a measure entirely different from what it was originally intended to be. If you realise what an immense advantage the Industrial Conciliation Act, sympathetically administered, was for the

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European workers, you will at the same time realise what a grievance the Natives have as they have been practically entirely eliminated from the working of the Act and from any benefits which the Act could bestow upon them.

The Industrial Conciliation Act can only apply to unions which are registered. A union, upon its formation or upon the passing of the Act, has to register. The reasons for such registration are twofold. First of all, if registered, the union in the legal sense is rendered a corporate body. Under the Act, penalties are prescribed and there are responsibilities laid down which would enable the authorities to take criminal action against the executive of the union and it would enable an employer who has suffered damage as the result of any illegal act on the part of the union, to recover damages from such union.

There is a regulation to prevent any overlapping and to secure exemption for a registered union of sufficient strength to deal direct with the Government or employers.

CHAIRMAN: Do you consider that that is an essential clause for the system laid down by the Industrial Conciliation Act ?- Yes; except that it is too rigid and too watertight. It divides the workers into such definite compartments that it does not make any allowance for the fact that, in life, things are not quite as clearly defined as, say, in law or mathematics.

Now, from the point of view of the Native, would not the possibility of registration of a general workers' union meet with your objection ?- A general workers' union could never be registered under the Act.

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Quite so; but would not provision for registration of a general workers' union meet with your difficulty ?- It would, to a certain extent.

To what extent ?- Well, a further amendment of the Act would be necessary to prevent overlapping between the sphere of activities of this particular general workers union and other workers unions, when they come into contact and work together.

Would that give rise to insuperable practical difficulties ?- Yes. The form of registration would have to be considerably amended in the direction which I cannot think of at present, before anything practicable could be achieved.

You are thinking of the Act as it is. I am thinking of the possible recommendations which have to be made where we not bound down to the Act. I am putting the question whether a change in the Act, whereby a general workers' union could be created, would give rise to insuperable difficulties in view of the existence of craft unions ?- Not insuperable difficulties, but I shall tell you some of the difficulties. The Act provides for an agreement between a registered body of employers and a registered body of employees being extended to cover the whole industry and made applicable both to those who are party to the agreement and to those who are not. And those who are not party to the agreement give most of the trouble. They do not want to comply with the rates of pay and other conditions, but the law is made applicable to them. It will open up a number of loopholes.

I shall give a concrete illustration of what I mean. The building trade is registered as a union and everyone in the building trade has to get certain rates of wages. The

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labourers attached to the building industry do not belong to the union. No arrangement for the fixing of their wages has ever been made in the course of any agreement ever made between the employers and the employees, although the operation of the agreement was inevitably extended to parties outside the union and outside the employers. Assuming that the workers working in the building industry were to come in a general workers agreement, it would create enormous difficulties in interpreting it. You lay down wages for a labourer in this particular industry. You would have two agreements operating in respect of the one industry and two employers.

One for craftsmen and one for labourers ?- Yes.

That difficulty must have arisen in other countries ?- In other countries, they have not got an Industrial Conciliation Act such as we have here. In other countries political and public opinion does not work so strongly against organization of any kind and the poorer classes, in the older countries have the advantages of education which the Natives and the Coloured people here have not got. These are all points which one has to bear in mind.

MR. LUCAS: There is a further point that the relation of the wage labourer to the skilled man is as 80:100, whereas here it is as 1:10 ?- Yes, that is so. There is no other example where the difference between the skilled and the unskilled is so large as it is here, without any justification, morally, economically or anything else. There is no justification for a state of affairs under which an unskilled man should get per day what a skilled man gets for $1\frac{1}{2}$ hours work.

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DR. ROBERTS: Yes, possibly there may be no justification, but there may be an explanation why there is such a large body of people wanting work ?- That is not the explanation, but the explanation is that the Native has not realised his position and has not grasped the difference which actually exists.

He realises it when he is hungry and wants work ?- When he works and he may not be starving, he realises that the White man who is working side by side with him, is not deserving a wage six times as large as his. It is not actual starvation which makes a man demand an improvement in his condition. There have been cases where men have gone on strike because they wanted an increase from £6 to £7.10.-. Those men have gone on strike and they have actually gone hungry and they have refused to come back on the old wage. A man may feel very much aggrieved if he is threatened with a reduction in wage from £7.10.- to perhaps £7.5.- even, he may even feel more aggrieved than the man who is being threatened with a reduction from £2 to £1.19.6.

MR. MOSTERT: You want the lower man to be levelled up ?- I will not anticipate. My idea is that wages should be fixed on an equitable level and they should not be fixed on what a man may demand today. A man will always remain in a state of pauperism and want so long as his wages are low. A man rises in accordance with the degree to which his economic wants are satisfied. What I want to make clear is this, that a man does not become civilised first and gets a corresponding remuneration for his work. My point is that he gets an increased remuneration and he becomes civilised as a result of that increased remuneration. I think that that is accepted by every economist of standing all the world over.

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CHAIRMAN: Except that it is only a partial statement ?- Well, Mr. Chairman, every statement is partial. I promise you that I shall be candid in what I am saying, but I cannot say that I shall be impartial, because no mortal has ever been impartial in all his life.

You take the view that, as members of a class, they are governed by economic interests ?- Yes, they are governed by economic interests and by prejudices of their class. There was some difficulty experienced by the Native Federation, which eventually became merged with the Cape Federation.

SENATOR VAN NIEKERK: Before you go on with that, will you please emphasize the difficulties of the Chairman -- how can we over come -- ?- The first problem which the Industrial and Commercial Workers Federation, which is a semi-Bative organization, ---

Are you referring to the I.C.U. ?- No, not the I.C.U. There is a fine difference. The outsider cannot realise these differences, but the inside people feel very strongly about this. The first problem which they felt was how to get registered, how to become a corporate legal body and, when they went into the matter, they found that it was absolutely impossible. First of all, they had to wipe out the Federation altogether. As a Federation they could never register, and, instead of registering the bulk of their membership, a few isolated people were registered, such as the quarrymen, the stevedoring people, the laundryworkers. The bulk of the membership, the tremendous mobile membership, the Native membership, remained unregistered and cannot be registered.

As I suggested before, the only means of alleviating the position of these people would be to enable a co-ordinating step to be taken, whereby the general labour should be dealt

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with on lines of provision being made for a basic minimum wage and maximum hours of labour.

Now, how this could be done in a practical manner I am unable at the moment to say, but I always thought the difficulty was almost, as you said, unsurmountable. Now, take another side. The Act itself has revolutionised trade unionism in the country. Only those well acquainted with orthodox trade unionism would grasp the difference. It has become more efficient but it has become, at the same time, more in the nature of a Government department. I just want to make this clear. As long as members pay their subscription and maintain their fees, the Department does the rest and they have nothing else to worry about.

CHAIRMAN: You mean, the organization, as such, has become more efficient? - Yes; I mean the organization in the abstract.

You say "it" has become more efficient? - It means the basis of organization, but in the sense of members taking an interest in the organization, or extending the scope of their organization and in the sense of extending their co-operation as individuals, it has become lessened, considerably lessened. When a dispute arises, there is nothing for the members to do, the office attends to it. It is the office which sets the necessary machinery into motion, the Industrial Council meets and the difficulty is adjusted, but trade unionism, as such, as a principle, as something tangible, has fallen backward.

What you want to say is that it is a mechanical efficiency which has taken the place of a spiritual efficiency? - Yes. I said last year, and I was hauled over the coals for saying it, that it has taken the soul out of trade unionism. I said that there has been a material recompense for the

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trade union soul and, when you go over to the Native labour, you will find that they have gained nothing which they would have done had there been a militant trade unionism in the country, such as there was in the olden days -- in the good old days.

The first Native trade union was formed in Cape Town at a psychological moment. Like every other social factor, there are ups and downs in these movements. At the moment, there is a social renaissance all the world over. In five years' time there may be a crisis in the other direction, but, in 1919, there was a renaissance all the world over. In five years' time there may be a crisis in the other direction, but, as we all know, in 1919 there was a trade union renaissance all the world over. Strikes were taking place everywhere. There was a police strike then. The police went on strike and the spirit of trade unionism, the psychology of trade unionism permeated every section of the community. It could not leave the Natives out. They are part and parcel of our economic structure and, naturally, they came in, and, in 1919, when trade unionism was at the height of its popularity, the Natives organized. Had the same conditions prevailed as today, there would have been an additional social stimulus for Native trade unionism.

You do not get mass demonstrations today, you do not get these big May-day celebrations today. It is probably an aspect which may not commend itself to you at first, but when you consider it, you will find this has a great effect on Native trade unionism. Of course, one swallow does not make a summer. You cannot expect a great movement forward among Natives when the European trade unionism is not in a flourishing state. It speaks for itself. It is the

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moral effect, but it is a very strong one.

Then there is another point. The more you circumscribe a trade union, the more difficult you make it for them to co-operate with others, except on national questions. I am satisfied that, had there not been a hard and fast constitution for all of them, and I may tell you the constitution has to be registered, and it has even to be approved of by the Department before a trade union is even initiated ---- it is so rigid, that you cannot open the door wider and take in other sections which sometimes co-operate.

As an interesting illustration, I will cite some negotiations which took place some years ago to provide for a minimum wage for the labourers in the building industry, at a time when they were drafting the new agreement. The wages for the building workers were fixed at 2/9d per hour, and, at a few pennies less, for others. I am not sure of the figures, but the suggestion came from the men to provide a minimum wage for the labourers at 7½d per hour. It failed through because the employers were not keen on it and the men were confronted with the question, "Who gives you the right to fix wages for people who are not represented". When the matter was brought to my notice, I was inclined to agree that, while this was of considerable advantage to the Native, it was presumptuous for the skilled workers to say that the Natives should get 7½d per hour. Why should they not get as much as they can command?

It only shews how difficult it is to deal with these matters when trade unions are as they are at present on these present lines, it only shews how difficult it is to do anything for the unskilled workers.

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Then there is a very profound impression among the Natives -- the Natives are convinced again that when the plums are divided they are left out in the cold because they know and they see that the working of the Act is such to protect the artisan, to protect the European and to maintain his standard while leaving the Native out of it altogether. The Native does not realise, probably, that there are technical difficulties in the way and I tried for quite a long time to convince the members of this industrial federation, the semi-Native organization, that it was not because the Department was hostile to them that they were not registered, but because of the Act being framed on such lines. As a matter of courtesy, they agreed with me, but they did not believe me, really. They still had the same thing in their minds.

CHAIRMAN: Do technical difficulties ever appeal to the Native ?- My reply to that is, do technical difficulties stand in the way when it is a matter of bread and butter?

Yes, but do technical difficulties ever appear to the Native to be of any importance at all ?- No, nor do they to any other untrained mind. You will agree with me that you have to be trained to appreciate technical difficulties. First of all, the Act starts off by excluding pass-carrying Natives and agricultural labourers. It may be a coincidence that agricultural labourers are Coloured people and Natives almost exclusively. But this is not a technical difficulty and the Native does not look upon this as something which he does not understand. The Native says ----- I will not say whether he is right or wrong ----- he says that the whole of the machinery of the Act and its application is intended to leave him out in the cold.

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He says that the Act originally was not intended to benefit the White workers and accordingly to be unfair to the Native and the Coloured workers. It was meant as a means to prevent upheavals and dislocation of industry, but, by political influence, which the Natives do not wield, the Act was made more favourable for the White workers. By another stroke of political luck, by another wielding of the political weapon, the White workers managed to get an additional advantage out of it. The White workers managed to secure sympathetic administration of the Act for themselves ---- because they are looked upon favourably by the Government of the day. The Natives see all this and they realise it. Of course, that applies to every Government and not merely to the present one.

So much so that so-called industrial benefits which, in the past, used to spring purely from organizations and co-operation among the men themselves, have been so closely identified with political influence from which the Native does not benefit at all ---- and this is where we have to bring in the political aspect from the fact that the Native is voteless. You must bear in mind that, politically, he is powerless.

I am very anxious, Mr. Chairman, to leave politics out of my remarks, but I have come to a point where the political significance of the Native not having a vote is of such importance that it could be said with a great deal of truth that the plight of the Native worker of today is due to political forces which operate against him.

Now, there is this aspect which the Native has, as yet, failed to realise. I am speaking of Cape Town, which is fairly illustrative of the rest of the country. During the past ten or twelve years, there has been a steady stream of people