

ECONOMIC INTEGRATION BUT POLITICAL APARTHEID? THE WIEHAHN COMMISSION AND THE ROLE OF WHITE ORGANISED LABOUR IN INDUSTRIAL REFORM, 1977-1980

NOTE: apologies for a somewhat lengthy and quotation-heavy paper. It is part of a chapter-in-progress and the analysis offered here is still very much rooted in the primary sources. Therefore, rather than offering conclusions it closes with a number of questions which the sources raise. The chapter forms part of a broader research project which investigates the interplay of race and class in Afrikaner experiences of transformation, with 'experience' defined as "the production of meaning at the intersection of material life and interpretive frameworks"¹. In both academic scholarship and popular debate, Afrikaners' experience of transformation is typically narrated from a predominantly middle class/elite perspective, while presenting and reifying a narrative of post-1994 trauma. This obscures the fact that industrial reform was already being implemented as from the late-1970s, and that the Afrikaner working class was consequently being confronted with industrial and social transformation more than a decade before the official end of apartheid. Hence this project focuses on qualitative sources which may offer insight into white/Afrikaner working class experience – the Wiehahn Commission is approached as one such opportunity. What I would be eager to gain from the Economic History Workshop is insight into the structural changes against which the subjectivities revealed here may be balanced.

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Introduction

This paper considers the role played by white trade unions and their representatives in the Commission of Inquiry into Labour Legislation appointed in the wake of the growing labour unrest, black political agitation, economic decline and international pressure which characterised apartheid South Africa in the 1970s. The Wiehahn Commission – as it was popularly known after its chairman, professor Nic Wiehahn – proposed a series of industrial reforms which included, most significantly, the granting of trade union rights to African workers and the removal of statutory job reservation. In the light of these reforms, white workers arguably emerged from the so-called "Wiehahn process" in a much weaker position: not only was the protective legislation they had benefited from for many decades removed, but within the new labour dispensation, they had to negotiate and compete with African workers on equal terms. This paper reconstructs some of the central debates, strategies and cleavages which characterised the Wiehahn Commission in an effort to understand how white workers emerged as the losers from a process in which they were intimately involved and invested.

"An idea for which the time had arrived"²

Most analysts agree that the black mass action of 1973, starting in Durban and spreading throughout South Africa's urban centres, along with the protests started by the black youth in Soweto on 16 June 1976 were central catalysts which set in motion the transformation of labour legislation and eventually the country's political dispensation. These events forced the white minority government to take the aspirations of the black majority seriously and act with urgency.

¹ Frankenberg, R.: *White women, race matters: The social construction of whiteness*, London: Routledge, 1993, p.241.

² Steenkamp interview, xx August 2012

But there were also more subtle developments placing pressure on South Africa's labour dispensation. In many industries everyday industrial relations practices were becoming increasingly distant from official legislation: job reservation determinations were being amended or circumvented, facilities desegregated, black workers moved into skilled positions and even supervisory roles. Employers, nervous about the increasing worker militancy were eager to find ways to accommodate rapidly-growing unregistered African unions. At the same time they were eager to find ways to remedy their skills shortages, and thus started investigating alternatives and sometimes implementing their own extra-statutory industrial relations systems. Government was aware of the difficulties being experienced by employers and in 1977 amended existing labour legislation to confer negotiating powers to shopfloor committees representing black labour, thus "accommodating" Africans in the bargaining and conciliatory system.³ In the same year, following an investigation by the Industrial Tribunal into existing job reservation determinations, Minister of Labour Fanie Botha scrapped all but five of the 25 orders.⁴

Even before Wiehahn, therefore, the prospect of industrial change was not just an abstraction. Rather, it was an everyday reality being worked out in practice on the factory floor, a process in which the state, employers, and workers – both black and white – were involved and invested. While the transformation of South Africa's labour arena is often seen as resulting from the appointment and recommendations of the Wiehahn Commission, the Commission was in fact reacting to an already-changing environment – a point it conceded when it stated as one of the background considerations central to its recommendations the realisation "that industrial relations practice in the country is becoming increasingly out of step with the legislation. Adjustments seem necessary to bring the two into line again – the latter with the former."⁵ The Wiehahn Commission was therefore "an idea for which the time had arrived."⁶ As such, the testimonies emanating from white organised labour in the Commission may therefore be read as responses to transformation, rather than only anticipated theorising about the possibility of change.

The Commission of Inquiry into Labour Legislation

On 8 July 1977, fourteen commissioners were appointed under the chairmanship of Nic Wiehahn, professor of labour law at the University of South Africa. Several commissioners were drawn from the ranks of South Africa's trade union leadership: Arthur Grobbelaar was general secretary of the confederate Trade Union Council of South Africa (TUCSA); Chris Botes was a unionist from a coloured TUCSA-affiliated union; Wally Grobler was general secretary of the Railways Artisan Staff Association, and unaffiliated white union; Gopi Munsook was unionist from an Indian TUCSA-

³ Departments of Labour and of Mines: Report of the Commission of Inquiry into Labour Legislation, Part 1, pp.1-2.

⁴ Friedman, S.: *Building Tomorrow Today: African workers in trade unions, 1970-1984*, Johannesburg: Ravan Press, 1987, p.150; Friedman, S.: "Political Implications of Industrial Unrest in South Africa", Wits African Studies Seminar Paper, 14 September 1981, p.1.

⁵ Departments of Labour and of Mines: Report of the Commission of Inquiry into Labour Legislation, Part 1, pp.1-2.

⁶ Steenkamp interview xx August 2012.

affiliated union in Natal and also served on the Government's South African Indian Council; Tommie Neethling was general secretary of the Amalgamated Engineering Union, a white metal union active in the mining industry; and Attie Nieuwoudt was president of the white-only South African Confederation of Labour (SACLA). A number of commissioners occupied prominent positions in business and management circles: Dr Errol Drummond was director of the Steel and Engineering Industries Federation of South Africa (SEIFSA); Chris du Toit was chairman of the South African Employers' Consultative Committee on Labour Affairs (SACCOLA) and later became president of the Federated Chamber of Industries; Naas Steenkamp chaired the Afrikaanse Handelsinstituut's Labour Affairs Committee; while Dick Sutton was a chairman of the Association Chambers of Commerce Labour Affairs Committee. Nic Hechter, the only civil servant serving on the Commission, was a senior legal draftsman in the Department of Labour. Two further academics, Prof Piet van der Merwe of the University of Pretoria, and Ben Mokoatle, who worked in the same UNISA institute as Wiehahn, completed the commission.⁷ With three black members, the Wiehahn Commission was South Africa's first multiracial official inquiry. Still, none of these commissioners could be seen as speaking for African workers⁸; indeed, only organised labour were represented on the Commission. There were also no women on the Commission.

The Commission was charged with investigating, reporting on and making recommendations in connection with existing labour legislation comprised in twelve acts, the most central of which was the Industrial Conciliation Act of 1956. By way of notice in the Government Gazette, interested parties were invited to submit written representations to the Commission. A total of 255 submissions were received from a variety of respondents, including employers' organisations, labour organisations, state departments and individuals. The Commission held sessions in South Africa's major industrial centres at which 184 institutions, organisations and individuals – many of whom had also submitted written evidence – gave oral testimony.⁹ In addition, the Commission also visited a number of factories, training centres, and mines, while several commissioners were charged with travelling abroad to examine current labour trends and conduct research on behalf of the Commission. The gathering of evidence was formally concluded in May 1978¹⁰, after which the Commission met regularly to debate the evidence they had received and formulate their response to it. The Commission took three years to complete its work, releasing its recommendations in six parts between 1979 and 1980. The thousands of pages of documentation produced in this process – written evidence and reports, but especially the minutes from the oral testimonies and deliberation meetings – form the main source base for this research.

The Commission's first – and arguably most important – report was tabled in Parliament in May 1979. Its most significant recommendations included the legal recognition of African trade unions and the right of African workers to organise, as well as the abolition of statutory job reservation. In

⁷ Friedman, *Building Tomorrow Today*, pp.170-1; Steenkamp, N.: *Of Mice and Men*, unpublished manuscript (08.09.2010), pp.91-2.

⁸ Coupe, S.: "Labour relations by authoritarian regimes since 1945: South Africa in international perspective", Wits History Workshop, 13-15 July 1994, <http://wiredspace.wits.ac.za/bitstream/handle/10539/7760/HWS-72.pdf?sequence=1> (29/01/2013), p.13.

⁹ Department of Manpower Utilisation: Report of the Commission of Inquiry into Labour Legislation, Part VI, pp.v, 30-35.

¹⁰ Testimony meeting 42, 12 May 1978.

what has been labelled a historical concession¹¹, the Commission recommended the principle of “freedom of association” and the creation of an integrated system of labour relations which would include for the first time African workers as employees.

Historiography on the Commission

In the wake of the Commission’s recommendations, two main interpretations of the Commission and its consequences for the South African dispensation emerged. The first regarded the Commission as the cornerstone of democratic reform in South Africa. As the first multiracial government commission and the first to publically put forward comprehensive recommendations for industrial democratisation, the Commission – and specifically its chairman Nic Wiehahn – was heralded and remembered as the first enlightened voice to rise from the gloom of apartheid. In this view, the Wiehahn reforms in the labour market and in labour relations were “aimed at introducing industrial democracy as a desirable first step towards political democracy”¹², thus acting as precursors to the constitutional reforms which followed in the 1990s.

The second reading of the Wiehahn Commission held that, despite the reformist sounds made by Wiehahn and Labour Minister Botha, the Commission was in fact recommending changes which would serve to bring black labour under the control of white government. In this view, the Commission therefore never intended to dismantle apartheid, but rather to strengthen it so that the reforms did not represent a state retreat from apartheid (as the first interpretation argued) but rather an attempt to recast apartheid in a more ‘acceptable’ guise. A central proponent of this argument was Steven Friedman who, in a highly sceptical analysis of the Commission questioned everything from the government’s intentions in appointing the Commission to the intelligence of its chairman.¹³ According to Friedman the Wiehahn Commission recommended African trade union rights only when it had managed to devise a formula for keeping the unions from engaging in political activity, so that its reforms still ensured the maintenance of white supremacy.¹⁴ Yet Friedman also points out that often key reforms in fact weakened state control and served to strengthened the process of change by opening up opportunities for organised groups (such as African unions) to press for change.¹⁵ This argument of the “unintended consequences” of the Wiehahn Commission was subsequently taken up by other scholars and in 2004, 25 years after the Commission’s first report, a special issue of the *Industrial Law Journal* continued to characterise the Wiehahn process as “a story of the unexpected and the not quite intended”¹⁶ – a dubious attempt at reform which unintentionally resulted in transformation.

¹¹ Coupe, p.14.

¹² Steenkamp, p.1.

¹³ Friedman, S.: *Building Tomorrow Today*, pp.149-179.

¹⁴ Friedman, S.: “Reform: Greek gift or Trojan horse?” in *Transformation*, 5, 1987, p.80.

¹⁵ Friedman, S.: “Reform”, p.78.

¹⁶ Thompson, C.: “Twenty-five years after Wiehahn – A story of the unexpected and the not quite intended: The unfolding of Modern South African Labour Law, Preface to the Special Edition of the *Industrial Law Journal*” in *Industrial Labour Journal*, 25, 2004, pp.iii-vii.

But both these main interpretations emerged shortly after the Commission reported, and had no access to the extensive Wiehahn documentation which was classified under the fifteen year rule. In Friedman's case, for instance, he relied mostly on interviews with black labour activists and contemporary newspaper reports as sources, and only had access to the published Wiehahn Reports. But it seems as though the Commission in general did not attract much scholarly attention. And once it became clear in 1990 that a completely new dispensation was on the cards and full democracy became a reality in 1994 with the government of national unity embarking on a much more profound process of transformation, the "Wiehahn moment" quickly faded into oblivion. Indeed, in the majority of literature dealing with the fall of apartheid, industrial change and the development of organised black labour and its role in the struggle, the Commission is mentioned but peripherally. Where it does appear, scholars typically try to strike a middle ground between the optimistic and sceptic interpretations outlined above, although bibliographies suggest that especially those focusing on black labour tend to take their cue from Friedman.

The latest scholarship to emerge on the Wiehahn Commission is a short evaluation of the Commission contained in Hermann Giliomee's *The last Afrikaner leaders* (2012). The book offers an incisive analysis of the policies and personalities of five influential Afrikaner leaders: Hendrik Verwoerd, John Vorster, PW Botha, FW de Klerk and Frederik van Zyl Slabbert. Giliomee places the Commission within a context of reform initiated by the Vorster administration and reaching fruition during Botha's presidency. Giliomee evaluates the Commission as at once progressive in its recommendations while also forming part of a wider trajectory of reform intended to buttress white power.¹⁷ The research at hand resonates with Giliomee's work in as far as both operate from a broader interest in Afrikaner politics, apartheid and reform, and both involve an evaluation of the standpoints of some or all individual commissioners. On the whole, however, Giliomee's work on the Wiehahn Commission may be placed in the same vein as the earlier analyses mentioned above, as it does not directly engage with the extensive Wiehahn documentation and concentrates on individual commissioners' "ideological" commitments rather than the evidence brought before the Commission.

Resurrecting Wiehahn?¹⁸

¹⁷ Giliomee, H.: *The last Afrikaner leaders: A supreme test of power*, Tafelberg: Cape Town, 2012.

¹⁸ Recently the Wiehahn Commission has been resurrected in another sense – namely, in relation to the violent industrial unrest which erupted in South Africa's mining industry in August 2012, and subsequently spread to other sectors. The labour unrest has been explained in part by suggestions that, in the context of the post-apartheid state, the Wiehahn process of incorporating black unions into the labour establishment has been successful in the long term. The strikes reveal a strong worker discontent about the degree to which the leadership of the principal (black) trade union federation COSATU has been incorporated into a "tripartite relationship with large capital and the ruling party", leading the federation to neglect the concerns of ordinary workers. This situation, in addition to discontent about workers' wages and living conditions, has led some analysts to point to the necessity of a second "Wiehahn moment" for South African labour relations, i.e. a large-scale reconsideration of the country's industrial relations system (Alex Lichtenstein, Andries Bezuidenhout).

So why am I resurrecting Wiehahn? My focus on the Commission springs more from an interest in white labour than the Commission per se. For this reason, this research responds to the above-mentioned historiographical lacunae only in part. While it does focus on the testimonies, voices and internal dynamics which are revealed in the Commission's testimonies and deliberations, it does not attempt to analyse the Commission and its work in its entirety or to offer a new and informed interpretation of the Wiehahn process. Rather, it attempts to distil the voice(s) of organised white labour and their role in the reforms from the documentation. Why?

Research on this latter part of the apartheid period – what Tom Lodge has called the period of “resistance and reform”¹⁹ – mostly deals with developments in black nationalist politics, labour, youth and civil resistance – and rightly so. But absent from the analysis dealing with these processes of reformation and transformation is a focus on white labour. Rather, the history of the ‘white working class’ is associated with a much earlier period – the mineral revolution, urbanisation following the South African War, industrialisation, the 1922 Rand Revolt, the rise of Afrikaner nationalism and eventually the NP's ascendancy to power in 1948 – and is part of a rich Marxist/revisionist and social history literature which looks to this period to find the origins of South Africa's racial division of labour.²⁰

But in the latter half of the century, specifically the period of resistance and reform, white workers are mentioned only occasionally, usually in reference to opposing reforms, or being part of the support base of the Conservative Party which split from the NP in 1982, or as members of right-wing resistance organisations like the Afrikaner Weerstandsbeweging. But apart from being portrayed as a small, homogenous, and negligible group of conservatives, they are rarely found in the historiography. This is despite the fact that white labour were being confronted with industrial transformation and democratisation more than a decade before the official end of apartheid. Long before their wealthier compatriots were personally experiencing change, white workers were involved in these processes – some of which I outlined above. At the same time, the literature seems to sit uncomfortably with the idea of even the existence of what might be termed a white or Afrikaner ‘working class’, given the success of the NP government's Afrikaner advancement policies and the consequent assumption of Afrikaner embourgeoisement.²¹

This paper may therefore be seen as addressing the intersection of two areas of historiographical neglect: the 1977-1980 Commission of Inquiry into Labour Legislation, and white labour history in the late-apartheid period. It approaches the Wiehahn Commission as an opportunity to gain insight into white workers' experiences with change. It reconstructs some of the central debates, strategies and cleavages which characterised organised labour in the Wiehahn Commission in an effort to understand white labour's experience of change and role in negotiating the process through reform. The weakness of the Commission mentioned before – that it only gave space to organised labour – can therefore be exploited very fruitfully for my research purposes, because the commission drew together an invaluable collection of the voices of organised labour – which was almost invariably white. The documentation of the Wiehahn Commission therefore presents a unique opportunity to

¹⁹ Lodge, T.: “Resistance and reform, 1973-1994” in Ross, R. et al (eds.): *The Cambridge History of South Africa Vol 2 1885-1994*, CUP: Cambridge, 2011.

²⁰ Van Onselen, Krikler, add others.

²¹ Hyslop, Giliomee, add others.

understand the role white labour played in the reform process – a process in which their material security and superior position in the radicalised political economy was at stake.

White labour voice(s)

It has been noted that white labour is often portrayed in the historiography as a homogenous category often defined more by their racial than their occupational characteristics. It is interesting to note, therefore that the Wiehahn Commission's testimony meetings reveal an attempt by organised labour to speak before the Commission as one voice. To this effect, the "Joint Committee representing all organised labour in the Republic of South Africa" was formed in order to determine the agreed points of organised labour and bring these before the Commission in memorandum form.²² But it was impossible to consolidate all organised labour into a single voice. The South African Confederation of Labour dissented from certain points in the compiled memorandum and, after consultation with its members, withdrew from the Joint Committee. Despite the Confederation's exit, the Joint Committee still represented over a hundred unions with some 300 000 members.²³ This included the Trade Union Council of South Africa (TUCSA). Itself a federation of labour unions, TUCSA's membership was predominantly white, but also included some multiracial unions as well as seven unregistered African unions. TUCSA was firmly in favour of the elimination of all forms of job reservation and the granting of union rights to Africans.²⁴ Yet the Joint Committee struggled to present a unified voice. Probed by Chairman Wiehahn on the issue of indenturing Africans as apprentices, the deputation's answer summarises what might be learnt from the Joint Committee concerning the view of its (predominantly white) members: "Mr Chairman, I think we should answer individually on this one, but basically I think in giving the view overall on broad principle, there is no objection, but there is the question of the fear of the existing artisan that they will be swamped by numbers."²⁵ This statement reveals the gist of the Joint Committee's submission: that organised labour is fragmented in its opinions, and in some cases its support for transformation is undermined by fears of racial 'swamping'.

As the dissenting voice from the Joint Committee, the SACLA²⁶ deputation is lead by Wessel Bornman, general secretary of the South African Iron, Steel and Allied Industries Union. Bornman testifies that, to the whites-only Confederation and its members, job reservation is a "matter of the principle of the protection of interests"²⁷ and the "self-preservation of the white worker in his own country."²⁸ In contrast to the Joint Committee, SACLA is completely opposed to the existence of

²² Testimony Meeting 29, 1 March 1978, p.4611.

²³ Testimony Meeting 29, 1 March 1978, p.4608-9.

²⁴ TUCSA, Testimony Meeting 22, 20 February 1978.

²⁵ Testimony Meeting 29, 1 March 1978, p.4661.

²⁶ SACLA's membership at this stage is estimated at 200 000 members. Deliberation Meeting 47, Pretoria, 26 September 1978, p.7951.

²⁷ Testimony Meeting 8, 6 December 1977, p.908.

²⁸ "die selfbehoud van die Blanke werker in sy eie land" Letter from SACLA to the Wiehahn Commission, dated 12 May 1978, quoted in Deliberation Meeting 43, Pretoria, 5 September 1978, p.7240.

multiracial unions and the registration of African unions.²⁹ With regards to the proliferation of unregistered African unions, the Confederation advocates the banning of African unions in the Republic³⁰ and proposes that “the establishment of unions for Bantus should be initiated in the homelands.”³¹ Statements such as these indicate both a strong reliance on the power of the state to uphold the status quo through, for instance, the execution of its project of separate development through independent homelands, as well as a direct concern with proposed changes which would threaten the privileged economic position of white workers. In this way, for instance, SACLA is adamant about the retention of job reservation, but less concerned with the segregation of shopfloor facilities.³²

It seems unsurprising that the Joint Committee was unable to unite such opposing opinions regarding the desirability and nature of labour transformation as that of the more reformist TUCSA and the unbending SACLA. While these two confederates may be seen as representing two important and opposing voices within organised labour, a more complex dynamic seems to have been at play. The evidence seems to show that individual unions placed little faith in these confederations to adequately represent their interests and agendas. As a result, not only the main labour confederates but also many individual unions testified before the Commission, resulting in a splintering of the voice of organised labour and their seemingly clear cut views. Thus, a TUCSA-affiliated union like the Amalgamated Union of Building Trade Workers, for instance, testifies individually in order to state its support for the legalisation of mixed unions as well as the retention of job reservation. Similarly, the Mine Workers’ Unions – although party to two other confederate deputations – still insists upon bringing its own separate testimony before the Commission.³³ There is, therefore, strong evidence that individual unions did not trust the confederates to which they belonged to accurately or satisfactorily represent their interests to the Commission, and hence often chose to bring their own delegation before the Commission. This vertical and horizontal fragmentation of opinion is a convincing indication of the degree of disagreement and diversity of opinions which existed within organised labour.

The “minority protection” debate

This fragmentation of opinion characterises a central debate in the Commission which revolved around the notion of “minority protection”. The evidence reveals that the issue of minority protection is intimately connected to both of the two main matters with which the Commission was concerned: the rights of African workers, and job reservation.

Chairman Wiehahn urges his commissioners to engage seriously with the issue of minority protection as “it would appear that the criticism against job reservation and other discriminatory

²⁹ Testimony Meeting 8, 6 December 1977, p.909.

³⁰ Testimony Meeting 8, 6 December 1977, pp.924-5.

³¹ Testimony Meeting 8, 6 December 1977, p.913.

³² “...en die persone wat dan nou sou verkies om anderster te wees, ek sien geen beswaar daarvoor nie. Ek kan nie sien dat jy ‘n persoon aan sy nek gaan vat en vir hom sê: dit is jou fasiliteit, jy moet daardie fasiliteit gebruik nie.” Testimony Meeting 8, 6 December 1977, p.936.

³³ Testimony Meeting 24, Johannesburg, 22 February 1978.

measures revolve around this one main theme namely, how do you protect minority groups in a heterogeneous society.”³⁴ Although the discriminatory measures Wiehahn refers to are racially determined, he is quick to point out that “minority” need not refer to race: “be it a specific union, be it a group of qualified persons, be it on religious grounds, that people are Protestant, or be it Roman Catholic or be they Afrikaans or English-speaking or Xhosa-speaking, be it white or non-white. These are all characteristics which may define a minority or a majority. In South Africa the general approach is in terms of colour. Now for me this isn’t the question, it is not really the answer, it is not the only element, it doesn’t stop there, because we are forming a new constitutional dispensation with regards to the Coloureds and the Asians too. You understand, you see that it acquires an additional dimension.”³⁵

Although Wiehahn seeks to obscure the centrality of racial considerations, the evidence clearly shows that the debate is conducted in exclusively racial terms and that, almost without exception, whites are the minority in question. Interestingly, Wiehahn mentions “a new constitutional dispensation” – possibly a reference to reforms being suggested and investigated in the wake of the Theron Commission (1977), which would eventually lead to the creation of a tri-cameral parliament in 1983 in which coloured and Indian people would enjoy limited political representation.³⁶ Despite the apparent democratising intensions of these reforms, these constitutional arrangements continued to exclude Africans from parliamentary representation, given the nationalist government’s logic that Africans had access to political representation in their ethnic homelands. It is significant to note the presence of such thinking in the Wiehahn Commission. Statements such as these reveal that the Commission was working within the framework of continued white supremacy. Thus, although the Commission was considering reforms which would lead to labour rights for African workers and greater economic integration, the Commission was operating from the assumption of continued political apartheid. A statement by Commissioner Steenkamp – who has been hailed as the leading progressive voice on the Commission³⁷ – illustrates this clearly: “I would like to distinguish, Mr Chairman, between separation on political and economic grounds. Personally I find it completely impassable that one could have political unity in South Africa, to me the prospect of sharing power with a majority group within a unitary state is so intolerable that I won’t say another word about it. For this reason I find the concept of separate political expression completely acceptable. Yet I don’t see why it’s necessary to keep repeating the old analogy that political separation necessitates economic separation. Everything is negotiable before one reaches the point of saying: I’m not giving you any political rights.”³⁸

³⁴ Testimony Meeting 24, Johannesburg, 22 February 1978, p.3562.

³⁵ [translation] Testimony Meeting 24, Johannesburg, 22 February 1978, p.3564.

³⁶ <http://www.sahistory.org.za/archive/tricameral-parliament>, 21 January 2013.

³⁷ Giliomee, *Last Afrikaner leaders*, p.153.

³⁸ “Ek wil ‘n onderskeid maak, mn. die voorsitter, tussen skeiding op politieke en op ekonomiese gronde. Dit is vir my persoonlik totaal ononderhandelbaar dat ‘n mens in Suid-Afrika politieke eenheid gaan hê, dat jy binne ‘n unitêre staat jou mag gaan deel met ‘n meerderheidsgroep is vir my so onaanneemlik dat ek wil nie eers verder daaroor praat nie. Derhalwe is die begrip vir my van afsonderlike politieke uitdrukking totaal aanneemlik. Ek sien egter nie waarom die ou analogie altyd gemaak moet word tussen as jy politiek afsonderlik is moet jy in die ekonomie ook afsonderlik wees nie. Ek reken dat alles onderhandelbaar is, voordat jy kom by die punt waar jy sê: ek gaan jou nie politiek regte gee nie.” Deliberation meeting 46, Pretoria, 8 September 1978, p.7813.

With whites as the minority in question, the minority protection debate provides a fruitful opportunity for gaining insight into how the position of white workers in a future labour dispensation was viewed. The terms in which the debate is framed during deputations' testimonies or the commissioners' deliberations, are in themselves revealing. Sutton, for instance, asks witnesses "how would you deal with the very real thought expressed by white unions on many occasions of the danger of being swamped...[is there a] need for the protection of minority rights?"³⁹ With regard to the possible removal of job reservation determinations, Nieuwoudt asks a particular deputation about the possibility that "whites in your industry may become unsettled, may leave your service, may look for other possibilities or other areas of work where they are protected?"⁴⁰ The Commissioners' statements often reveal their anticipations of white workers' reactions to changes in discriminatory labour legislation: "tension"⁴¹ (Neethling), "fears"⁴² (Van der Merwe, Grobbelaar), "conflict"⁴³ (Grobbelaar), "concern about the future"⁴⁴ (Sutton).

Again, a variety of opinions is evident amongst white labour representatives. The Joint Committee, for instance, is "in favour of the deletion of Section 77, the job reservation clause, but only provided that adequate protection can be built into legislation to provide for the protection of each minority group."⁴⁵ Although the Joint Committee is at pains to deracialise its language – in this case, particularly by speaking about "certain groups of people" in an effort to avoid references to race – its testimony nevertheless seems to be set in terms of the threats posed by black workers to specifically white workers. The Joint Committee offers a number of concrete suggestions as to alternative measures of protection, proposing the establishment of an Industrial Court to which a group who feel disadvantaged in the labour dispensation may appeal,⁴⁶ the importance of maintaining standards and skills as a protective bar,⁴⁷ and the implementation of an industrial council system which provides for consultation opportunities between employers and employees.⁴⁸ Throughout, these measures are suggested in terms of remedying a situation in which "one particular race group" is "unfairly excluded because of the dominance of numbers of another group".⁴⁹

The Trade Union Council of South Africa (TUCSA) is a party to the Joint Committee, but represents a different view. TUCSA advocates freedom of association and the complete elimination of racial discrimination⁵⁰ and the deputation presents well thought through arguments and suggestions to these ends. Yet when questioned by Neethling on the protection of minority groups, should Section

³⁹ Testimony Meeting 4, Durban, 14 November 1977, p.260.

⁴⁰ "Dink u nie die Blanke in u bedryf gaan onrustig voel, gaan u diens verlaat, gaan ander moontlikhede of ander plekke vir hulle werk soek, waar hulle kan beskerming kry nie?" Testimony Meeting 4, Durban, 14 November 1977, pp.166-167.

⁴¹ "wrywing", Testimony Meeting 9, Pretoria, 7 December 1977, p.972.

⁴² Testimony Meeting 8, Pretoria, 6 December 1977, pp.883, 878; Testimony Meeting 4, Durban, 14 November 1977, p.243; Testimony Meeting 23, Johannesburg, 21 February 1978, p.3300.

⁴³ Testimony Meeting 6, Durban, 16 November 1977, p.551.

⁴⁴ Testimony Meeting 24, Johannesburg, 22 February 1978, p.3520.

⁴⁵ Testimony Meeting 29, 1 March 1978, p.4622.

⁴⁶ Testimony Meeting 29, 1 March 1978, pp.4617, 4624.

⁴⁷ Testimony Meeting 29, 1 March 1978, p.4623.

⁴⁸ Testimony Meeting 29, 1 March 1978, p.4626.

⁴⁹ Testimony Meeting 29, Johannesburg, 1 March 1978, p.4617.

⁵⁰ Testimony Meeting 22, Johannesburg, 20 February 1978, pp.3218-3219.

77 be nullified, the TUCSA delegation is caught off guard and admits that they “haven’t given this very much thought”⁵¹. After some deliberation, the deputation responds that it sees no need for minority protection measures: “it is our considered opinion that if the concept of equal pay for equal work is written into legislation, that will take care of the situation.”⁵² TUCSA argues for the irrelevance of Section 77⁵³ and is adamant that in the new labour dispensation there would be no restrictions on the upward mobility of any workers, and therefore would be no need for protection.⁵⁴ Grobbelaar responds that those in need of protection are not necessarily skilled workers, but relatively unskilled people, and that the Commission has received evidence from certain organisations that fear employers “intend replacing relatively unskilled people by relatively unskilled people of another racial group”.⁵⁵ TUCSA concedes that such a situation would warrant some form of protection, and suggests the establishment of an Industrial Court for this purpose.⁵⁶

Other opinions include, for instance, the Underground Officials’ Association of South Africa, which represents white officials in the mining industry and is in favour of the legalisation of mixed unions – they are happy to welcome workers of any colour into their fold, as long as their qualifications are on par – but their standpoint on job reservation is ambiguous.⁵⁷ Some unions such as the Johannesburg Municipal Workers’ Union agree with employers that protectionist legislation is “a handicap for workers”.⁵⁸ As a result, they oppose any protectionist legislation and suggest “equal pay for equal work” as protection.⁵⁹

But the evidence shows that several unions believed that only legislative protection such as that provided by job reservation could adequately provide for the protection of minorities in the workplace. This view was most strongly articulated by white-only organisations⁶⁰ such as SACLA. Asked whether unions would be able to protect minorities, should job reservation be scrapped, Bornman answers with a resounding “no”. He explains that job reservation is imperative to the “defence and protection of certain groups”.⁶¹ Bornman seems caught off guard when Grobbelaar asks the deputation to propose alternative measures of minority protection to Article 77 of the Industrial Conciliation Act: “Some other law, I guess,”⁶² he responds. When Grobbelaar then suggests that consultation between employers and employees concerning new labour patterns, or recourse to a body such as the Industrial Court might be alternatives, Bornman seems stumped at being asked to contemplate a future without discriminatory legislation, and it is obvious that the SACLA deputation has not given this any thought. Consequently Bornman simply responds off the

⁵¹ Testimony Meeting 22, Johannesburg, 20 February 1978, p.3255.

⁵² Testimony Meeting 22, Johannesburg, 20 February 1978, p.3268.

⁵³ Testimony Meeting 22, Johannesburg, 20 February 1978, p.3271.

⁵⁴ Testimony Meeting 22, Johannesburg, 20 February 1978, pp.3282-4.

⁵⁵ Testimony Meeting 22, Johannesburg, 20 February 1978, p.3285.

⁵⁶ Testimony Meeting 22, Johannesburg, 20 February 1978, p.3285.

⁵⁷ Testimony Meeting 24, Johannesburg, 22 February 1978, pp.3647-3651.

⁵⁸ Testimony Meeting 18, Johannesburg, 14 February 1978, p.xxxx.

⁵⁹ Testimony Meeting 18, Johannesburg, 14 February 1978, p.xxxx.

⁶⁰ Although some multi-racial unions also appealed for the retention of job reservation in the interest of their coloured members who similarly feared being ‘swamped’ by cheap black labour. See Amalgamated Union of Building Trade Workers, Testimony Meeting 23, Johannesburg, 21 February 1978, pp.3497-3498, 3501. See also the Federation of Furniture Unions, Testimony Meeting 21, Johannesburg, 17 February 1978.

⁶¹ “...verdediging en beskerming van seker groepe”, Testimony Meeting 8, 6 December 1977, Pretoria, p.923.

⁶² “Seker ‘n ander wet.” Testimony Meeting 8, 6 December 1977, Pretoria, p.926.

cuff to Grobbelaar's suggestions and is unable to debate their merit or engage with their implications.⁶³ It might be inferred that it was simply inconceivable to those white workers represented by SACLA that the government would consider removing discriminatory measures such as job reservation.

Bornman's own union, the all-white South African Iron, Steel and Amalgamated Industries Union, also testifies before the Commission. The deputation's appeal speaks of the economic vulnerability of the union's members. It is particularly on behalf of unskilled white workers that Bornman speaks in defence of job reservation: "As far as the job reservation determination is concerned, this has nothing whatsoever to do with artisans. Rather, it is specifically those people who do not have a trade that are rooted in these industries and who, should they leave [these industries], would be completely incapable of finding a similar income off their own accord anywhere else in the job market."⁶⁴ Chairman Wiehahn thanks Bornman for so clearly articulating his union's views, then asks:

Wiehahn: "But suppose there would be overwhelming evidence in a different direction, do you expect your union's views to be decisive, or do you expect the Commission to simply take cognisance of your union's views? [...] I would just like to know your view on the matter."

Bornman: "Mr Chairman, I guess every person would like to see his views upheld, and this is the case for us also. If we should be in the minority on the issue –" PAUSE

Wiehahn: "Not that this would necessarily be the case."

Bornman: "We have always been good citizens."⁶⁵

These statements conclude Iron and Steel's testimony. As during the SACLA testimony, Bornman seems stumped at the suggestion of changing the status quo. Unable to present a compelling argument for the salience of his union's position, he resorts to pointing to the loyalty and discipline with which white labour have played their part in South Africa's economic development, implying that white workers are entitled to have their interests upheld because "we have always been good citizens".⁶⁶

⁶³ "Dit kan." Testimony Meeting 8, 6 December 1977, Pretoria, p.926.

⁶⁴ "...sover die werksreserveringvasstelling betref raak dit hogenaamd nie ambagsmanne nie. Dit is juis mense wat nie 'n ambag het nie wat geanker is in hierdie nywerhede in hierdie bedrywe, en as hy daar sou uitgaan, sal hy hoeploos nie vir homself soortgelyke verdienste kan vind êrens ander in die arbeidsmark nie." Testimony Meeting 9, 7 December 1977, Pretoria, p.1004.

⁶⁵ Wiehahn: "Maar gestel daar sou nou oorweldigende getuienis wees in 'n ander rigting, verwag u dat u Unie se standpunt nou die deurslag moet gee, of verwag u dat die Kommissie net kennis moet neem van wat u Unie se standpunt is? ... Ek wil net wees twat u algemene standpunt is oor die saak." Bornman: "Mnr die Voorsitter, die gevoel is seker by elke mens dat as hy 'n standpunt stel dan wil hy graag sien dat daardie standpunt tot stand kom, en dit is die geval met ons. As ons in die minderheid is oor 'n saak –" POUSE Wiehahn: "Nie dat dit noodwendig so sal wees nie." Bornman: "Ons was nog altyd goeie burgers gewees." Testimony Meeting 9, 7 December 1977, Pretoria, pp.1019-1020.

⁶⁶ This resonates with appeals made in the MWU's *The Mineworker* – albeit in much more reproachful terms – after white labour had heeded government's calls for them to take pay cuts in the interest of the struggling

In the Commission's deliberation meetings, the issue of minority protection was driven by commissioner Tommie Neethling. His main concern was the practical implications that a change in government policy would have for the white workers he represented, and he insists that he will not approve any such changes before knowing exactly what safeguards will be built into the system: "... I cannot and will not commit myself to anything, not before I am positive, convinced, that my people will be secured, the people that I represent. I could never be a party to sit here and agree to things knowing very well [...] that the future of my people will be jeopardised"⁶⁷ According to Neethling, building safeguards into the system will ensure that change occurs in an "orderly" manner. With regard to African unions, for instance, he states:

Neethling: "Should they be allowed to register, then they are entitled to serve on industrial councils, in other words, I believe there are some things that should be put in place, so that we may know what direction we will be taking there, before I am asked whether I will agree to the registration of black unions. Because for me it is absolutely vital that on that level the whole situation takes place in an orderly manner. [...]"

Wiehahn: "Right – in other words, let me put it this way, you are willing to agree [to the registration of black unions] provided the necessary protective measures are built into the industrial council?"

Neethling: "Correct."⁶⁸

Neethlings calls not only for protective measures and "orderly" change, but also that this would be formulated and implemented in such a way which would be acceptable to white workers. Speaking on the possible legalisation of the apprenticeship of Africans, Neethling stresses that it is vital that "these [African] people are incorporated in an orderly manner". Otherwise, Neethling warns, the changes which are being proposed could result in a "bloodbath...if we can't give them [white workers] their security and assure them that they are not in danger, otherwise they would never accept it."⁶⁹ Importantly, statements such as these show that Neethling was not opposed to change per se, and did not exclude the real possibility of change, but he was unyielding in his insistence upon the protection of the job security of the white workers he represented.

South African economy. White labour had played their part and demonstrated their "patriotism" by taking pay cuts, displaying their discipline and loyalty to both employers and the government – in short, being "good citizens". The MWU appeals to government and business to now uphold their part of the bargain by continuing their protection of white workers in the face of pressures to remove such measures. [reference]

⁶⁷ Deliberation Meeting 45, Pretoria, 7 September 1978, pp.7612-7614.

⁶⁸ Neethling: "Indien hulle geregistreer word dan is hulle geregtig om op nywerheidsrade te dien, in ander woorde daar glo ek moet dingetjies reggemaak word, sodat ons weet watter rigting ons daar gaan inslaan; voordat vir my gevra word of ek sal saamstem met die registrasie van Swart vakbonde. Want vir my is dit baie kardinaal dat op daardie vlak moet ons die hele situasie ordelik laat geskied. [...]" Wiehahn: "Ja, nee – in ander woorde, laat ek die vraag net so stel, u is bereid om toe te stem mits daar die nodige beskermende maatreëls op die nywerheidsraad ingebou word?" Neethling: "Korrek." Deliberation Meeting 45, Pretoria, 7 September 1978, pp.7714-7715.

⁶⁹ Deliberation Meeting 45, Pretoria, 7 September 1978, pp.7621-7622.

The other commissioners seem to be generally supportive of Neethling's insistence on minority protection measures. While Mokoatle questions the statement Wiehahn proposes to make in the preamble that the "logic of the labour force in the Republic is of such a heterogeneous nature that protection of groups will always be necessary", he does not dispute the principle. Sutton argues that minority protection is in the interest of the entire labour force because, by protecting "those people who are in a minority out of pure numbers", the mechanism counters "cheap labour practices", thereby preventing the exploitation of the majority.⁷⁰ Although there are some silences – commissioners Munsook, Hechter, Mokoatle, Botes, Steenkamp and Drummond seem to keep to the background in the minority protection debate – most commissioners seem generally supportive of the needs Neethling outlines and they participate by suggesting and formulating different protective measures.

Curiously, the only commissioner to oppose minority protection is Attie Nieuwoudt, president of the whites-only SACL. During a discussion on job reservation, he interjects: "I don't believe in the protection of minority groups, I don't believe in this or that kind of protection of this or that group. [...] Mr Chairman, as soon as you have minority groups, or groups you try to protect, you are causing tension on the road ahead which this country can no longer afford."⁷¹ This statement seems peculiar, given the fact that Nieuwoudt's SACL and its affiliates were firmly in favour of job reservation and called openly for the retention of the privileges enjoyed by white labour.

And there are more peculiarities to Nieuwoudt's participation in the Commission. At various points throughout the deliberations, Nieuwoudt notes his disagreement with a line of thought, a premise, or a decision taken, but does not engage in the debate. This is the case during the discussion on the principle of granting union rights to Africans. When asked to comment, Nieuwoudt states that his views – of opposition to African rights – are well known to the Commission and that he has nothing further to add, except that he reserves the right to submit a minority report on the matter.⁷² Even before the Commission has taken a decision on the retention or removal of the principle of job reservation, Nieuwoudt states that "I have made it clear that I have a different view of job reservation, you're aware of that, Mr Chairman, so I will leave it at that. [...] ...there are also several descriptions [of job reservation] that I can't go along with. So I will not be associated with any of the motivations precipitating the recommendations."⁷³ Later, once the majority of the Commission has voted in favour of the removal of job reservation, Nieuwoudt states that "I don't want to argue, Mr Chairman, but I cannot associate myself with this Report or your recommendations."⁷⁴ Similarly, when the Commission subsequently discusses alternative protective measure to job reservation, Nieuwoudt states "Mr Chairman, I just want to tell you that I will not participate in the discussion on job reservation, I reserve the right, I don't want to argue about this, it is the view of the Commission. [...] Either way, Mr Chairman, I withdraw completely from the discussion on job reservation, I have

⁷⁰ Deliberation Meeting 47, Pretoria, 26 September 1978, p.7967.

⁷¹ [Translation] Deliberation Meeting 47, Pretoria, 26 September 1978, pp.8026, 8028, 8030.

⁷² Deliberation Meeting 46, Pretoria, 8 September 1978, p.7781; see also Deliberation Meeting 50, Pretoria, 24 October 1978, p.8364.

⁷³ [translation] Deliberation Meeting 47, Pretoria, 26 September 1978, pp.7939-7940.

⁷⁴ [translation] Deliberation Meeting 47, Pretoria, 26 September 1978, p.7951.

my own views in this regard.”⁷⁵ As the Commission continues its discussion on its recommendations and the specific terms thereof, Nieuwoudt consistently opts out of the debate in this manner.⁷⁶

Indeed, the introduction to Part I of the Commission’s Report suggests that Nieuwoudt opted out of the Wiehahn process even before it had started. The Report contains a proviso in which Nieuwoudt set out his own premises as opposed to those he perceived to be guiding the Commission. First and foremost, the proviso states that “The political and constitutional framework [of South Africa] is a given fact. Recommendations of the Commission must, therefore, be formulated in accordance with present policy and must be reconcilable therewith. Within the framework of the existing political and constitutional dispensation any change or adaptations must be made [...] with due regard to and without any infringements on existing vested interests, traditions and rights of all population and interest groups.”⁷⁷ Nieuwoudt thus operated from the assumption that the status quo should and would be retained, that South Africa’s policy of separate development and the privileged position of whites within its political and economic dispensation was nonnegotiable. Presumably, he must therefore have regarded many of the Commission’s debates irrelevant. This proviso, in combination with Nieuwoudt’s refusal to participate in negotiations places a question mark over the value of his presence on the Wiehahn Commission as an advocate of the interests of white labour.

Nieuwoudt was therefore opposed to minority protection measures as an alternative to statutory job reservation, which he regarded as the only satisfactory way of protecting white workers’ job security. Giliomee’s recent contribution on the Wiehahn Commission differentiates between Commissioners Nieuwoudt and Neethling, categorising Neethling as a “reformist” (as opposed to a “progressive” commissioner) and Nieuwoudt as the sole “resister” to reforms. Even if one follows such a “headcount of ideological commitment”⁷⁸, distinguishing between white labour representatives in this way, it seems curious that Nieuwoudt’s strategy of “resistance” primarily involved not saying anything at all.

Implications and questions

The minority protection debate therefore reveals that even though Neethling and Nieuwoudt had the same objective – protecting the job security of the white workers they represented – there were sharp contrasts in their strategies for reaching this goal. While Neethling was willing to negotiate and open to reason⁷⁹, Nieuwoudt comes across as much more unbending and unresponsive in his views. What were the implications of these different opinions and strategies for white labour, and what questions are raised by the evidence presented here? First and foremost, this overview of the opinions and views of labour representatives appearing before and serving on the Commission has

⁷⁵ “Mnr die voorsitter, ek wil net vir u se ek sal nie deel in die bespreking oor werkreservering nie, ek behou die reg voor, ek wil nie argumenteer hieroor nie, dit is die standpunt van die komitee. ... In elk geval, Meneer, onttrek ek my totaal uit die bespreking van werkreservering, ek het ‘n eie sienswyse daarvoor.” Deliberation Meeting 50, Pretoria, 24 October 1978, p.8485.

⁷⁶ Also pp.8539, 8549, 9029, 9961, 9968.

⁷⁷ Departments of Labour and Mines: Report of the Commission of Inquiry into Labour Legislation, Part 1, p.4.

⁷⁸ Giliomee, H.: *The last Afrikaner leaders: A supreme test of power*, Tafelberg: Cape Town, 2012, p.153.

⁷⁹ See for instance Deliberation Meeting 45, Pretoria, 7 September 1978, pp.7612-7640.

indicated that a spectrum of opinions regarding the desirability and nature of industrial transformation existed amongst organised labour, and that there was no unified voice of organised labour to be heard during the Wiehahn process. It also seems as though the two commissioners who most closely associated themselves with white workers were following different strategies in endeavouring to represent the interests of their constituencies. This points to the necessity of revising the portrayal of white labour as a homogeneous and typically conservative or even reactionary group whose interests directly opposed those of the emergent African unions. While the Wiehahn documentation certainly shows that commissioner Nieuwoudt and his confederation SACLA advocated the continued denial of African rights and protection of white privilege, it also contains many instances of white union leaders such as Neethling actively involved in negotiating a new labour dispensation and Grobbelaar's TUCSA lobbying for complete freedom of association.

It may be possible to suggest some explanations for these divergent opinions by looking closely at the issue of job reservation. It does seem as though the unions favouring statutory job reservation and the maintenance of the industrial status quo (represented by Nieuwoudt and SACLA, including the South African Iron, Steel and Amalgamated Industries Union and the MWU) often represented less skilled, and therefore more economically vulnerable whites. During Iron and Steel's testimony, for instance, Bornman's appeal in defence of job reservation is made specifically on behalf of such white workers (see p.12 above). In the same way, unions representing skilled workers were generally less concerned about job reservation. This is the case with the Federation of Mining Unions, which represented the mechanics unions or craft unions in the mining industry. The Federation favoured the removal of discriminatory legislation. When asked to comment specifically on the job reservation determination in the mining industry pertaining to the "scheduled person", they responded that this determination "does not affect us to the extent that it would affect the processing side or the production side of a mining industry, and I don't think we should answer that at this stage."⁸⁰ The processing or production workers – as they are called here – in the mining industry, were represented by the Mine Workers' Union, which was explicitly opposed any changes to existing labour legislation. Unlike the members of the Federation of Mining Unions, the MWU's members did not have a trade and could not easily find employment outside the mining industry or their specific employment bracket. This echoes the predicament of the workers represented by Bornman. The skills of these white workers, or lack thereof, restricted them to employment in protected positions, making them much more vulnerable to changes in protective legislation. In the case of the MWU, its members' jobs as rock blasters had already been fragmented and taken over by African labour to such an extent that whites only really retained a supervisory position in the production process. It was only the job reservation determination stating that only whites could hold blasting certificates which was keeping better-paid white blasters in their positions.⁸¹ It is therefore unsurprising that these white workers were profoundly opposed to the removal of job reservation.⁸² In some cases, suggestions for alternative minority protection measures – such as "equal pay for equal work" – were also tied up with skills, so that lesser skilled whites would not

⁸⁰ Testimony Meeting 24, Johannesburg, 22 February 1978, pp.3600-3601.

⁸¹ Crankshaw, O.: *Race, class and the changing division of labour under apartheid*, London: Routledge, 1997, pp.53, 58-60.

⁸² A study of the MWU's mouthpiece, *Die Mynwerker*, during this period reveals the degree to which these white workers experienced the blasting certificate as being an integral part of their racial identity.

have benefitted from such measures. To lesser skilled whites in the mining sector, statements by the Anglo-American Corporation's representatives that "we will have to restructure the job so that we can give away the unskilled portion of the miner's job [to blacks] and not the skilled portion"⁸³ must have been particularly frightening. Clearly, those whites working in lesser skilled occupations would be the most vulnerable in the event that the Wiehahn Commission would recommend the removal of job reservation and granting of union rights to African workers. Indeed, as the AAC's deputation concluded its statement on minority protection measures, "the only true security for anybody lies in personal competence and skill."⁸⁴

But economic vulnerability alone does not seem to be the only reason some white workers defend job reservation. During a deliberation session on alternative protective measures to job reservation, Neethling's statements are particularly interesting as they reveal how white labour viewed job reservation. Having outlined some alternative measures, Chairman Wiehahn states that, under these proposed regulations, (white) workers will really be much better protected than they presently are: "In fact, I think the workers today are really not protected so well. I am surprised that they don't rush to the Minister and say: now look, please protect us better because only [0],48% of our work force today fall under job reservation determinations. They are not so well protected."⁸⁵ Neethling immediately objects to this interpretation. He explains that, while it might be true that only a very small proportion of workers are currently directly protected by job reservation determinations, this does not mean that job reservation is obsolete for the rest. Rather, it is the "threat" of job reservation is a trump card for all white workers: "The threat is always there that you can use it, how many times didn't we say to them [employers]: look if you do that we will apply for work reservation."⁸⁶ Neethling admits that it has been possible to remove certain determinations as they have become less necessary over time, but, he emphasises, if the entire recourse to job reservation would be removed without sufficient alternatives being put in place, "then we're in a mess."⁸⁷ On another occasion, he similarly argues that job reservation serves a purpose, even where it is being implemented: "But, Mr Chairman, even where we don't have these reservations, even there where the reservations do apply, I believe it is a reason why employers remain within their bounds because you can always ask for the application [of job reservation]."⁸⁸

It seems, therefore, that the Wiehahn Commission as well as subsequent historians arguing for the obsolescence of job reservation may have underestimated its significance: In the case of some economically vulnerable white workers, job reservation continued to have important material value in that it protected their precarious position of white superiority in their industry. In the case of many more workers, it seems, job reservation had important symbolic value as a scare tactic for keeping employers in check. Together, these elements start to explain the staunchness with which some white labour representatives demand the retention of job reservation while others will not

⁸³ Testimony Meeting 24, Johannesburg, 22 February 1978, p.3521.

⁸⁴ Testimony Meeting 24, Johannesburg, 22 February 1978, p.3521.

⁸⁵ Deliberation Meeting 50, Pretoria, 24 October 1978, p.8499.

⁸⁶ Deliberation Meeting 50, Pretoria, 24 October 1978, p.8499.

⁸⁷ "dan sê ek vir u is ons in 'n gemors." Deliberation Meeting 50, Pretoria, 24 October 1978, p.8499.

⁸⁸ "Maar, mnr die voorsitter, selfs waar ons nie hierdie reserverings het nie, selfs daar met die reservering wat vandag van toepassing is, glo ek dit is 'n rede vir werkgewers om nie buite hulle perke te gaan nie want jy kan altyd vra vir die toepassing daarvan." Deliberation Meeting 47, Pretoria, 26 September 1978, p.7948.

have it removed without some other form of protection put in place. The discourse of ‘swamping’ fears which permeates the Commission’s discussions also points in this direction, indicating a widespread consciousness of the potential threat of cheaper black labour to white positions of material and racial superiority.

Another point deserves attention. Noted above was the apparent lack of arguments on the part of unionists such as Bornman and Nieuwoudt, representatives of more vulnerable white workers. The evidence shows that deputations such as SACLA and Iron and Steel had not even contemplated the real possibility of the removal of statutory discrimination, while Nieuwoudt and the MWU were unwilling to do so. Should these silences simply be ascribed to resistant white workers’ stubborn unwillingness to negotiate or lack of imagination in devising suggestions for alternative mechanisms? American labour historian David Roediger has shown how a sense of white supremacy may lead white workers to undermine their own interests by, for instance, refusing to vote in elections which are also open to blacks.⁸⁹ The silence amongst resistant white workers in the Wiehahn documentation may be read as a similar withdrawal, and unwillingness to be involved in any process which potentially recognises non-white interests.

But the apparent lack of arguments on the part of these workers may also be interpreted as pointing to the confidence these workers placed in the nationalist state-labour-business alliance which had characterised the apartheid state since 1948 and underpinned the economic prosperity of the 1960s.⁹⁰ This alliance was characterised by each of the tripartite partners benefitting from the support of the others. Thus South African businesses and the NP government benefitted from the industrial discipline and political loyalty of white workers, while workers in turn enjoyed the protection and benevolence of the state and employers. However, as both government and businesses came under increasing local and international pressure after the outbreak of African labour unrest in 1973, so did this alliance. The Wiehahn Commission itself is a clear indication that both the NP government and businesses were interested in the prospect of industrial change, even if this would be to the detriment of some white workers. More vulnerable white workers, however, were still invested in the labour-state-business partnership and this is what Bornman appeals to when he implores Wiehahn to remember that “we [white workers] have always been good citizens”. During the deliberation sessions, Nieuwoudt also expresses his trust in the word of government ministers.⁹¹ The lack of arguments, engagement and alternatives observed amongst some workers may therefore be attributed to their faith in this alliance and conviction that it would remain unchanged. This also explains the reaction amongst this section of white labour to government’s acceptance of the Wiehahn Commission’s recommendations concerning the removal of job reservation – which, in some quarters, was slammed as “the greatest act of treason against the

⁸⁹ Roediger, D.: *The wages of whiteness: Race and the making of the American working class*, Verso: London, 2007, p.59.

⁹⁰ See O’Meara, D.: *Forty lost years* on the class alliance or “social consensus” underlying NP rule and South Africa’s economic prosperity until the 1970s.

⁹¹

white workers of South Africa since 1922”.⁹² Arguably, the Wiehahn Commission represented the moment when some white workers realised that their closest allies had become their enemies.

Lastly, the minority protection debate, which is not addressed in any existing analyses of the Wiehahn Commission, also offers significant insights. As has already been noted, the debate on minority protection highlights the variety of opinions within organised labour and the different strategies employed by labour representatives. But the debate also shows that the notion of minority protection meant different things to different interest groups: To unions and commissioners concerned with the material security of their white members, the guarantee of minority protection safeguards meant the potential continuation of their protected position, albeit under different conditions. In contrast, employers and commissioners concerned with business interests, minority protection measures meant the removal of *statutory* protectionism and therefore offered them a great deal more flexibility and space for the incorporation of black labour. This is evident in for instance the notion of consultation – one of the minority protection measures often proposed before and discussed by the Commission, and also taken up in the recommendations put forward in the first part of its Report. The notion of consultation envisioned the negotiation of any proposed changes between white unions and employers at a shopfloor level. To workers, this promised the possibility of averting unwanted change, while to employers it provided a forum for negotiation without the interference of the state or statutory obligations to fulfil, and the possibility of negotiating a favourable outcome. Thus, while both employers and white workers perceived the replacement of discriminatory legislation with minority protection measures as a form of compromise, their joint movement towards this middle ground was founded on conflicting rather than complimentary goals.

What was the Commission’s response to this debate? In Part I of its Report, the Commission recommended the removal of job reservation and instead suggested a number of minority protection measures to provide for the interests of certain groups within the country’s “unbalanced workforce”. These suggestions included the principle of consultation between employers and employees before implementing any changes in established practices; recourse to an Industrial Court for any aggrieved party; the requirement that Industrial Councils must reach consensus concerning proposed changes; and the enforcement of the principle of “equal pay for equal work”. These recommendations were accepted by the government.⁹³

Yet the reality was that post-Wiehahn minority protection measures represented a much softer and more flexible form of protection for white workers than statutory job reservation or the denial of industrial representation of African workers had offered in the pre-Wiehahn period. These developments were a factor of the Commission’s objective of reforming South Africa’s dualist industrial relations system into a unitary system. It is in this sense that white workers emerged from the Wiehahn process in a much weaker position. This brings the discussion back to the question which has been central to this paper, namely how did it come about that white workers position was thus weakened when they were so closely involved in the Wiehahn proses?

⁹² *The Mineworker 1978* (MWU mouthpiece), quoted in Visser, W.: “From MWU to Solidarity – a trade union reinventing itself” in *South African Journal of Labour Relations*, Vol. 30, No. 2, 2006, p.24.

⁹³ See Whitepaper on Part I, *Die volledige Wiehahn-verslag: Dele 1-6 en die witskrif op elke deel*, pp.148-9.

On the one hand, it is clear that some white workers supported the reforms recommended by the Commission and therefore cannot be said to have emerged as 'losers' from the process. Equally, some were in favour of the removal of job reservation on the condition that it was replaced by some form of minority protection – and this is indeed what was done, and many white labour representatives actively participated in negotiating this outcome. It is unclear to what extent these measures were successful in doing so. On the other hand, those who may be seen as having emerged in a weaker position are those workers who were in favour of the retention of South Africa's existing discriminatory labour legislation. It has been shown that these were in fact particularly lesser skilled whites who were aware of the dangers which industrial transformation would pose to their material position. However, the lack of unity within white labour at large resulted in the relative isolation of this group of white workers, and their representatives' apparent lack of engagement with the reality of reform meant that they were unable to negotiate a more favourable outcome.

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