

**The Aims and Legacy of the Commission of Inquiry into Labour Legislation
(Wiehahn Commission), 1977-1980**

by

Reatile Moagi Moncho

A mini-dissertation submitted in partial fulfilment of the requirements for the
degree

MASTER OF SOCIAL SCIENCE

In the Department of Historical and Heritage Studies at the

UNIVERSITY OF PRETORIA

FACULTY OF HUMANITIES

Supervisor: Dr. Ian M. Macqueen

December 2020

ETHICS STATEMENT

The author, whose name appears on the title page of this dissertation, has obtained, for the research described in this work, the applicable research ethics approval.

The author declares that he has observed the ethical standards required in terms of the University of Pretoria's Code of ethics for researchers and the Policy guidelines for responsible research.

ABSTRACT

The South African economy experienced slowing economic growth in the late 1970s, as a result of the international economic recession and the oil crisis of the early 1970s, and the system of apartheid was declared a crime against humanity in 1973. The 1970s saw the country experiencing renewed industrial and collective mass action, most notably the Durban strikes of 1973 and the student uprisings of 1976. The Wiehahn Commission was established in 1977 to respond to African labour militancy through a reconstruction of the then dual labour relations framework. The Commission's stated goals were the stabilisation of labour relations and the facilitation of economic growth. This reform process led to the liberalisation of labour legislation in South Africa and additionally to the inclusion of African trade unions into the state collective bargaining system, provided these unions registered. By positioning itself within the 'School of Continuity', the paper disputes the notion of the discontinuation of colonialism as a result of the 'Democratic transition' of 1994, by proposing that this transition was but a logical progression of colonial social engineering achieved through the co-optation of African labour in the 1970s. The research proposes that the Wiehahn Commission succeeded in creating a Black middle class that continues to act as a buffer from the rest of the African population. In addition, the long-term objectives of the apartheid state were fulfilled with the institutionalisation of the Growth, Employment and Redistribution macroeconomic policy of 1996.

Keywords: Wiehahn, neo-liberalism, unions, apartheid, inequality

CONTENTS

Acknowledgement.....	5
INTRODUCTION.....	6
Research rationale.....	8
Literature review.....	9
Methodology.....	17
Chapter outline.....	18
CHAPTER 1: The Historical Context of the Wiehahn Commission.....	20
Commissions of inquiry: a colonial legacy.....	20
Industrial turmoil and the Wiehahn Commission.....	22
Wiehahn and the Commissioners.....	13
Conclusion.....	33
CHAPTER 2: The Wiehahn Reports.....	35
The Commission's terms of reference.....	35
The Wiehahn Commission's six reports.....	37
Conclusion.....	40
CHAPTER 3: The Reception of the Wiehahn Commission Report.....	44
White conservatives respond.....	45
FOSATU responds.....	46
The international response.....	48
Conclusion.....	50
CONCLUSION: The Legacy of the Wiehahn Commission.....	52
BIBLIOGRAPHY:.....	57

ACKNOWLEDGEMENTS

I would like to extend my appreciation to the Mellon foundation, which provided me with the financial and professional support to complete this work. In no particular order, I would like to express my appreciation to: Dr. Ian Macqueen, Matiego, Tirisano, Dr. Nisa Paleker, Prof. Malehoko Tshoaedi, Dr. Glen Ncube, Prof. Tilman Dederig, Prof. Karen Harris, Neo, Kamogelo, Phumelele, Oom-Steve, Prof. Alex Mouton, Prof. Alex Lichtenstein, Dr. Sean Maliehe, Dr. Dannelle van Zyl-Hermann, Prof. Chris Tounsel and the Department of Historical and Heritage Studies at the University of Pretoria.

*RE BO'MMINA TSHIPI HA GO LE TLALA, HA GO LE KGORA RE BINA THOLO -
Moncho, Mabihi, Radikorojane, Toto, Seshwai, Maikeco.*

INTRODUCTION

Present day South Africa remains stuck in high levels of inequality with an economy under a black government that is based on consumption while a significant proportion of its population are barely active in the country's formal economy.¹ This research particularly sets out to explore the hypothesis that the early gains made by the independent trade union movement were negated through co-optation to ensure the continuation of a capitalist system in South Africa, before any transfer of political power to the African population by the apartheid government could occur. This research therefore explores the degree to which the post-1994 growth centred economy in South Africa was achieved through the co-optation of the independent trade union movement and where the origins of that co-optation lie. It is in this sense that the research proposes a renewed critical look at the deeper aims and objectives of the Commission of Inquiry into Labour Legislation (Wiehahn Commission) 1977-1979 and the repercussions of this moment of labour co-optation.

The Wiehahn Commission was a commission of inquiry into labour legislation established in 1977 and named after its head commissioner, Nicolas Wiehahn, then Professor of Labour Relations at the University of South Africa (UNISA). Popularly known as Nic Wiehahn, Wiehahn was appointed an advisor to the Minister of Manpower Utilisation, Fanie Botha, in 1976.² The commission was set up in order to reduce disturbances by trade unions to the economy of South Africa and to find a new system that would restore order within the country's labour relations and with that, bring some stability. The Wiehahn Commission's first report, of the six-part series, was released on 1 May 1979 and had an immediate impact on labour relations and for the decade that followed and further, as will be discussed in more detail below. The Wiehahn Commission had industrial stabilisation as its goal, which it attempted through the liberalisation of South Africa's

¹ R. Moncho, 'The Wiehahn Commission as a precursor to neoliberalism in South Africa' (BSocSci Honours thesis, University of Pretoria, 2017), p. 3.

² S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984* (Braamfontein: Ravan Press, 1984), p. 149; J. Judeli-Lesha, 2016, 'The effectiveness of South African labour legislation in dealing with mass industrial action before and after the promulgation of The Constitution Act 108 of 1996' (LLM thesis, UKZN, Kwa-Zulu Natal) p. 33.

labour laws. It was this attempt at legislative liberalisation that the research sees as an antecedent of the Growth Employment and Redistribution macroeconomic policy of 1997, which also had a focus towards economic stabilisation and economic growth. Both these processes have had a significant impact on the labour terrain within South Africa and therefore on the lives of all South Africans.

The 1973 Durban strikes set off a chain of collective mass action against the apartheid state, that led to the resurgence of the black trade union movement.³ This, together with a series of industrial and societal collective actions, most influential being the effect of the 1976 Soweto student uprisings on the economy and the repression of black trade unions by employers and the state,⁴ set the background of increasing strife to which the state put into action a reform program. By frustrating substantial social mobility for the masses of the working class and unemployed Black South Africans, the resultant growing Black middle class was envisaged as a buffer to working class militancy. Eddie Webster, a leading South African sociologist, argues that “the ever-increasing emphasis on class-based approaches to problems of inequality assists in understanding patterns of ownership of assets and income in addition to access to economic and social opportunities.”⁵

The class awareness that Webster calls for informs the approach of this project, that of a growing inter-racial and intra-racial class divergence that in retrospect appears to have been engineered in the twilight years of the apartheid state. There existed an apparent lack of a large enough skilled workforce and a larger consumer class, which was another set of problems faced by business and the apartheid government in the 1970s.⁶ Both saw the need for a large enough middle-class which had to be highly skilled. Given that white society showed limited potential, both sectors came to the realisation that they would have to look to Black Africans to swell the ranks of the middle classes. Bearing in mind this context, the literature review now turns to some major commentators on the labour history of South Africa in the late 1970s and 1980s and surveys opinions of the significance of the Wiehahn Commission specifically.

³ Friedman, *Building tomorrow today*, p. 5.

⁴ J. Maree, *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin* (Ravan Press, Johannesburg, 1987), p. 5.

⁵ E. Webster, 2017/n.d., <https://www.google.co.za/amp/s/theconversation.com/amp/south-africa-needs-a-fresh-approach-to-its-stubbornly-high-levels-of-inequality-87215>, access: 26 January 2018.

⁶ D. Posel, ‘Getting Inside the Skin of the Consumer: Race, Market Research and the Consumerist Project in Apartheid South Africa,’ *Itinerario: The private lives of empire; Emotion, intimacy, and colonial rule*. Cambridge University Press, <https://doi.org/10.1017/S0165115318000116>

Research rationale

South Africa is experiencing a renewed labour militancy and renewed questions in relation to land, inequality and the progress the country has undergone in the last twenty-six years. This indicates popular discontent with the recently established status quo. In the light of labour militancy, the research aims to establish the following, firstly, the degree to which the Wiehahn Commission served as an antecedent to the Growth, Employment and Redistribution (GEAR) programme and broader neo-liberal reforms. Secondly, to establish through primary research what the *aims* of Professor Wiehahn and his fellow commissioners were, and by extension the apartheid white elite. Lastly, the research hints at elements of subsequent labour legislation that have their antecedence within the recommendations of the Wiehahn Commission. The above broad aims will be addressed by a study of literature relating to the Commission of Inquiry into Labour Legislation of 1977, the Labour Relations Act of 1995, and the literature on the Growth Employment and Redistribution macroeconomic policy. Furthermore, the dissertation conducts a summative study to ascertain the patterns of inequality pre- and post-1994 South Africa. Moreover, the dissertation discusses the proceedings of the Wiehahn Commission and selected for research all relevant documentation for analysis. Following the latter, we ventured to consolidate the above aims and extract results in relation to the hypothesis of this thesis. Lastly, we provide a conclusion on the findings of the dissertation and endeavour to recommend possible solutions to the alleviation of income and racial inequalities in South Africa.

Literature Review

The history of the African population of South Africa has been one of many struggles including the fight against discrimination, racism, and prejudice, in almost all spheres of South African society. Therefore, it would seem rational that once the African population had attained political power they would have prioritized, through action, the redistribution of all that was accumulated through their plight and labour. However, that has not transpired, but what has

taken place is a creation of a small black middle class, a black political elite and, most importantly, the continued exclusion of a greater number of the African people through economic means even under the guise of 'democracy.' The focus of this literature review is to trace major historians' views on the origin of renewed trade union activism and the way in which the state responded.

Firstly, Peter Vale and Estelle Prinsloo, whose perspective of post-apartheid governance is of astute relevance to this research project, speak to the continuities and discontinuities that exist in post-94 South Africa. There is a recognition that the decision post-1994, to adopt a representational instead of a participatory democracy fundamentally ensured the institutionalisation of policy such as the Wiehahn reforms, by fulfilling the intent of the reform process of the 1970s.⁷ Central to this, is the argument that every governing class seeks to generate an environment in which its claim to power and its legitimacy cannot be successfully proven false.⁸ It follows that there are two interdependent groups, those that govern and the governed, hence a participatory democracy could have been problematic for the ruling class, as an essential characteristic would be a population with a strong intellectual tradition, hitherto could mount a continuous threat to any status quo.

A leading labour analyst, Steven Friedman, argued that from the onset the Wiehahn commission was established to counteract growing denunciation of South Africa in the late 1970s.⁹ The commission sought to do this through the incorporation of black people within the legal framework by creating a unitary labour system. Such incorporation into the bargaining system as set out in the commission's report would have highly benefited the interests of the National Party government.¹⁰ The removal of the "fundamental constraints" of the economy was the hope of business in South Africa, where both the state and business hoped to realise rapid growth in the country.¹¹¹² The state hoped their concessions would make registered unions more amenable to the proposed changes in labour relations for the sake of renewed economic growth.¹³ What proved

⁷ P. Vale & H. Prinsloo, *The new South Africa at twenty: Critical perspectives* (University of KwaZulu-Natal Press, Pietermaritzburg, 2014). p. 3.

⁸ P. Vale & H. Prinsloo, *The new South Africa at twenty: Critical perspectives*, p. 3.

⁹ Friedman, *Building tomorrow today*, p. 150.

¹⁰ Friedman, *Building tomorrow today*, p. 151.

¹¹ S. Friedman, *Building tomorrow today*, p. 151.

¹² R. Moncho, 2017. 'The Wiehahn Commission as a precursor to neoliberalism in South Africa', p. 10.

¹³ S. Friedman, *Building tomorrow today*, p. 152.

pivotal for this project, as noted by Friedman, was that co-opting black trade unions into institutionalised state apparatuses would “expose them more directly” to the mechanisms of the capitalist system and thereby instil capitalist principles into their leadership and therefore the black trade union movement more largely.¹⁴ Thus, even if freedom from colonisation was achieved the social relations that had been instilled by capitalism in South Africa could survive. It is this early origin of co-optation, which this research wishes to draw attention to by seeking to historicise a current situation where, as it were, “the status quo cannot be called into question.”¹⁵

There were limits to state co-optation of trade union power. The industrial sociologist, Malehoko Tshoaedi, observes that the proposed changes of the Wiehahn Commission were beneficial for black trade unions as it allowed them a space for the development of the African working class. However, it should be stated that by the end of the 1970s the movement had already amassed momentum for its cause, most notably on the shop-floor and in inducing the commission itself through collective action.¹⁶ The industrial rights gained from the admission of registered trade unions into the established bargaining system meant that the newly acquired influence on labour relations by the black trade union movement would allow the movement access to dispute the National Party’s political power.¹⁷ Therefore, it is important to note the distinction between the aims of the Wiehahn Commission and how these aims played out in reality.

In relation to the Wiehahn Commission, the historians Herman Giliomee and Bernard Mbenga contend that the state was motivated by the need to contain industrial militancy by the black populace on the shop-floor as there were concerns that this would activate opposition towards the apartheid state, opposition that had been put down since the crushing of black political activity within South Africa in the 1960s.¹⁸ The state thus recognised the challenge to both its political control and its capitalist basis that the black trade union movement represented. Giliomee and Mbenga further draw attention to the gulf between the two sides of the spectrum, where “what the black population saw as sensible demands, the state viewed as unacceptable,” as even with

¹⁴ S. Friedman, *Building tomorrow today*, p. 156.

¹⁵ P. Vale & H. Prinsloo, *The new South Africa at twenty: Critical perspectives*, p. 3.

¹⁶ M. Tshoaedi, & J. Outshoorn, *African workers’ struggles for trade union rights in the 1970’s. Roots of women’s union activism: South Africa 1973-2003* (Leiden University, Leiden, 2008), p. 57.

¹⁷ H. Giliomee & B. Mbenga, ‘In search of a new order’, in H. Giliomee & B. Mbenga (ed.), *New history of South Africa* (Tafelberg, Cape Town, 2007), p. 356.

¹⁸ H. Giliomee & B. Mbenga, 2007. *New history of South Africa*, p. 356.

dwindling political hegemony the apartheid substructure was still intact.¹⁹²⁰ However, this research explores the possibility that Wiehahn and his commissioners were looking forward to the time when such ‘cornerstones’ would no longer remain intact.²¹²²

The sociologists Lawrence Schlemmer and Mark Boulanger offer a different perspective, arguing that the Wiehahn Commission was the result of the state taking decisions on what seemed practical at the time for the sake of maintaining their shared long-term objectives with private enterprise.²³ It is this element of a potential long-term view that instructed this research, but at the same time bringing Schlemmer’s and Webster’s appeal to mere ‘pragmatism’ into question. Schlemmer and Webster argue that one of the impetus of such a policy shift came from a realisation of the need of a policy shift within business, stating that:

It may be argued [that] if nothing more than pragmatism with a longer-term perspective is emerging in private enterprise; a pragmatism on a recognition of the economic benefits of mass affluence, consumerism, and long-term stability in an open society, then the socialising influence of business in the wider society may be significant.²⁴

The above is indeed correct, however, when reading against the grain we realise that the argument also alludes to the extent to which colonisation, including the period of apartheid, in South Africa was an economic project, which utilised hard power in the form of state violence to attain compliance from the indigenous black people and soft power in the form of socialised capitalist ideals to manufacture consent for the continuation of said economic project. It is this manufacturing of consent which the research wrestles with, that the co-optation of black South African trade unions in the 1970s, was a process of manufacturing acquiescence among the black population, as state violence was becoming an increasingly ineffective deterrent of resistance against both colonisation and capitalism.

The radical historian Hein Marais, however, has a more cynical view than the pragmatism of Schlemmer and Webster allows. Marais contends that Pretoria’s reform process of the 1970s was

¹⁹ H. Giliomee & B. Mbenga, 2007. *New history of South Africa*, p. 357.

²⁰ R. Moncho, 2017. ‘*The Wiehahn Commission as a precursor to neoliberalism in South Africa*’, p. 12.

²¹ H. Giliomee & B. Mbenga, 2007. ‘*New history of South Africa*’, p. 357; R. Moncho, 2017. ‘*The Wiehahn Commission as a precursor to neoliberalism in South Africa*’, p. 12.

²² L. Schlemmer & M. Boulanger, *Employers’*. Change, reform and economic growth in South Africa (Ravan Press, Braamfontein, 2001), p. 174.

²² L. Schlemmer & E. Webster, 2001. *Change, reform and economic growth in South Africa*, p. 175.

fundamentally another attempt at using hard and soft power, in order to reconfigure production relations and the production value chain, including consumption patterns in order to expand the then ailing economy.²⁵ Marais makes the argument that the Riekert²⁶ and the Wiehahn commissions were positioned in a manner that responded to objectives articulated by the private sector, namely removing constraints on the economy that inhibited the development of an augmented stream of skilled labour sourced from the black population, due to its numerical advantage.²⁷ It was “with a hope [that] an emergence of [a] privileged urban African [class], would act, as a buffer of African moderates [and] was reflected in the commission’s proposal for revenue generation in townships be decentralised.”^{28,29} A main objective of the Wiehahn Commission was to construct a model, “in which the South African economy could benefit from increased productivity and greater purchasing power among a highly skilled”³⁰ “African urban workforce.”³¹ This was a call for the creation of a black middle class that would see its fullest realisation in post-apartheid South Africa.

The University of Limerick’s Professor of Peace and Conflict, Tom Lodge assists us to connect the aims of the Commission with the 1994 settlement. As he observes, “the relative success of the state reformist policies helps explain why the political settlement of 1994 left intact much of the structure of an extremely inequitable society.”³² This was done by building on top of deracialised apartheid policy, allowing for the continuation of the economic sub-structure, with its skewed distribution of income, property and wealth, with the paramount disjuncture being the direct inclusion of an elite segment of the black population within this structure, which is proposed to have been the objective of the state reformist policies of the 1970s. Historian Dan O’Meara further argues that the Wiehahn commission was complemented by the overall Total Strategy.³³ It was combined with the Riekert commission as a measure to ensure the above referenced creation of a black middle class as a buffer, expressed its principal “plan of action being to divide the African people into “urban

²⁵ H. Marais, *South African limits to change: The political economy of transition* (University of Cape Town Press, Rondebosch, 1998), p. 41.

²⁶ A corresponding commission within the reform process, however this commission dealt specifically with pass laws and influx control. Its recommendations were seen as being most beneficial to the business sector.

²⁷ H. Marais, *South African limits to change: The political economy of transition*, p. 42.

²⁸ H. Marais, *South African limits to change: The political economy of transition*, p. 44.

²⁹ R. Moncho, 2017. ‘*The Wiehahn Commission as a precursor to neoliberalism in South Africa*’, p. 13.

³⁰ R. Moncho, 2017. ‘*The Wiehahn Commission as a precursor to neoliberalism in South Africa*’, p. 13.

³¹ H. Marais, 1998. *South African limits to change: The political economy of transition*, p. 44.

³² T. Lodge, ‘Resistance and reform’, in R. Ross, A. K. Mager, B. Nasson, (eds.), *The Cambridge history of South Africa Vol. 2, 1885-1994*, (Cambridge University Press, Cambridge, 2012)

³³ D. O’Meara, *Forty lost years: the apartheid state and the politics of the National Party, 1948-1994* (Ravan Press, Braamfontein, 1983), p. 255.

insiders” and “rural outsiders.””³⁴³⁵ This division curiously evoked a longer standing distinction, that of citizen and subject, with their associated privileges that Mahmood Mamdani theorised in his celebrated book of that title.³⁶

In his history of inequality in South Africa, sociologist Sampie Terreblanche argues that the rejuvenated industrial and societal mass action of the 1970s could be interpreted as “a dramatic shift of power between white political supremacy and racial capitalism, furthermore, shifting the broader balance of [political] power towards Black [people].”³⁷ Given this shift, the National Party government attempted to maintain its continuation, through fortifying both its political and economic influence, given at the cost of sustaining the “white hegemony”³⁸ Terreblanche’s observation that the root of the shift that occurred in South Africa, was in the 1970s rather than the 1990s, inspires this research approach. Terreblanche continues with spelling out the precise aims of the Wiehahn Commission. It was to be a reconfiguration of policy to ensure the “white hegemonic order.”³⁹ This was to be achieved first through “the total strategy aimed at counteracting the alleged total onslaught and meeting the security interests of the military and the security establishment.” A secondary aim was the establishment of “A new accumulation strategy, formulated on behalf of the corporate sector,”⁴⁰ which would be facilitated, thirdly, by “a policy of centralised managerialism aimed at meeting the ambition of the government and its loyal bureaucracy to maintain a strong managerial grip on the process of reform.”⁴¹

On the topic of the Labour Relations Act of 1979, which emerged from the Wiehahn Commission, Marais and Budlender argue that “there was an attempt to divide the African trade union and African working class, further making divisions between urban insiders and rural outsiders”⁴². Furthermore, Marais and Budlender are of the view that “the Riekert commission [of 1977] suggested

³⁴ D. O’Meara, *Forty lost years: the apartheid state and the politics of the National Party, 1948-1994*, p. 252-253.

³⁵ R. Moncho, 2017. ‘*The Wiehahn Commission as a precursor to neoliberalism in South Africa*’, p. 14.

³⁶ M. Mamdani, *Citizen and subject. Contemporary Africa and legacy of late colonialism* (Princeton Studies in Culture/Power/History, Princeton, 2017)

³⁷ S. Terreblanche, *A history of inequality in South Africa*, p. 307.

³⁸ S. Terreblanche, *A history of inequality in South Africa*, p. 309.

³⁹ S. Terreblanche, *A history of inequality in South Africa*, p. 309.

⁴⁰ S. Terreblanche, *A history of inequality in South Africa*, p. 309.

⁴¹ S. Terreblanche, *A history of inequality in South Africa*, p. 309.

⁴² J. Maree & D. Budlender, ‘Overview: state policy and labour legislation’, in J. Maree (ed.), *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin*, p. 120.

a program of co-optation of urban African residents at the expense of rural based Africans.”⁴³ Looking at the legacy of both these commissions might allude to why 26 years into democracy rural areas and the townships are spaces with the characteristics of stagnation. While for many Black South Africans, in order to participate in activities that allow for attainment of the social capital for upward social mobility they have to travel to white spaces, mainly urban ‘white spaces’, as this is where the locus of our formal economy resides.

Richard Bissel and Chester Croker argue that the Wiehahn commission “viewed its purpose as providing a solution to the interrelated economic, political, domestic and international problems posed by the revival of Black worker militancy... which caused international illegitimacy.”⁴⁴ Danelle Van Zyl-Hermann argues that the reforms of the commission were ‘aimed at introducing industrial democracy as a desirable first step towards political democracy.’⁴⁶ She further argues that the Commission’s aim was ‘to recast apartheid in a more “acceptable” guise’⁴⁷ rather than dismantle it.

The sociologists Jeremy Seekings and Nicoli Nattrass argue that “in deracialising the wage-bargaining machinery, which had hitherto underpinned white income relative to, African incomes, the apartheid government rebuilt a system that was to underpin the incomes of the employed relative to the unemployed.”⁴⁸ They argue, however, that when influx control was abolished in 1986 the aims of the commission were destroyed. I intend to interrogate the validity of this assertion. Although their observation may be valid when looking through the lens of *de jure* legislation the divisions that underpinned influx control were still *de facto* in place.

Providing a helpful macro-historical perspective, the French economist Thomas Piketty argues that between the years:

1910-1950, the top centile took around... 22-25 percent of national income in South Africa... [whereas between] 1950-1980 the top centile share fell... [to] 11-12 percent in South Africa.

⁴³ J. Maree. (ed.), *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin*, p. 120.

⁴⁴ R. Bissel & C. Crocker, ‘South Africa into the 1980s’, *American political science review* 74(4), 1980, p. 122.

⁴⁵ R. Moncho, 2017. ‘*The Wiehahn Commission as a precursor to neoliberalism in South Africa*’, p. 17.

⁴⁶ D. van-Zyl-Hermann, ‘*Economic integration but political apartheid? The Wiehahn commission and the role of white organised labour in industrial reform, 1997-1980*’, p. 13.

⁴⁷ D. van-Zyl-Hermann, 2013. *Economic integration but political apartheid? The Wiehahn commission and the role of white organised labour in industrial reform, 1997-1980*.

⁴⁸ J. Seekings & N. Nattrass, ‘*Race, class and inequality in South Africa*’, p. 149.

Thereafter, in the 1980s the top centile's share rebounded, and today it stands at about...16-18 percent in South Africa.⁴⁹

Piketty's comment helps us to cast the supposed pragmatism of the 1980s into a larger upper-class profitability and suppression of working class interests, when taking into consideration the assertions made previously by Friedman on the reform process of the 1970s being a result of the South African business sector's attempts to remove structural constraints to accelerated capital accumulation. Additionally, Piketty's assertion links with Schlemmer and Webster's views on the Wiehahn Commission, as part of the reform process of the 1970s, being influenced by the long-term view of private enterprise.

Most of the literature on this subject matter seemed to agree on this point: the division of the African population envisioned an African middle class that was to act as a buffer from the African proletariat. The significant incorporation of African people on the level of legislation in South Africa first occurred within labour relations, with the Wiehahn commission drafting the recommendations to which such law would be formed. This incorporation undoubtedly facilitated the possibility of a negotiated settlement based on democratic principles of incorporation and liberalisation. Quite ambitiously, the research attempted to address a question that might be seen as a stock standard drum that gets beaten at conferences and symposia, in fundamentally occupying itself with what went wrong with South Africa's democratic transition?

The research explores the co-optation of the African trade union movement, in the late 1970s, as a possible causal factor, by suggesting that due to the continual advancement of progressive voices within the broader liberation movement⁵⁰ the power struggle within the African trade union movement saw workerist goals taking centre stage in negotiations with the state. This, in conjunction with the absence of any active African political organisations with the mobilisation capacity of the trade union movement in the 1980's and the gains which the trade union movement had acquired, a similar route of seeking recognition and incorporation was likely to be followed by the political leadership within the liberation movement, as some of them were from the trade union movement.

⁴⁹ T. Piketty, *Capital in the twenty-first century*, p. 225.

⁵⁰ X. Mangcu, (ed.), *Becoming good ancestors. Archive, public deliberation and identity in South Africa* (Wits University Press, Johannesburg, 2011).

Methodology

The Wiehahn commission in South African history is viewed as a watershed moment in both apartheid legislation and as a turning point in the struggle against colonialism in South Africa. The research uses primary sources written within the period following the Wiehahn moment, more contemporary works on the Wiehahn commission and proposes a revised view of the Wiehahn Commission within South African historiography. The research was initially envisioned to make use of the Wiehahn Commission archival collection held at the South African archives, in order to shine more light on these archives and possibly contribute to how the Wiehahn moment is *remembered*. However, the index for the collection seems to have been misplaced by the archives and National Archives of South Africa have since been closed due to internal matters, in addition to this, with the emergence of the current Covid-19 pandemic which has limited the use and access not only to the state archives, however, also to alternative institutional archives.

These alternative archives offer different lenses at which to look at the same events, as presented within governmental archives. As governmental archives are mainly about preserving documents relevant to the current government in place, conversely what is preserved from alternative archives provides different perspectives on events with an assortment of different motivations and varied actors, most especially those views counter to the status quo. These counter perspectives are important as they allow for a comparison of whether there is overlapping archival material for establishing authenticity of the archival material and of the historical events. In remedying this challenge, the research makes use of online archives, the SA Media online archive, the *Rand Daily Mail* online archive, the University of the Witwatersrand Cullen Library online archive on FOSATU and Aluka online archives on struggle history. With specific reference to material relating to the Wiehahn Commission and following the aforementioned limitations the research readjusted its objectives to conducting a brief exploratory discussion of the commission and proposes that, the Wiehahn commission, following the general pattern in the history of commissions, acted as a way to extinguish the speed of change and to co-opt the labour movement, when seen broadly, as the commission was part of a coordinated reform programme to manufacture African consent for inclusion rather than revolution.

This mini-dissertation's methodology fundamentally utilized the historical method of qualitative research, it is additionally written using the narrative research method. The research draws from primary historical material, academic works written within the time-period of the research and more recent secondary material. The primary material was sourced from several online archives and range from reports written by different organisations, newspaper articles and illustrations. In addition to this, the paper uses the observation of Eddie Webster that "the ever-increasing emphasis on class-based approaches to problems of inequality assists in understanding patterns of ownership of assets and income in addition to access to economic and social opportunities,"⁵¹ as a lens through which we have interpreted our data. Additionally, when interpreting archival material, the research was cognisant of Verne Harris's theory of the "archival sliver."⁵² As Harris puts it "what is retrievable from the archive is but a sliver of a sliver of a sliver, of the actual historical event."⁵³

Chapter outline

The first chapter deals with the resurgence of the labour movement in South Africa. It goes on to questions such as, who was Prof Wiehahn? What were the objectives of the Commission? The chapter makes the argument that the Wiehahn Commission acted to diffuse the increasing tension within South African labour relations, in order to forestall the end of apartheid.

The second chapter discusses what the recommendations of the Wiehahn Commission were, looking at the Wiehahn Commissions' terms of reference and recommendations, which were accepted and importantly what relevance does the commission have in 2020? This chapter makes the argument that the Wiehahn's recommendations had more pragmatic immediate goals aimed at diffusing tension, however, the Wiehahn Commission also had longer-term objectives.

⁵¹ E. Webster, 2017, 'South Africa needs a fresh approach to its stubbornly high levels of inequality', *The Conversation*, <https://www.google.co.za/amp/s/theconversation.com/amp/south-africa-needs-a-fresh-approach-to-its-stubbornly-high-levels-of-inequality-87215>, access: 26 January 2018.

⁵² V. Harris, 'The Archival Sliver: Power, Memory, and Archives in South Africa', in Mangcu, X. (ed.), *Becoming worthy ancestors. Archive, public deliberation and identity in South Africa*, (Wits University Press, Johannesburg, 2011).

⁵³ V. Harris, 2011, 'The Archival Sliver: Power, Memory, and Archives in South Africa', *Archival Science* (2), 2002.

The third chapter deals with responses to the Wiehahn Commission, including from right/conservatives, to international observers and the Federation of South African Trade Unions. The conclusion, presents the findings of the research, including an evaluation of our hypothesis. Possible future research and thoughts on any possible way forward for South Africa.

The concluding chapter makes the argument that the Wiehahn Commission had two sets of goals, the immediate and the longer-term, where the immediate would come with destructive elements for the status quo, however, allowing for long term benefits for capital accumulation.

CHAPTER 1: THE HISTORICAL CONTEXT OF THE WIEHAHN COMMISSION

Societies are living and therefore continuously changing collectives of peoples, ideas, cultures, spaces, and intersections. This includes institutions, peoples and relations that are in place to resist this constant tide of change. The focus of this dissertation is on the latter element, namely societal composites that fight against said organic change. We look at the Wiehahn Commission of Inquiry, as a temporary institution, and argue that this institution, acted as a mediator between calls for change and the continuation of the status quo. In addition to this, in line with existing research, the paper argues that counter-logically the immediate effects of these commissions seem to harm the status quo, however, when assessed in a longer view, these commissions assist in the perpetuation of the status quo by obtaining the consent of dissenting voices and incorporating them within the prevailing system. This broader conclusion is possible by looking at the environment that prompted the institution of the *Commission of Inquiry into Labour Relations* (Wiehahn Commission) of 1977-1979 and with a revised view of both its immediate and long-term effects. This chapter in particular sets out the historical context in which the Wiehahn Commission takes place, beginning with a brief look at commissions of inquiries.

Commissions of Inquiry: a colonial legacy

Commissions of Inquiry, and more precisely Commissions of Royal Inquiry, are “traceable through British History to William I’s 1085 royal mandate.”⁵⁴ This process of fact-finding and seeking solutions to societal and policy issues, and its attenuated legislation was then transplanted into colonial societies through imperialism and has since survived the end of official colonialism of the twentieth century. Outside of an overly legalistic view, “Commissions of inquiry can be broadly defined as ‘sites of sense making’ through a social process where defenders of the status quo can engage proponents of alternatives to the status quo.”⁵⁵ Within the Wiehahn Commission, Wiehahn

⁵⁴ G. Inwood & C. Johns, ‘Commissions of Inquiry and Policy Change’, *A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 5.

⁵⁵ G. Inwood & C. Johns, ‘Commissions of Inquiry and Policy Change’, *A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 8.

was part of the said proponents of an alternative labour relations framework. At the time of his appointment, Wiehahn was known to be an exponent of a unitary labour relations system, in addition to greater labour flexibility. This approach by Wiehahn was viewed as liberal as opposed to those within the National Party government, who were insistent on increased regulation and tightening up of measures against Black South Africans.

Commissions of inquiry “address issues beyond the existing branches of government, the executive, the legislative and the judicial.”⁵⁶ Although these commissions find legitimacy in times where either one or multiple branches of government are viewed with mistrust, through the inclusion of representatives from various societal positions this legitimacy is seen to be established. However, it would be unsound to believe that within the process and space in which commissions are conducted, these dissenting voices are the sole drivers of the trajectory of the reports themselves as commissioners are appointed by the executive and representatives that have the resources to make a stronger case logically from the ranks of the ruling elite.

What is of greatest concern in our conversation is reflected in the work by Inwood and Johns, among others, that of “policy change as being *transformative but diffuse[ive]*.”⁵⁷ When linking this assertion with our argument that the Wiehahn Commission was an example of a colonially transplanted process, that acted to insure the continuation of the status quo through gaining the consent of dissenting voices. This being done through the incorporation of the dissenters into the prevailing system, by the colonial apartheid regime, through a concession for incremental change, while diffusing the potency of the initial point of contestation. When conducting research into the archives, questions of the role of commissions, the question of the inevitability of change without commissions and why some commissions led to change while others did not arise.⁵⁸ The increased use of commissions of inquiry as spaces of sense-making from the 1990s have led to questions of the effect of Neo-institutionalism and Historical-institutionalism.⁵⁹ “A more multidimensional approach moves beyond either incrementalistic or punctuated equilibrium accounts of policy change. Change is evident in multiple aspects of policy and occurs at different intensities, paces, sequences and dimensions.”⁶⁰

⁵⁶ G. Inwood & C. Johns, ‘Commissions of Inquiry and Policy Change’, *A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 6.

⁵⁷ G. Inwood & C. Johns, ‘Commissions of Inquiry and Policy Change’, *A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 5.

⁵⁸ G. Inwood & C. Johns, ‘Commissions of Inquiry and Policy Change’, *A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 4.

⁵⁹ P. Sebatier, *Theories of the policy process* (Routledge, New York, 2007).

⁶⁰ G. Inwood & C. Johns, ‘Commissions of Inquiry and Policy Change’, *A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 5.

In South Africa, the Commissions Act of 1947 has been instrumental in the implementation of commissions of inquiry and the limits it sets on the scope and legal power a commission has. The act confers on the president the right to delimit the inquiry of the commission and establish desired regulations for the commission, including procedural conduct, privacy and temporary extraordinary powers.⁶¹ This links with the proposition that it is difficult to seek revolutionary change from within the system and therefore the Wiehahn moment can rather be classified as an effort to attain meaningful change by the black population, through the gains attained from the commission. However, as the Wiehahn Commission was a process which was instituted by the head of the then government, who orientated the commission process, established a framework to which the government would be assessed on, including which recommendations to accept and which to reject. Moreover, commissions instituted by the government seek to produce policy recommendations that might impact lived experiences, while the government chooses from these recommendations that are considered reasonable compromises in line with their objectives. However, if movements that seek monumental societal changes would move away from expecting reform through commissions, they would surely have a much greater impact on real change.⁶²

Industrial turmoil and the Wiehahn Commission

The 1950s saw the third wave of African trade unionism, with efforts at resistance going into the 1960s, despite the government's passing of the Native Labour (Settlement of Disputes) Act of 1953 and the Suppression of Communism Act of 1950, all this in a Treason trial environment.⁶³ Notable, was the establishment of the South African Congress of Trade Unions (SACTU), when 15 black unions joined together to form SACTU,⁶⁵ in March 1955, following the Trade Union Council of South Africa (TUCSA) refusing membership to black trade unions.⁶⁶ The first president Mr Petrus Beyleveld, who would cement SACTU's place within the struggle against apartheid South Africa with SACTU's

⁶¹ A. Middleton, 'Notes on the nature and conduct of commissions of inquiry: South Africa', (*Comparative and International Law Journal of Southern African*, South Africa, 1986), p. 253.

⁶² G. Hoole, *Reconceiving Commissions of Inquiry as Plural and Participatory Institutions: "A critical reflection on Magidiwana"*, (University of South Africa, Pretoria) p. 222.

⁶³ South African History Online, August 2019, '*South African Congress of Trade Unions (SACTU)*', <https://www.sahistory.org.za/article/south-african-congress-trade-unions-sactu>, access: 5 December 2020.

⁶⁴ S. Friedman, 'Waves breaking on the shore: Unions before the seventies', *Building tomorrow today: African workers in trade unions, 1970-1984* (Ravan Press, Braamfontein, 1983), pp. 27-28.

⁶⁵ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 27.

⁶⁶ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 27.

attendance of the Congress of the People on 26 June 1955, in Kliptown Soweto, which saw the adoption of the Freedom Charter.⁶⁷⁶⁸ “SACTU argued that to ignore politics was to accept the racial laws which controlled workers lives.”⁶⁹ SACTU went on to mount an impressive number of strike actions in the late 1950s, where at the time it had managed to amass “a membership of 53000 from 51 affiliated unions by 1961, including reaching out to international labour unions in efforts to create a broader network,”⁷⁰ representing unskilled black labour⁷¹

SACTU did however face some challenges, as the union “preferred worker militancy over official structures”⁷² which allowed them to operate counter to the state, and influence an increased number of industrial actions.⁷³ SACTU also managed to gain some informal recognition agreements from employers, however working independently from the state meant that sufficiently addressing workers concerns was difficult.⁷⁴ The 1970s saw a resurgence of industrial action of a militant nature, which can be partly attributed to a “post-Rivonia Trial”⁷⁵ environment, while taking lessons from the organisation strategies of SACTU and an emphasis on worker democracy. The apartheid government had instituted a number of discriminatory laws at the expense of Coloured, Indian and especially indigenous African people, conferring unequal rights resulting in unequal influence and riches.⁷⁶

In addition to this, there existed dualism within the industrial relations framework: the African workforce was regulated by the Bantu Settlement of Disputes Act of 1953, which led to the introduction of works committees for the African population, while the settler population, both Afrikaner and English, were recognised by the legislative framework, leading to “direct access to favourable bargaining structures.”⁷⁷ While since the beginning of the century Africans were denied the right to form legal trade unions and were not recognised as ‘employees,’ as that would have been partly an acquiescence to African people’s rights to citizenship, the government resolved to set up a

⁶⁷ South African History Online, August 2019, ‘*South African Congress of Trade Unions (SACTU)*’, <https://www.sahistory.org.za/article/south-african-congress-trade-unions-sactu>, access: 5 December 2020.

⁶⁸ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 27.

⁶⁹ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 27.

⁷⁰ South African History Online, August 2019, ‘*South African Congress of Trade Unions (SACTU)*’, <https://www.sahistory.org.za/article/south-african-congress-trade-unions-sactu>, access: 5 December 2020.

⁷¹ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 27.

⁷² S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 29.

⁷³ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 29.

⁷⁴ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 29.

⁷⁵ O. Kgosi, Nov 1983, “*A United federation: An important key*”, Umkhonto we Sizwe, Dawn, Vo. 7, pp. 20. <https://disa.ukzn.ac.za/danov8316815785007000nov198310>, access: August-September 2020.

⁷⁶ J. Marais & D. Budlender, ‘Part II; Overview, State Policy and labour’, in J. Marais (ed.), *The Independent trade unions 1974-1984* (Ravan Press, Braamfontein, 1984), p. 116.

⁷⁷ Nick Horner, *Native Labour Act of 1953?* (*South African Labour Bulletin*, South Africa, 1982)

factory-based system for complaints by the African workforce, in addition to statutory works committees,⁷⁸ a temporary bandage as they were ineffective and the concerns of the African populace went beyond the work place.

The years of sporadic industrial strikes of 1972-1973 across industrial centres in South Africa, created anxiety among business leaders, as the absence of strike leadership meant that there were no worker representatives to negotiate with. The state responded by passing new legislation to further constrict the rights of African people, in this case, to frustrate any possible movement to formally organise African labour, through the 1973 Bantu Labour Regulations Act.⁷⁹ In addition to the growing resistance in the decolonial efforts of neighbouring Angola and Mozambique, leading to both these Southern African countries attaining liberation, this development also created a growing sense of weakening colonial power in Southern Africa, this development also had an effect of emboldening the urban African population of South Africa in its efforts to subvert the apartheid government,⁸⁰ resulting in greater urban mobilisation of the African youth, with the influence of the philosophies of the Black Consciousness Movement of Bantu Biko. In South-West Africa, current day Namibia, the Ovambo strikes⁸¹ of 1971-1972, signalled a coming shift of the migrant labour system of Southern Africa, where approximately 20 000 black workers went on strike, having a detrimental impact on the economy and resulted in significant wage increases for the workers.⁸²

Soon after, the apartheid government had another onslaught of strike action, this time, within the country, on the morning of 9 January 1973 workers at the Coronation Brick and Tile Factory in Durban went on strike, with numbers growing to around 100 000 by May 1973.⁸³ A small group of black workers went on strike, citing unacceptably low wages due to little increases in wages over the past decade. The average wage was standing at “R13 a week, below the R18 poverty datum line in Durban.”⁸⁴ while there had been an increase in the cost of living over time, leading to much lower buying power. These strikes would be the beginning of wild cat strikes in Durban and “spread to East London and Johannesburg by 1974.”⁸⁵ The period immediately following the 1973 strikes is seen as

⁷⁸ J. Marais. (ed.), *The Independent trade unions 1974-1984*, p. 117.

⁷⁹ M. Budeli, *Trade unionism and politics in Africa: The South African experience*, Inaugural lecture at Unisa Professor: Department of Mercantile Law, (University of South Africa, Pretoria, 2012), p. 471.

⁸⁰ Phambili Collective, Nov 1989, *Building unity in action – the workers’ summit*, Phambili, No. 3, South Africa, pp. 10. <https://disa.ukzn.ac.za/panov891816618000003nov19895>, access: 4 May 2020

⁸¹ G. Wood, *Strikes and stayaways in relation to the political developments in South Africa 1970 – 1987*.

⁸² C. Fenwick, *Labour law in Namibia: Towards an ‘indigenous solution’?*, p. 672.

⁸³ E. Webster, ‘Prologue: Ten years of the South African Labour Bulletin’, in J. Marais (ed.), *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin* (Ravan Press, Braamfontein, 1984), p. xi.

⁸⁴ Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 47.

⁸⁵ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 40.

“an era of a struggle for survival as the unions battled to obtain recognition in a hostile environment, with both the state and capital opposed to their very existence.”⁸⁶ “By 1974, [strikes] they had become so common that, on average, more than 1000 were on strike each day”⁸⁷ Students through the National Union of South African Students, and the formation of multiple “labour support organisations, such as the Urban Training Project (UTP),”⁸⁸ which were not yet unions sprung up and began assisting workers with labour grievances and provided worker education programs, which meant the upskilling of black labour.⁸⁹

By 1976, it was clear that black trade union militancy had shown that the repressive laws of the apartheid regime were no longer effective to dampen the organic change within the country and that this “black labour militancy had to be solved.”⁹⁰ Increased strike action following the Durban 1973 moment, along with the Soweto student uprising came “threats of sanctions and disinvestment,”⁹¹ at a time when South Africa was increasingly shunned by the international community. These events along with shortages in skilled labour⁹² and an economic recession⁹³ added to the apartheid government’s decision to set up a policy reform process. By the year 1977 the trade union movement had been growing in strength with “22 black trade unions being formed [including the Federation of South African Trade Unions,] leading to the establishment of parallel white unions”⁹⁴ to counter this development. With the above developments along with increased repression of black trade unions by the state including the banning of trade union leaders, the state decided to institute the Wiehahn Commission of Inquiry into Labour Relations and the Riekert Commission of Inquiry into Manpower Utilisation.

⁸⁶ J. Maree, 1987 ‘Part I: Overview; Emergence of the trade union movement’, p. 117.

⁸⁷ S. Friedman, ‘Waves breaking on the shore: Unions before the seventies’, S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*. (Ravan Press, Braamfontein, 1982) p. 27.

⁸⁸ M. Hlatshwayo, ‘Building workers’ education in the context of the struggle against racial capitalism: The role of labour support’, p. 2. <<http://www.historicalpapers.wits.ac.za/docs/fosatu/fosatu-intro.pdf>>, access: 5 December 2020.

⁸⁹ S. Friedman, *Building tomorrow today: African workers in trade unions, 1970-1984*, p. 27.

⁹⁰ W. Visser, The Wiehahn Commission and the Miners’ strike of 1979: ‘White Labour and the Beginning of the end of Apartheid in South Africa’, *Joernaal Eietydse Geskied*, 01 Dec 2011, SA Media-The University of Free State, p. 5.

⁹¹ W. Visser, The Wiehahn Commission and the Miners’ strike of 1979: ‘White Labour and the Beginning of the end of Apartheid in South Africa’, p. 5.

⁹² M. Budeli, ‘Trade unionism and politics in Africa: The South African experience’, p. 469.

⁹³ J. Judeli-Lesha, ‘The effectiveness of South African labour legislation in dealing with mass industrial action before and after the promulgation of The Constitution Act 108 of 1996’ (LLM Labour Law thesis, University of Kwa-Zulu Natal, Kwa-Zulu Natal, 2016), p. 33.

⁹⁴ J. Judeli-Lesha, ‘The effectiveness of South African labour legislation in dealing with mass industrial action before and after the promulgation of The Constitution Act 108 of 1996’, p. 35.

In addition to African workers being denied formal legal rights, they were offered legal recourse on the basis of their 'migrant labour' status, alongside white people, Indian and Coloured people who, however, were granted formal trade union rights and were included in the provisions of the Industrial Conciliation Act of 1924 and 1956.⁹⁵ The latter were provided with conciliation boards and industrial rights, albeit the Indian and Coloured peoples citizenship rights were murky.⁹⁶ While with any upsurge of economic strife and demands for a greater workforce and more flexible labour policies were made, the apartheid government's response was rigid and the political will to institute meaningful change in the industrial relations system was found lacking and commissions were instituted to 'fill the vacuum.'⁹⁷

Namibia, at the time still a protectorate of South Africa, began its industrial mass action a short while before South Africa's Durban strikes, that are seen as having ignited the resurgence of the industrial mass action of the 1970s. Namibia's Black workers attained the right to formally register and join trade unions in 1978,⁹⁸ a year before this was recommended by the Wiehahn Commission and accepted by the South African state in 1979. Whenever the Wiehahn commission or report is mentioned, the Riekert Commission must without fail also be mentioned in the discussion. The Riekert Commission was established by Botha in 1978 to inquire into matters of African labour and of influx control, with the preferred outcome being that influx control be relaxed.⁹⁹ While other views, specifically from the Black Sash in August of 1979, on the accompanying Commission of Inquiry, the Riekert Commission, stated that an understanding of the Riekert report as not having any effect on the overall policy of separate development as the policy had become overly complex with time, citing Riekert's reference to homelands as 'Black States' as an indication that rural based Africans were not included within the compromise.¹⁰⁰

Even though the African population had numerical advantage over the then ruling white minority,¹⁰¹ this minority had been experiencing fluctuations in immigration of white people into the

⁹⁵ J. Maree & D. Budlender, *'Part II; Overview, State Policy and labour'*, p. 117.

⁹⁶ J. Maree & D. Budlender, *'Part II; Overview, State Policy and labour'*, p. 117.

⁹⁷ Bradford, 1999/2000, p. 141, in G. Inwood & C. Johns, *Commissions of Inquiry and Policy Change. 'A Comparative Analyses: Why Study Commissions of Inquiry?'*, p. 4.

⁹⁸ C. Fenwick, *'Labour law in Namibia: Towards an 'indigenous solution'?'*, p. 669.

⁹⁹ T. Machaba, 'American Press Reportage on PW Botha's Attempts at Reforming Apartheid, 1978-1989, with Specific Reference to the New York Times, Newsweek and Africa Report' (*Journal of Contemporary History*, Free State, 1986), p. 85.

¹⁰⁰ S. Duncan, August 1979, *The Black Sash: 'Riekert Commission Report'*, p. 7.

¹⁰¹ W. Visser, *The Wiehahn Commission and the Miners' strike of 1979: 'White Labour and the Beginning of the end of Apartheid in South Africa'*, *Joernaal Eietydse Geskied*, (SA Media-The University of Free State, Free State, 01 Dec 2011), p. 2.

country, from a high of 36,734 in 1948 to a low of 9,805 in 1960, however these numbers saw a sharp rise to 48,051 in 1966.¹⁰² In the late 1960s in a study of political, business and bureaucratic elites, a significant majority of both Afrikaner and British respondents were in agreement with basic apartheid ideology.¹⁰³ However differing sentiments like “the Afrikaner will have to work more closely with Africans, and even develop joint forms of organisation with them, if he wants to participate in the African market”¹⁰⁴ started appearing, with the sentiments being made at the *Handelsinstituut* conference of 1974. Unlike in the previous decades where agriculture and mining were dominant, the 1970s were characterised by the strengthening of manufacturing, construction and services sectors, with their related demand for a skilled and productive workforce.¹⁰⁵ In addition to this, although white labour predominated in formal skilled labour within the country, this demographic saw a decrease in its labour market saturation from 82% of the market in 1960 to 65% in 1981.¹⁰⁶

This change was seen as the backdrop of the Wiehahn commission and the legislative renegeing of the previous statutory job reservation that ensured white saturation of positions within the skilled labour market.¹⁰⁷ This, coupled with the state’s inability to exert sustainable colonial violence and market pressure for a greater numerical pool of skilled labour, led to the government seeking reform and allowing for a growth in secondary African education,¹⁰⁸ which would later become a powder keg. Potgieter Stofberg, a prominent political figure of the Broederbond and a member of the National Party’s executive committee,¹⁰⁹ in an interview with Verwoerd in early “September 1966, the Prime Minister [Verwoerd] told [Potgieter] apartheid was unworkable, Potgieter asked Verwoerd why he did not change apartheid if he saw it as unworkable. Verwoerd replied that it was not yet feasible politically: ‘You can’t turn the car around too sharply, it will capsize.’”¹¹⁰

Could this reference to an unfeasible political situation that needed a gradual shift be an insight into the reform process of the 1970s. That the reform process was foreseen or at least that Verwoerd imagined a day were the Bantustans might be independent. We are that the process itself was positioned as a gradual ‘turning’ of the South African society, in a manner that does not

¹⁰² J. van Rooyen, ‘The Great New Trek: *The story of South Africa’s white exodus*’, p. 21.

¹⁰³ H. Giliomee & B. Mbenga, *New History of South Africa*, p. 343.

¹⁰⁴ ‘The African market giant’, *Rand Daily Mail*, 15/5/1974, p. 2.

¹⁰⁵ H. Giliomee & B. Mbenga, *New History of South Africa*, p. 347.

¹⁰⁶ H. Giliomee & B. Mbenga, *New History of South Africa*, p. 347.

¹⁰⁷ H. Giliomee & B. Mbenga, *New History of South Africa*, p. 347.

¹⁰⁸ H. Giliomee & B. Mbenga, *New History of South Africa*, p. 347.

¹⁰⁹ ‘Peter Johannes Potgieter’, N.d, <https://peoplepill.com/people/peter-johannes-potgieter-1/>, access: 02 Decemehr 2020.

¹¹⁰ E. Dommissie & W. Esteruyse, ‘*Anton Rupert: A Biography*’, p. 169. in Unpublished Manuscript, T. Simpson, pp. 268-269.

compromise the overall structure of the boat. This conversation between Potgieter and Verwoerd, is seen by the research as an understanding of the unsustainability of apartheid among the Afrikaner political elite¹¹¹ and a realisation among some Afrikaner elites of either an alternative gradual shift or a fragmentation of black society that would ensure their survival in South Africa.

Wiehahn and the Commissioners

On 8 July 1977, the apartheid state gazetted the appointment of Nicolas Everhardus Wiehahn, as the chairman of the Wiehahn commission, in addition to thirteen other commission members, with the final name on the list being that of Mr Benny Ntseare Mokoatle. The inclusion of Mr Mokoatle was celebrated as a victory for the African population and as proof of the coming liberalisation by the commission and by extension the state.¹¹² The Chairman, Professor Nic Wiehahn, was born in Mafikeng on 9 April 1929, and was raised in a conservative working-class family. Wiehahn's father was a railway worker and Wiehahn left school in Standard 7 and began working as a railway stoker.¹¹³ "After years of working at the railways and attending night classes, Wiehahn matriculated at the age of 21 and began his law studies, where he acquired an LLD. Wiehahn would later become a member of the South African and Lesotho Bar,"¹¹⁴ he then became a renowned academic and legal expert within South Africa.¹¹⁵ Following the Commission he chaired, Wiehahn went on to pen a number of books on the reform of labour relations in South Africa, perhaps from an understanding that the work he had begun with the commission he chaired might have been incomplete.¹¹⁶

¹¹¹ E. Domnisse & W. Esteruyse, 'Anton Rupert: A Biography', p. 169. in Unpublished Manuscript, T. Simpson, pp. 268-269.

¹¹² South African Republic, 'Govt gazette, No. 5651: Notice 445 of 1977', General Notices, Department of Labour, "Appointment of Commission of Inquiry into Labour Legislation", p. 20.

¹¹³ Giles Files, n.d, 'Wiehahn Obituary 2006' <https://www.gilesfiles.co.za/wiehahn-obituary-2006/>, Access: 05 April 2020.

¹¹⁴ Giles Files, n.d, 'Wiehahn Obituary 2006', <https://www.gilesfiles.co.za/wiehahn-obituary-2006/>, access: 05 April 2020

¹¹⁵ Giles Files, n.d, 'Wiehahn Obituary 2006', <https://www.gilesfiles.co.za/wiehahn-obituary-2006/>, access: 05 April 2020.

¹¹⁶ In no order of publication: N. E. Wiehahn, 1995. 'Gambling in South Africa'; N. E. Wiehahn, & South-West Africa, 1989, 'Report on the commission of inquiry into labour matters in Namibia'; N. e. Wiehahn., Lotteries and Gambling Board, South Africa, 1995, 'The complete Wiehahn report on gambling'; N. E. Wiehahn., D. W. F. Bendix., J. D. Farrell, University of South Africa. Institute of Labour Relations, 1977. 'Some aspects of labour relations'; N. E. Wiehahn, 1993, 'How to: Plan your business'; N. E. Wiehahn., D. J. van Vuuren., J. A. Lombard, & N. J. Rhodie, 1983/1986, 'Change in South Africa'; N. E. Wiehahn, A. V. Akeroyd, 1979, 'South Africa: the historical development of labour relations'; N. E. Wiehahn & NUSAS, 19?, 'Wiehahn: Exposing the contradictions'; N. E. Wiehahn., L. de Villiers, & J. Marais, 1986, 'Doing business with South Africa'; N. E. Wiehahn, 198?, 'Verlag van die kommissie van ondersoek na die instellin van 'n bedingingsliggaam vir die Suid-Afrikaanse Verwoerdienste in verband met salarisse en diensvoowaades'; N. E. Wiehahn, & University of the Orange Free State: Luyt Centre for Business Law, 198?, 'Aspekte van arbeidsreg'. Among many others.

The other members that sat on the commission, in the order that was set out in the government gazette, were Prof Petrus Jacobus van der Merwe, Dr Errol Prain Drummond, Mr Christiaan Willem Hendrick du Toit, Mr Thomas Ignatius Steenkamp, Mr Richard Vincent Sutton, Mr Arthur Izak Nieuwoudt, Mr Jannes Arthur Grobbelaar, Mr Townsend Stafford Neethling, Mr Nicolaas Johannes Hechter, Mr Gopie Munsok, Mr Christiaan Aledore Botes and Mr Benny Ntseare Mokoatle. While Prof Wiehahn, the Chairperson of the commission, can be thought of as holding the middle ground within the commission, there were two polarising figures on the commission. Of these two was, Mr. Arthur Nieuwoudt, who acted as an internal polarising figure and was “the president of the right-wing South African Confederation of labour, representing 200 000 workers,”¹¹⁷ and the author of many of the minority recommendations within the Wiehahn Commission. Nieuwoudt’s recommendations are characteristic of an all-out rejection of any proposal that was counter to the logic of apartheid and called for “the retention of job reservation and the banning of all black trade unions.”¹¹⁸ Secondly, was Mr. Benny Mokoatle who was a polarising figure in the sense that he sat on a pivotal commission, a commission that would shape the history of the country he had no political rights in and a commission which was to possibly forestall the fall of the political party that was suppressing the people of his race. Although when coming to the inclusion of black people, the membership of their trade unions and on the matter of registration, there was another divide, where two groups of five commissioners each had varied ideas on what recommendations to offer, including on closed shop agreements.¹¹⁹

The Wiehahn Commission, like many commissions under this system of policy reform, can be seen as a ‘site’ of ideological contestation, based on claims of which path leads to the best possible outcome and the means to get there for the commission,¹²⁰ based on multiple views of the historical moment. The inclusion of a black person Mr Mokoatle, an executive member at SAB, on the Wiehahn Commission was a step in the right direction, it is important to acknowledge that through this inclusion, black South African’s interests were afforded a seat at the table. Such representation had not occurred from the times of the Berlin Conference that put into motion the Scramble for Africa and the 1908-1910 Unification of South Africa talks between the English and the Boer, where at both events indigenous African people had been excluded, this inclusion is clearly as a result of continued resistance by the indigenous population. However, this inclusion was not altruistic, it was strategic, as

¹¹⁷ ‘Job bars to go’, *Rand Daily Mail*, 2/5/1979, Township, p. 1.

¹¹⁸ ‘Job bars to go’, *Rand Daily Mail*, 2/5/1979, Township, p. 1.

¹¹⁹ ‘Nieuwoudt hammers for ranging labour reforms’, *Rand Daily Mail*, 2/5/1979, p. 13.

¹²⁰ G. Hoole, *Reconceiving Commissions of Inquiry as Plural and Participatory Institutions: ‘A critical reflection on Magidiwana’*, p. 222.

it was positioned to present an image of the Wiehahn Commission and by extension the Apartheid state as truly reformist, this was directed at both the black population and international interests that were looking closely at South Africa.

The Wiehahn Commission's terms of reference put in place by State President Nicolas Johannes Diederichs, an economist who studied at the University of Leiden, were in two parts, in accordance with the Commissions Act of 1947. The two-part terms of reference were to inquire into, report upon and make recommendations on various labour-linked legislation. Secondly, the notice of appointment, provided specific terms of reference to serve as guidelines in the conduct of the commission of inquiry. Following the Commission submitting its recommendations to the Minister of Labour Mr Fanie Botha and subsequently to Cabinet, the recommendations were tabled in Parliament on 1 May 1979, while the *Rand Daily Mail* reported on 3 May 1979 that the state president Mr P. W. Botha had indicated that the cabinet "had accepted all the commission's recommendations in principle, [however] many would have to be implemented with caution and care in either the short, medium or long term."¹²¹

Several the Commission recommendations were accepted with amendments and led the government to repeal the Bantu Labour Regulations Act of 1973. These changes gave all workers the ability to join trade unions and organise themselves, regardless of racial classification.¹²² However, this acceptance came with a number of residual conditions, one among them included that the registering trade unions, in line with provisions of existing trade unions, needed to furnish the government with membership and financial records, which was problematic as these details would have opened up the trade union movement to government intrusion, oversight, and control, including the repression of black trade unionists. An indication of the broader context is provided by the example of how early in the commission process in February 1978, 8 trade unions affiliated with CCOBTU, wrote a joint letter to the Wiehahn Commission calling for the unbanning of 23 trade unionists.¹²³

The year 1979 saw the establishment of the Consultative Committee of Black Trade Unions (CCOBTU), from unions established by the Urban Training Project. These unions emerged following the 1973 Durban strikes.¹²⁴ CCOBTU sought to concern itself with greater collective mobilisation of the

¹²¹ A. Akhalwaya, 3/5/1979, *Rand Daily Mail*, 'Enforce the Wiehahn proposals', p. 1.

¹²² M. Budeli, 'Trade unionism and politics in Africa: The South African experience', p. 472.

¹²³ 'Unions call for lifting of bans,' *Rand Daily Mail*, 9/2/1978, p. 5.

¹²⁴ M. Hlatshwayo, 'Building workers' education in the context of the struggle against racial capitalism: The role of labour support', <http://www.historicalpapers.wits.ac.za/docs/fosatu/fosatu-intro.pdf>, access: 5 December 2020.

African people against the apartheid government within the labour sector.¹²⁵ The growing significance of African trade unions in the coming decade following the Wiehahn moment cannot be disputed, in addition to, the inclusion and allied contribution of white liberal university students and academics cannot be overlooked, including their involvement within the trade unions themselves.¹²⁶

Conclusion

Although the African trade union movement drew from the shared African experience of colonialism, segregation and economic discrimination, it would be improper to present a view that this movement had a unitary approach to any eventual change. There existed mainly two factions that were to be categorised into ‘workerists’ and ‘populists’ in the early 1980s.¹²⁷ The difference was in the approach to liberation, between whether the workers should unite on the basis of being workers or whether they should unite under the banner of being part of the social body. The former, were driven by an understanding of their struggle based on ‘class consciousness,’ while the latter were driven by the ideology of African Nationalism.

All the while, apartheid South Africa found itself in a tailspin, with solutions needed. The 1960s had seen apartheid being favourable to the regime, and black resistance to be sufficiently under control as it not was not yet a threat that could topple the regime. However, a host of factors, such as resurgence of militant strike action, youth mobilisation, international pressure and economic concerns relating to the need for more highly skilled workers, in an increasingly diversifying economy hit by an economic recession necessitated drastic measures on the part of the apartheid state.

¹²⁵ O. Kgosi, Nov1983, ‘A United federation: An important key’, Umkhonto we Sizwe, Dawn, Vo. 7, pp. 19-22. <https://disa.ukzn.ac.za/danov8316815785007000nov198310>, access: August-September 2020.

¹²⁶ Phambili Collective, November 1989, *Building unity in action – the workers’ summit*”, Phambili, No. 3, South Africa, p. 10. <https://disa.ukzn.ac.za/panov8918166180000003nov19895>, access: 4 May 2020

¹²⁷ Phambili Collective, Nov 1989, ‘*Building unity in action – the workers’ summit*’”, Phambili, No. 3, South Africa, p. 9. <https://disa.ukzn.ac.za/panov8918166180000003nov19895>, access: 4 May 2020.

CHAPTER 2: THE WIEHAHN REPORTS

South Africa's economic plans for the homelands, took off slowly with only 44 000 jobs created and significantly lower comparative productivity and household income among Africans by the mid-1960s,¹²⁸ while the homelands were still positioned as political justification for the discrimination of black people. Significant parts of the world were experiencing the global economic crisis of the 1970s, following what has been termed the OPECalyse,¹²⁹ where a rise in fuel prices led to a ripple effect across integrated economic markets internationally, leading to a downturn of numerous economies, and assuring the fall of Keynesian policies and the rise of austerity measures by affected countries and their satellite economies. This period following the economic collapse of 1973 saw increased labour militancy internationally, where labour movements made significant gains in the representation of the working class, influencing labour policy and the strengthening of solidarity among labour unions in various parts of the world through the International Labour Organisation (ILO). The beginning of the 1970s in South Africa, saw an economy that was in good condition, with positive growth built on cheap black labour, while riding the tide of the boom and an influx of investment the country experienced in the 1960s.¹³⁰

The Commission's terms of reference

The Wiehahn Commission was established first through the appointed of the commissioners on 8 July 1977, then the government followed with the commission's terms of reference on 26 August 1977. These terms of reference, established by Diederichs, for the purposes of the commission were as follows:

The adjustment of the existing system for the regulation of labour regulations in South Africa with the regulations in South Africa with the object of making it provide more effectively for the needs of our changing times; (ii) the adjustment, if necessary, of the existing machinery for the prevention and settlement of disputes which changing needs may require; (iii) the elimination of bottle-necks and other problems which are at present being experienced within

¹²⁸ H. Giliomee & B. Mbenga, *'New History of South Africa'*, p. 343.

¹²⁹ Ibid

¹³⁰ H. Giliomee & B. Mbenga, *'New History of South Africa'*, p. 343.

the entire sphere of labour; and (iv) the methods and means by which a foundation for the creation and expansion of sound labour relations may be laid for the future of South Africa.¹³¹

The wording of these terms of reference is quite telling to say the least. It indicated that the Wiehahn commission had layered objectives, for instance, clause (iv) refers to the “creation and expansion’ or rather ensuring the continuity of what the terms of reference refer to as ‘sound labour relations,’ a possible reference to the expansion of state control over the black population, with new measures to suit the changing times. When looking at this latter proposition with clause (i) that refers to “the adjustment of the existing system,” could be a possible insight that the National Party had been responding to pressure within the society, however, chose to direct the trajectory of change through this reform process which the Wiehahn Commission was a part of, the state and by extension the white population sort adjust or gain some flexibility in order to survive. Looking at the Commission’s recommendations, the major adjustments were for the inclusion of black labour within the system, allowing for influence and surveillance by the government, secondly the commission made recommendations that were ‘liberal’ enough to allow for continued use even after any political change. Regarding the commission process itself:

Over the course of eighteen months, from August 1977 through early 1979, the Commission had heard testimony from 184 witnesses and pored over written submissions from 255 further respondents, including trade unions, employers’ associations, labour officials, businessmen, activists, and even the Bureau of State Security (BOSS). By a slim majority, Wiehahn and the 13 commissioners urged the government to grant all South African workers the unequivocal right to join trade unions, to dismantle once and for all the system of job reservation that had long barred Africans from certain positions, and to extend to all unions, regardless of racial composition, the opportunity to be incorporated into South Africa’s complex, corporatist industrial relations machinery.¹³²

The terms of reference for the Wiehahn Commission were quite comprehensive of the government’s position in relation to its long-term needs, surely partly as a result that the world’s eyes were fixed upon apartheid South Africa and this reform process was a measure of last resort on the part of the National party government. The early 1980s saw the tabling of the Amendment of the Constitution Bill

¹³¹ South African Republic, “Appointment of Commission of Inquiry into Labour Legislation”, *Govt gazette, No. 5651: Notice No. 595 of 1977*, (General Notices Department of Labour, South Africa, 1977), p. 21.

¹³² A. Lichtenstein, *From Durban to Wiehahn: Black Workers, Employers, and the State in South Africa during the 1970s*, (Wits Institute for Social and Economic Research, University of the Witwatersrand, 2013), p. 1.

in 1982 which is posited to be viewed as anomalous or inconsequential. This amendment of the constitution should be viewed in conjunction with the reform process of the period, showing a tectonic shift, the question at hand is towards which direction, or rather directions. The proposed state concessions towards black people, like establishing a National council of Provinces as House of Commons and National Parliament as House of Senate, with the inclusion of Non-European people brought with them considerable contradictions with the ideology of Malan, Strijdom and Verwoerd, requiring a reconfiguring of the constitution.

The Wiehahn Commission reports

The Wiehahn Commission reports, had both majority recommendations which were championed by Prof Wiehahn and offered findings supported by the majority of the commissioners, while the minority recommendations within the report were compiled by the commissioners opposed to the findings of the majority and sought to offer recommendations that would not endanger white labour or the apartheid system.¹³³ Like demands for self-determination by former colonised people following WWII, labour reforms were not singular to South Africa. Looking at Sweden around 1976, a short while before the establishment of the Wiehahn commission, the country had also experienced difficulty as it moved away from a conflict-based labour relations system, to a collective bargaining process.¹³⁴ This reform of the labour relations system in Sweden provided an avenue for the joint-regulation of grievances and matters relating to the conducting and management of businesses and distribution of employment and was regulated by a Joint Regulation of Working Life Act of 1976.¹³⁵

In the process of its massive undertaking, the Wiehahn Commission investigated every aspect of South African industrial relations. Their final report(s) offered recommendations on work reservation and the colour bar, the closed shop, the rights of migrant workers, apprenticeship procedures, workplace segregation, stop-order dues payments, the structure of trade unions, collective bargaining procedures, the creation of an industrial court, and many other issues.¹³⁶

¹³³ Ibid

¹³⁴ N. Cassim, 1984, 'The changing contours of labour law', *Comparative International Law Journal of Southern Africa*, Vol. 17, Issue. 3, Pretoria, 1984, p. 347.

¹³⁵ N. Cassim, 1984, 'The changing contours of labour law', p. 347.

¹³⁶ A. Lichtenstein, From Durban to Wiehahn: Black Workers, Employers, and the State in South Africa during the 1970s, p. 3.

In South Africa, the establishment of the Commission of Inquiry into Labour Relations, released proposed recommendations on the reform of state policy in six reports.¹³⁷ The First Part of the Wiehahn Commission of Inquiry into Labour Relations' focused on matters related to registration on the independent trade unions, with major recommendations¹³⁸ that read as follows:

...full trade union rights for all races, including migrant workers from the Bantustans. Freedom of association to join trade unions and unions [would] determine their own membership, segregated or multiracial. The extension of the committee system to all races. Opening up of apprenticeship training [to all races]. A permanent National Manpower Commission to review all labour matters. The scrapping of job reservation and the retention of five job reservation determinations, to be phased out rapidly.¹³⁹

While the second Wiehahn report focused on worker training, the third Wiehahn report, offered recommendations on social security. While the fifth report of the Wiehahn commission, released in 1981, unlike the other reports released from 1979 to 1980,¹⁴⁰ had a larger effect closer to that of the first report, "recommending that labour law and practices should correspond with international conventions and codes."¹⁴¹ In addition to this, part five of the Wiehahn Report also made recommendations relating to "freedom of association and the regulation of industrial action."¹⁴² The Sixth Part of the Wiehahn Report proposed recommendations related to "legislation regarding labour relations in the mining industry and foreshadowed the inclusion of black workers in previously reserved jobs on the mines."¹⁴³ The recommendations included a change in terminology from the filling of positions in the mining industry from 'scheduled person' to 'competent person.'¹⁴⁴ Following the recommendations of the Wiehahn Commission, the Industrial Conciliation Act was amended in 1979, and there were subsequent "amendments in 1980, 1981, 1982, 1983, 1984, 1988 and 1991"

¹³⁷ 'Job bars to go,' *Rand Daily Mail*, 2/5/1978, p. 1.

¹³⁸ 'Job bars to go,' *Rand Daily Mail*, 2/5/1978, p. 1.

¹³⁹ 'Job bars to go,' *Rand Daily Mail*, 2/5/1978, p. 1.

¹⁴⁰ J. Judeli-Lesha, *The effectiveness of South African labour legislation in dealing with mass industrial action before and after the promulgation of The Constitution Act 108 of 1996*, p. 34.

¹⁴¹ M. Budeli, *Workers' rights to freedom of association and trade unionism in South Africa: From apartheid to the democratic constitutional order* (University of Cape Town, Cape Town, 2007), p. 70.

¹⁴² J. Judeli-Lesha, *The effectiveness of South African labour legislation in dealing with mass industrial action before and after the promulgation of The Constitution Act 108 of 1996*, p. 34.

¹⁴³ W. Visser, *The Wiehahn Commission and the Miners' strike of 1979: 'White Labour and the Beginning of the end of Apartheid in South Africa'*, p. 7.

¹⁴⁴ J. Judeli-Lesha, 2016, *The effectiveness of South African labour legislation in dealing with mass industrial action before and after the promulgation of The Constitution Act 108 of 1996*, p. 36.

In addition to the above, the Wiehahn Commission also recommended that the state should practice minimal intervention and that rather with the establishment of the Industrial Court, and the National Manpower Commission, “with a tri-partite configuration. [With] interests represented on the commission being ‘the state, employers & employees.’”¹⁴⁵ However, the Wiehahn Commission went on to assert that relating to unregistered unions “a very real danger that this development is in the process of creating [independent black trade unions] an informal system which it might in the long run not be possible to dismantle or restructure even if registration were to be permitted at a later stage.”¹⁴⁶

As of 1981, 7.5 million Africans were employed, 71% of the economically active population of the country accounting for only 29.4% of the total distribution of income, while the white population amounted to 1.9 million in employment, 17% of the economically active population and had 58.7% of the total distribution of income.¹⁴⁷ In the years following the Wiehahn Commission, the *South African Labour Bulletin* warned workers against the obsessing over “whether the Wiehahn moment was rational, or obsessing over the illiberality of the apartheid government or obsessing over exposing the state, citing that these would result in “an inability to grasp [Wiehahn’s recommendations] inner contradictions, an inability to warrant that workers force real concessions from it [and] an inability to comprehend the practical uses black workers can make of the legal channels.”¹⁴⁸ It follows that workers were not particularly for the Wiehahn Commission, they were willing to accept the benefits that came with this development, however these changes were seen as a way to attain better working conditions, the commission was at first viewed with minimal expectation, however for the workers, the commission provided a relief from petty and grand apartheid. In addition to the commission’s previously stated major recommendations, the Wiehahn commission also recommended the repealing

¹⁴⁵ Wiehahn, para. 2.32., Wiehahn, para. 2.45.7., Wiehahn, para. 2.22., Wiehahn White Paper, para/ 5.2.3., Industrial Conciliation Bill (clause 2.), in *South African Labour Bulletin*, 1979, ‘Critique of the Wiehahn Commission’, Maree, J. (ed.), 1987. *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin*. p. 139-140.

¹⁴⁶ Wiehahn, para. 3.35.14, in *South African Labour Bulletin*, 1979, ‘Critique of the Wiehahn Commission’, Maree, J. (ed.), 1987. *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin*. p. 141.

¹⁴⁷ S. Boyer, 1984, ‘*Black Workers Under Siege – The Repression of Black Trade Unions in South Africa*’, African Fund District Council No. 37, p. 5. <http://www.aluka.org/stable/10.5555/al.sff.document.af000209>, access: 2020; *Mail and Guardian*, 19 November 2019, <https://mg.co.za/article/2019-11-19-why-sa-is-the-worlds-most-unequal-society/#:~:text=Income%20inequality%20in%20South%20Africa,only%2035%25%20of%20total%20income>, access: 30 September 2020. By comparison, in 2019 the top 1% of the country took home 20% of the income generated in the country, while the top 10% in its entirety took 65% of the income generated by the country, and the remaining 90% of the population took 35% of the income distribution.

¹⁴⁸ *South African Labour Bulletin*, 1982, p. 49.

of “Section 51 of the Factories, Machinery and Building works Act, meaning there would be no more separate facilities based on race.”¹⁴⁹

A proportion of Black workers’ approach towards the Wiehahn Commission was one of pragmatism, although some dismissed the commission, while the relationship of the Government with the Wiehahn Commission was one of establishing a long-term approach to the limitations the apartheid system had. A United Nations report, shows us how internationally the impact of the commission was initially dismissed, published in September 1979, the report quotes from a Johannesburg *Sunday Times* article that “while the Wiehahn Report calls for a ‘common loyalty to both the system and the country,’ Africans want no part of the present system. As a recent letter to the Johannesburg Sunday Times puts it, “We who are black do not want more improvements, a mere shifting of the same furniture about the room. We want fundamental change”.”¹⁵⁰ This showed an awareness that the reforms were aimed at stunting the development complete emancipation of black people in South Africa. This can be seen in the state viewing unregistered black trade unions as benefitting from recognition however avoiding regulation as unfair and amending legislation to compensate for this oversight.

Conclusion

The Commission was instituted to inquire into several pieces of legislation,¹⁵¹ as at the time the apartheid government put in place a considerable number of laws to anticipate any loopholes. The commission was a measured and purposeful action, rather than a solely pragmatic action. The Wiehahn Commission like other commissions in general reform processes, was set up to appease business interests both internal and external to South Africa at the time, among other objectives. This included the appeasement of liberal and sympathetic white people, and the commission did

¹⁴⁹ ‘Let all workers decide on integration,’ *Rand Daily Mail*, 2/5/1979, p. 13.

¹⁵⁰ United Nations, & M. Shafer, ‘The Wiehahn report and the Industrial Conciliation Act: new attack on the trade union movement in South Africa’, (*United Nations*, New York, 1979), p. 5.

¹⁵¹ South African Republic, ‘Appointment of Commission of Inquiry into Labour Legislation’, *Govt gazette*, No. 5651: Notice No. 595 of 1977, (General Notices Department of Labour, South Africa, 1977), pp. 20-21. These were the: Industrial Conciliation Act, 1956 (Act 28 of 1956); Bantu Labour Relations Regulations Act, 1953 (Act 48 of 1953) Wage Act, 1957 (Act 5 of 1957); Factories, Machinery and Building Work Act, 1941 (Act 22 of 1941); Shops and Offices Act, 1964 (Act 75 of 1964); Training of Artisans Act, 1951 (Act 38 of 1951); Bantu Building Workers Act, 1951 (Act 27 of 1951); Electrical Wireman and Contractors’ Act, 1939 (Act 20 of 1939); Workmen’s Compensation Act, 1941 (Act 30 of 1941); Unemployment Insurance Act, 1966 (Act 30 of 1966); Registration for Employment Act, 1945 (Act 34 of 1945)

this while responding to the changing continental and global environment. However: “reform constituted a redefining or reimagining of the status of urban Africans, redefining them as not in the first place black, but as workers. This served to neutralise the political nature of their demands by focusing on labour rights.¹⁵²”

This was at a time where the days of empire were past and fascist ideologies were being marginalised. The Wiehahn Commission, attested to by its lasting acclaim, laid out policy reform in a manner that related to concerns of poverty and working conditions. This was intentionally directed towards the black population, however, it had a double effect. The Wiehahn Commission appealed to alleviation of poverty and a relief from apartheid’s oppressive policies for the black population, while it also contributed to an optimal outcome for white South Africa. This optimal outcome was a negotiated constitutional change rather than a revolutionary change. Although white ‘liberals’ and South African businessmen saw the change coming, the *verkrampste* were of a different view. The *verkrampste* saw the commission as a dangerous endeavour that would lead to dangerous concessions and preferred the continuation of the status quo. The Commission forestalled international intervention, by signalling positive reform, from the appointment of Wiehahn, a figure seen as friendly towards free market principles, to the appointment of Mokoatle, a black commissioner, to counteract claims directed at the apartheid regime of being a fundamentally racist government.

To this effect a United Nations Report on The Wiehahn report and the Industrial Conciliation Act, makes a damning evaluation of the situation in South Africa, stating that:

South Africa’s leaders in other words, are willing to accept a few, select black as ‘honorary’ white – and make do with a South Africa a little less pure in order to maintain its continued economic prosperity. The Tactical shift in emphasis between the political and economic ends of apartheid is significant. What is essential is that it marks the beginning of another phase of South Africa’s modernisation of racial domination.¹⁵³

Following the state accepting some of the recommendations of the Wiehahn commission, mainly to allow Africans the rights to form recognised trade unions, precipitated by the inclusion of Africans within the definition of an ‘employee’ within the legal framework, the scrapping of the colour bar and

¹⁵² D. van Zyl-Hermann, 2020, ‘White workers and the unravelling of racial citizenship in late apartheid South Africa’, in D. Money, D. van Zyl-Hermann, 2020, *Rethinking white South Africa, (Routledge Studies in the Modern History of Africa, South Africa)*, p. 195.

¹⁵³ United Nations, & M. Shafer, ‘*The Wiehahn report and the Industrial Conciliation Act: new attack on the trade union movement in South Africa*’, p. 16.

subsequent unification of the legal framework came a number of amendment acts.¹⁵⁴ However the state initially rejected full trade union rights for the ‘non-white’ population, in addition to rejecting the proposal for the establishment of multiracial trade unions.¹⁵⁵ Following protest by the black trade union movement, the government included these proposals in the Industrial Conciliation Act of 1979, however with a clause granting these rights to only black workers with fixed employment and who had rights to urban residence, following further protest by black trade unions, the government amended the 1979 Industrial Conciliation Act to remove this stipulation.¹⁵⁶ This type of reform can be seen elsewhere¹⁵⁷, for instance:

From the mid-1930s, French and British colonial regimes were confronted with increasingly forceful strike action and political movements amongst African workers. Consequently, colonial bureaucrats were forced to reimagine African labour and implement reforms in order to pre-empt labour crises with the potential to spill over into other spheres. Both ‘British and French governments, in quite different ways, were trying to construct some kind of junior citizenship through which colonized people could partake of some, but not all, of the qualities of a metropolitan citizen’. These reconceptions would provide new legitimacy for colonial governments by incorporating labour into the post-war colonial system, while at the same time serving to regain control over African workers and to separate them from other groups with which they might unite to challenge colonial rule.¹⁵⁸

Relating to the Wiehahn Commission, “while conventional wisdom suggests inquiries are intended to defuse political controversies, in fact they often stir them up”.¹⁵⁹ The results of the commission are based on a fact-finding mission within the terms of reference given by the government and are influenced by the opinions of Commissioners at the end of the process.¹⁶⁰ However, a commission’s effect on shaping public and government opinion on a number of matters should not be understated. Although Wiehahn’s recommendations had removed restrictions that had endured for a century and

¹⁵⁴ Ibid

“Amendments to the ICA came in the form of Industrial Conciliation Amendment Act, 94 of 1979 and 95 of 1980, the Labour Relations Amendment Act 82, and 57 of 1981, Labour Relations Amendment Act 51 of 1982, Labour Relations Amendment Act 2 of 1983. Labour Relations Amendment Act, 81 of 1984, Labour Relations Amendment Act, 83 of 1988 and Labour Relations Amendment Act, 9 of 1991.”

¹⁵⁵ F. de Clerq, 1979, ‘Apartheid and the organised labour movement’, in *Review of Political Economy*, p. 75.

¹⁵⁶ F. de Clerq, 1979, ‘Apartheid and the organised labour movement’, p. 75.

¹⁵⁷ F. Cooper, *Decolonization and African societies* (Cambridge University Press, Cambridge, 1996), p. 266, in D. van Zyl-Hermann, 2020, ‘White workers and the unravelling of racial citizenship in late apartheid South Africa’.

¹⁵⁸ Ibid

¹⁵⁹ G. Inwood & C. Johns, *Commissions of Inquiry and Policy Change, ‘A Comparative Analyses: Why Study Commissions of Inquiry?’*, p. 18.

¹⁶⁰ G. Hoole, *Reconceiving Commissions of Inquiry as Plural and Participatory Institutions: ‘A critical reflection on Magidiwana’*, p. 225.

created space for a renewed imagination of trade union opposition to the state, the debate cannot end there, so as to say we need to look at the gift horse within the mouth. By 1985 Nic Wiehahn was the head of UNISA's School of Business Leadership,¹⁶¹ and was quoted in *The Star* expressing his view that the economic system in South Africa had to be rethought, looking back retrospectively being located within increasing neoliberal 21st century South Africa moving into "the second phase of our long drawn transition from colonialism of a special type to the National Democratic Society."¹⁶² Strikingly Wiehahn further asserted, that "until there is freedom in the economy, unemployment will be one of the negative side-effects of structural restrictions in South Africa".¹⁶³ It is unnerving that both of Wiehahn's statements would still be relevant. Using an example of the shift in the 1970s elsewhere in Europe, Germany in the 1970s, like Sweden, began taking note of the need to grant workers' rights of inclusion into the decision making process, as a way of "gaining their cooperation," by affording them a path to a better economic life through political democracy, transforming the working class "from an economic vassal[s] into an economic citizen[s]."¹⁶⁴

¹⁶¹, 'Surveys canvass Black opinion,' *The Star*, 21/10/1985, p. 21.

¹⁶² C. M. Ramaphosa, 06 September 2020, 'Online Statement by the President of the ANC and the Republic of South Africa',

https://twitter.com/CyrilRamaphosa?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor access: 11 September 2020.

¹⁶³ 'Surveys canvass Black opinion,' *The Star*, 21/10/1985, p. 21.

¹⁶⁴ Nazeer Cassim, 1984, 'The changing contours of labour law', p. 344.

CHAPTER 3: THE IMPACT OF THE WIEHAHN REPORTS AND LAWS

The informal sector in South Africa in the 1980s was operating at minimal remuneration as a result of restrictive laws, however, with the repeal of such laws the informal sector began growing leading to increased job fragmentation,¹⁶⁵ a fragmentation that is still evident in post-94 South Africa. Emma Mashinini, a trade unionist, whose autobiography is tellingly titled *Strikes have followed me all my life*, started the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) in 1975 a few years before the country experienced its most prolific decade in terms of the number of strike actions, the ungovernable 1980s.¹⁶⁶ This African trade union, established for black shop workers, with Mashinini as its first general secretary, was part of the drive that led to the establishment of the Wiehahn Commission and as early as 1981 alongside the National Union of Distributive Workers, the National Union of Mine Workers and FOSATU, was part of the drive towards the establishment of the Congress of South African Trade Unions, formally established in 1985.¹⁶⁷

The pull towards a unified African collective effort with regards to greater economic rights and the ultimate fall of the apartheid regime, was front of mind from the early 1980s seen in the Langa Summit of 1981, where these objectives were reaffirmed.¹⁶⁸ Along the lines of the previously-mentioned factionalism within the African trade union movement came different positions when talks of unifying the African trade union movement came into play. Considerations were on the characteristics of such unification; matters relating to non-racialism, the inclusion of white members and white union leadership and whether the movement should re-join the liberation movement and use its collective strength to provide numbers to the Congress movement, among other concerns.¹⁶⁹ With the 1984 amended constitution in South Africa, fuelling greater resistance and increasingly

¹⁶⁵ Peter Davis, 'Is There a Skills Shortage?', *Indicator SA*, Vol. 6, No 1/2, 1989, p. 93.

¹⁶⁶ Presidency, Republic of South Africa, <http://www.thepresidency.gov.za/national-orders/recipient/emma-thandi-mashinini-1929>, access: 28 August 2020

¹⁶⁷ Presidency, Republic of South Africa, <http://www.thepresidency.gov.za/national-orders/recipient/emma-thandi-mashinini-1929>, access: 28 August 2020

¹⁶⁸ O. Kgosi, Nov 1983, 'A United federation: An important key', *Umkhonto we Sizwe*, Dawn, Vo. 7, pp. 19-22. <https://disa.ukzn.ac.za/danov8316815785007000nov198310>, access: August-September 2020

¹⁶⁹ Phambili Collective, Nov1989, 'Building unity in action – the workers' summit', Phambili, No. 3, South Africa, p. 12. <https://disa.ukzn.ac.za/panov8918166180000003nov19895>, access: 4 May 2020

violent reaction by the security forces, while the labour movement itself was organised into one of the largest trade union federations the country has ever seen. Botha himself was unwilling to accept many of the reforms his party believed were needed for their survival, showing greater fragmentation among the white population. At the moment the Afrikaner Nationalist regime refused grating franchise to the black population the state had went down a slippery slope, however South Africa had passed the two-pronged Rubicon after the 1976 moment, the Soweto student uprisings and the killing of Bantu Biko, with this the end of a ruling Afrikaner Nationalist regime was certain.

Immediate white conservatives' responses

The minority recommendations were penned by Mr Nieuwoudt, the white conservative trade unionist that sat on the commission and sought to retain the white privilege promised to them by the National Party government. He feared rescinding the past 50 years of labour policy that provided preferential treatment to the white settler population, from employment to remuneration, which was seen as diminishing the power of the coveted Mines and Works Act¹⁷⁰ of 1926¹⁷¹ and endangering the social and economic status of the white population. The Wiehahn Commission's proposed scrapping of the wage colour bar would strike at the privilege that the white labouring population had gained with the ascension of the National Party in the late 1940s. White South African labour, which had been integral in the maintaining of the racial divide both politically and within industry, in the sense of the maintenance of the apartheid policies of social engineering and the continuation of a cheap labour base, had become a constraint to the very objectives of the elite within the National Party by the late 1970s.¹⁷² "The [Mine Workers Union] MWU of the late 1970s resorted to confrontational political resistance and protest in its disputes with the NP government."¹⁷³ The emerging Afrikaner elite sought a move from the racialised welfare system that had put them into power, to a more efficient capital accumulation strategy.¹⁷⁴

¹⁷⁰ Colour bar Act of 1926

¹⁷¹ B. Murray, 'The Period 1924 to 1939', in T. Cameron & S. Spies (eds.), *A New Illustrated History of South Africa*, p. 251.

¹⁷² W. Visser, *The Wiehahn Commission and the Miners' strike of 1979: 'White Labour and the Beginning of the end of Apartheid in South Africa'*, p. 7.

¹⁷³ W. Visser, *The Wiehahn Commission and the Miners' strike of 1979: 'White Labour and the Beginning of the end of Apartheid in South Africa'*, p. 7.

¹⁷⁴ D. O'Meara, *Forty lost years: the apartheid state and the politics of the National Party, 1948-1994'*.

The reaction of the conservative white workers, which was to be relieved of their preferential placement within the employment system, can be seen in the MWU mobilisation and strike action of February 1979, after rumours of the Wiehahn Commission seeking to recommend the removal of the wage colour bar and in the minority recommendations of the Wiehahn Commission espoused by Mr Nieuwoudt and other white union representatives. While on the MWU organised a strike on 5 May 1979 “against the scrapping of job reservation [and this strike] escalated into a nationwide strike involving 9000 white workers from 70 unions.” While the dominant contestations among the Commissioners was along with issues of remuneration as a result of shifts in the labour terrain, which saw white labour shedding its bargaining power, and the impending Wiehahn reforms that would remove preferential job reservation and go on to both legalise and legitimise African claims to worker’s and African political rights was undecided on the retention of closed shops.¹⁷⁵¹⁷⁶ Paulus, the general secretary of the MWU, and the MWU “consolidated their ranks, [and] a politically-conscious pressure group, or one advocating solidarity similar to the Polish example in 1980 was to be created.”¹⁷⁷ However, with the institution of the Wiehahn recommendations into law and continued black trade union mobilisation resulted in the sustainability of this action.

FOSATU responds

Following the formation of the Federation of South African Trade Unions (FOSATU), in April 1977, the most pertinent question that faced African trade unions at the time, was whether they should indeed become registered unions, with the stipulations that it entailed and the general deep-seated mistrust between the South African black independence movements and the government. In a special edition of *FOSATU Workers News* of November 1979, six months after the first report of the Wiehahn Commission was released, FOSATU made the case in support of registration with a number of conditions.¹⁷⁸ The African Food and Canning Workers Union and the Western Province General Workers Union supported registration subject to similar conditions at a meeting with FOSATU in

¹⁷⁵ W. Visser, The Wiehahn Commission and the Miners’ strike of 1979: *White Labour and the Beginning of the end of Apartheid in South Africa*.

¹⁷⁶ Jantjies, South Africa. Ibid

¹⁷⁷ W. Visser, The Wiehahn Commission and the Miners’ strike of 1979: *White Labour and the Beginning of the end of Apartheid in South Africa*, p. 7.

¹⁷⁸ Special Edition: ‘FOSATU sets Conditions for Registration’, *FOSATU Workers News*, Nov 1979, p. 1.

September, although the Consultative Council of Black Trade Unions did not attend as they disagreed with registration of any kind.¹⁷⁹

By 1981 repression of African unions was still continuing, as seen with the mysterious burning of two FOSATU offices on the East Rand, in Gauteng.¹⁸⁰ The largest African trade union federation of the 1970s, the FOSATU, was established on 20 April 1977, less than two weeks before the releasing of the first Wiehahn Commission report recommending the legalisation of African trade unions. The period leading up to the release of the Wiehahn Commission report was predominated by qualms that both the Wiehahn and Riekert commissions were going to recommended measures that would be to the detriment of white workers,¹⁸¹ while the prime minister in February 1979 was quoted as saying “the cabinet would consider the two reports together.”¹⁸²

The report’s release had already been delayed in February 1979,¹⁸³ until its release in May of the same year. This was all while the apartheid state was exacting brutal repression of the black population and its organisations, including the trade union movement, however, to say or prove that either the then government or white unions were responsible for the burning of the FOSATU offices is beyond the purview of this research. FOSATU played an integral part in shaping the conversation within the trade union movement with regard to registration and organising on an industrial level. In addition to this, FOSATU was integral in the building of democratic principles of participatory membership within the movement, these democratic principles that took shape on both a factory and national level, including the election of union officials was instrumental in the growing strength of the union movement in the 1980s and it set the groundwork for a negotiated transition to a post-apartheid South Africa.¹⁸⁴ “FOSATU was the biggest of the components which came together to form COSATU in 1985. COSATU inherited from FOSATU in particular the tradition of worker control, which still today ensures that the unions power lies in the hands of the workers on the shop-floor,”¹⁸⁵ COSATU was restricted from participating in politics “after its establishment as it was furthering the struggle against apartheid.”¹⁸⁶

¹⁷⁹ Special Edition: ‘Unions take a Joint Stand’, *FOSATU Workers News*, Nov 1979, p. 1.

¹⁸⁰ ‘Mystery Fire Destroys union offices’, *FOSATU Workers News*, August 1981, p. 2.

¹⁸¹ H. Zille, ‘Botha warns Paulus on ‘mine politics’, *Rand Daily Mail*, 28/4/1978, p. 2.

¹⁸² R. de Villiers, ‘Wiehahn report almost complete’, *Rand Daily Mail*, 15/2/1979, p.2.

¹⁸³ R. de Villiers, ‘Report ready for signing’, *Rand Daily Mail*, 15/2/1979, p. 2.

¹⁸⁴ P. Van der Merwe, ‘Manpower – Government planning and legislation’, *Interfaces/Koppelvlaakke, South Africa: Tydskr. Bedryfsl*, 1981, vol. 12, No. (1/2).

¹⁸⁵ COSATU, ‘*The future is in the hands of the workers: A history of FOSATU*’, (Congress Of South African Trade Unions, South Africa, 2007) p. 11.

¹⁸⁶ M. Budeli, 2007, ‘*Workers’ rights to freedom of association and trade unionism in South Africa: From apartheid to the democratic constitutional order*’, p. 72.

Immediate international responses

In an article in the *Evening Post*, Prof Wiehahn replied to a comment by a Mr Dickerson who commented that discrimination in business practice was a crime in Britain and America, by saying that it was essential to remove these measures, however, these measures were unlikely to be removed immediately.¹⁸⁷ Initially, the consideration of written submissions by the Wiehahn Commission, was limited to matters that fell directly under the purview of the Department of Labour, and the Department of Mines and the commission's terms of reference.¹⁸⁸ With the resignation of Vorster following the 'Information Scandal of 1977-1978'¹⁸⁹ and the subsequent National Party election of P.W. Botha, with his 'adapt or die' philosophy, came a host of responses. Aside from those within the country, publications such as the *New York Times* saw Botha's attempts at reform as a realisation that apartheid was in sharp decline and attempts at holding on to authoritarian power would not be possible and the remaining question was whether a deal could be brokered on the post-apartheid conditions for the white minority.¹⁹⁰ While a more republican view, aligned with the perspective of the once republican, however then Afrikaner nationalist government, the publication *Newsweek*, insisted that Botha seemed to have succumbed to African pressure, however the publication took solace in Botha's indefinite articulation of what these reforms were to be.¹⁹¹ Coming to labour reforms, the *New York Times*, saw mention of the contentious Native Labour Act of 1953, and the Wiehahn Commission with an air of mistrust, with representations made by mainly African voices, further adding to the shift of perceptions of the apartheid government, while *Newsweek* believed the reforms to be a measure of delay.¹⁹²

With the election of Ronald Reagan and Margaret Thatcher in the early 1980s, South Africa had allies in some of its biggest trade partners once more, at least within the leadership of these countries, even though these relationships grew more complicated as the decade progressed. The United States had a sizable number of businesses operating within and trading with South Africa,

¹⁸⁷ 'Labour Problems Unlikely to Remain, Evening Post', *SA Press Association*, No. 7830, 9 Sept. 1977, p. 3.

¹⁸⁸ South African Republic, 'Appointment of Commission of Inquiry into Labour Legislation', *Govt gazette*, No. 5720: Notice No. 595 of 1977, (General Notices Department of Labour, South Africa, 1977), p. 25.

¹⁸⁹ H. Giliomee & B. Mbenga, *'New history of South Africa'*.

¹⁹⁰ T. Machaba, *'American Press Reportage on PW Botha's Attempts at Reforming Apartheid, 1978-1989, with Specific Reference to the New York Times, Newsweek and Africa Report'*, p. 77.

¹⁹¹ T. Machaba, *'American Press Reportage on PW Botha's Attempts at Reforming Apartheid, 1978-1989, with Specific Reference to the New York Times, Newsweek and Africa Report'*, p. 77.

¹⁹² T. Machaba, June 2011, *'American Press Reportage on PW Botha's Attempts at Reforming Apartheid, 1978-1989, with Specific Reference to the New York Times, Newsweek and Africa Report'*, p. 85.

although the Sullivan Code was put in place to undermine the practices of the apartheid regime. Although the Sullivan principles were flawed and were not intended perpetuate apartheid, they did not ensure the discontinuation of the unjust system.¹⁹³ While the new legislation, the Labour Relations Amendment Act of 1979, allowed for the registration of African unions on the recommendations of the Wiehahn Commission, this new registration was still along racial lines, with White, Black, Coloured, Indian, although multiracial unions were permitted and did emerge as a result.¹⁹⁴ “The task of consolidating labour legislation [was] entrusted to a standing Technical Committee in regard to Labour Legislation, which was appointed by the Minister of Manpower Utilisation in November 1979”¹⁹⁵ with recommendations from the University of Pretoria’s Bureau for Economic Policy and Analysis on the effects of the proposed recommendations on both macro and micro conditions.¹⁹⁶

This is part of the background that involves business,¹⁹⁷ and a broader idea that the business sector in South Africa played a ‘progressive’ role in the build-up to the political transition in South Africa. In a recent 2019 lecture by Ian Shapiro on business and democratic reform, Shapiro states that ‘making an argument that business caused the transition in South Africa would not be plausible, however it did play an instrumental role in the characteristics that such change would take, a negotiated transition, based on democratic principles.’¹⁹⁸ The argument is made that business played a role in managing potential spoilers nearer to the democratic transition, where those in resistance to the planned trajectory had to either be convinced, co-opted or marginalised. In furthering this argument, we propose that this applies to the preceding version of the 1994 shift, the Wiehahn transition.

Conclusion

¹⁹³ T. Machaba, June 2011, ‘*American Press Reportage on PW Botha’s Attempts at Reforming Apartheid, 1978-1989, with Specific Reference to the New York Times, Newsweek and Africa Report*’, p. 89.

¹⁹⁴ O. Kgosi, Nov 1983, ‘*A United federation: An important key*’, Umkhonto we Sizwe, Dawn, Vol. 7, pp. 20. <https://disa.ukzn.ac.za/danov8316815785007000nov198310>, access: August-September 2020.

¹⁹⁵ P. Van der Merwe, ‘*Manpower – Government planning and legislation*’, p. 45.

¹⁹⁶ P. Van der Merwe, ‘*Manpower – Government planning and legislation*’, p. 46.

¹⁹⁷ I. Shapiro, 1 Nov 2019, Yale Courses Lecture 12: ‘*Business and Democratic Reform: A case Study of South Africa*’, https://www.youtube.com/watch?v=a8P2vP6hiVs&ab_channel=YaleCourses, access: 09 September 2020.

¹⁹⁸ I. Shapiro, 1 Nov 2019, Yale Courses Lecture 12: ‘*Business and Democratic Reform: A case Study of South Africa*’, https://www.youtube.com/watch?v=a8P2vP6hiVs&ab_channel=YaleCourses, access: 09 September 2020.

The Wiehahn Commission's recommendations especially the recognition of black labourers within the statutory framework, the granting of black trade unions the ability to register and have access to the same statutory bargaining machinery as white labourers, the granting of the right to form multiracial trade unions, the removal of the job colour bar including the legislation of the upskilling of black workers and the removal of petty apartheid laws at the workplace, came with a myriad of immediate positive gains for the black trade unions and their membership. Internal intervention was achieved despite a mentality of the time, that intervention would not occur as a result of South Africa being a self-governing settler colony. Suspicions of South Africa having successfully detonated a nuclear bomb, with the assistance of Germany and Israel could have been a factor in the reluctance to intervene in South Africa's case by the international community and ultimately South Africa was of great economic benefit to world powers who were doing business in South Africa, namely Britain, United States of America and France¹⁹⁹ among others. Industrial relations in the pre-Wiehahn era, mirrored the state's super-structural aims, part of its persona of enacting social engineering, however, it mandated the Wiehahn Commission with the reorienting of the entire labour relations framework, by calling upon the reformation of a considerable portion of the dual labour relations framework and creating a unified bureaucratic framework, with the influence of South African business and political shift within the National Party.²⁰⁰

Commissioners that sat on the Wiehahn Commission were quoted as stating that the influence of international business through their South African subsidiaries was not allowed to influence the commission's recommendations, however, the report acknowledged that "it would be naive to deny or ignore the effect of international attempts to influence labour and other policies in South Africa". The report added that "recent local developments indicated an increasing interdependence of labour, business and political interests."²⁰¹ Even a strong and self-sufficient leader like prime minister Botha was quoted as saying that "there was an increasing amount of pressure by the international trade union movement and employers' organisations on South Africa to change its labour policies and practices."²⁰²

The unprecedented nature of the attempt at reform, through the Wiehahn Commission's recommendations led to several counterintuitive and contradictory results. For instance, the formation of COSATU which consolidated black trade union power, organising black workers on an

¹⁹⁹ Ibid

²⁰⁰ D. O'Meara, *Forty lost years: the apartheid state and the politics of the National Party, 1948-1994*.

²⁰¹ 'Foreign pressure 'ignored', *Rand Daily Mail*, 2/5/1979, p. 13.

²⁰² 'Pressure can't be ignored', *Rand Daily Mail*, 1/12/1978, p. 2.

industry level which provided them more bargaining power. As part of the different strategies employed by the trade unions includes, signing factory level agreements, continuing with plant-based mobilisation, organising stayaways, implementing further democratic principles within the operation of the trade unions and later in the decade joining the congress movement thereby crucially contributing to the fall of apartheid. By 1986, amidst consecutive states of emergencies across South Africa, laws relating to influx control were rescinded, however, influx control was implemented by other means.²⁰³ This followed the recommendations of the Riekert commission and goes on to emphasise the need to study commissions in a comparative view in order to make more sense of developments that might otherwise seem solitary. In 1984 the National party government part of its response to the perceived 'Total Onslaught,' and its strategy to counter through their 'Grand Strategy' attempted an overall redesign of apartheid following from the reform process of the late 1970s, however the drive for a "reform constitution" led to an increase in both societal and industrial collective mobilisation.²⁰⁴

²⁰³ J. Maree & D. Budlender, *The Independent trade unions 1974-1984*, p. 116.

²⁰⁴ J. Davis, 1984 in South Africa: *'The illusion of reform, the reality of resistance'*, Southern Africa Perspectives, No. 1/84, p. 1. <http://www.aluka.org/stable/10.5555/al.sff.document.af000038>, access: 2020.

CONCLUSION: THE LEGACY OF THE WIEHAHN COMMISSION

The Wiehahn commission was indeed a watershed moment, for it opened a space for greater trade union mobilisation, it temporarily stayed the fall of apartheid, however, when the legislation form of apartheid was dismantled, this led to others to pronounce its failure. As a result of its recommendation on the registration of African trade unions, leading to further institutionalisation of democratic principles and a unified trade union leadership. The trade union movement's insistence on operating on a shop floor basis, led to considerable gains within the labour sector, gains that most sections of South African only saw in the post-94 era.

This mini-dissertation has proposed that this period between the late 1970s to the mid 1990s can be seen as an incremental process of compromises, although uneven, by both the African and settler populations, leading to gradual inclusion, that introduced the existing organic change to the prevailing elite class, while staying revolt by necessitating co-optation for inclusion into the status quo. This can be seen in the statement made by Minister Viljoen in *The Star*, on 19 October 1988, that "at present, the indications of policy reform are that, other than at private schools, the desegregation process will start in 'grey areas'. [Speaking] about the possibility of an 'open population group' who 'could live in free settlement areas and receive education on a multiracial basis'."²⁰⁵

This research has attempted a brief re-evaluation of the Wiehahn Commission, albeit aspects of the commission were left out, as a more thorough discussion of the commission requires greater extensive research. However, taking direction from Inwood and Johns that, "a focus on both the endogenous and exogenous factors, including the historical, economic, social, cultural, ideological, and environmental context of the policy process,"²⁰⁶ such extensive research would be of great benefit. More research is needed in ascertaining, what happens when these commissions are held concurrently and in succession, could they not then raise public perception to create several critical masses in identified sectors of society, to attempt to induce a desired outcome or at least a have a greater effect on the said society?

²⁰⁵ 'Is There a Skills Shortage?,' *The Star*, 19 Oct 1988, in, Peter Davis, *Indicator SA*, Vol. 6, No 1/2, p. 92.

²⁰⁶ G. Inwood & C. Johns, *Commissions of Inquiry and Policy Change, A Comparative Analyses: Why Study Commissions of Inquiry?*, p. 5.

This speaks to the argument of this research and the view by Inwood and Johns that commissions are transformative, however, act to diffuse societal tension, as is our conclusion of the effect of the Wiehahn Commission. Regardless of its immediate effects, the larger, long-term effects of the Wiehahn Commission were the introduction of the idea that a policy change, through inclusion and recognition, could provide relief of the constraints of apartheid rather than full revolt. That indeed, incremental change, can still be taken as an acceptable gain. In this respect, O'Meara observes:

In effect, the emerging Total Strategy Doctrine argued that blacks had to be given a stake in the capitalist system. They would have to begin receiving the 'benefits' of that system, through an improvement in their 'quality of life', hopefully thereby engendering a commitment to the defence of South African capitalism against 'the Marxist threat'. But the doctrine was very clear that such improvement were possible only through the closest cooperation between the state and 'the private sector'. Thus, the Total Strategy Doctrine began to create the basis for an explicit alliance between the military and monopoly interests.²⁰⁷

Admittedly, with a retrospective view removed from the historical moment, the research sees the dichotomy between class-consciousness and African Nationalism, as a false dichotomy of choices, and argues that this is specifically how the Wiehahn Commission constrained the growth of the independent African union movement. By finally offering black trade unions inclusion into the system, a long-held struggle by the movement. Through this inclusion or rather co-optation, the apartheid state cut short the movements period of maturation where the union movement was still taking shape. Following the legalisation of black trade unions, the black trade union movement went on to support the efforts of the larger African Nationalist movement. However successful this was, this trajectory led to the same conclusion, the incorporation of the indigenous population within the prevailing system, a system with its structural foundation rooted within conquest and colonisation rather than seeing the choices at hand as one of inclusion or seeking a complete revolt in a manner that would have catapulted the indigenous population out of a colonial structure for a time, in order to build a society based upon pillars of its own making.

The Marikana Massacre, of December 2012 and growing unemployment, has signalled that matters relating to labour relations are once more in crisis. This has sparked a renewed view of the gains made through the Wiehahn Commission, showing the awareness of a continuation from the

²⁰⁷ D. O'Meara, 1983. *Forty lost years: the apartheid state and the politics of the National Party, 1948-1994*, p. 253.

previous regime, with renewed calls for reforming²⁰⁸ the labour relations framework. However, any such reform would mean a similar process, increasing societal concern over either the plight of the workers, increasing labour or societal collective action leading to the establishment of a commission of inquiry into labour, possibly even of related legislation. Which would be, without fail, a drawn-out process of consultation and representations, leading to recommendations culminating in passing of new legislation, that would seem to have the opposite effect of its intended purpose however in the long run result in a circle back to the current conditions, as any legislation amended or reformed is insufficient to resolve labour and African woes, as they would be building upon a system constructed on the availability of cheap African labour with contemporary concerns of masking colonialism within the bombardment of neoliberal demands.

If the last attempt at reform is to be taken as an example, any such repeat might result in a new elite in South Africa, and a large proportion of the population that idolizes an identity based on consumption and consumerism, where the gospel of wealth applies, insistent upon the golden rule, whereas it is, he who has the gold rules.²⁰⁹ Where there exists a “ubiquitous commodification and fetishizing of commodities, the ascribing of magical powers to commodities,”²¹⁰ seen in growing inequality, a consumption based economy and corruption. Quite possibly the late seventies with shifts not only in the political and industrial relations, this decade also represented higher wages for the African people, in addition to recognition of limited citizenship by the apartheid state. In addition to this the then prevalent philosophies of Biko, produced an ethic to live by for the Africans, this ethic experienced a gradual shift following Biko’s death, with the rise of political and material concerns taking centre place within the revolutionary consciousness. Post-94, this gradual shift can be seen by the most prevalent philosophy among a considerable portion of South Africans, being that of conspicuous consumption and capital accumulation. Where once the churches set a benchmark for a ‘civilised’ African, spaces of consumption, within the post-94 power vacuum of a unifying African philosophy and material constraints brought about by what Chomsky refers to as ‘capitalism with its

²⁰⁸ T. Brand, Mining Weekly, 10 October 2012, ‘*South Africa’s Labour Relations Act needs radical reform*’, https://www.miningweekly.com/article/south-africas-labour-relations-act-needs-radical-reform-john-brand-2012-10-10/rep_id:3650, access: 11 September 2020.

²⁰⁹ C. West, 2017, ‘*The historical philosophy of W.E.B. Du Bois*’, https://www.youtube.com/watch?v=00JnuJyovc&ab_channel=Dartmouth, access: 13 September 2020.

²¹⁰ C. West, 2017, ‘*The historical philosophy of W.E.B. Du Bois*’, https://www.youtube.com/watch?v=00JnuJyovc&ab_channel=Dartmouth, access: 13 September 2020.

gloves off'²¹¹ or rather in a Global South context, 'Colonialism with its gloves off',²¹² social mobility through capital accumulation has become both the lock and the key in 'neo-apartheid'²¹³ South Africa.

Indeed, Webster's proposition is correct, to an extent, the apartheid government due to changing times had to make pragmatic concessions, in order to ensure their survival, while taking into consideration the long-term views of private enterprise. Yes indeed, incremental concessions did derail what would have been the best possible outcome for Black South Africans, a period of self-actualising. However, the other side did make concessions, although these concessions are part of a correlated sequence of an internal structural rejuvenation. The concessions keep opening a doorway to greater emancipation from new adaptations of colonisation, with every inch gained by Africans, the possibility of true self-determination and true self-identity survives. However, in a way of a lament, I propose that Webster's analysis is incomplete. Rather, the Wiehahn moment provides us insight into the dialectical progression of history, where through conflict, during a time of economic and colonial crisis, the capitalist and colonial substructure weave themselves within the next possible *synthesis*. It is through the inclusion of dissenting voices or ideas that systems acquire new measures against their opponents and while largely maintaining their original composition. Apartheid was too overtly violent and exploitative; therefore, this aspect of the system was rolled back, and the superimposition of neoliberalism post-94 is indeed as Botha is quoted as saying, referring to the reform recommendation of the Wiehahn and Riekert Commission "Apartheid with no tears,"²¹⁴ economic domination over racial domination, no specific group of people to point to as with inclusion, the 'enemy' is no single entity and all population groups have a stake and are affected negatively by the system, irrespective of the comparative percentages.

²¹¹ Chomsky. N, *Profit, Power and Neoliberalism*.

²¹² M. Mamdani, *Citizen and subject. Contemporary Africa and legacy of late colonialism*.

²¹³ Ibid, Madlingozi

²¹⁴ The Washington Office on Africa, 'Reform process?' (Washington Office on Africa, Washington, 1979), p. 57.

Bibliography

Primary sources: Archives

Digital Imaging South Africa, <https://disa.ukz.ac.za>

'Freedom Struggles Southern Africa' <http://www.aluka.org>

Primary sources: Newspapers

Evening Post

FOSATU Workers News

Rand Daily Mail

The Star

Primary sources: Other

DAVIS, P. 1989, '*Is there a skills shortage?*'. Indicator SA. Vol. 6, No. 1/2. pp. 92-93.

DUNCAN, S. August 1979, 'Riekert Commission Report', *The Black Sash*.

GILES FILES, Wiehahn Obituary 2006, <<https://www.gilesfiles.co.za/wiehahn-obituary-2006/>>, [accessed: 05 April 2020].

REPUBLIC OF SOUTH AFRICA. 1977. "Appointment of Commission of Inquiry into Labour Legislation'. South Africa Notice. 445 of 1977." *Govt gazette*, No. 5651, 1977, General Notices, Department of Labour.

REPUBLIC OF SOUTH AFRICA. 1977. "Appointment of Commission of Inquiry into Labour Legislation'. South Africa Notice. 595 of 1977." *Govt gazette*, No. 5720, 1977, General Notices, Department of Labour.

REPUBLIC OF SOUTH AFRICA. 1977. "Appointment of Commission of Inquiry into Labour Legislation'. South Africa Notice. 746 of 1977." *Govt gazette*, No. 5778, 1977, General Notices, Department of Labour.

SOUTH AFRICAN LABOUR BULLETIN, 1982. Ibid, Digital innovation South Africa UKZN, Durban.

Books and articles

BEZUIDENHOUT, A & FAKIER, K. 2006. 'Maria's burden: contract cleaning and the crisis of social reproduction in post-apartheid South Africa'. *Editorial Board of Antipode* Vol. 38, Issue. 3. pp. 462-485.

BRADFORD, S. 1999/2000, in, Inwood, G. & Johns. C, 2014. '*Commissions of Inquiry and Policy Change. 'A Comparative Analyses: Why Study Commissions of Inquiry?'*', University of Toronto Press, Toronto.

BISSEL, R. & C. CROCKER. 1980. 'South Africa into the 1980s', *American political science review* Vol. 74, No. 4, pp. 100-141.

- BUHLUNGU, S. 2006. 'Rebels without a cause of their own? The contradictory locations of White Officials in Black Unions in South Africa, 1973- 94'. *SAGE*, Vol. 54, No. 3, pp. 427-451.
- BUHLUNGU, S. & TSHOAEDI, M. 2012. *COSATU's contested legacy: South African trade unions in the second decade of democracy*. HSRC Press, Cape Town.
- BYRNE, S. ULRICH, N., & VAN DER WALT, L. 2017. 'Red, black and gold: FOSATU, South African 'workerism', 'syndicalism' and the nation', in WEBSTER, E. & PAMPILLAS, K. (eds.), *The unresolved national question in South Africa: left thinking under apartheid*, (Wits University Press, 2017), pp. 254-273.
- ESKILDSEN, K. S. 2008. 'Leopold Ranke's Archival Turn: Evidence in Modern Historiography'. *Modern Intellectual History*. Cambridge University Press, Cambridge. Vol. 5, Issue. 3. pp. 425-453.
- CASSIM, N. A. 1984. 'The changing contours of labour law'. *Comparative International Law Journal of Southern Africa*, Vol. 17, Issue. 3. PP. 340-341.
- CHOMSKY, N. 1999. '*Profit over people: Neoliberalism and global order*'. Seven Stories Press, New York, pp. 1-21.
- COLBETT, W., GLASER., D., HINDSON, D.C, & SWILLING., M. 1985. 'A critical analysis of the South African state's reform strategies in the 1980s', in FRANKEL, P. et al (eds.) *State, resistance and change in South Africa*, pp. 1-26.
- DE CLERQ, F. 1979, '*Apartheid and the organised labour movement*', in *Review of Political Economy*, Vol. 14, Issue. 6, pp. 69-77.

- DERRIDA, J. & PRENOWITZ, E. 1995. 'Archive fever: A Freudian perspective', The John Hopkins University Press, Baltimore. *Diacritics*, Vol. 25, No. 2. pp. 9-63.
- DOMMISSE, E. & ESTERUYSE, W. 'Anton Rupert: A Biography', (Cape Town: Tafelberg, 2005), p. 169. in SIMPSON, T, *Unpublished Manuscript*, pp. 268-269.
- FENWICK, C. 'Labour law in Namibia: Towards an 'indigenous solution'?', *South African Law Journal*, Vol. 123, Issue. 4. p. 672.
- FRIENDMAN, S. 1987. '*Building tomorrow today: African workers in trade unions*', 1970-1984, Ravan Press, Braamfontein.
- GODSON, R. 1979. '*Black Labour as a swing factor in South Africa*, in Bissel, R.& Crocker, C. (ed.), 1979. *South Africa into the 1980s*. Westview Press, Colorado.
- GILIOME. H. & MBENGA. B. 2007. '*New history of South Africa*'. NB Publishers, Cape Town. pp. 346-378.
- HARRIS, V. '*The Archival Sliver: Power, Memory, and Archives in South Africa*', in Mangcu, X. (ed.), 2011. 'Becoming worthy ancestors. Archive, public deliberation and identity in South Africa', Wits University Press, Johannesburg.
- Harris, V. 1999. "'They should have destroyed more": the destruction of public records by the South African state in the final years of apartheid, 1990-1994', *Transformation: Critical perspectives on Southern Africa*. South Africa.

HOOLE, G. 'Reconceiving Commissions of Inquiry as Plural and Participatory Institutions: A critical reflection on Magidiwana', *Constitutional Court Review*. Juta and company, Cape Town.

HORNER, N. Ibid, '*Native Labour Act of 1953*', South African Labour Bulletin, South Africa.

INWOOD, G. & JOHNS, C. 2014. '*Commissions of Inquiry and Policy Change. 'A Comparative Analyses: Why Study Commissions of Inquiry?'*', University of Toronto Press, Toronto.

LEGASSICK, M. 1977. '*Postscript to 'Legislation, Ideology and Economy in post-1948 South Africa'*'. Ravan Press, Braamfontein.

LICHTENSTEIN, A. 2019. "'We feel that our strength is on the factory floor": Dualism, shop floor power, and labour law reform in late apartheid South Africa', *Labour History*, Vol. 16, Issue. 6, pp. 606-625.

LICHTENSTEIN, A. 2017. 'We do not think the Bantu is ready for labour unions': Remaking South Africa's apartheid workplace in the 1970s, *South African Historical Journal*, Vol. 69, Issue. 2. pp. 215-235.

LICHTENSTEIN, A. 2015. "'A measure of democracy': Works Committees, Black Workers, and industrial citizenship in South Africa, 1973-1979', *South African Historical Journal*, Vol. 67, Issue. 2. pp. 113-138.

MACHABA, T. June 2011. 'American Press Reportage on PW Botha's Attempts at Reforming Apartheid, 1978-1989, with Specific Reference to the New York Times, Newsweek and Africa Report', *Journal of Ibid*. Pretoria.

- MAMDANI, M. 2017. *Citizen and Subject. Contemporary Africa and the legacy of late colonialism*, Wits University Press, Johannesburg.
- MANGCU, X. 2011. *Becoming worthy ancestors. Archive, public deliberation and identity in South Africa*, Wits University Press, Johannesburg.
- MARAIS, H. 1998. 'South African limits to change: The political economy of transition', UCT Press, Rondebosch. pp. 37-55.
- MAREE, J. (ed.), 1987, *The independent trade unions, 1974-1984: Ten years of the South African labour bulletin*. Ravan Press, Braamfontein.
- MIDDLETON, A. 1986, 'Notes on the nature and conduct of commissions of inquiry: South Africa', *Comparative International Law journal of Southern Africa*. UNISA Press, Pretoria.
- MODIRI, J. M. 2017. 'The colour of law, power and knowledge: Introducing critical race theory in (post-) apartheid South Africa'. *South African Journal on Human Rights*, Vol. 28, Issue. 3. pp. 405-436.
- MURRAY, B. 'The Period 1924 to 1939', in CAMERON, J. & SPIES, S. B. (eds.), 1992, 'A New Illustrated History of South Africa'. Southern Book Publishers, Johannesburg.
- O'MEARA, D. 1996. *Forty lost years: the apartheid state and the politics of the National Party, 1948-1994*. Ravan Press, Braamfontein.
- PIKETTY, T. 2014. *Capital in the twenty-first century*. Harvard University Press, Massachusetts.
- PRICE, R. M. 1991. *The Apartheid State in Crisis: Political transformation in South Africa 1975-1990*. Oxford University Press, Oxford. pp. 95-133.

- POSEL, D. 2018, 'Getting inside the skin of the consumer: Race, market research and the consumerist project in apartheid South Africa'. *Itinerario: The private lives of empire; Emotion, intimacy, and colonial rule*. Cambridge University Press, <<https://doi.org/10.1017/S0165115318000116>>, pp. 120-138.
- ROOS, N. 2016. 'South African History and Subaltern Historiography: Ideas for a Radical History of White Folk', *International Review of Social History*. Cambridge University Press, Vol.61, No.1, Cambridge. pp. 117–150.
- ROSS, R., MAGER, A. K., & NASSON, B. 2012, *The Cambridge history of South Africa*, Cambridge University Press, Cambridge. pp. 409-491.
- SCHLEMMER, L. & BOULANGER, M. 1977. 'Race and employment patterns among larger employers in Durban: a brief case study of employment policy in relation to social change'. Ravan Press, Braamfontein. pp. 174-175.
- SCHLEMMER, L. & WEBSTER, E. 1978. *Change, reform and economic growth in South Africa*, Ravan Press, Braamfontein. pp. 152- 189.
- SEEKINGS, J & NATTRASS, N. 2005. *Race, class and inequality*, Yale University Press, London. pp. 128-164.
- SOUTHALL, R. 1995. 'Imperialism or solidarity? International labour and South African trade unions: Developments after the formation of COSATU'. UCT Press, Rondebosch.
- SILBEY, S, 'A sociological interpretation of the relationship between law and society', in Neuhaus, R. J. (ed.), *Law and the ordering of our life together*. Eedmans, Michigan. pp. 1-4.

- TERREBLANCHE, S. J. 2002. *'A history of inequality in South Africa, 1652-2002'*, University of Natal Press, Kwa-Zulu Natal. pp. 300-312.
- TLALE, T. 1995. 'Paradigms lost? Paradigms regained: Working-class autobiography in South Africa', *Journal of Southern African Studies*, Vol. 1, No. 4, Special issue on South African literature: Paradigms forming and reformed.
- TSHOAEDI, C. M. 2008. *Roots of women's union activism: South Africa 1973-2003*, Leiden University, Leiden. pp. 51-56; 79-80.
- VALE, P, & PRINSLOO. H, E. 2014. *The new South Africa at twenty: Critical perspectives*, University of KwaZulu-Natal Press, KwaZulu-Natal. pp. 1-18.
- VAN DER MERWE, P. 1981, 'Manpower – Government planning and legislation', *Interfaces/Koppelvlakke*, South Africa: Tydskr. Bedryfsl, vol. 12, No. (1/2).
- VAN ROOYEN, J. 2000. *'The Great New Trek: The story of South Africa's white exodus'*, UNISA Press, Pretoria. p. 21.
- VAN ZYL-HERMANN. D. 'Economic integration but political apartheid? The Wiehahn commission and the role of white organised labour in industrial reform, 1977-1980', *Economic history workshop*, Cape Town, 20-22 March 2013, pp. 1-20.
- VISSER, W. 01 Dec 2011, 'The Wiehahn Commission and the Miners' strike of 1979: White Labour and the Beginning of the end of Apartheid in South Africa', *Joernaal Eietydse Geskied*, SA Media-The University of Free State.

Internet Sources

ANON, n.d. <<https://www.sahistory.org.za/archive/industrial-workers-africa-1917-1921-bikisha-media-collective>>, access: 15 March 2020.

ANON, n.d. <<http://www.anc.org.za/ancdocs/history/congress/sactu/organsta08.html>>, access: 22 January 2018.

ANON, n.d. <<http://www.anc.org.za/ancdocs/history/congress/sactu/organsta08.html>>, access: 22 January 2018.

ANON, 27 January 2017. <<http://www.sahistory.org.za/article/metal-and-allied-workers-union>>, access: 22 January 2018.

ANON, n.d. <www.sahistory.org.za/topic/timeline-labour-and-trade-union-movement-south-africa-1940-1959>, access: 22 January 2018.

ANON, 02 February 2016/n.d. <<http://www.sahistory.org.za/article/federation-south-african-trade-unions-fosatu>>, access: 25 January 2018.

ANON, 03 June 2017/n.d. <<http://www.sahistory.org.za/june-16-soweto-youth-uprising>>, access: 24 January 2018.

ANON, 03 June 2017/n.d. <<http://www.sahistory.org.za/june-16-soweto-youth-uprising>>, access: 24 January 2018.

BRAND, J, 10 October 2012, 'South Africa's Labour Relations Act needs radical reform', Mining Weekly, <https://www.miningweekly.com/article/south-africas-labour-relations-act-needs-radical-reform-john-brand-2012-10-10/rep_id:3650>, access: 11 September 2020.

DLAMINI, S. 4 January 2012. <<http://www.politicsweb.co.za/replies/on-the-centenary--sidumo-dlamini>>, access: 22 January 2018.

GILES FILES, Wiehahn Obituary 2006, <<https://www.gilesfiles.co.za/wiehahn-obituary-2006/>>, access: 05 April 2020.

HEMSON, D. 1973. 'The Durban Strikes', Facing history and ourselves, <https://www.facinghistory.org/sites/default/files/Durban_Strikes.jpg?timestamp=1533056938>, access: 3 December 2020.

HLATSHWAYO, M. "Building workers' education in the context of the struggle against racial capitalism: The role of labour support", <<http://www.historicalpapers.wits.ac.za/docs/fosatu/fosatu-intro.pdf>>, access: 5 December 2020.

MAIL AND GUARDIAN, 19 November 2019, <https://mg.co.za/article/2019-11-19-why-sa-is-the-worlds-most-unequal-society/#:~:text=Income%20inequality%20in%20South%20Africa,only%2035%25%20of%20total%20income>>, access: 30 September 2020.

PEOPLE PILL, N.d. <<https://peoplepill.com/people/peter-johannes-potgieter-1/>>, access: 02 December 2020.

PRESIDENCY, Republic of South Africa, <<http://www.thepresidency.gov.za/national-orders/recipient/emma-thandi-mashinini-1929>>, access: 28 August 2020.

RAMAPHOSA, C. 06 September 2020, '*Online Statement by the President of the ANC and the Republic of South Africa*', https://twitter.com/CyrilRamaphosa?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor, access: 11 September 2020.

REPUBLIC OF SOUTH AFRICA, 'Solomon Mahlangu', <<http://www.thepresidency.gov.za/national-orders/recipient/solomon-kalushi-mahlangu-1956-1979>>, access: 28 August 2020.

SASBO. 2015, <<http://www.sasbo.org.za/about-us/who-we-are/financial-institutions/>>, access: 22 January 2018.

SHAPIRO, I. 1 Nov 2019, '*Lecture 12: Business and Democratic Reform: A case Study of South Africa*', Yale Courses. <https://www.youtube.com/watch?v=a8P2vP6hiVs&ab_channel=YaleCourses>, access: 09 September 2020.

SOUTH AFRICAN HISTORICAL ARCHIVE, <http://www.saha.org.za/workers/the_birth_of_fosatu.htm>, access: 26 April 2020.

SOUTH AFRICAN HISTORY ONLINE, August 2019, '*South African Congress of Trade Unions (SACTU)*', <<https://www.sahistory.org.za/article/south-african-congress-trade-unions-sactu>>, access: 5 December 2020.

WEBSTER, E. 2017. <<https://www.google.co.za/amp/s/theconversation.com/amp/south-africa-needs-a-fresh-approach-to-its-stubbornly-high-levels-of-inequality-87215>>, access: 26 January 2018.

WEST, C. 2017, '*The historical philosophy of W.E.B. Du Bois*', <https://www.youtube.com/watch?v=00JnuJyovc&ab_channel=Dartmouth>, Dartmouth. access: 13 September 2020.

WOKERS WORLD MEDIA PRODUCTIONS, <<http://www.wwmp.org.za/images/pubs/history-of-unionism-web.pdf>>, p.15. access: 15 April 2020.

Dissertations

BUDELI, M. 2012. *'Trade unionism and politics in Africa: The South African experience'*, Inaugural lecture at Unisa Professor: Department of Mercantile Law, University of South Africa, Pretoria.

JANTJIES, M. Z. 2018. 'An evaluation of certain limitations to the right of freedom of association' (LLM Labour Law Thesis, University of Kwa-ulu Natal). pp. 1-97.

WOOD, G. 1989. *'Strikes and stayaways in relation to the political developments in South Africa 1970– 1987'*, University of Cape Town, Masters Thesis, Rondebosch.