

WORKERS' RIGHTS
AS HUMAN RIGHTS

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This is the text of a booklet to be published by the SA Constitution Study Centre with a view to focusing attention on the importance of including human rights for workers in a Bill of Rights for SA. The text will be circulated for comments and opinions and will then be revised before final publication.

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WORKERS' RIGHTS AS HUMAN RIGHTS

**EPISODES FROM THE LIVES OF
LIZ, RAY, FRANK & OSCAR**

INTRODUCTION

THE RIGHT TO HAVE RIGHTS

Constitutional rights do not come from the heads of lawyers, but from the struggles of ordinary [and extraordinary] men and women. Apartheid kept South Africa so backward that time-honoured concepts, such as equality for all and freedom of speech, are still new and slightly astonishing for us; so, too, is the idea of guaranteed constitutional rights for workers.

What follows is an old-fashioned story, told in an old-fashioned way, of special moments in the lives of four ordinary [and extraordinary] women and men; Liz Abrahams, Ray Alexander, Frank Marquard and Oscar Mpetha. They fought as trade unionists for the rights of working people in the Western Cape. In so doing, they made their contribution towards developing a rights culture amongst working people of the area and helped accustom the whole nation to the concept of basic human rights for workers.

Until recently, the notion of enforceable workers' rights, was officially regarded as quite 'un-South African', particularly if the workers were not white; the only right conceded to a black worker was the right to hope for a kind employer. More recently, certain Bantustan and homeland leaders also threw their weight against workers' rights, alleging that they were

'un-African'; in their view, the only right a worker had was the right to ask for protection from a strong chief or warlord.

Now we are considering writing workers' rights, residing in the workers themselves, into an entrenched Bill of Rights. We want them to be inviolable rights embedded in the heart of the new constitution. No employer, no government, no political party will be able to take them away.

We are not used to the idea of a Constitution, a real Constitution, that is, of a document that guarantees certain rights that are regarded as so fundamental that no-one can override them, not even a future Parliament, not even a democratically elected one. We are on the verge of having such a constitution in South Africa, one that will have a strong Bill of Rights so that everyone can feel secure and no-one will feel threatened in terms of basic human rights, neither by minority rule nor by majority rule. It is for this reason that it is important that fundamental rights for workers receive full and unambiguous acknowledgement.

When the persons responsible for drafting the text of the new constitution search for the appropriate language in which to guarantee workers' rights for all time to come, they will be inventing nothing, nor will they be importing strange ideas into our country. Rather, they will be finding the right terms to consolidate what generations of South African workers and workers' organisations will already have fought for.

The lawyers might have an important role to play in choosing the precise words that go in to make up a constitution, but the real text is written in the lives and struggles of the people. If, as the Freedom Charter says, South Africa belongs to all who live in it, so must the constitution of South Africa be the property of all South Africans. It is not a document that confers favours on anybody; rather, it recognises, defends and rounds off what people have claimed and fought for over the decades. It is of the greatest importance to workers.

The new South African constitution will reflect the multiple experiences of the diverse communities that make up the South African nation. It will emerge from a myriad of such moments as are described in the pages that follow. Its richness and resilience will depend in large degree on the extent to which it embodies in legal form the experiences and longings for dignity of all South Africans.

The basic guarantee of any constitution, more important even than any institutional mechanism, is that those who live under it believe in it. People will identify with a constitution if they have fought for it and taken part in its elaboration, if they see themselves reflected in it and feel that in defending the constitution they are protecting themselves.

If a constitution is the self-portrait of a nation then each and everyone of us has the right and the responsibility to take part in its depiction; like any serious artists, we will not gloss over the weaknesses of the subject, namely ourselves, nor shy away from our capacity for nobility.

Now is the moment when all of us, workers and non-workers alike, must declare what we want to see in the new constitution, and establish definitively the outlines of the kind of country we want to live in and the character of the rights we want to enjoy.

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They might have been the descendants of slaves and of people whose lands had been conquered; they might have lived on the outskirts of town, far from the amenities and good things of life; they might have been poorly schooled, badly nourished and with few resources to protect their health; they might have been excluded from swimming baths, restaurants and parks; they might have been voteless and without the right to be in government.

Yet they were human beings, people, workers, South Africans. They had the right to be heard, the right to defend their interests. They also possessed the most fundamental right of all, the right to have rights.

When, as you will read, the workers at a jam factory in Paarl went on strike fifty years ago because Frank Capello had been dismissed, they were not only affirming their right to set up a trade union. They were declaring that they were people, that they counted, that the factory owners could not treat them as though they did not matter.

They were claiming their rights as human beings, as citizens and as workers.

The union over the years gave them experience in self-management, it gave them autonomy and dignity. Through the union, thousands of persons learnt to rise above racism and demolish the myths of sexism. It trained them in constitutionalism, the idea that there are basic rules and values governing conduct, appropriate means of choosing leadership and ensuring its accountability. It instructed its members in the importance of democracy in settling disputes, of the vote, discussion and tolerance. Long before we were thinking of a new constitution with entrenched rights for the nation as a whole, it was establishing the idea of a constitution guaranteeing rights for workers in their own organisation.

It was a school of citizenship and democracy in which the disenfranchised were both the teachers and the taught. It was a major building unit of the new non-racial, non-sexist South Africa that we all desire.

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Just as apartheid depersonalised workers, so now is it necessary for workers in the new South Africa to re-personalise themselves. Workers are not just creatures whose sole destiny it is to labour for others and then to be discarded when no longer needed. Before work, during work and after work, they have rights and dignity, not just to wages and holidays, but to a safe and dignified work environment, to training and to advancement.

The blockage of career possibilities because of race and gender has been particularly severe in South Africa. People who have been unjustly held back for generations have the right to special support to obtain the qualifications and experience to enable them to get ahead.

It is not the function of the constitution to spell out all the rights of workers in great detail. That can be left to a Workers Charter or a Labour Code, or both.

What the constitution must do is to ensure that workers themselves have guaranteed rights to defend their rights. This means the right to set up independent unions, the right to engage in collective bargaining and the right to strike. The crucial element is that workers must have guaranteed freedom to organise as autonomous bodies, free of control by the employers, the state or any political party.

Attention has to be paid to what sort of courts should hear disputes in labour matters. Experience has shown that Industrial Tribunals have been far more skilled and effective than the ordinary courts in handling these matters, and it would seem that the jurisdiction of these Tribunals should be retained and built upon.

The function of the envisaged new Constitutional Court would then be only to deal with matters that involve broad constitutional principles. The judges of the Industrial Tribunals, chosen because of their special experience and sensitivity as well as their acceptability to unions and

Forced labour.
Co-determination. Children's etc.

employers, are more likely to produce a just result in cases of disputes arising from the day to day struggles on the shop floor.

Workers will be interested in each and every aspect of the constitution, since the constitution will touch on every part of their lives. In that sense, all human rights are workers' rights.

Workers will look to the constitution to protect their basic rights and freedoms, to guarantee that in future their leaders are not banned and never again have to meet in the underground in order to defend workers rights. They will seek protection against ever again being forced to live in segregated squalor because of racist laws. They will expect the constitution to create a framework of principles that will facilitate their achieving the reality of equal access to health, education, housing, sporting facilities, land and employment. They will seek a constitution oriented towards guaranteeing progressive improvement of their lives, and to the rapid furnishing of basic utilities so that every home has an electric light and access to drinkable water.

They will expect their children to have rights as children, and not to have to leave school to go to work at the age of fourteen. They will want to see a clause that protects them against discrimination because of birth, background, disability, marital status or gender. Workers who happen to be gay will consider it their right to lead their lives without discrimination or harassment, at work and outside, like everyone else.

Working women will have particular interest in seeing how the constitution helps them get rid of their many burdens and disabilities. Many are cleaners and domestic and farm workers, with the hardest conditions, the poorest pay and the least organisation. Women in general are denied equal pay, held back from advancement and expected on their own to bear the full responsibility for child-raising. They are

Role of orgs - of civil society
(not to be heard; public hearings).

subjected to harassment at work, feel themselves unsafe on the streets and are often subjected to abuse in the home.

The constitution will not in itself transform their lives, but it can consolidate the gains they have made in struggling for their rights, and lay the basis for further advance. Women trade unionists have a particularly important role in helping achieve rights not only for themselves but for all women in the country; it is no accident that Ray Alexander and Liz Abrahams and other leaders of the Food and Canning Workers Union were amongst the foremost proponents of a Charter of Women's Rights in the 1950's.

Central to the constitution will be the fact that for the first time the workers, all the workers, will have the chance to vote. We can expect to see workers and workers' leaders in Parliament and in the government. The organised trade union movement will work with employers and government to determine economic policy. Workers will be consulted and listened-to when new legislation affecting their lives is being considered.

Workers will be people, citizens, South Africans. They will have a strong voice over their future and the future of their country.

Directives of state policy?

Re. to advancement at work.

The basic data collection, interviewing and writing for the story that follows were done by Wolf Kodesh and Zubeida Jaffer; information on Frank Marquard comes from a manuscript prepared many years ago by Rex Close. The two researchers have written the tale in their own way. They do not pretend to hide the pride that they themselves, as persons long "in the struggle", feel for the achievements of the Food and Canning Workers Union.

They have also not held back from mentioning the fact that membership of the Communist Party was important for the work that Ray Alexander did; just as it was wrong for communists in their time to write their opponents out of history, so it would be unconscionable now for anyone to write persons out of the record because they were communists.

Samora Machel used to say that the people never die. The same applies to the workers and the workers' movement. The nature and the structure of the working class may change. New organisations, new leaders, new philosophies may come and go. Yet there will always be the need for bodies set up and controlled by the workers themselves to defend their interests and secure their place in society.

The Food and Canning Workers Union merged with other unions on a nation-wide basis to form the Food and Allied Workers Union. There is a new leadership in new offices dealing with new problems in a new manner. Each generation finds its own way.

Yet the work of Liz, Ray, Frank and Oscar continues. It will be written, without acknowledgement into the text of the new constitution. We give our own acknowledgement in the pages that follow.

EPISODES FROM THE LIVES OF: LIZ, RAY, FRANK AND OSCAR

TOWARDS A BILL OF RIGHTS FOR SOUTH AFRICAN WORKERS

Throughout the day, the juices and scattered pips of the fruit were washed away from the cement floor. Long tables stretched from one end of the department to the other, rows and rows of them. The only break was an hour for lunch at midday. There were no cloakrooms and no seating accommodation. The latrines were crude, filthy bucket affairs. The workers, most of whom were women, had to stand on slatted wooden platforms from the time they arrived until the end of the day.

A young girl, barely 14-years old, joined the women at their work-bench. She waited as hundreds of boxes of fruit were brought in and placed in front of them. The cut fruit had to be separated into three different sizes - small, medium and large - before being passed on to the canning section. She cut each fruit in half and extracted the pips.

In that year, half a century ago, at Langeberg Canning fruit factory, in the small Western Cape town of Paarl, she was paid ninepence [eighteen cents] for every box she completed.

When Elizabeth Abrahams left the factory that evening alongside her mother, on the hour-long walk to their three-roomed home, she knew that her carefree days at the Bethanie Congregational School for "Coloureds only" had come to an end.

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The fourth born in a family of eight children, Liz led the normal life of a school child.

She had a lot of friends and apart from getting to school in time for classes, doing her homework and giving a hand in bundling the firewood which the family sold, she did not have a real care in the world.

Apart from the over-crowding at home, it was a fairly tranquil and happy life. She noticed that the white children who lived quite a distance away in another part of Paarl seemed to have a much greater variety of clothes and on week-ends always seemed to be carrying off many parcels from the busy shopping area of the town.

They were a close-knit family and she liked going out with her dad to buy trees from the white farmers, help to chop them up and then tie them into bundles. Later they built a little shed in the back yard, and it was real fun to stack up all the bundles in neat rows and wait for the people to bring their sixpences and give them one, two or more bundles according to their requests. She enjoyed this and the chance now and then to give change.

She particularly liked riding on the horse-drawn cart when they had to deliver to various houses. She remembered the time bumping along in the cart when her dad told her that he had previously worked on the brickfields where his services had always been needed because he had been an expert at assessing exactly the correct quantities of the different ingredients for making bricks. He was therefore relatively well paid, he told her. He was strong then and loved playing rugby for the local team. But one day he was heavily tackled and cracked his ribs. His lungs were penetrated, and he was laid up for several weeks. Although he recovered, he was weakened and had to resign from the brickfield. And that, he explained, was why they all became involved in the selling of firewood, a less strenuous job, but also, unfortunately, less well-paid.

Young Liz felt a deep sympathy for her dad who she realised was not in the best of health any more. But she was completely unaware of the toll which the injury was taking. He became infected with TB. which in those days was an incurable disease, and finally succumbed to that dreaded illness.

Liz was only fourteen years old.

It was a very bitter decision for the mother to make. She was heartbroken but firm. Nobody could help them. There was no dole to turn to for Coloured people. The relatives were barely able to survive themselves.

It came as a jolt to Liz. Hendrina, who was slightly younger than Liz, would stay at home and look after the youngest children, while Liz would start working with her mother at the Langeberg factory at Dal josaphat.

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There were always long streams of workers hurrying along pavements, through lanes and over the fields, to get to and from work every day.

The factory did not provide any bus service for their workers and there was no public transport either. But even if there had been such facilities, they could never have afforded the luxury of fares. Life was hard and monotonous for the hundreds of workers in these rural areas; they had to wake early and return late.

It was 1939. The war had broken out, but it was totally remote from this child as she trudged to work every morning, weighed down with the great responsibility thrust upon her. The whole existence of the younger children depended on her

meagre wages. No more fun and companionship of the kids at school and the joy of huddling in corners and gossiping or playing games during the frequent school breaks.

Child labour in the factories at the time was nothing unusual. Nor was it illegal as far as the factory owners were concerned. And even if it had been, the authorities would have turned a blind eye to such phenomena - as long as the children were not white. Why should the factory owners or labour officials be worried about such secondary issues when the workers themselves never - or very seldom if ever - made any complaint?

For four seasons, Liz worked in the cutting department. She and her fellow workers were regarded as temporary, which meant that they got no holiday pay or any of the other benefits accruing to permanent employees.

At the age of 18, Liz was transferred to the Canning Department. Now the process was different.

First of all the men would bring the fruit from the Cutting Department and dump it in the wash-up basins. The women would then have to wash it, sort out the "greens" which were placed aside; then the different sizes were made ready for placing in the receptacles. There were 12 tins on a tray and they had to be filled in such a way that each tin contained the same size fruit. When the twelve tins were filled, the next tray followed, and so on, for the rest of the day.

Liz was now separated at work from her mother who remained in the cutting department. But Liz was a strong person and a hard worker so that after a year she was promoted to become a supervisor. From there she managed to earn extra money - only a few pence more - by learning to label, bottle and pack the jams in another department of the factory.

This was an arduous job. The jams were brought into this department in huge iron pots. They had just been heated and had to be plunged into a big water cooler before being passed on to the sorters for canning. Lifting these cooled off heavy pots was a back-breaking job but Liz endured this because it ensured that with all these skills she would at last be placed into the category of permanent staff.

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Liz Abrahams was four years old when Ray Alexandrovitch sailed into Table Bay harbour aboard the German East Africa Liner, "Ubena" on November 6, 1929.

Ray's widowed mother who owned and worked in the family bakery had shipped her off from Varklian, a small town in Latvia, to the safety of Cape Town where some of the older children awaited her arrival. But this young lady was not just an ordinary traveller. She was fifteen-years old and on the verge of being captured by the secret police for her underground activities against the tyrannical, anti-semitic regime. She arrived penniless and uncertain of her reaction to the new country in which, in a month's time, she would be celebrating her sixteenth birthday.

She had expressed her fears to some members of the crew to whom she divulged the true reason for her journey. They were a sympathetic lot and made a collection for her to buy a return ticket if she needed to do so. They also promised that if she was unhappy, they would pick her up on their return to Europe.

Ray Alexander had arrived.

She joined the South African Communist Party because of her previous underground work in Latvia and because she soon discovered that it was the only non-racial organisation in

South Africa. Well-known members such as Moses Kotane, Jimmy La Guma and Johnny Gomas became great friends of hers, and with their help she began literacy and political night classes for the workers.

By 1939, Ray had become a full time trade union secretary in three different industries - Sweet, Tin and Milling.

She harnessed the abilities of many of the workers so that they became full-time officials or shop stewards in the National Union of Distributive Workers, the Railways and Harbours Non-European Union and the Stevedore and Harbour Workers. She also helped the local branch of the ICU. "Miss Ray" as she was known, attended to a multitude of problems, ranging from conditions at work to Workmen's Compensation.

She relates today how at one factory where she had been determined to gain entry to address the workers, she had been constantly frustrated by management. Eventually, she managed to smuggle herself in only to be intercepted by a huge white security officer who literally lifted her by the back of her neck and "carried me like a chicken" with her legs and arms flailing in the air. She was unceremoniously dumped outside the entrance gate.

On another occasion when she was secretary of the Sweetworkers Union, Ray went to a factory in Salt River to inform the workers there of the higher wages granted by the Wage Determination Board. The bosses got to hear of her presence and set two vicious watch dogs on her. They pulled off her skirt. She managed to discard one shoe to divert the dogs and by this ruse managed in her shredded petticoat and one shoe to reach the Ally family-house where she was provided with new clothes to restore her respectability. [Rahima Ally and her twin sister played an active part politically and administratively in the union.]

At a factory in Paarden Eiland where again she had to secretly gain entry into the grounds at lunch time, a few of the bosses spotted her and picked up large rakes to chase her off the premises. They threatened to injure her and she had to flee with them rapidly gaining on her. A passing friend in a car saw what was happening and quickly reversed her car, opened the door and rescued Ray just in time.

Ray did not hesitate to devise ways to fight back. Women on a picket line outside one of the factories in Cape Town complained to her that some men were breaking the line with the assistance of the police. Ray, the most courteous and soft-spoken of persons, told them that if any factory men and police again tried to break up the line, they were to "grab hold of their balls and squeeze them as hard as possible. That will stop their nonsense."

Her greatest attention, however, was given to developing the Food and Canning Workers Union.

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Frank Marquard had his questions for the white woman ready. He was a tall handsome, athletic young man who at the age of four had been given a fruit tin of wine by a farmer and became dangerously ill as a result of this "tot". He had become addicted but slowly got rid of the habit and later had even turned out to be an excellent and well known rugby player.

Together with many others of his mates, he strolled along rather reluctantly to the hall. He had made a list of at least ten questions and was going to make it difficult for all these officials, especially that white woman, who, they had been told, was coming to Paarl to convince them that a trade union could really work and improve life for all the workers.

After all, look at what had happened in the past. He, himself had once remonstrated with a white official at a factory. He was set upon and beaten by three of them and kicked out of his job as a consequence. After weeks of walking the streets for a job, he obtained one in a shop which paid him such a low wage that he decided to swallow his pride and beg for re-employment at the factory.

Then on another occasion when things were bad, he got the job as a fruit picker on a farm but incensed the farmer by refusing to accept the tot as part payment for his labour. He was kept on only because of his great physical capacity.

As he reminisced to himself about these events and all the other meaningless tasks he had had to undertake to earn a few shillings, he remembered the desperation of the unemployed who had once resorted to the unheard of action of marching to the Mayor's parlour in Paarl pleading for food. And here he was a man of 26 with children and nothing yet made of his life. He had visited libraries, sneaked into a school and generally attempted to improve his lot, but with very limited success.

Workers at the factory belonging to H Jones and Co had requested the Union to come and address them. A great deal of talk had gone on in the shebeens and the narrow streets of the townships around Paarl about the possibility of extending the Union to all the factories in the area. In any case, many of them argued, what had they to lose? Here they were living on starvation wages. Many of the kids never attended school and if they did, were pulled out at an early age to work to supplement the family earnings.

Most of the workers, both Coloured and African, lived in squalid townships. In many cases, they shared communal taps and lavatories without sewerage. Bathing, for the whole family in basins serviced by hot water heated either by primus stoves or chopped wood, took an eternity.

The tot system was in place and generations of coloured rural fruit pickers went through life besotted by wine - a substitute for the wages farmers had to pay them.

African workers were constantly harassed both at home and in the streets by officials or police demanding rent or passes. Infective diseases ran through these slum towns like a swathe, killing off many babies and young children. The infant mortality rate was one of the highest in the world.

It was amongst these people - desperate to retain the few scraps they possessed - that the trade union organisers had to work. The idea of defying authority, whether local or national, was absolutely unthinkable.

Only the enthusiasm of some of his acquaintances at Associate Cannery in Dal Josaphat had aroused Frank's interest and enticed him against his better judgement to attend at all. But once his mind had been made up, he prepared himself well. He had jotted down ten questions which he would put to this white official and upon her answers would rest his judgement of the benefit to him and his fellow workers of this union.

He found the hall packed. Not much standing-room either. Somehow he got a seat right at the back and when he cast his eyes around, he noticed with some satisfaction that Cecil Capello, the painter, had been nominated as chairman. That was good. Now he wondered which of the two white women was the one he'd heard so much about because it was to her that he was going to address his questions. He was determined that nobody was going to pull the wool over his eyes and land them all out on the streets looking for non-existent work again.

As he sat there waiting for the meeting to begin, Frank wondered how it was possible for a white woman to be organising black people to gain advantage from the white bosses. The thought made him even more doubtful about this whole exercise. But on the other hand, he and his mates had

sat up the previous night chewing over the fact that the folk who worked at Dal Josaphat were happy and confident about their newly formed union branch. He was sharply brought back to reality when he heard Capello calling upon Ray Alexander to address the meeting. Now was the hour. Now he would add even more questions to those he had come with to put to this woman. He sat poised with his pencil at the ready.

Then came his first surprise. The voice was firm and she spoke slowly and deliberately and very simply in a decidedly foreign accent. Nothing was high-flown. She spoke about all the things which he had written down in his prepared notes and she seemed to be answering them all simultaneously. She was not a rabble-rousing orator ready to drown you in a welter of words. He would have been suspicious of such a speaker. Here she was addressing them so intimately and in such a way that the longer she spoke, the more he found himself nodding in agreement. She spoke like a worker who was convinced of the rectitude of what she was saying. The things she had said were what he was going to question her about.

She knew the answers and she knew how to implement them. In fact she had opened the door to all his problems and had the key, it seemed, to the future. This was what he wanted. Now he would learn what was to be done.

Workers crowded around her after the meeting. And there she was giving out application forms and accepting subscriptions. He had a few words with her before she was swallowed up by the enthusiastic crowd. He could hardly sleep that night thinking of all the things which had taken place at the meeting.

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The women were agitated. There was a public telephone on the corner, and they had the office phone number of the union. But who knew how to use these public phones? Not many had used a phone before. But a long distance call of forty miles? That was really asking much.

A few women tentatively moved off to undertake this difficult mission.

Ray had just arrived at the office and was opening the door when the phone rang. She excused herself from Moses Kotane who had arrived to speak to her and dashed across the office to take the call. She remembers that she had to instruct the caller how to speak into the mouthpiece because the sound was at first garbled and unintelligible.

The voice told her that hundreds of workers had stopped work, gathered up their jackets and other apparel and walked out of the factory. Capello, who had chaired the union meeting, had been summarily dismissed after working 17 years for the firm. The workers had come together in the yard calling insistently and angrily for Capello's reinstatement, and when this had been refused by the management, they had left the premises and gathered on an adjoining plot for a meeting. There it had been decided not only to demand Capello's reinstatement but also to submit all the demands that had been agreed upon at the Saturday night meeting. The Union must help them, they had never been in this situation before.

Ray arranged for the workers to meet her at a certain section off the main road in Paarl at a given time and then rang off. She realised immediately that they were faced with an all-out strike. She quickly contacted a Mr Lee of the Department of Labour, met him and explained the situation. Lee phoned the factory and after his conversation with management suggested that this was an illegal strike that had been incited by the Saturday night meeting. Ray replied that she was well aware of the Industrial Conciliation Act and all its provisions but went on to convince him that this strike was a spontaneous

one and therefore a legitimate dispute between the workers and management.

It was 1 September 1941 and the Second World War had spread rapidly to many parts of the world. In the service of the war, orders for all types of tinned food and fruits had increased enormously. The owners were making huge profits while the workers' wages remained the same. The highest paid were receiving one pound to one pound ten shillings per week [When the currency was later decimalised, a pound was equal to two rand]. The great majority earned the princely wage of 15/- per week. This was in Paarl. Other areas were worse off.

So while the strike had started because of Capello's dismissal, it now took on a different hue. The workers were going to demand better wages and conditions of work as well as the right to organise a branch of the Union in the factory. They had had a bellyfull of restrictions both at work and at home. Now they were prepared to face their oppressors with pride and make their influence felt.

They appointed Frank Marquard chairman of the strike committee. They knew that in him they had a fearless leader who would not wilt before the expected counter-attack. He and the committee which was duly elected, would stand firmly together until all their demands had been met.

In the meantime, the union office was pulling out all stops, contacting many sympathetic individuals and unions to give their support. Ray was in touch both with Inspector Lee and the Minister of Labour, Walter Madeley, to convince them of the slave wages and parlous living conditions of the workers.

Leaflets were handed out at factory gates and letters delivered to the homes of all other branch members and known sympathizers in the rural areas asking for their support and promising the establishment of similar union branches at their factories. A fund, chaired by Bill Andrews, was established

in a matter of a few days. This would fortify their unity and faith in the Union in spite of the meagre twelve shillings and sixpence per week which was doled out to each striker.

All this was a revelation to these mainly illiterate, poverty-stricken folk. In fighting for their elementary rights, they were not alone. The Union leaders went further. They kept the workers informed of every step they took on their behalf. They encouraged the workers, who had never dreamed previously of taking responsibility for their own affairs, to tackle the task of keeping morale and unity at a high pitch. For the first time in their lives they acquired self-confidence in contrast to the fears they had previously harboured at the prospect of facing the bosses.

The strike revealed the iron fist of the system. It also showed the strength of a people asking only for their very basic human needs: a living wage, a decent roof over their heads and the right to organise in a democratic way to achieve these things. Other rights they demanded were: an annual holiday; maternity leave for pregnant women and special clothing to protect them all from the water and juices in the factories. They insisted on an agreement that would be binding on the employers. Enough of depending on the goodwill of this or that boss. They wanted rights written down on paper, not vague promises.

For three weeks they stayed out on strike. It was a hard, exciting, unusual period of heightened activity and spells of boredom. The management eventually gave way. The workers returned in triumph to their tables.

Then several of the workers were dismissed. The strike was on again, more bitter, more difficult, this time.

The factory owners called in scab labour. The Africans, when they learned the real reason for their employment, walked out. Coloured and white workers were in turn brought in by the owners who also paid persons to go to the houses of the

strikers to bribe, cajole, threaten and even beat up some of them in their homes. Three hard weeks passed.

The employees held fast. By the time the bosses were forced to accept the new conditions, the nature of life in the area had completely changed. Together with a small but important rise in pay, practically every one of the demands had to be implemented; the galling acceptance that the workers could organise a branch at the factory and elect shop-stewards; protective clothing; holiday pay; a 45 hour week, and no more arbitrary dismissals.

This gave hope to thousands of people who had never before experienced the normal human rights due to all honest hard working folk on earth. They were still living dangerously below the poverty datum line but now they had the pride which comes to those who honestly fight to live a decent and dignified life.

And what they did to gain these improvements quickly spread throughout the whole of the rural Boland so that many more people whose lives for many generations had been warped by the dreaded tot system and complete docility and illiteracy, were now able to stand proud and united and much less fearful of the future.

The F C W U spread its influence to important rural areas such as Ceres, Worcester, Robertson, Ashton, Tulbagh, Villiersdorp and many other Boland towns. One of the first factories to get a Union branch was Langeberg Canning, and one of their first shop stewards was Liz Abrahams.

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Ray's curiosity was stronger than her propriety. While she was waiting one day in the typists office for an interview with a Mr. Williamson of the Food and Cannery Council, she

noticed that one of the steel cabinets had the title "Fish Canning" slotted into the drawer. She sidled up to it and asked the typist if she could look at their system. In strict alphabetical order the index cards of many of the little fishing villages were revealed to her. When she got home that night, she opened her map of South Africa and noted all the names at which the fishing companies were located. Names like Port Nolloth, Lamberts Bay, Paternoster, Saldanha Bay, Veldrift and so on.

Chance encounters in life can very often change the lives of one or two people. But looking into that cabinet was to lead to the lives of thousands of "the wretched of the earth" being completely transformed in a way that was of such humanitarian melodrama that even Inspector Lee of the Labour Department, who thought he knew all about human nature and warned Ray that she could never succeed, was amazed.

Ray had earlier noticed a fish smokery in the worst tin shanty township of Windermere, and felt that it ought to be organised by the Union. Shortly thereafter she had sent leaflets to the workers there calling for a meeting and telling them about the Union. They had soon signed forms and elected their shop stewards. She had repeated the exercise with the workers at Irvine and Johnson's factory at the docks.

She had received a letter asking her to come up to Port Nolloth on the North West Cape coast to organise the workers there. On a visit to the Inspector's office about another matter, she had informed him of her intention. He had been aghast. These people were degenerate, habitual drunkards and far inferior to the people of the Boland as far as he was concerned. In any case the territory was dangerous for another reason. Illegal diamond buying was rife throughout Namaqualand and she could be arrested as a suspect. He gave her a letter of introduction to the Magistrate of Springbok so as to avoid such an event.

She went up to Port Nolloth in October 1942 and by the 24th of that month a branch of the Union had been formed.

The conditions of life in Port Nolloth was the worst she had ever seen. The people were indeed sick, completely listless. The territory was hot, short of water and had very little vegetation. The nearest to a desert she had ever seen. Farmers were constantly on the move with their livestock searching for water.

Both children and adults lived on liquor. There was hardly a home where even the children did not drink.

The factory owners were willing to concede some of the demands put to them by the Union but more pay - never! These people would spend such an increase on drink and make their work-potential more parlous than it already was, they asserted.

But Ray was angry, She had been shocked by the way the lives of the community had been reduced to the lowest levels imaginable. She knew that alcohol came from low wages, not low wages from alcohol.

For over a year, discussions and correspondence went on between the Union and the management. They said they would be willing only to discuss such matters as housing, food and clothing. The Union pleaded with the Minister of Labour to appoint a Wage Board to investigate the fish canning industry. Her letters to the government were decisive and persuasive. Ray, together with other union officials, went to great pains to get all their facts so organised that the government was left with no alternative but to grant this request. Their finding resulted in the employers having to agree ultimately to an increase in piece-work rates which came into effect in January 1944.

It had taken a year of bitter negotiations to bring about this success. But more was to follow, for in February of 1945 the

Wage Board Recommendation was made a Wage Determination. So Madeley, the Minister of Labour, fixed the workers' wages at a much higher level than that which the industry had agreed to previously. The willingness of the workers to stand up for their rights had found legal acknowledgement. Legislation established as a result of struggles by earlier generations of workers came to the aid of the fish factory workers, and helped them achieve status as employees with rights, not just 'skepsels' [creatures] who came on to this earth to labour for others..

That same year, 1945 - the year which brought the end of the war - a worker at a fish factory in Laaiplek wrote to Donald Molteno 'representative' of the African people in Parliament, complaining of the bad conditions at his place of work.

Molteno passed on the letter to Ray and she saw that it was signed by someone she dimly remembered as having acted as interpreter when she had interviewed a worker about a Workmen's Compensation claim. The name was Oscar Mpetha.

* * * * *

Oscar Mpetha was born in Mount Fletcher, a small town in the Transkei, in 1909. During his schooldays, he helped out at the local office of the ICU. After passing standard six, he worked in Matatiele and then in Amanzimtoti. Later, he signed a contract to work at the Simonstown docks, and once in Cape Town, found a job at Groote Schuur hospital. Here he joined a body known as the October Club, and was seized by the idea that one day he would be a successful union organiser.

He married in 1936, then went to Malmesbury for three years and organised the road workers around there. In the 1940's, Italian prisoners-of-war were brought to South Africa. Local

road construction workers laboured together with them building roads in the Western Cape. Oscar discovered that the prisoners were getting three shillings and sixpence a day while the local workers were receiving only two shillings and six pence. He started organising the workers. There was a strike and he was dismissed.

He then sought work at the fish factory in Laaiplek near Saldanha Bay.

When Ray Alexander received the letter Oscar had sent Molteno, she wrote to him and sent him application forms for workers to join the union. Oscar organised the workers of Laaiplek and it was not long before he was fully integrated into the top union team who pitted their minds against the employers.

As an official of the union, he was not confined to the West Coast.

In 1947 there was a strike at the canning factory in Ashton. This was to be the first strike Oscar was to be involved in as an official of the union. With the strike won, he set off to Wolseley.

He and Amie Adams, the union secretary in Wellington went to work in the factory in Wolseley. They pretended they were ordinary workers and organised inside the factory. Eventually he was caught holding meetings at lunch time on a Friday and was fired. On Monday the workers came out on strike.

When Ray Alexander was banned, it was Oscar, now General Secretary of the African Food and Canning Workers Union, and Liz Abrahams, who took over the helm of the union. Liz was persuaded to take up the position of general secretary. A dark and dangerous repression spread over the land. The hard-won rights of the workers were constantly at risk.

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Liz decided to stay in Paarl and commute daily to the top of Plein Street in Cape Town and back home every night. By this time she was married and did not want to upset the equilibrium of the home by moving into town. It meant that she had to wake up early and get home usually when it was already dark. The year was 1955. Workers were living in fear. It seemed as if the Government was set on a course of retribution against them for having had the effrontery to demand basic human rights in the past.

Apartheid had arrived and previous agreements could be ignored. A reign of terror was let loose upon the mainly black population in complete disregard of human rights.

Now was the testing time. Liz and her co-organisers faced this test with great determination.

They had a plan of action. They would take the Union's car, choose some members, usually shop-stewards, and drive right into the depths of the canning industry in the Boland.

At each important town or village, they would drop off one of the comrades to carry out the plan agreed upon. This was usually to make contact with the shop stewards or branch members and give them the latest political and union news. They would have a lunch-hour meeting with the members, hand out membership forms and collect membership fees as well as advertise future events. They would ask for any complaints or queries and promise to communicate with any unanswered advice needed which they could not deal with immediately at the meeting.

Liz would usually be driving and would choose the furthest venue for herself. When she had finished with her meeting, she would return along the route and pick up the others at a place and approximate time arranged beforehand. This trip would start and end in Paarl and usually took one whole day.

The same arrangement was made for the West Coast fisheries except that this trip would take a whole week and the office would organise sleeping places with various members at the dorps en route. Usually meetings had to take place against the background of intimidation of the bosses backed by the presence of the local police. Invariably the Cape Town Special Branch shadowed Liz or her colleagues Becky Lan and Elizabeth Mafekeng as they had done with Ray, following them by car for hundreds of miles into the hinterland.

Often they would arrive at a village in the early hours of the morning, say at about 2 am. They would then resolve not to disturb the locals and simply park at a convenient spot and sleep uncomfortably until daybreak after which they would make contact. On another occasion when a young advocate called Albie Sachs was in their crowded car, the car got stuck in the soft sands, and they had to spend the night in the bush and call on a local farmer to haul them out with a tractor the next day. At least they gave the Special Branch the slip.

The local police would ask Liz to come to the police station ostensibly for trespassing or on some other niggling allegation and deliberately keep her waiting for hours without charging her. This was done to upset their itinerary. The Special Branch even tried to create suspicion in the mind of her husband by telling him she was having affairs with other men on these trips. The same had been done in the case of Elizabeth Mafekeng whose husband had to see to the care of the many children they had while she accompanied Liz on these weekly trips.

After Ray was banned, nothing diverted or daunted Liz Abrahams and Oscar Mpetha. Tragically, Frank Marquard died at a relatively early age and his great leadership qualities were lost to the union. Liz and Oscar's courage and sharing of personal hardships kept up the morale of the members through the length and breadth of this large area. Such was their determination that the union survived those years of

growing repression and managed against the odds to keep afloat and even to recruit many new members.

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Today Liz Abrahams lives in a small cottage in Huguenot donated to her by the workers of the Boland. In honour of Ray Alexander, the building housing the offices and owned by the union in Groot Drakenstein is named "Ray Alexander Centre".

Both came from big families. But the backgrounds were completely different: Varklia, a small town in far away Latvia on the Baltic Sea in Eastern Europe and Huguenot a suburb of Paarl near the southern-most tip of the African continent, could hardly be regarded as the likely setting to produce two such leaders to rescue the fisherfolk and canning workers in the rural areas from the depths of despair into a brighter and more hopeful future.

Ray was twelve years of age and Liz 14 years when their respective fathers died. The impact on both their lives was dramatic.

Ray had been brought up in a studious, middle-class atmosphere. Their house was large and she had been encouraged by her father who was a teacher, to believe in orthodox doctrines of the old testament and in Zionism. There could be no higher goal than a return from the diaspora to the original home of the Jews in Israel. She had been encouraged to read which she did voraciously from an early age. This was made even easier for her as the doctors declared that she had an "innate" heart disease from birth. So she was no doubt coddled a bit by her parents to take the quieter life of books rather than the normal rumbustuous activities of most children. She doted on her father and when he died so suddenly, she was inconsolable and in her bitterness would

not adhere any more to supporting the God who had been so cruel.

She became increasingly influenced by Mr Joffe, her school principal, who was a Marxist and a secret Communist Party member. It was not too long before she turned to this philosophy which she reasoned was the only way to everybody's salvation - not the Jews alone from their anti-semitic persecutors. At the age of 15 she was already immersed in underground work against the pogroms and the regime's oppression of the weakest and most vulnerable elements in society. She indulged in surreptitious visits to the woods where revolutionary classes were held and where secret activities were devised to overthrow the oppressors. Soon one of her best friends was taken into custody and she was finally whisked off to South Africa to save her from the same fate.

When Liz's father died as a result of TB. of the lungs, she was completely oblivious of political philosophy or any such high-fangled ideas. She had to supplement the family coffers - "pure and simple". Or starve! She had no notion of underground work or politics of any sort. The bosses, not anti-semitic bands or any secret police, were her arch-enemies. Her horizons were fixed on the bench and the opportunity to earn a few more pence.

Both Ray and Liz carried on their crusade for the benefit of the workers with almost a religious dedication and passion. Nothing ever diverted them from this course. Not even their deep love for their own families.

Ray the pioneer had travelled the length and breadth of the Western Cape starting the union and consolidating its gains from before the outbreak of the Second World War until she was banned in the early fifties. Liz who succeeded her to the position of general secretary in the middle fifties, found that she had to go over the same ground again - restarting and rebuilding the structure of the union which the authorities had

smashed through unleashing a reign of terror. The prestige of the union took a firm hold throughout South Africa. Oscar Mpetha remembers how he travelled all over the country with Liz after his two-year banning order expired in 1956. They organised new branches in Durban, Cape Town and Johannesburg before he was banned for a second time in 1959 - this time for five long years. Later came detention and imprisonment, and international campaigns for his release.

However they succeeded in maintaining the morale of the workers over the years. They were able to keep in touch with events by employing unorthodox methods such as having secret meeting places in different offices in Cape Town. Ray used these regularly after her bannings and was able to impart her experiences to the new officials and suggest ways and means of combatting all the repressive laws: Liz, during the Fattis and Monis strike many years later, employed the same method to help in bringing that famous strike to a successful end. She also simultaneously succeeded in foiling the attempts of a government-supported person to split the union in Paarl into different factions of Coloured and Africans.

It is a matter of record now that the two women met clandestinely in Botswana on several occasions during Ray's exile in Zambia and when Liz herself was banned from the union. There they discussed such matters as tactics to be employed in their own union; but also the best way of bringing about a federation of many unions throughout the republic. The Food and Canning Workers Union was to play an important role in bringing about the birth of COSATU.

This union has fought steadfastly over the years to bring about the changes that all South Africans are now witnessing.

At the age of 82 years, Oscar Mpetha is confined to bed having lost both legs as a result of sugar diabetes.

His illness which confined him to a wheelchair at the height of the repression in the mid-eighties did not prevent him from

being wheeled across the vast Nyanga fields in the dead of the night to address the dairy workers. Aided by a false leg and a walking stick, he continued tirelessly to give of himself in the service of securing basic rights for the workers of this country.

Now on the eve of one of the greatest upheavals in the history of this country, Oscar Mpetha hangs on to life to see the freedom for which he strove so gallantly. He is cared for by three nurses through the day and night - a service funded by British trade unions. Although weak, his entire being is focussed on winning freedom - a dream that he has dedicated most of his adult life to realise. All who are close to the old man know that Oscar Mpetha has changed the slogan "freedom in our life-time" to "freedom in my life-time."

Frank Marquard unfortunately is not alive to see the full fruits of his years of labour.

Ray Alexander and Liz Abrahams have long passed retirement age. But these grey-headed women remain active. They speak regularly at public meetings, were both honoured guests at the first ANC conference held after it was unbanned, and keep in close contact with the great union which they have served so ably over the years.

They still insist that their watch-word is vigilance, that even in a new dispensation, basic human rights for workers, so painstakingly fought for, would have to be jealously guarded. The rights, like the unions, belong to the workers, not the other way round. Though they look forward to the unions having a significant influence on government policy, and to trade unionists being in the government, they want the unions always to be independent. In particular, they are determined to see to it that the workers never lose their bitterly-won rights to have independent unions, to engage in collective bargaining and to strike.

Ray will be 79 years of age this year. She will have been politically active for 64 years. Liz, 66 years of age and still living in Paarl where she was born, has been politically involved for 51 years.

Oscar Mpetha, at 82, can look back on 70 years of struggle. He lives in Guguletu close to the township of Nyanga where he had reared his children. He had lost his wife, Rose and his son Carl while imprisoned and was not granted permission to attend their funerals.

Oscar has had a school named after him. Photographs of Liz and Ray appeared in workers' homes all over the country. Yet the greatest monument to their years of struggle could be a few sentences in a section of a dry legal document forming part of the new Constitution of South Africa.

The idea of a Bill of Rights enshrining rights which no government or police force or employer can take away is now widely accepted in South Africa. The struggles of workers over the decades in our country ensure that the fundamental rights of workers are on the agenda for inclusion in this document. The draft Bill of Rights published by the Constitutional Committee of the ANC contains a special section devoted to workers' rights as fundamental human rights. Other bodies have made similar proposals.

When Frank Marquard and his co-workers at H Jones and Co endured the hardships that went with strike action so many years ago, they participated in the process of writing into the draft bill of rights that " Workers shall have the right to form and join trade unions, and to regulate such unions without interference from the State" (clause one).

When they took action after hearing of the dismissal of Cecil Capello for chairing the union meeting, they affirmed that " Workers shall be free to join trade unions of their choice, subject only to the rules of such unions and to the principles of non-discrimination set out in this Constitution, and no

worker shall be victimised on account of membership of a union." (clause two). That "their right to organise and to bargain collectively on any social, economic or other matter affecting workers' interests, shall be guaranteed" (clause three).

Employers would be barred from setting dogs on trade union organisers as they did to Ray Alexander when she entered the premises of a Salt River factory all those years ago. "Trade unions shall be entitled to reasonable access to the premises of enterprises, to receive such information as may be reasonably necessary, and to deduct union subscriptions where appropriate." (Clause four).

Clause five says that "no law shall prevent representative trade unions from negotiating collective agreements binding on all workers covered by such agreements."

"Workers shall have the right to strike under law in pursuance of their social and economic interests subject to reasonable limitations in respect of the interruption of services such as would endanger the life, health or personal safety of the community or any section of the population." (Clause six).

"Workers shall have the right to peaceful picketing, subject only to such reasonable conditions as would be acceptable in a democratic society". (Clause seven).

"Trade unions shall have the right to participate in lawful political activities." (Clause eight).

"Trade Unions shall have the right to form national federations and to affiliate to international federations." (Clause nine).

"Employers shall be under a duty to provide a safe, clean and dignified work environment, and to offer reasonable pay and holidays". (Clause 10).

"There shall be equal pay for equal work and equal access to employment." (Clause 11)

"The State shall make provision by way of legislation for compensation to be paid to workers injured in the course of their employment and for benefits to be paid to unemployed or retired workers." (Clause 12)

The rights that South African workers are claiming as part of a new constitutional order are the rights to dignity and respect that they themselves have won in decades of struggle. They bring these rights with them into the new South Africa.

