

RICHES FROM RAGS: BOSSES AND UNIONS IN
THE CAPE CLOTHING INDUSTRY 1926-1937

by

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The Union has always had an excellent working relationship with not only the Industrial Council ... but with the employer organisations as well. This has resulted in a very stable Clothing Industry in the Western Cape.*

During the late 1920s and the 1930s a strong, militant garment workers' union was built up in the Transvaal. Solly Sachs, Joanna Cornelius, Anna Scheepers and others led the union through more than a hundred strikes in a successful battle for improved wages and conditions. In addition, the union held against a barrage of vicious attacks from Afrikaner nationalists intent on wresting control from "the Jew-Communist Sachs". The brave struggle of young Afrikaner workers against wage-cutting bosses and their rejection of the fascist ideology of the Afrikaner nationalists provided an encouraging example to the rest of the South African labour movement. (1)

This was in sharp contrast to the experience of the garment workers of Cape Town who had to confront a union, closely in league with the factory owners, which condoned substantially lower wages than in the Transvaal and refused to lead a fight against poor conditions. The alliance between the local clothing manufacturers and the leadership of the Cape Federation of Labour Unions (and the conditions of class struggle which allowed it to flourish) effectively countered all attempts to form a militant garment workers' union in Cape Town. The failure of these various attempts to mobilize Cape garment workers significantly illuminates the operation of South African industrial legislation. Specifically, it shows how the Wage and Industrial Conciliation Acts operated to structure the alliance and prevent the emergence of a militant trade union in the Cape clothing industry. (2)

Kaplan has argued that the Pact government, through the Industrial Conciliation Act and at the cost of certain limited economic concessions:

... was able to provide for the incorporation of the White Trade Unions into the state structures, and to ensure that no direct confrontation between capital and the white wage earners on a scale comparable to the Rand revolt was repeated. (Kaplan 1977: 109)

*Garment Workers Union of the Western Province, Public Relations Handout, 1978.

Most writers who have commented on the class character of the Industrial Conciliation Act stress its racially discriminatory aspects, its provisions curtailing the right to strike and the manner in which the industrial council system promotes the bureaucratization of unions and the apathy of the workers (Davies 1975; 1977: 169-76; Simons 1969: 332-4). They generally emphasize the enervating effects the legislation had on originally militant unions once they were incorporated into the centralized bargaining procedures of the industrial council system. This paper traces the relationship between the Cape Wholesale Clothing and Shirt Manufacturers Association (CWCMA) (3) and the Garment Workers' Union of the Cape Peninsula (GWU-CP) (4) in the ten years prior to the formation of an industrial council in 1936. It shows that the power of the Minister of Labour to register one union over another at a crucial time has equal possibilities for influencing the nature of trade unionism in an industry at an earlier stage. In the case of the Cape clothing industry, the Minister upheld the registration of a union committed to conciliation and collaboration with the employers (and having a press-ganged membership) against a union which insisted that workers could advance their interests only through strong organization.

I have chosen to focus on the alliance between the CWCMA and the GWU-CP because it is central to an understanding of garment worker action (or inertia) in Cape Town. Considerations of length prevent me from detailing the role of the police, the courts and the Department of Labour in suppressing and impeding militant action by garment workers or from presenting an analysis of the nature of the class struggle in Cape Town. These will be covered in my thesis.

The paper also serves to illustrate (for the Cape clothing industry) the point, made by Davies and Kaplan for the economy in general, that, while the Pact government did make concessions to white wage earners, these were not of such a magnitude as to undermine seriously the processes of accumulation of capital (Davies 1977: 193; Kaplan 1977: 94). The civilized labour policy, industrial protection and the actions of the Wage Board did expand white employment (5) and raise wage levels in the clothing industry, but at the same time these measures ushered in a new wave of expansion. Higher wage rates forced factories to rationalize the labour process and tariff barriers protected the market from overseas competition.

I The Making of a Paper Union

The first clothing factory in South Africa was established in Cape Town in 1907. Faced with strong competition from imports, the industry was slow in developing and by 1925 there were only about one thousand garment workers on the Reef and slightly fewer in Cape Town. After the introduction of tariff protection by the Pact government in 1925, the number of clothing factories grew steadily to employ more than 16,000 workers in 1937/8. (6) The industry in the Transvaal began by producing cheap clothing for African mine-workers, but it soon diversified to become also the main centre for the production of the "better class" of men's outer wear. High quality shirt and pyjama production was confined to Cape Town. (7) The two centres competed with one another (and with imports) over the supply of men's outer wear and government contracts.

The wages of garment workers in the 1920s and 1930s were extremely low and conditions were often appalling. (8) The clothing industry is particularly labour intensive, with wages constituting the major element of cost after materials (Barker 1962: 127) The technology in use does not confer any economies of scale on larger factories which small operators cannot make up through a more intensive exploitation of their work force. Many small production units can enter the industry and competition is exceptionally keen (Barker 1962: 191). All factory owners are forced to drive wage costs down to their lowest level if they are to survive. This often leads to workers being paid less than the cost of the reproduction of their labour power. Women workers, who form the backbone of the labour force, are rarely paid a living wage because they are assumed to be supplementary wage earners and need only be paid "pocket money". A prominent Cape clothing manufacturer said before a Select Committee in 1917:

I certainly do not contend that a girl can live decently on 10s. a week. I do not, however, look upon it as a serious thing that a large number are paid no more than that. The majority of these girls live with their families and have their parents behind them. (9)

Another manufacturer told the Wage Board in 1926:

The firm always desires to get respectable girls. In most cases inquiry is made as to the girl's circumstances - where she is living and so forth - but in the case where a girl depends on her wage for a living, she is usually told the salary will be inadequate to keep her. (10)

Other methods for reducing costs included sub-contracting work outside the factory, working long hours and speeding up production. "Cut, Make and Trim" concerns at "the lower end of the trade" were particularly bad employers. (11) In the absence of effective legislation, sweated conditions were common and remained the curse of both workers and many employers until at least 1936. (12)

One of the first tasks of the Wage Board was an investigation of wages and conditions prevailing in the clothing industry. The publication of the Board's recommendation in September 1926 caused great consternation amongst Cape clothing manufacturers. The manufacturers had proposed a wage scale for female machinists (who were the majority of workers) ranging from a 10s per week starting wage to 17s in the fourth year and 25s thereafter. The Board wished to set a starting wage of 20s, rising to 37/6 over two years and 40s per week as the qualified wage. (13) The manufacturers argued that such a wage scale "would spell immediate ruin". It would reduce their profit considerably and force them all to close their factories. (14)

The manufacturers erected two lines of defence against the adoption of the recommendation. Firstly, they began to protest in public and by deputation against the recommendation. Secondly, they planned to pre-empt any interference in their industry on the part of the Wage Board by forming an industrial council which would set a new scale of wages arrived at by negotiation between themselves and a trade union. The latter presented an immediate problem in that the garment workers of Cape Town were unorganized. To overcome this difficulty, the manufacturers asked the Wage Board to postpone making a final recommendation for a few months to allow time for the establishment of an industrial council. W. J. Laite, the secretary of the GWCMA, said:

The employers themselves have given their word ... they will put no obstacles in the way of their employees in forming a properly organised body that shall be representative of their interests ... they have offered to assist in any way they can, either by the issuing of notices signed by the firm that no individual need fear any reprisals by associating himself with an organisation of this character and that employers wish them to be associated with their particular union. I think this is a somewhat different mental attitude from what was taken up by some employers in the past. (15)

The Wage Board agreed to this request, believing it desirable:

... that, where possible, conditions of labour should be settled by agreement, provided that each party to the agreement is reasonably able to protect its own interests. (16)

But it stipulated that the negotiated wage scales should be sent to it for approval. The Board also decided to make an interim recommendation incorporating a revised wage scale which the manufacturers had drawn up representing, they claimed, the maximum they could possibly pay. This scale was not regarded as being adequate but would provide at least some standard for the industry until matters were settled. It was gazetted in December 1926 as Wage Determination No. 2. (17)

The manufacturers initially tried to organize a trade union themselves, under the name "The Cape Wholesale Shirt and Clothing Factory Employees Union". Each firm would ask its employees to elect representatives who would meet with the Chief Inspector of Labour to prepare a constitution. (18) This strategy was not successful and the CWCM had to turn to the Cape Federation of Labour Unions for assistance.

The Cape Federation had been established in 1913 as a co-ordinating body for the local craft unions. It had expanded to include unions in all sectors of Cape industry, representing both skilled and unskilled workers, from stevedores and leather workers to hairdressers and "Bioscope employees". Because of the extent to which "coloured" workers were entrenched in many trades (especially building, printing and furniture), the Federation always espoused non-racial unionism and constantly criticized the racism of Transvaal unions. The Cape Federation was led by Robert Stuart, a Scottish stone-mason, who had abandoned his trade in 1914 to become its full-time secretary. Stuart dominated the Cape trade union movement for almost forty years. Intent on maintaining the "autonomy" of the Cape, he was continually responsible for the failure of the repeated efforts to unify the South African trade union movement before 1955 (Williams 1974). His great crusade was for "pure trade unionism", which combined an aversion to party politics with a firm dislike for trade union militancy.

Stuart had recently registered a union of bespoke tailors in Cape Town and Laite arranged with him that the factory workers would also be incorporated in it. (19) At the end of March 1927, Stuart brought ten workers to a joint meeting with employer representatives. An industrial council (as yet unregistered) was formed and an agreement, with wages substantially the same as in the current Wage Determination No. 2, was arrived at. (20) It was arranged that trade union subscriptions would be collected by stop order. In August the GWU-CP was registered under the Industrial Conciliation Act.

However, all did not go according to plan. There was considerable rank and file opposition to the terms of the agreement. (21) This was strengthened by the final recommendation of the Wage Board which was much more favourable to the workers than the draft agreement (22), and, at a stormy meeting, garment workers voted that they wished to have their wages regulated by the Wage Board rather than by an industrial council. (23) Stuart resigned as secretary of the Union in disgust and the "industrial council" became defunct.

As it became apparent that the Minister intended to gazette the new recommendation, the CWCMA launched a campaign to oppose the Minister "in order to save the industry". (24) But petitions to members of parliament and appeals through the press were unsuccessful and the recommendation became law in June 1928.

The prophecies of the CWCMA about the dire effects the determination would have on the industry failed to materialize. Indeed, after the new Determination had operated for a year the manufacturers declared that it was working "admirably". One stated that the Determination

... had increased the efficiency of his employees and he was now getting increased output at a lower cost per unit under the conditions laid down by the Wage Board. (25)

Adaptation to the new conditions was made possible partly by an increase in the duty payable on clothing imports (26) and partly through changes in the labour process which reduced the period of learnership for machinists. There were no major technological innovations (the sewing machine remained the basic unit of machinery), but there was a significant extension of the division of labour. As one Cape manufacturer stated before the Customs Tariff Commission in 1935:

... five years ago one girl made the whole garment. A shirt hand made the whole shirt and the pyjama hand made

the whole pair of pyjamas. Today the work is subdivided into definite operations. (27)

A Transvaal clothing manufacturer explained:

As a result of this [the division of labour] the efficiency has grown because it is easier for a girl to learn one particular operation than to learn to do a whole pair of trousers. (28)

Although novices could learn to be efficient workers in a few months (if not weeks), the Wage Board had set a three year learnership period. After the new Determination there was a dramatic increase in the proportion of lower paid juvenile women workers (29) and an increase in labour turnover as

... many employees ... were turned out of the factories when their increases became due, owing to their inability to earn the increased wage. (30)

Beginners would then be taken on at a lower wage. The Board had prescribed a certain ratio of learners to qualified workers to control this type of action, but the ratio clause was consistently ignored by Cape employers. (31) In order to retain their jobs, qualified workers often had to accept learners' wages and keep quiet about it or face dismissal. (32) The Determination as a whole was inadequately policed and breaches were common. (33)

The GWU-CP provided no protection for workers over this period, as after the collapse of the "industrial council" it effectively ceased to operate. Freed from any necessity of ensuring the Union's existence, the manufacturers stopped promoting the recruitment of members. The Union was reduced to consist of little more than its new secretary, a Cape Federation bureaucrat, Henry Evans, and a number of executive members. The Union's registration certificate still held good, however, and over the next five years the Union (in the person of Evans) invited the manufacturers to form an industrial council on at least six occasions. (34) Evans and the Federation favoured this step because they believed it would lead to a more effective enforcement of minimum conditions. One suspects that they were also influenced by the knowledge that an industrial council would provide jobs for several agents and the probability that the counterpart of the workers' industrial council levies would be stop-order subscriptions to the Union. A fully enrolled clothing industry would provide a very respectable income.

The manufacturers refused to form an industrial council because it was the policy of the Department of Labour to reject any agreement which provided for wages lower than those in an existing Wage Determination. The general opinion was that the expenses which the manufacturers would incur in the operation of an industrial council would not be outweighed by savings arising from the other powers of an industrial council, such as enforcing the agreement, deciding on holidays and granting exemption from wage rises for slow and inefficient workers.

II The First Invasion from the North

The actions of the Wage Board in dealing with the clothing industry in the Cape had been followed with great interest by the Garment Workers' Union (GWU) in the Transvaal. The wages of garment workers in the Transvaal had, since 1925, been regulated by an industrial council agreement which set a substantially higher wage level than at the Cape. (35) The early, independent organization of Transvaal factory workers by the Witwatersrand Tailors' Association (later the GWU) gave them an advantage over the employers which Cape workers lacked. GWU made representations to the Wage Board to raise the wage level at the coast as the lower wage rates were a constant threat to the standards of workers on the Reef. The Board recognized that there would be "serious trouble in the industry" if unorganized workers were to accept lower wages than well organized workers (36) but maintained that the disparity was too

great to be adjusted in one step. In 1930 the GWU proposed the formation of a national union of garment workers which would fight for a national industrial council to regulate wage levels in both centres and remove the threat of undercutting.

A meeting was held with the leadership of the Cape Union but no agreement was reached. Solly Sachs, the secretary of GWU, spoke to the press of the "abominable" conditions in Cape clothing factories and criticized the refusal of the Cape Union to support the move for a national body. (37) Eventually, GWU decided to send an organizer to Cape Town to build up a rival union. Ben Weinbren took up his post as provisional secretary of the South African Garment Workers' Union (SAGWU) in mid-1930. His task was to recruit sufficient members so that the registration of the GWU-CP as the body representative of Cape clothing workers could be challenged. At the time the GWU-CP was still a "paper union" with few members and no support. Stuart (38) explained to the CWCMA that if the Registrar of Trade Unions registered a national garment workers' union, able to operate over the whole country, a national industrial council might be forced on the industry

... which would be detrimental to the Cape manufacturers' interests ... Mr Stuart said that they would have to assist in strengthening the trade union in the Cape by getting their employees to become members, and to still further insure against the contingency of a National Agreement and domination by the Transvaal, he suggested that the Cape clothing industry form its own industrial council and manage its own affairs. (39)

Twice again in the following eighteen months Stuart and Evans urged that an industrial council be formed. The manufacturers replied that they would not consider this unless the Minister agreed that wages lower in the current Wage Determination could be negotiated. (40) But they did agree to encourage their workers to join the Union and were prepared

... if necessary to assist the Trade Union to become representative of the workers in the industry ... by means of a stop order system or some other method. (41)

To some extent SAGWU was successful. It organized meetings of workers and protested against the non-enforcement of the Wage Determination. In September 1931, Evans told the CWCMA that

... the position was very critical. At present the local union could not claim to be representative and within recent weeks the membership of the non-registered Cape Town branch of the S.A. Garment Workers' Union has been increased so that at present it exceeded the membership of their registered Union. (42)

But ultimately SAGWU was unable to follow through its attack on the Cape Union. The campaign was launched at the beginning of a depression in the clothing industry, and unemployment, intimidation by employers and the opposition of the leaders of the Cape Federation severely hampered organization. (43) It was very much in desperation that SAGWU called a strike at The African Clothing Factory in September 1931. The strike was badly timed, ill-organized and failed utterly. It was supported by very few workers, all of whose places were quickly filled from amongst the unemployed. The strike ended ignominiously, the SAGWU office was closed, and the first attempt to form a national union abandoned.

III The Best Method of Defence is an Industrial Council

Despite the depression, the clothing industry in Cape Town more than doubled in size between 1929 and 1934. (44) This expansion was aided by a new Wage Determination

(No 42) which reduced the wages of the middle range of learners and introduced a flat minimum rate for qualified men. (45) The wages of Transvaal workers were cut by 10% after the union lost a general strike in 1932 and had to submit to arbitration. Union membership declined sharply and the next two years were spent in rebuilding the union and re-establishing the industrial council. The arbitrator's decision to impose a wage reduction was largely influenced by the lower wage rates prevailing in the Cape and in Durban (Barker 1962: 400).

So in 1934, as the clothing industry entered a boom period, the Transvaal Union initiated a new effort to uplift the low standards of the coastal garment workers. Two approaches were to be used. The one involved pressurizing the Wage Board to fix a union wage standard for the whole country based on Transvaal wage levels, while the other was to form a national union of garment workers and to encourage the coastal workers to take action to improve their conditions. (46)

Sachs followed the Wage Board around the country giving evidence in each of the centres. On arriving in Cape Town, he met Stuart and Evans to see whether the two unions might present a joint memorandum to the Board but they refused all co-operation. Sachs therefore decided to establish a rival union which would adopt a militant approach to wage demands and hopefully oust the Cape Union. When SAGWU was revived in March 1935, the Cape Union was still little more than a "paper union". Out of the more than 4,000 garment workers in Cape Town only 400 were members of the union. (47) At a union meeting in January, so the minutes recorded:

Bro. Evans said of Executive Committee work: 'Sometimes the work was disheartening but they all felt the Union must be kept intact, although they did not get much support from the members who were very apathetic, and up to now the number of new members was very small. If it was not for the stop-order system operating in a few shops, the Union would have collapsed long ago. There seems no life, and no response from the workers generally, they only thought of the Union when they were out of work or in trouble.' He hoped that 1935 would be a better year. (48)

1935 was a much better year. For the intensity of the Transvaal's campaign compelled the employers to strengthen the Cape Union in self-defence. The manufacturers were extremely concerned about Sach's aggressive attitude and his declared intention to organize a branch of the GWU in Cape Town and have the Cape Union de-registered after obtaining a higher membership for SAGWU. The manufacturers saw in the Cape Union officials "more likely to take the business point of view" (49) than those in the Transvaal union, and so decided to accept the union's proposal of forming

... a local industrial council and so safeguard the industry from the machinations of the Transvaal agitators. (50)

The first essential step was to reorganize the Cape Union, to increase its membership figures so as to make it immune from charges of not being representative. This was achieved by persuading workers to sign stop-order forms. In several instances workers who refused to sign were threatened with dismissal. (51) In the space of a few weeks, union enrolment rocketed. At the end of May an Industrial Council for the Clothing Industry (Cape) was formed and an application for its registration was sent to the Department of Labour. The agreement negotiated was, in virtually all respects, much less generous to the workers than the new recommendations of the Wage Board which were published shortly afterwards. Increments were given at longer intervals and the agreement created eight job divisions which allowed much lower wages for less skilled workers. (The Wage Board always favoured flat rates for men and women.) (52)

In 1927 a similar attempt by the union leadership and the employers to pre-empt a Wage Determination had failed, partly because the proposed agreement was rejected by the workers. In 1935 the union did not repeat the mistake. In the face of loud objections from SAGWU and union members, the leadership refused to call any

general meetings and proceeded with the formation of the industrial council in an unconstitutional and undemocratic manner. Petitions demanding that the Executive hold a general meeting were merely ignored. Eventually SAGWU resorted to legal action. A SAGWU supporter applied to the Supreme Court for an interdict restraining the executive from participating in the establishment of an industrial council until a general meeting had been held to allow members to vote on the matter. (53)

The case proved highly embarrassing for the Cape Union. Evidence presented to the court indicated that the union was completely dominated by Stuart and the Federation bureaucrats who surrounded him - none of whom were garment workers. This clique ran the union with scant regard for the constitution, not only as far as concerned the rejection of members' petitions but also in the general administration of the union. In giving judgement against the union, the presiding judge said:

It seems to me that everything that has been done on the part of the Executive Committee in constituting an Industrial Council and coming to an agreement with employers was improperly and irregularly done ... [The union leadership] deliberately and without justification refrained from doing their duty; and when requested to do what they were required under the constitution to do, turned a deaf ear to the request. Not only was their conduct grossly unreasonable, but I venture to think it was lacking in bona fides. (54)

The order sought was granted but the judgement was overturned on appeal. A full bench of the Supreme Court ruled that the court could not intervene as it was an internal matter for members of the union to resolve themselves. (55)

Throughout this period, SAGWU was conducting a vigorous organizing campaign. Venomous pamphlets railed against the Cape Federation, the Department of Labour and the "bosses" garment workers' union. Mass meetings were held to mobilize workers against the industrial council and the union leadership. Some manufacturers responded to these attacks on the union by intimidating workers who supported SAGWU. One said that:

... if any of their employees joined Sach's union, they would be dismissed from the factory. (56)

The CWCMA realized that such extreme actions gave SAGWU ammunition to use against them. To counter the effect of this "tactical error", they agreed to put it out that workers were "absolutely free to join any union they wished". (57) Intimidation of SAGWU supporters did not cease (58) but membership increased steadily. On several occasions the manufacturers reported that workers were resigning from the Cape Union and exhorted Evans to work harder to do more propaganda work. (59)

At a special meeting of the CWCMA in November 1935, Stuart asked the employers to declare a "closed shop" in favour of the Cape Union. In the course of the discussion which followed, the manufacturers voiced their dissatisfaction with the manner in which the union was being run. They criticized the refusal to hold a general meeting (litigation had delayed and possibly prejudiced the registration of the industrial council) and complained about the union's organizing methods. One manufacturer told Stuart that:

... the Union was going about the formation of their Union in a very slipshod manner ... for every once Mr Evans had been going out, Mr Sachs had been going out a dozen times. Unless the Union became more active they would lose entire control. There was no initiative amongst their Executive members, whereas the other people were at it all the time, getting into touch with the employees, taking them out to tea and all that kind of thing. (60)

In particular, the CWCMA was concerned about the way in which the GWU-CP had been successfully dubbed a bosses' union. They urged the union to distance itself from them to win back credibility. Another manufacturer commented:

... there was a definite decision amongst the workers that they had no confidence in Mr Evan's Union, and unless the Union woke up and took action against the manufacturers or anybody else, to show that they were a live body, they would lose the support of the employees. The Union must be militant. (61)

In view of the low standing of the union with the mass of workers, the manufacturers feared that the institution of a closed shop would provide an issue over which SAGWU could call a general strike.

The Cape Union finally held two general meetings - the one to ratify the past acts and omissions of the Executive and the other to make certain changes to the constitution. Policemen and thugs from the Lorry Drivers and Bakers unions were in attendance to keep order and prevent questions from being asked. Both meetings were held in an uproar. Such disruption did not prevent the leadership from proclaiming that all their motions had been carried. (62)

Matters came to a head in February 1936, when a SAGWU member at I. L. Back & Co was dismissed for her union activities. (63) Eli Weinberg, the secretary of SAGWU, supported by Bill Andrews, addressed a lunchtime meeting outside the factory and persuaded about a third of the work force to come out on strike in protest against this victimization. The strike was used to publicize the struggle against the Cape Federation and the GWU-CP and protest meetings were attended by workers from all sections of industry. In the second week of the strike, police raided a meeting outside the factory and arrested fifty people under the Riotous Assemblies Act. Eight (including Weinberg, Andrews and two Labour MPs) were charged under the Industrial Conciliation Act with inciting an illegal strike. (64) This was followed by:

A Monster Protest Meeting against the Persecution of Strikers, Interference of the Police Force, Sweating and Victimization (65)

on the parade, which attracted 10,000 people. Further lunchtime meetings outside many factories and solidarity marches through Cape Town continued well into March. (66) But after seven weeks the majority of the work force was still at work and the strike was called off. This was a defeat for SAGWU, which had to ask the Department of Labour to find jobs for the strikers, all of whom had been dismissed.

After one year of operation, SAGWU had almost 1,300 members, about a third of all the garment workers in Cape Town. But by this stage the battle to break the Cape Union by force had been lost. The Minister refused to gazette the Wage Board recommendations and registered the industrial council in February 1937. The industrial council agreement became law in April. SAGWU's campaign had served to cement the alliance between the Cape Union and the Manufacturers' Association, and participation in the industrial council gave the union a powerful new weapon with which to ward off any direct assaults by the Transvaal Union. The policy of directly confronting the Cape Union appeared to have reached its limits. SAGWU therefore intensified its efforts to get its supporters elected into leadership positions in the Cape Union and to take it over from the inside. However, democracy in the GWU-CP did not operate through majority votes alone. Stuart and Evans kept a tight control over all the affairs of the union. In mid-1937, just as national union supporters were poised for a take-over bid, Stuart and his supporters staved off the coup by expelling the dissidents in a characteristically high-handed manner. (67) The single factor of the leadership's control over the internal "democratic" processes in the union made an orderly constitutional take-over highly unlikely. The additional defences open to the leadership against internal attempts to unseat them, such as employer victimization of dissidents and the goodwill of the police and labour inspectors, coupled with the aloofness of the courts, made them almost completely invulnerable. (68) The alternative approach - an attempt to oust the Cape Union itself by the formation of a rival body -

met with a wider range of obstacles. Firstly, it was impossible for SAGWU to get registration as long as the enrolment of the Cape Union was maintained by the employers and their stop-orders. Secondly, the recruitment of members was hampered by intimidation and victimization. (In later years a closed shop allowed the union itself to discipline deserters to rival organizations.) Thirdly, there was the problem of funds. SAGWU could not finance itself and had to be subsidized by the GWU. The Cape Union became increasingly wealthy and could afford to spend all that was necessary on anti-unity organizers and propaganda. Finally, in order to replace the Cape Union, SAGWU would first have to win the recognition of the employers. Given that the employers were firmly united behind the Cape Union, SAGWU would have to prove its representativeness through successful militant action. This would be extremely difficult both because of the provisions of the Industrial Conciliation Act, which made most strikes illegal, and because any dispute would, in the first instance, be referred to the industrial council.

The Transvaal Union decided to call off its offensive in Cape Town in July 1937 and to try to win over the Cape Union by "peaceful negotiation". (69) This step was dictated both by the setbacks experienced in the two-year campaign and by a request from the Trades and Labour Council. A new effort to unite the Cape Federation with the rest of the South African labour movement was under way and the GWU's intrusion into the Federation's territory would impede progress. The wage gap between the Transvaal and the Cape widened dramatically in the boom conditions during and after the war. Fearful that, when the boom ended, employers would use the wage disparity as an excuse to reduce Transvaal wages, GWU conducted three more intensive unity campaigns in the Cape in 1944, 1945 and 1954-5. All these efforts were resoundingly defeated. Until the mid-1950s, the Transvaal was able to maintain its higher wage rates because of higher productivity (Barker 1962: 430). But by 1956 comparative labour costs had moved against the Transvaal to such an extent that the Union was forced to accept a substantial cut in wage standards.

There is no way of knowing whether the mass of garment workers in the Cape could have been mobilized behind SAGWU to fight for the national union, which alone could have improved their position. The point is that they were never put to the test. The trade union for Cape garment workers was chosen by the employers, who ensured that it was "representative", and by the Minister of Labour, who ignored the dictatorial actions of the controlling clique and registered the industrial council in 1937. The Minister's action was aided by the courts, who declared themselves unable to intervene to prevent violations of the union's constitution because these might be ratified afterwards by a majority of members.

The Cape garment workers' union was not a union which was "tamed" by the industrial council system (as one might argue in the case of many other registered unions). It entered its first industrial council agreement already structured as a compliant bosses' union, which the manufacturers had "organized" by arranging the enrolment of their workers. But this was crucially the effect of the forms of organization engendered by South African industrial legislation as a whole, and the way in which this legislation was administered in the specific conditions of class struggle prevailing in Cape Town.

Abbreviations

CCI	Cape Chamber of Industries
CFLU	Cape Federation of Labour Unions
CWCMA	Cape Wholesale Clothing & Shirt Manufacturers' Association
CWMTA	Cape Western Merchant Tailors' Association
GWU	Garment Workers' Union (Transvaal); GWUSA after 1952
GWU-CP	Garment Workers' Union of the Cape Peninsula
GWUSA	GWU of South Africa (Head Office in Johannesburg)
SAGWU	SA Garment Workers' Union (Cape Town 1930-1, 1935-7)
TCMA	Transvaal Clothing Manufacturers Association
TLC	SA Trades and Labour Council (1930-1954)
TUCSA	Trade Union Council of SA (Founded 1955)

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Notes

- (1) Not all aspects of GWU policy were encouraging. In order to incorporate "coloured" workers, the Union bowed to the racism of white garment workers and formed a separate "No 2 Branch".
- (2) See Appendix I.
- (3) Today the Cape Clothing Manufacturers Association.
- (4) Today the Garment Workers Union of the Western Province.
- (5) See Appendix III.
- (6) 5,700 in Cape Town, 7,900 in the Transvaal and 2,700 in Durban and the Eastern Province (Board of Trade and Industries, Report on the Clothing Industry No. 303, 1948).
- (7) Customs Tariff Commission 1935, Minutes of Evidence, p. 707, Transvaal Clothing Manufacturers Association (TCMA) representatives' evidence (Cape Chamber of Industries Archives).
- (8) See Sachs (1957); R. Stuart, "I Look Back", in Trade Union Bulletin, October 1950.
- (9) SC 4-1917, Select Committee on Regulation of Wages (Specified Trades) Bill.
- (10) Wage Board Report, 26.9.1926 (unpublished), cited in Du Plessis (1955: 166).
- (11) The Cut, Make and Trim (CMT) establishment accepts cloth from a retailer or cloth wholesaler/importer to be made up into garments. The owner supplies only the trimmings, so he requires little starting capital - as little as is needed to rent some machines and a room. The Wage Board reported in 1935 that so many CMT factories had sprung up that competition allowed the wholesaler to hawk rolls of material from one factory to another. "Eventually prices are so low as to make it impossible for anything but sweated wages to be paid." (Wage Board Report, 12.4.1935: Annexure to the Votes and Proceedings of the House of Assembly No. 99 of 1936 - hereafter abbreviated as Annexure 99-1936.)
- (12) Sweated conditions in some sections of the industry would provide "unfair" competition to factories with better wages and conditions and consequently threaten both profits and wage levels.
- (13) Interim Report of the Wage Board, 20.11.1926 (Annexure 58-1927).
- (14) CWCMA Minutes, Special Emergency Meeting, 7.10.1926.
- (15) Quoted in Garment Worker, January/February 1946.
- (16) Interim Report of the Wage Board, 20.11.1926, op. cit.
- (17) Ibid. See Appendix II, Column 3 of table.
- (18) CWCMA Minutes, 29.11.1926.

- (19) CWCMA Minutes, Joint Meeting with Cape Western Merchant Tailors' Association (CWMFTA), 2.2.1927.
- (20) Industrial Council for The Garment Manufacturing Industries, Minutes, 30.3.1927 (Cape Chamber of Industries Archives).
- (21) Gomas to Glass, 31.5.1927 (GWUSA Archives); CWMFTA Minutes, 30.5.1927 (CCI Archives).
- (22) See Appendix II, Columns 4 and 5.
- (23) Cape Federation of Labour Unions (CFLU), Minutes 11.11.1927 (TUCSA Archives); CWCMA Minutes, Joint Meeting with CWMFTA, 12.12.1927; CWCMA Minutes, 10.11.1927.
- (24) CWCMA Minutes, Special Meeting, 19.3.1928.
- (25) CWCMA Minutes, 27.6.1929.
- (26) Customs Tariff Commission 1935. Minutes of Evidence, p. 3484, CWCMA representatives' evidence.
- (27) Ibid., p. 3168.
- (28) Ibid., p. 646, TCMA representatives' evidence.
- (29) Juveniles comprised 50% of the women workers in 1926/7 and 68% in 1929 (Social and Industrial Review, Special Edition, September 1929; Wage Board Report for the Three Years ended February 1928 - Annexure 112-1929, 2nd Session)
- (30) CWCMA Minutes, 27.6.1929.
- (31) Wage Board Report, 12.4.1935 (Annexure 99-1936), paras. 41, 51.
- (32) Evidence of R. Beattie in R. v. De Freitas and Others: Cape Supreme Court Criminal Appeals 2 (79), 1936.
- (33) See, for example, CFLU Annual Reports, Wage Board Reports and statements of Stuart and Evans to the CWCMA in Minutes, of 13.1.1930 and 4.9.1930.
- (34) In 1929, 1930 (twice), 1931, 1932 and 1934.
- (35) See Appendix II, Column 9. Until 1932 the wages of (African) pressers in the Transvaal were much below those in the Cape. In a 1931 report the Wage Board commented: "The higher wages paid to Europeans on the Rand ... are only made possible by the absence of provision for pass-bearing natives in the agreement." (Annexure 82-1931/2). Wage Determination 42 applied to the whole country and raised African wages to the same level as at the coast.
- (36) Wage Board Report, 25.9.1927, para. 12 (Annexure 134-1927/8).
- (37) Cape Times, 28.2.1930.
- (38) Stuart did not hold any official position in the GWU-CP, but he maintained a close interest in its affairs as secretary of the Cape Federation.
- (39) CWCMA Minutes, Special Meeting, 13.1.1930.
- (40) Evans was "... agreeable to a reduction of wages, provided that they were satisfied such reduction would be in the best interests of the employees". (CWCMA Minutes, Special Meeting, 4.9.1930.)
- (41) CWCMA Minutes, 30.9.1930.
- (42) CWCMA Minutes, Special Meeting, 1.9.1931.
- (43) Weinbren to Sachs, 9.2.1931, Sachs to Secretary TIC, 28.9.1931; Gomas to Sachs, 24.6.1931 (GWUSA Archives).
- (44) Appendix III.
- (45) Appendix II, Column 6. Cape employers were eager that the wage of qualified females should also be reduced. The CWCMA "... produced a budget showing that a female employee in receipt of £1.15.0d a week would be able to maintain herself and have a little in hand at the end of the year". (Wage Board Report, 23.10.31, Annexure 82-1931/2.) The Wage Board maintained the qualified wage at £2.
- (46) Document entitled "R. Stuart versus E. S. Sachs - Statement in regard to national trade union unity", c.1945, para. 19.

- (47) Freestone to Minister of Labour, 8.3.35, printed in Trades & Labour Journal of South Africa, April 1935.
- (48) GWU-CP Minutes, Annual General Meeting, 16.1.1935 (Annexure AA to the affidavit of H. A. Evans in Smith v. Crawford and others: Cape Supreme Court Motions 19 [949], 1935).
- (49) UG 12-1914; Report of the Economic Commission, cited in Davies (1976: 11).
- (50) CWCMA Minutes, Meeting of Readymade Shirt Section, 8.4.1935.
- (51) Statement of Rose Kemp (née De Freitas), 1945; SA Garment Worker 1 (1), May 1936 (GWUSA Archives). Allegations of such intimidation were made in Parliament by Duncan Burnside, MP (House of Assembly Debates, 18.3.1936, col. 1510), but strongly denied by both the CWCMA and GWU-CP.
- (52) Annexure BB in Smith v. Crawford and others, op. cit.
- (53) Smith v. Crawford and others, op. cit.
- (54) Ibid.
- (55) GWU-CP and others v. Smith, 1935, CPD, 251.
- (56) CWCMA Minutes, Special Meeting, 4.10.1935.
- (57) Ibid.
- (58) TLC Circular "Re: Garment Workers' Dispute - Cape Town", 13.2.1936 (TUCSA Archives).
- (59) CWCMA Minutes, 13.8.1935.
- (60) CWCMA Minutes, 7.11.1935.
- (61) Ibid.
- (62) Forward, 29.11.1935; 17.1.1936.
- (63) CWCMA Minutes, Emergency meeting, 17.2.1936.
- (64) R. v. De Freitas and others, op. cit.
- (65) Pamphlet: "SATLC - CDC Garment Workers on Strike" (GWUSA Archives).
- (66) Forward, 28.2.1936.
- (67) Weinberg to Sachs, 15.3.1937, and 15.5.1937 (GWUSA Archives).
- (68) Attempts were made to topple the leadership from the inside in 1944 by a "Garment Workers' Vigilante Committee", and again in 1975-6 when an "Action Committee" was formed. The latter attempt is the subject of an interesting article by Johann Maree, "Problems with Trade Union Democracy: Case Study of the Garment Workers' Union of the Western Province", SA Labour Bulletin 3 (2), September 1976.
- (69) Document entitled "R. Stuart v. E. S. Sachs ...", para. 27.

I am indebted to the Library of the University of the Witwatersrand for access to the archives of TUCSA and the Garment Workers' Union of South Africa, and to the Cape Chamber of Industries for access to the records of the Cape Wholesale Clothing and Shirt Manufacturers' Association.

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APPENDIX I

a) The Industrial Conciliation Act (No. 11 of 1924) gave formal legal status to employers' organization and trade unions ("pass bearing natives" not being permitted to be members of unions registered under the Act) and allowed for the formation of Industrial Councils. Industrial Councils were made up of an equal number of employer and employee representatives and negotiated a code of minimum wages and conditions. Subject to the approval of the Minister of Labour, this code was gazetted as an Industrial Agreement which was legally binding on all employers in the area for which the Council was registered. The registration of a union as the body representative of the employees in an area was the prerogative of the Minister. This gave the Minister a crucial control over the fortunes of trade unions as, without registration, a union could not participate in an Industrial Council. Enforcement of the Agreement was the responsibility of the Council, which employed a number of "agents" to inspect factories and investigate the complaints of workers or employers. The Council was financed by weekly levies on both workers and employers. The Act laid down a formidable series of formalities which had to be complied with before a strike or lock-out could take place legally.

b) The Wage Act (No. 27 of 1925) created the Wage Board, a body which, on the instructions of the Minister of Labour, investigated wages and conditions in an industry in a specified area. The Board submitted a Report to the Minister along with Recommendations on a schedule of minimum wages and conditions. The Recommendation was published in order to give interested parties an opportunity to raise objections. The Board then again submitted a Report and Recommendation to the Minister, who could then decide whether or not to gazette the Recommendation as a Wage Determination. The Minister had no powers to amend the Recommendation himself - alterations to its terms could be made only by the Board. Wage Determinations were legally binding on all employers in the industry in the areas specified and were enforced by Divisional Inspectors of Labour and the Department of Labour. It was intended that the Wage Act should control conditions of employment in industries in which, usually because of the lack of registered trade unions and/or employers' organizations, industrial councils had not been formed. The Board, in setting wages, had to take into account the ability of the industry to pay. In the event of this consideration preventing the Board from setting a minimum wage which would allow workers to support themselves in accordance with "civilized standards of life", the Minister had to be specially informed. He could then direct the Board to recommend such a lower wage as it considered reasonable for the industry. Although the Act was introduced primarily to uplift the standards of unskilled, poor white workers, it made no distinction between the races.

In their slightly amended form, the Wage and Industrial Conciliation Acts, with the Factories Act, still form the basis of the industrial legislation applicable to white, "coloured" and Asiatic workers.

APPENDIX II Comparative Table of Wages of Female Machinists

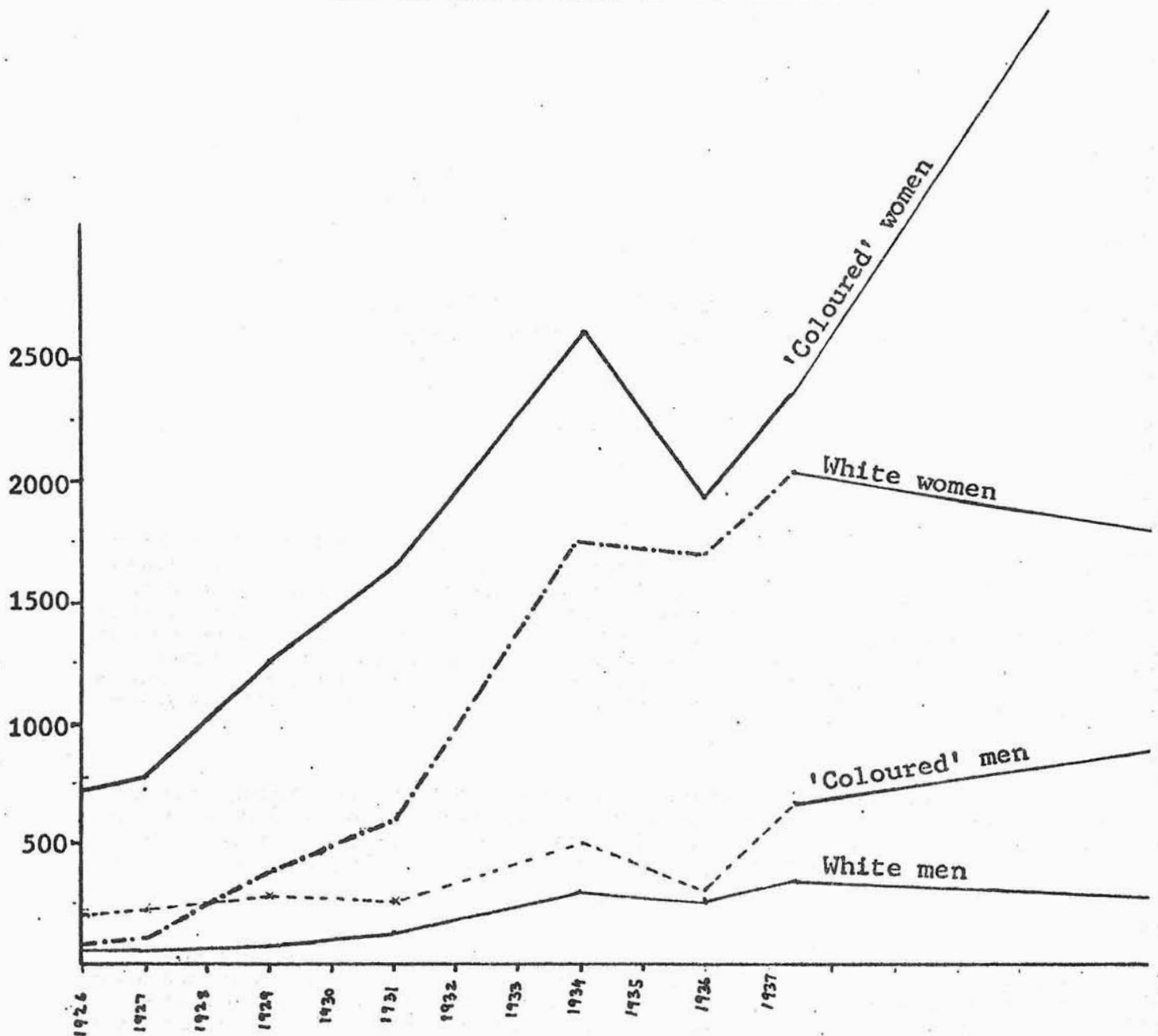
Col.	1.	2.	3.	4.	5.	6.	7.	8.	9.
Quarterly Periods	Original proposal by Cape Clothing Manufacturers Association - April 1926	First Wage Board Recommendation - Sept. 1926	Amended CCMA proposal Oct. 1926 - Gazetted as Wage * Determination No.2, Dec.1926	Final Wage Board Recommendation 1927-Gazetted as Determination 15; June 1928	Objection by CCMA Jan. 1928. Had been accepted by the 'Industrial Council' 1927	Wage Determination No. 42 ** April 1932	Wage Board Recommendation July 1935	Industrial Council Agreement Negotiated 1935 Gazetted April 1936	Original Transvaal Industrial Agreement 1925 to 1932
1st 3 mths:	10/-	20/-	10/-	15/-	12/6	15/-	18/-	18/-	20/-
2nd	10/-	25/-	12/6	17/6	12/6	17/6	22/-	18/-	22/6
3rd	10/-	30/-	15/-	17/6	15/-	17/6	26/-	21/-	25/-
4th	10/-	32/6	17/6	17/6	17/6	17/6	30/-	21/-	27/6
5th	12/6	35/-	22/6	22/6	22/6	25/-	32/-	25/-	30/-
6th	12/6	35/-	22/6	27/6	22/6	25/-	34/-	25/-	32/6
7th	12/6	37/6	25/-	32/6	25/-	25/-	36/-	30/-	35/-
8th	12/6	37/6	25/-	35/-	25/-	25/-	38/-	30/-	40/-
9th	15/-	40/-	27/6	37/6	27/6	32/6	40/-	35/-	45/-
10th	15/-	40/-	27/6	37/6	27/6	32/6	42/-	35/-	50/-
11th	15/-	40/-	30/-	37/6	30/-	32/6	45/-	40/-	50/-
12th	15/-	40/-	30/-	37/6	30/-	32/6	45/-	40/-	50/-
4th year:	17/-	40/-	35/-	40/-	35/-	40/-	45/-	45/-	50/-
Qual-ified Wage:	25/-	40/-	35/-	40/-	35/-	40/-	45/-	45/-	50/-

Notes: * Rendered invalid by Barone v Rex TPD April 1927.
 ** Clause discouraging piecework declared invalid in Rex v Cohen AD 1933.

Sources: Wage Determination No.2 (Government Gazette 3.12.1926)
 Wage Determination No.42 (G.G. 22.4.1932)
 Wage Determination No.15 (G.G. 8.6.1928)
 Wage Board Reports on the Clothing Industry (Annexures 58-1929, 398-1927/8)
 Wage Board Recommendation (G.G. 12.7.1935)
 Industrial Agreement, Clothing Industry, Cape (GG 3.4.36)
 'Garment Worker' November 1936

APPENDIX III

Employment in the Cape Clothing Industry
1926 to 1937/8 with trends indicated to 1943



This graph illustrates the changes in the racial composition of the labour force. The increasing proportion of white female labour was stimulated by the higher wage scales (introduced by the Wage Board and supported by protective tariffs) and by the support of some manufacturers for the civilised labour policy*. In 1936, 47% of women workers in the Cape clothing industry were whites (as compared with 98% in the Transvaal).

* Customs Tariff Commission 1935, Submission of A Fraser & Co.

Sources: Wage Board Reports:- Annexures 55-1927; 112-1929(2); 82-1931/2; 99-1936; 190-1938.
Board of Trade and Industries Report No.303