It must be mentioned again that progress may be slow, because the idea of equal employment opportunities for Blacks must be fully accepted by the White population group, who, naturally, will attempt to maintain their present superior position. Moreover, economic equality must eventually lead to social and political equality: concepts which are still not completely accepted in the US, where the numerical advantage enjoyed by the White population reduces the fears of what might result from such a change. Changes have occurred slowly in the US; they will, necessarily, be even slower in South Africa. However, equality and interdependence in the work place will ease the transition in other spheres of life. Hence the measures which firms adopt towards equal treatment of all employees, regardless of race or colour, will play an important part in the long process of changing attitudes. For this reason, the discussion in the following chapter will concentrate on employment practices already adopted by firms, both in the US and in South Africa.
CHAPTER 3. PERSONNEL PRACTICES WITHIN FIRMS

3.1 Employment Practices: The US Experience

As a result of various social and political pressures in the 1950's, the majority of the population of the US gradually recognised that there was a need to ensure equal opportunities in all spheres of life for all its citizens, regardless of race, colour, creed or national origin. The civil rights actions of the 1960's were the 'outward and visible signs' of this internal change in attitudes. The result was the enactment of a body of laws prohibiting discrimination between people on the grounds of race or colour, and they were particularly strong in the field of labour relations. One of the reasons for the enactment of these laws was the belief that if employment practices were made non-racial, minority groups would be able to work their way out of the poverty circle, rather than be helped out by welfare payments and special training courses.

3.1.1 The Legal Basis

There are two types of discrimination which may be practised in employment procedures, namely, overt and covert. Legislation can be enacted with the intention of prohibiting both, but in practise, laws are only fully effective against overt discrimination.

By the late 1960's, US laws had made it illegal for all employers to practise racial discrimination in any aspect relating to the work situation, including recruitment, training, promotion, pay, fringe benefits, and the dismissal of employees. By that time, all firms had been forced to adopt non-discriminatory employment practices of the overt kind, because if they were practised, they were immediately obvious. For example, if it had been company policy to grant a specified number of days of paid annual leave to a certain grade of staff, then all employees in that grade, whether White or Negro, now had to receive the same. Similarly, medical aid and
pension schemes now had to be offered to all employees on the same basis. Redundancy procedures, also, had to apply fairly to all staff, and it was impossible not to pay equal wages for comparable work without it being apparent.

The nature of these types of employment practices is such that overt discrimination between individual employees is immediately apparent, and all firms (large and small) have ensured that such procedures meet the new legal, non-racial requirements. If they do not, they face heavy penalties.

However, there are certain other aspects of personnel policies where unequal treatment may be practised, but where it is not easily detected. Discrimination may be suspected, but it is often difficult to prove. For example, if two equally qualified persons apply for a vacant post, and one applicant is a member of a minority group while the other is not, if the minority group applicant is not successful, it is almost impossible to prove that discrimination was practised. Indeed, the choice may not have been the result of discrimination. Similarly, the promotion of, say, a White member of a multi-racial typists' pool to the post of supervisor, rather than a Negro typist with the same qualifications and years of experience, may, or may not, be discriminatory behaviour on the part of management.

It is in these two fields of recruitment and promotion that covert discrimination against minority groups may be practised with legal impunity, if employers so wish. In practice, most large US companies have adopted personnel policies which treat all employees equally and fairly in all aspects of the employment situation. That is to say, they do not practise either covert or overt discrimination. By contrast, some employers, and particularly small private business with few employees, have only conformed with the letter, and not the spirit, of the anti-discrimination laws. Effectively, they practise covert discrimination. These firms, in toto,
could offer a sizeable number of job opportunities for unskilled and semi-skilled people, the majority of whom are Negroes or members of other minority groups. It should be recalled at this point, that unemployment levels are considerably higher amongst such groups, than amongst White US workers. Hence, it cannot be ruled out, that where smaller firms continue to discriminate against 'disadvantaged' groups in the fields of recruitment and promotion, they are exacerbating the problems of poverty and lack of work experience, which welfare agencies and the Department of Labor are trying to solve.

Thus, although the laws state that employers shall not practise discrimination against any group of workers, in any aspect of employment procedures, it is not difficult for firms to evade some of the laws. Indeed, to some extent, by insisting on equal treatment for equal persons, the law actually assists them to discriminate against minority groups as, by inference, it is not necessary to apply equal standards to unequal employees, such as those less qualified or less experienced.

The latter are, in many cases, members of minority groups. It was, in fact, the civil rights movement which brought to light the fact that past discrimination had left part of the present generation of workers 'handicapped'. Having suffered from the effects of poverty, slum environments and inadequate education, they were not equal to the more fortunate members of the labour force. Thus, in the present non-discriminatory society, those who had never been discriminated against would, necessarily, be in a better position than those who had. If merit alone was to be the criterion for recruitment, training, promotion and work opportunities in general, the minority groups would only have genuinely equal opportunities in rare cases. The realities of the situation after the laws were changed were little different from before, and particularly so in the field of recruitment of new entrants to the labour force.
3.1.2 Affirmative Action

As a result of this realisation, many individual companies adopted 'affirmative action' (AA) programmes. Their aims were to 'compensate' for past discriminatory practices by selecting members of minority groups for vacant jobs, more training, and faster promotion, even in cases where the individuals did not have all the necessary qualifications and experience. In effect, standards were often lowered for Negro applicants and members of other minority groups, in order that firms could acquire a racially diverse labour force at all levels.

Some of the larger companies adopted highly sophisticated AA programmes. The motor vehicle manufacturing companies, with factories in the big cities, are good examples. Their assembly lines require large numbers of unskilled workers, as well as semi-skilled and skilled. In so far as it is necessary, training is usually acquired on-the-job, hence these firms were in an excellent position to provide employment for disadvantaged persons.

In an attempt to put AA into practice, the motor companies established special recruiting offices within the city ghetto areas, staffed by personnel trained for the particular purpose. They recruited people typical of ghetto life, i.e. poor, untrained, unused to regular work, often nearly illiterate, sometimes with criminal records, and in almost all cases, welfare recipients. Once employed, supportive services were provided, such as advice and assistance with social and financial problems, and free health care. Perhaps more important in the 'rehabilitation' of these recruits, the companies over-looked absenteeism, unsubstantiated sick leave, and lateness in starting work. Obviously, there were limits to the leniency of these employers and the degree of latitude the special recruits were allowed. Nevertheless, the understanding and forgiving attitude adopted by the companies did enable some of these disadvantaged people to make the transition from a typical ghetto life-style to a typical working class life-style. Moreover, in the
process, employers gained a knowledge of the special problems of this type of recruit, which they had previously lacked, and enabled them to adjust company personnel policies appropriately.

Those companies who were not in a position to offer jobs to disadvantaged recruits in this large-scale fashion, but believed in affirmative action ideas, emphasised job advancement for minority group employees. Thus, if aptitude tests indicated that, say, a Negro messenger was capable of becoming a wages clerk, the firm would provide the necessary training and, on successful completion of the course, the messenger would be placed in a more responsible post, where further promotion prospects existed and his income was higher. This type of special treatment for in-service employees was not only of benefit to the individual, but also his family, since his higher income would probably enable them to eat better and thus be healthier; it might also be sufficient to allow his wife to stop work and provide a better home life for the family; and it would encourage him to keep his children at school longer, so that their chances of obtaining a job with prospects immediately after leaving school would be enhanced.

A further type of affirmative action which was adopted in the 1970's, not only by private firms, but also by local, State and Federal government agencies, was the introduction of 'quota systems'. These operate in such a way, that a certain percentage of all opportunities relating to the work situation is reserved for workers from groups who have previously been discriminated against. For instance, a firm might specify that, say, 10 per cent of all new recruits at the most junior entry level must be disadvantaged members of one of the minority groups. Computer firms might operate such a quota system for punch-card operators.

The employees forming the quota need not necessarily meet the qualifying standards laid down for non-quota employees, in respect of formal qualifications, experience, age, etc.
In fact, the quota system is intended to offer 'discrimination-descendant' people opportunities and prospects for job advancement which would normally be denied them, by appointing them to posts for which they are not fully qualified. Additional or special training is usually provided so that they can properly perform the duties of the post within some specified time limit.

It was mentioned earlier that the first step which the US took to prevent discrimination in employment practices within firms, was to enact laws which made at least overt procedures illegal. However, laws alone are insufficient, except in obvious instances, to ensure 'equal opportunities' is a meaningful concept to those people who have been subject to discriminatory behaviour by employers. The laws are also insufficient to ensure employers do not continue to practice covert discriminatory personnel procedures.

To overcome this failure, US economic/social/political groups have adopted affirmative action programmes consisting of three main thrusts. In the first place, employers are expected to actively seek out disadvantaged, unemployed persons and to offer them regular employment with supportive services. Secondly, they are asked to look carefully amongst their own low-level employees who have disadvantaged backgrounds, for persons who have the aptitude to be trained for posts with promotion prospects and higher pay. Thirdly, they should ensure that a certain proportion of all jobs is filled by members of minority groups, regardless of whether they meet the 'normal' standards or not.

3.1.3 Reverse Discrimination

It is apparent that these lines of action give preferential treatment, in recruitment, training and promotion, to members of disadvantaged and minority groups. The quota system, in particular, places some of these people higher in the selection process than other, and better qualified, US citizens. Since the mid-1970's, the 'compensatory'
ideas of AA have become known as 'reverse discrimination', i.e. there is a tendency to discriminate in favour of Negroes and other minority groups, and against the White majority of the US labour force.

As AA programmes have become better known and more widely adopted, they have met with mixed reactions. On the one hand, there is a group insisting that the only way to make equality meaningful in the long term is to give priority to those who are less equal now. Reverse discrimination is seen as a form of compensation for past wrongs inflicted on a particular group of people, and, as such, there are legal precedents to support the system. For example, in the case of wrongful dismissal of an employee, courts frequently award not only back pay, but also an additional lump sum in compensation for any distress caused by the wrongful action. To make a literal comparison, financial assistance is available for all US citizens who are in need, through the welfare system. Although welfare benefits are not confined to minority groups who have been discriminated against in the past, nevertheless, these people form a large proportion of those receiving benefits. This is inevitable, since the common element is poverty, i.e. low incomes, low level jobs, poor housing, poor education, and poor health.

However, welfare assistance only alleviates the immediate effects; it does not attack the causes. It is for this reason that AA groups concentrate on either placing welfare recipients in jobs with reasonable starting pay and prospects of promotion, or in training courses which will make them eligible for better jobs. Because these people frequently do not have the basic requirements to be able to apply for such jobs and training vacancies on an equal basis with other applicants, AA and other groups with similar aims, insist that they should be treated separately, and not equally. One of the reasons why this attitude is condoned is because the number of people on the welfare rolls continues to grow annually. Hence, more and more people are being supported by the Federal and State governments from taxes, and are contributing
nothing (or very little) to the country's economic growth. While this is socially acceptable for children and retired persons, it is generally frowned upon for working-age adults. AA aims to remove the latter group from welfare rolls and place them on pay rolls. This aim is not disputed, but the methods employed are, namely the use of quota systems and special treatment for 'less equal' people.

Those who are against these methods point out, firstly and correctly, that such actions are illegal. The laws state that no form of discrimination shall be practised. Hence, when an improperly qualified person is appointed to a vacant post over the head of a properly qualified person, discrimination is being practised and the law brought into disrepute.

Another aspect of the problem concerns the nature of job vacancies. There is a group of low-status jobs, such as domestic workers, shop assistants, and some service workers, for which there is a limited supply of applicants, partly because they are low-status, but also because they are low paid and have no promotional prospects. Traditionally, they have been filled by the minority groups who are now identified as having been subject to past discrimination. The implication, for the AA pressure groups, is that these people should no longer be confined to such jobs; there should be an active movement to place them in higher status posts.

The opposing argument is that vacancies do exist in these spheres of employment, that any job is better than no job at all, and that the people who are now receiving welfare benefits would be of more use to the community and the economy if they filled such vacancies.

There is some truth on both sides of the arguments concerning how minority groups should be treated. In the first place, since the law makes discrimination illegal, firms should not practice it, whether it favours minority groups or others. However, the AA groups are correct in assuming that some members of minority groups are
nothing (or very little) to the country's economic growth. While this is socially acceptable for children and retired persons, it is generally frowned upon for working-age adults. AA aims to remove the latter group from welfare rolls and place them on pay rolls. This aim is not disputed, but the methods employed are, namely the use of quota systems and special treatment for 'less equal' people.

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There is some truth on both sides of the arguments concerning how minority groups should be treated. In the first place, since the law makes discrimination illegal, firms should not practice it, whether it favours minority groups or others. However, the AA groups are correct in assuming that some members of minority groups are
discriminated against simply because they are Black, or of a different religion, or nationality, etc. Unfortunately, as has been mentioned earlier, where two equally qualified people apply for one post, and the applicant from a minority group is not successful, discrimination may not be the reason, and if it is, it is very difficult to prove. The AA has a genuine role to play in such cases, to ensure the law is upheld.

Secondly, those people who argue that 'disadvantaged' people are free to apply for low status jobs are also correct in claiming that they would be more economically and socially productive in these fields, than as welfare recipients. The problem here lies in the misuse of the welfare system. Benefits are available for a variety of different purposes and, sometimes, persons of working age can claim more in benefits than the could earn in regular employment. Moreover, some benefits are still payable to a working person if his salary is insufficient for the needs of his family.

The availability of assistance from the State may have the effect of discouraging some workers from seeking jobs, and also from making an effort to hold jobs which they do acquire. It is a known sociological and psychological fact that most people who grow up in a 'bad' atmosphere absorb its tenets, become equally 'bad' and hence the process is self-perpetuating. In the 'Black ghettos' of many US cities, the inhabitants absorb the idea that welfare benefits are the normal means of livelihood, and the more they can claim (honestly or dishonestly) the cleverer they are. Alternatively, crime can be used to supplement their incomes. Only when all else fails, do they find a job of some sort and usually with the intention of holding it only until some 'target' income level is reached.

It is interesting to contrast this last attitude with that of South African migrant workers who are also known to seek contract work only when they need a certain cash sum to pay for seed or a farming implement, i.e. paid employment is an alternative and temporary source of
income for a basically agricultural way of life.

The arguments for and against special treatment for groups who have been discriminated against in the past, acquired a new emphasis in July 1978, in the light of the findings of the US Supreme Court in a case concerning the legality of quota systems.

The defendant in the case was the medical school of the University of California, who accepted a total of 100 first year students each year, but whose policy was to reserve 16 of these places for members from minority groups. All applicants were required to have specified minimum qualifications, but those with better qualifications were, naturally, accepted first, subject to the proviso that 16 students had minority group backgrounds. The plaintiff was Mr. Allan Bakke, a White ex-serviceman, who had applied to the school in 1973 and 1974, and each time been unsuccessful. In both years, his qualifications were above the minimum specified, and it was found that they were also better than some of the 16 students from minority groups who had been accepted. Bakke's contention was that he was the victim of discrimination, since his qualifications apparently placed him outside the 84 'open' places, but well within the 16 'reserved' places.1) Thus, 16 students were granted the opportunity to undergo medical training, while Bakke was barred, even though his qualifications were better than some of the sixteen. The medical school was not conforming to the law which demanded equal opportunities for all, regardless of race, colour, creed or national origin, and was, therefore, practising discrimination.

A lower court found in favour of the medical school's admissions procedure, but when Bakke appealed to the

1) The entry system was such that "White applicants with a grade average below 2.5 (of a possible 4.0) were summarily rejected. Some minority students with averages of 2.1 were accepted. Bakke's college average had been 3.5." Newsweek, July 10, 1978; p.29
Supreme Court, the judgement was that the medical school was indeed guilty of practising discrimination, and it was ordered to admit Bakke as a student.

Underlying the details of this case, the first of its kind, was a much more fundamental question, namely, is reverse discrimination legal or not? Since the Supreme Court found that it was not, the implications of the judgement have become widespread, and particularly affect affirmative action programmes practised by firms. Thus, quota systems are now illegal, and any organisation which employs a member of a minority group who has lower qualifications than other, non-minority-group, applicants, is acting in direct contravention of the law, as interpreted. By extension, it is also apparent that special treatment of 'less equal' minority group employees in recruitment and promotion procedures, which places them in an advantageous position with respect to other applicants, is also discriminatory behaviour. Employers who practice such personnel policies may now also be judged to be acting illegally. This places many firms and organisations, including the Federal government, who knowingly and deliberately practise discrimination, albeit of the reverse kind, in an invidious position. To continue with their present AA programmes is to blatantly flout the law; yet to stop would prevent them from providing 'compensation' for earlier discriminatory behaviour, and from making the 'equal opportunity' concept meaningful to everyone.

3.1.4 Conclusions

The situation facing US firms at the end of the 1970's is, in some respects, different from that which they faced at the beginning of the decade. The anti-discrimination laws, which were originally intended to help minority groups in the employment field, have now been clearly interpreted to protect all members of the labour force from any kind of discriminatory procedures. Quota systems are definitely illegal and, by inference, so are other affirmative action programmes having similar objects.
There is little doubt that in the 14 years since the Civil Rights Act was passed, most US employers have actively pursued policies which successfully opened new employment and training opportunities for members of minority and disadvantaged groups. In this process the Federal and State governments were not only initiators of such procedures, but also provided moral encouragement, leadership and, in some cases, financial assistance, for private employers on the one hand, and welfare benefits for potential employees on the other, so that they were in a position to take advantage of the new opportunities. It is true that in some instances, overt discrimination against Negroes and members of other minority groups still occurs, and that this is difficult to detect. AA groups, therefore, still have an important role to play in identifying areas of employment practices where the law is not being upheld, and in seeking legal redress against recalcitrant employers on behalf of employees.

However, it is self-evident that the movement to recruit under-qualified people for certain positions and for vacancies in training courses, necessarily meant that better qualified people were not considered for the jobs available, nor for further training. Workers who were refused positions for which they were suited, had to find other posts in which they were, and still are in all probability, under-employed. Apart from the discrimination involved, the result has undoubtedly been a non-optimal utilisation of the country's manpower. The effects of this misallocation of labour resources could well adversely affect the competitiveness of the US economy for many years.

It would appear that a second change in the attitudes of US employers and employees is necessary. Firms now have knowledge and experience of personnel procedures necessary for 'less equal' employees, and it should be possible for them to absorb such workers into their individual systems, without making further special efforts. In fact, the main change in attitudes must come from persons previously
classified as 'disadvantaged', rather than from employers. Minority groups now have the assured backing of the law, as well as access to considerable financial and practical assistance to aid them in taking advantage of the new opportunities available to them. They must also know that 'equal opportunities for all' is now a realistic and meaningful concept for them, as it is for those who have never been subject to discriminatory behaviour. Hence, formerly 'less equal' groups are now in a position to face all employment opportunities on an equally competitive basis with other US workers. Genuinely open competition will ensure that the job-status and income level of each US employee is the result of his own abilities (or lack of them), and not the result of discrimination on the one hand, or special assistance mechanisms on the other. The government and private employers have succeeded in creating and, where necessary, enforcing, equal opportunities in the employment field; members of minority groups must now accept and meet that challenge.

3.2 Employment Practices: The South African Experience

Various factors have caused changes in South African personnel policies. During the 1960's and early 1970's, economic growth resulted in demands for more labour, and especially more skilled labour, which in turn, led to more training for Blacks and hence occupational advancement and higher wages. The latter encouraged the growth of the domestic consumer goods industries, with marketing strategies aimed at the growing number of Black consumers. Occupational advance resulted in Blacks and Whites increasingly falling into the same job-status group, and genuinely non-racial personnel policies were gradually implemented.

2) including effort, work commitment, punctuality, reliability, and the many other characteristics necessary for successful economic behaviour.
3.2.1 The Influence of Foreign Pressures on South African Personnel Policies

Although these domestic movements were real, foreign pressure groups concentrated their attention on those aspects of South African labour relations which were still 'racial', and attempted to enforce a more rapid rate of change.

The pressures were of two basic kinds. In the first place, anti-apartheid groups called on companies, banks and governments investing in South Africa to disinvest, or at least to halt any further investments, apparently in the belief that the South African economy would not be able to survive without such inflows of cash and expertise, and would, therefore, be forced to comply with the demands for equal treatment for Blacks. Secondly, South African firms were urged to examine the wages and working conditions of their Black employees, and to raise them to meet certain specified standards.

The anti-investment pressure met with mixed reactions in Western countries. In the US, shareholders of a number of banks protested against the granting of loans to South Africa, while some universities decided to reconsider their investments in US corporations with South African connections. In the UK, some influential bodies decided to disinvest, while others were attacked by anti-apartheid groups for not doing so. The UK Government's attitude was expressed by the Chancellor of the Exchequer in a statement to the House of Commons in November 1977, "I give the assurance that the government intends to discourage investment by British industry in South Africa.

In world politics, the EEC countries and the US need the support of the Third World nations against the USSR and

other Soviet influenced countries. Since most of the Third World nations have non-White populations, the Western powers must be seen to be upholding the rights of the non-White peoples in countries where a minority White group still rules in what is regarded as a 'neo-colonialist' manner, in particular, maintaining total and exclusive political control. (The policies of South Africa and Rhodesia are, therefore, anathema. The fact that in many other countries, the minority dominates the majority in a similar fashion is overlooked, presumably because both minority and majority are non-Whites.)

There are many good economic reasons why the Western powers should try to bring about evolutionary, rather than revolutionary, change in South Africa. Firstly, a very large proportion of the Western world's mineral wealth comes from this country, and their industries rely on continuous and steady supplies. Secondly, South Africa is already a large market for Western countries' exports, and will increase in size as the purchasing power of the population rises. Finally, the inflow of direct, long term, capital investment into South Africa from the Western nations averaged R156 million per year between 1960 and 1969, and increased to an average of about R280 million during the 1970's. This represents a substantial interest in the South African economy, which foreign investors are, naturally, concerned to protect.

The Western world's financial interests in South Africa are, therefore, greater than in most other developing countries. They are concerned that it should remain a stable and prosperous economy, both for political and economic reasons. To this end, governments, some businesses and other interested parties have urged the adoption of the EEC Code and the Sullivan principles by South African firms, in the belief that if labour...

5) South African Reserve Bank Quarterly Bulletin; various issues 1960 to 1978
relations can become non-racial, the chances of peaceful and evolutionary political change will be enhanced, and their own economic and political interests will be protected.

3.2.2 Codes of Employment Practices

The guidelines which have been established by the domestic and foreign organisations can now be systematized as follows:-

1) The Declaration of the Council of Ministers of the Organisation for Economic Co-operation and Development, published in June 1976 (hereafter referred to as the OECD Declaration);

2) The Code of Ethics drawn up by the Division of Justice and Reconciliation of the South African Council of Churches, published in Investment in South Africa', in 1977 (hereafter referred to as the SACC Code);

3) The Manifesto drawn up by the Reverend Dr. Leon Sullivan, published in March 1977 (hereafter referred to as the Sullivan Manifesto);

4) The Code of Conduct adopted by the Foreign Ministers of the European Economic Community, published in September 1977 (hereafter referred to as the EEC Code);

5) The Code of Employment Practice agreed by the Urban Foundation and the South African Employers' Consultative Committee on Labour Affairs (SACCOLA), published in December 1977 (hereafter referred to as the UF-SACCOLA Code);


The details of each of the codes are basically the same, and, therefore, only the EEC Code and the UF-SACCOLA Code will be assessed below, except where statements by any of the other four requires special attention.

6) The full texts of all the Codes are contained in the Appendices.
The fundamental objective is to integrate all Black and White employees in the work situation, on an equal basis, whether they be employed by South African or multinational companies. Effectively, the Codes have concentrated on improving opportunities for Black workers, since they are based on the, generally correct, assumption that White workers already possess most of the opportunities accorded to employees in the industrially developed Western countries, although there are important exceptions to this belief. Notably, employers have almost completely unfettered discretion with regard to the dismissal of employees, including persons who have been employed for many years, pregnant women and handicapped workers. Moreover, the pension rights of dismissed employees are not fully protected by law.7)

The Codes can be split into five basic divisions concerned with desegregation at the workplace, fringe benefits, training schemes designed to help Black employees advance up the occupational ladder, remuneration, and encouragement and recognition of Western-style trade unions for Black employees.

3.2.2.1 Desegregation at the Work Place

While the UF-SACCOLA Code asks firms "to strive constantly for the elimination of discrimination based on race or colour ... (in respect of) ... the provision of ... physical working conditions and facilities relating thereto", the more demanding EEC Code states that "employers should do everything possible to abolish any practice of segregation, notably at the workplace and in canteens."

The fact that the persons drawing up these Codes felt it necessary to include such recommendations, is indicative of the extent to which such practices are still common. It should be noted that this is not

entirely the result of actions by individual firms and persons. In terms of s 51(b) and s 51(h)bis of the Factories, Machinery and Building Works Act, and s 31(g) of the Shops and Offices Act, the Minister of Labour is empowered to make regulations enforcing the separation of persons of different sexes, races or classes in regard to the accommodation, facilities and conveniences provided for employees in or at shops, offices and factories. 8)

In the past, such regulations were enforced, but in recent years, these legal requirements have tended to be ignored by many firms, employees and, notably, government inspectors. Moreover, many government departments have discontinued the practice of having separate entrances, serving positions and public lobbies, although separate toilets and waiting rooms are still maintained in certain instances "to eliminate possible racial friction." 9) Some local authorities have also integrated their public transport services, parks, libraries, cinemas and theatres, and currently, Johannesburg and Durban businessmen are attempting to obtain licences for city restaurants to be opened to people of all races. 10)

Nevertheless, many other business premises do have separate toilets, rest rooms, waiting rooms, lifts, canteens, entrances, serving places and public lobbies, usually divided into Whites and non-Whites. Frequently, those provided for the latter are of a lower standard than those provided for the former. Moreover, the average employee, be he Black or White, is not accustomed to sharing such facilities with other racial groups. It is these customary attitudes towards segregated 'social' life which the Codes aim to remove at the work place.

The provision of separate facilities and amenities

8) Factories, Machinery and Building Works Act, No. 22 of 1941, and Shops and Offices Act, No. 75 of 1964, as amended.

