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ELIMINATION OF RACIAL DISCRIMINATION

Note by the Secretary-General

Addendum

The Secretary-General has the honour to transmit to the Commission on Human Rights the fourth annual report of the International Labour Organisation on racial discrimination, submitted in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI).

ANNUAL REPORT BY ILO ON RACIAL DISCRIMINATION, SUBMITTED IN  
ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1588 (L)  
AND GENERAL ASSEMBLY RESOLUTION 2785 (XXVI)

Racial Discrimination in the Labour Field

(Particularly in southern Africa)

I. Situation Resulting from the Policy of Apartheid of the  
Republic of South Africa

1. The nature and effects of the policy of apartheid in the labour field in the Republic of South Africa were described in detail in the first report on racial discrimination in the labour field (document E/CN.4/1090/Add.7), submitted by the ILO to the Commission on Human Rights in February 1972. That report was based on the analysis of South African labour legislation and practice contained in the annual reports which the Director-General has submitted to the International Labour Conference each year since 1965, in accordance with the Declaration concerning the Policy of Apartheid in the Republic of South Africa adopted unanimously by the Conference in 1964. Further developments were reported in the ILO's second and third reports to the Commission (documents E/CN.4/1110 and E/CN.4/1140) in February 1973 and 1974. Since the presentation of the third report, the Director-General has submitted to the 59th Session of the International Labour Conference in June 1974 the Tenth Special Report on the Application of the Declaration concerning the Policy of Apartheid of the Republic of South Africa. The main findings contained in that report are summarized briefly below.

2. In the field of labour relations, the Tenth Special Report analysed in detail the provisions of the Bantu Labour Relations Amendment Act, 1973 (whose adoption was reported to the Commission in February 1974). This Act amended the Bantu Labour (Settlement of Disputes) Act, 1953, by extending considerably the system of "works committees" established by an earlier Act, and also by removing the absolute prohibition on strikes by African workers. However, instead of bringing the African worker into the normal system of industrial relations on the same footing as other workers in South Africa, the new legislation set up a complex system of "liaison committees", "works committees" and "co-ordinating works committees", which operate essentially at the factory level and are not assigned collective bargaining functions. The Act also takes no account of existing African trade unions, but appears to be a measure designed to hinder the development of an African trade union movement. The report concluded that the new Act cannot ensure orderly industrial relations in a long-term perspective since it does not satisfy the African workers' aspirations to full and equal trade union rights. It went on to report that labour unrest continued in various parts of South Africa towards the end of 1973 and early in 1974. In this connexion, it described in particular the tragic incident at the Western Deep Level Mine at Carletonville on 11 September 1973, in the course of which 11 African miners were shot dead by the South African police, and the extensive strike action by African workers in Natal in January 1974. It also reported recent trade union developments, and particularly the growing campaign within South Africa and at the international level to secure trade union and collective bargaining rights for African workers, in spite of the South African repressive attitude towards the formation of African trade unions.

3. The Tenth Report also undertook a survey of African wage levels in South Africa. As a result of several factors, including widespread strikes by African workers, African wages in certain sectors of employment had risen faster in 1973 than in previous years. However, these increases were, to a large extent, offset by the rising cost of living and, from surveys of African households carried out by various South African research bodies, it appeared that a high proportion of African workers still continued to receive wages incompatible with an acceptable minimum standard of living. The report concluded as follows:

"On the whole, there has been a noticeable upward swing in African wages over the past few years, but the benefits of this swing have been unevenly distributed. It does not seem to have affected farming or domestic services, where cash wages continue to be the lowest in South Africa. The wage levels in mining also remain terribly low, despite some recent increases. The situation has improved in industry, commerce and public services, but ... unskilled Africans (the majority) have benefited less than skilled, semi-skilled or clerical workers. Also, because of the sharp rise in the cost of living, the improvements have in many cases been more apparent than real. Even though recent developments have tended to reduce the wage gap between white and African earnings slightly, this gap remains enormous."

In this connexion, the report also examined the role and responsibilities of foreign companies in South Africa with regard to the remuneration and occupational advancement of their African employees, particularly in the light of the debate which has recently taken place in several countries concerning the role of foreign investment in South Africa.

4. The Tenth Report also examined the question of migration to South Africa. It pointed out that South Africa applies two policies of migration, which are predominantly based on racial considerations. On the one hand, there is a policy of favoured white immigration, under which South Africa seeks to attract skilled white workers and their families to South Africa. This policy is openly aimed at strengthening the position of the white society in South Africa, and in particular at keeping managerial and skilled occupations in the white-controlled economy as much as possible in the hands of the white society. On the other hand, the South African economy (particularly the mining industry) has also benefited from the labour supplied by several hundred thousand African workers every year from neighbouring countries and territories in Southern Africa. However, these foreign African migrants are admitted only without their families and under a stringent contract system and, in contrast with the white immigrant who is admitted straight away to all the privileges of white society, the foreign African while working in South Africa is subject to the segregation and all the other inequalities imposed on black people by the policies of apartheid. In the case of white immigration to South Africa, the report described the efforts of the South African Government to attract skilled white immigrants to South Africa, and underlined the direct link which exists between white immigration and the maintenance of the industrial colour bar. The report gave an account of action waged at the international level, by trade unions and other bodies, against white migration to South Africa and made some recommendations as to measures which could be taken to discourage such migration. As regards foreign African migrants in South Africa, the report pointed out that an annual average of over 400,000 foreign African workers were employed in South Africa. The report described the conditions of recruitment and treatment of these workers, and the arduous and dangerous conditions of work in the mines. In view of the fact that the economies of the neighbouring

countries providing this labour were to a greater or lesser extent dependent on the employment of their nationals in South Africa, and on the remittances sent home by the migrants, the report underlined that the dependence of these countries on migration to South Africa could only be reduced through long-term international efforts to assist their economic development and to provide adequate employment opportunities for their nationals at home.

5. Finally, the report undertook a brief review of the evaluation of the situation in the labour field in South Africa during the ten-year period which had elapsed since the adoption of the International Labour Conference's basic decisions on apartheid in 1964. The report noted some significant changes in the manpower, labour relations and wages fields which had come about as a result of economic factors (in particular the chronic shortage of skilled manpower). However, the report explained that it would be a dangerous illusion to believe that economic factors will in themselves bring about the elimination of apartheid in the long run, in view of the South African Government's determination to oppose fundamental change. The elimination of apartheid will therefore continue to be a priority task for governments, employers and workers during the Decade for Action to Combat Racism and Racial Discrimination.

6. Since the submission of the Tenth Special Report, further restrictions on civil liberties have been introduced through the adoption of the Riotous Assemblies Act, 1974 (increasing the powers of the Minister of Justice to prohibit any form of gathering), the Affected Organizations Act, 1974 (enabling the Government to prohibit any organization declared "affected" under the Act from receiving any funds from abroad), and the Publications Act, 1974 (increasing the censorship powers of the Government). The repercussions of these measures on trade union rights, as well as other legislative and factual developments of concern to the ILO, will be examined in the Eleventh Special Report of the Director-General, which is to be submitted to the 60th Session of the International Labour Conference. The Commission on Human Rights will be informed of findings contained in that report in the next annual report submitted by the ILO to the Commission.

## II. Other Situations

7. Observations and requests for further information were made by the Committee of Experts on the Application of Conventions and Recommendations at its March 1974 Session, with regard to the situation in various countries which have ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). 1/ Some countries supplied information in this respect at the 59th Session of the International Labour Conference. 2/

8. As regards more particularly Southern Africa, the International Labour Office has recently completed a study on discrimination in the field of employment and trade union rights in Southern Rhodesia (Zimbabwe). This study, which is based on an examination of Rhodesian law and practice, deals in particular with the situation of African workers in Southern Rhodesia (Zimbabwe) as regards access to employment, apprenticeship and training, wages, industrial relations and trade union rights. This document will be distributed to the Commission as an addendum to the present report.

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1/ Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4 A), 59th Session, ILO, Geneva, 1974, pp.190-194.

2/ Report of the Committee on the Application of Conventions and Recommendations, Provisional Record No.27, 59th Session, ILO, Geneva, 1974, pp.27/39-27/40.