

Turning Points in Human Rights:
The Struggle for Workers' Rights in South Africa and
The Struggle for Gender Rights in South Africa

1. Talking – (a) Workers' Rights

Read the following passages

In the chapters of this book, we can see how the demand for workers' rights developed as a result of years of struggles around working conditions and the right to a living wage. However, these struggles always took place in the greater context of society as a whole, as this book will show.

When men and women left their homesteads to find work in the towns they lost many rights. These included:

- the right to a home;
- the right to live with one's family;
- the right to dignity;
- the right to earn a living wage; and most importantly
- the right to be in command of one's own labour (meaning that one has freedom to accept and leave work as one wishes).

In Chapter One, Luli Callinicos sets the scene by exploring the closely interlinked nature of work and family life in the homestead economy before colonial and industrial times. This focus is important because we need to understand how very much the nature of work changed from a land-based society to an industrial society, and how much was lost in the process

Task

Work in pairs. *Imagine* that you have to give a spoken presentation to a committee of parliament that is making new laws about the rights of workers. From the list above, decide in what order to place the workers rights, and why.

Think about the following when you are discussing this between the two of you: Which will be easiest and hardest to achieve? Which is the most “human” right? Which will be the most important to workers? Which will be most important to employers? Which will be most important to the government?

1. Talking – (b) *Gender Rights*

In South Africa, human rights are listed in the *Bill of Rights* of our constitution, adopted in 1996. It begins, “This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom”.

It includes the following rights:

- The state may not unfairly discriminate directly or indirectly against anyone because of gender, sex, pregnancy, marital status, disability and so on.
- Everyone has the right to have their dignity respected and protected.
- Everyone has the right to freedom, which includes the right to be free from all forms of violence from either public or private sources.
- Everyone has the right to bodily integrity and psychological integrity, which includes the right to make decisions concerning whether or not to have children. They also have the right to control over their body.

Have you heard about the 16 Days of Activism against Gender Violence? The 16-Day campaign is a world initiative to raise awareness, to address policy and legal issues, to campaign for the protection of survivors of violence, and to call for the elimination of all forms of gender violence.

November 25 is the start of the campaign each year. This day has been declared International Day Against Violence Against Women. It was officially recognised by the United Nations in 1999.

Task

Read the information above.

Divide the class into groups of boys only and girls only (2 to 4 in each group).

The instruction to the boys’ groups is to think of the best possible way of raising awareness of gender rights among girls during the 16 days, and the instruction for the girls’ groups is to do the same for boys.

Each group should put forward one idea. All the boys and all the girls then meet in two big groups to hear the ideas suggested and choose one.

Two debates in class can follow:

Half of the girls support the idea that the boys have proposed for raising awareness amongst girls, and half oppose it.

Likewise, half the boys support the idea that the girls have proposed for raising awareness amongst boys, and half oppose it.

2. Writing – (a) *Workers’ rights*

Read the following passage

Different Traditions of Resistance

Three political traditions dominated the liberation movement in the 1970s and 1980s:

1. **The non-racial tradition of the ANC-SACP-SACTU alliance in exile:** After the ANC went into exile in 1960, it gradually moved away from the multi-racial “four nations” approach of the 1950s Congress Alliance. That approach meant that there were separate organisations for African, coloured, Indian and white people. The ANC increasingly adopted the non-racial outlook of the South African Communist Party (SACP), and recognised the “leading role” of the working class in the struggle for liberation. The alliance was kept together by the common belief in the struggle for national democracy.
2. **Pan-Africanism:** This approach was promoted by the Pan-Africanist Congress (PAC). The PAC broke away from the ANC in 1959 because they felt that the involvement of white communists was weakening the emphasis on “African nationalism” in the liberation struggle.
3. **Black consciousness:** This approach arose in the late 1960s, initially as a bridge between the ANC and PAC. It also emphasised nationalism, but made it clear that “black” applied to all those excluded from the political system – that is, African, coloured and Indian people (and not just Africans).

A fourth tradition was based in the Western Cape:

4. **Non-European Unity Movement:** While not large in numbers, the Non-European Unity Movement (NEUM) made an impact through its influence on politically aware high school students, and through the sports boycott campaigns. The NEUM was against narrow nationalism, and emphasised non-racialism and the immediate struggle for socialism.

While these traditions played an important role in influencing the direction of the trade union movement that was to emerge later, some of the unions forged their own identity. This later came to be recognised as a fifth tradition.

5. **Independent shop-floor unionism:** This tradition emerged in the early 1970s from a combination of university students and intellectuals, and a new generation of worker leaders. Although they were influenced by the ideas of the socialist thinker Karl Marx (like the SACP and the NEUM), they placed more emphasis on bottom-up democratic organisation.

Task

Compare the five traditions using this table:

(PTO)

	Political group linked to	Key concept or terms	Who was included
1. Non-racialism			
2. Pan-Africanism <i>E.g.:</i>	PAC – Pan-Africanist Congress	African nationalism, for the continent as a whole.	Black Africans
3. Black consciousness			
4. NEUM			
5. Unionism			

Now write a paragraph headed “A comparison between the tradition of worker and union resistance and the other four traditions of resistance in South Africa.” Start with what you think is most important.

2. Writing – (b) Gender *rights*

Task

This activity can be done involving the whole class by a teacher at the board, or it can be done individually.

The instruction is to write a paragraph on “Do the laws introduced in South Africa between 1994 and 1998 give women what the Bill of Rights in the constitution intended?”, using the information below and the Bill of Rights (on page 2).

Child care

- The Social Assistance Amendment Act of 1994 introduced the child support grant.
- The Maintenance Act of 1998 allows the Court to order an employer to deduct maintenance from the salary of the father, and to appoint maintenance officers who can trace the whereabouts of an absent father.

Domestic violence

- The Divorce Courts Amendment Act of 1997 gives women access to less costly divorce proceedings and makes it easier for them to leave abusive marriages.
- The Domestic Violence Act of 1998 affords greater protection against actual or threatened physical violence and sexual, emotional, verbal, psychological and economic abuse as well as intimidation, harassment, stalking, damage to or destruction of property, or entry into homes without consent.

Education

- The National Education Policy Act of 1996 provides for redressing the inequalities of the past in educational provision, including the promotion of gender equality and the advancement of the status of women.

Environment

- The Water Services Act of 1997 provides that every water service institution must take measures to realise the right of access to basic water supply and sanitation.

Labour

- The Labour Relations Act of 1995 gives basic labour rights to domestic workers and public sector workers.

Land

- The Restitution of Land Rights Act of 1994 states that priority should be given to people with the most pressing needs.
- The Land Bank Amendment Act of 1998 gives women access to financial assistance from the Land Bank.

Rape

- The Criminal Procedure Acts of 1995 and 1997 strengthen the Court's ability to refuse bail in rape cases, especially where the perpetrator used a weapon or in the case of gang rape.
- The Criminal Laws Amendment Act of 1997 sets out a mandatory minimum sentence for serious crimes, including rape.

There are two ways to structure the paragraph: Either base it on the Rights and comment on them, *or* base it on the laws and refer to the rights. Choose which way you wish to do it, and then work out the sequence of the paragraph: beginning, middle and end.

3 Sources – (a) *Workers' rights*

Read the following sources

Indentured Labour in the Sugar Industry

In 1859 the Natal government passed three laws – Laws 13, 14 and 15. Law 13 allowed workers north of Zululand to be brought into Natal, while Laws 14 and 15 dealt with labour from India. The Indian labourers were indentured labourers. This meant that workers were under contract to an employer for five years (three years in the early years), and this could be renewed for another five years at a fixed wage.

Many contemporary observers and scholars who have written about the indentured labour system have argued that it was very much like slavery. Planters in places like Mauritius and the West Indies had been so dependent on slave labour to grow sugar that after it was abolished they tried to devise a new system of unfree labour.

The use of indentured labour from India, begun in the 1830s, became widespread through to the first two decades of the twentieth century. Among the British colonies using indentured labour from India were Mauritius and the islands of British Guiana, Trinidad, Jamaica, St Lucia, Grenada and Fiji. The French colonies of Reunion, Martinique, Guadeloupe and French Guiana, as well as the Danish colonies of St Croix and Surinam also drew labour from India.

A. An African sugar miller tells his story

The Umvoti sugar mill was placed here in 1861. I was a young man then. The mill was delivered by Queen Victoria to assist the natives who grow at Groutville through the Rev. Mr Grout's petition. And the mill was set here by Mr Shepstone [the Secretary for Native Affairs]. The regulation was that if we failed to plant for the mill, we should be responsible for it. From 1861 to 1882 I never failed to plant nor to deliver cane to the mill. Then, when the government saw that the mill was getting old, they left it. After a time the government delivered the mill to the natives on the condition they would take it and use it. On these grounds the mill was taken by Mlau, Makabani, Mhlonono and Philip, all of Groutville.

Source: Robert F. Osborne, *Valiant Harvest: The Founding of the South African Sugar Industry 1848-1926*. Durban, South African Sugar Association, 1964, page 137.

B. Mr Makabani, a mill owner, described the difficulties of running the Umvoti sugar mill:

When we entered the mill we bought a boiler, each of us paying £85, a total of £340. By and by Mlau died, and three remained. After a time, Mhlonono and Philip failed. The engine now wants to be repaired, also the cooling vats for the sugar, the loading house and stable, whilst batteries want to be replaced, and the wetzel pans. The other two could not do the above, so I myself removed them and replaced all the things. Then the rinderpest came. ... I have not yet paid the repairs of the mill, and where shall I get the money? The mill is right enough to crush the cane today, if there is cane. But there are no oxen, no ploughing. Rinderpest has ruined us.

Source: Robert F. Osborne, *Valiant Harvest: The Founding of the South African Sugar Industry 1848-1926*. Durban, South African Sugar Association, 1964, page 137.

rinderpest - an infectious disease of cattle, caused by a virus. The cattle got a fever and diarrhoea, and often died.

C. Ghandi's view

"Having observed the system for nearly eighteen years, I have come to hold very strong views on the question of indentured emigration from India. Even if it were possible to secure fair treatment from the masters (which it is not) the system is inherently bad. As a solution of the problem of poverty such emigration has in no way proved helpful. As a nation we lose in prestige by sending our poorest brethren as practically slaves. No nation of free men will tolerate such a system for a moment" (Mohandas Gandhi, 1911).

Source: *Collected Works of Mahatma Gandhi*, Vol. XI. New Delhi, Government of India, page 96.

D. Employment in sugar mills

On any sugar estate one could find indentured Indians, free Indians, local African labour, foreign African labour and some white skilled labour. In 1885 the Natal Central Sugar Company, one of the larger employers, had the following numbers:

Indentured Indians: 467 men, 9 boys, 151 women and girls
 Free Indians: 143 men, 26 boys, 27 women
 Africans (including watchmen): 40

In 1901 there were 8 747 Indians employed in the sugar mills compared to 552 Africans and 161 whites. Because it involved some skill, mill work paid much higher wages than field work.

(PTO)

Task

Compare the evidence in the sources about the situation of the African millers (Sources A and B) to the Indian indentured labourers (Sources C and D) in terms of human rights. Use the table below or make a mind map of your own.

	African millers	Indentured labourers
	Rights that they had	
Evidence you are sure of:		
Evidence you are uncertain of:		
	Rights they <i>should</i> have had	
Evidence you are sure of:		
Evidence you are uncertain of:		

List of possible rights:

- the right to a home;
- the right to live with one's family;
- the right to dignity;
- the right to earn a living wage; and most importantly
- the right to be in command of one's own labour (meaning that one has freedom to accept and leave work as one wishes)
- the right not to be held in slavery or servitude; slavery
- the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- the right to equal pay for equal work.

3. Sources – (b) *Gender rights*

Charlotte Maxeke

Charlotte Manye Maxeke (1874-1939) was the first black South African woman to earn a university degree. She was also a politician, an educator, a church worker and a social worker.

Charlotte lived in a society that was deeply divided on racial lines. Throughout her life she defended the potential of African people, especially women, to stand up for and take control of their own lives

Charlotte Manye attended Edwards Memorial School in Port Elizabeth in the early 1880s, where she qualified as a teacher. A dedicated church-goer and choir member, Charlotte and her sister, Katie, joined the African Jubilee Choir that toured England in 1891. While in England, they listened to speeches by suffragettes, including Emily Pankhurst.

Charlotte agreed to go on a second singing tour, this time to the United States. In 1894, the African Methodist Episcopal Church (AME) – a church for black Americans – helped to enrol Charlotte and five other black South Africans at Wilberforce University. There she earned a Bachelor of Science degree.

Also at Wilberforce, Charlotte met her future husband, Marshall Maxeke, who had gone there to study in 1896. She and Marshall became engaged before she returned to South Africa in 1901. When Marshall joined her, they married. Working together as teachers and remaining stalwarts of the AME Church, they also became involved in the black political movements of the day. In 1918, Charlotte launched the Bantu Women's League in Bloemfontein. In 1920, she addressed the national launch of the Industrial and Commercial Workers Union (ICU). She spoke strongly about the need to protect workers' rights. During this period, she also testified before various government commissions on the views and needs of the African people.

Charlotte supported troubled black women by visiting them in jails and assisting them to get steady jobs. In 1922, this led the government's Native Affairs Department to create a post for her as "native welfare officer". In 1935 Charlotte became matron of a girls' hostel at the AME's Wilberforce Institute in Evaton, near Johannesburg. Always supporting a large household of orphans and other destitute people, she survived on financial assistance from both black and white friends.

In 1937 a new National Council of African Women brought together professional black women from throughout South Africa. Charlotte Maxeke was elected president.

Charlotte Maxeke died two years later.

suffrage – the right to vote in political elections

suffragette – a woman seeking the right to vote by taking part in organised protests

Task

Read the story of Charlotte Maxeke's life and try to complete as much of the table as possible by copying extracts from the passage and finding which of the Articles of the Universal Declaration of Human Rights is involved.

	Rights she demanded	Rights she exercised [that she used]	Rights that were denied in her story
	<i>Example</i> “women, to stand up and take control” Article 19	<i>Example</i> “she defended the potential of African people” Articles 2 and 19	<i>Example</i> “deeply divided on racial lines” Article 2

Universal Declaration Human Rights**Article 1**

All human beings are born free and equal in dignity and rights..

Article 2

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law..

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family

Article 17

1. Everyone has the right to own property.

Article 18

Everyone has the right to freedom of thought, conscience and religion

Article 19

Everyone has the right to freedom of opinion and expression;

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing.