CHALLENGES OF SOCIAL DUMPING IN SOUTH AFRICA AND PROPOSED STRATEGIES FOR UNIONS
(Presented at the 3F International Solidarity Conference in Denmark in October 2010)

1. INTRODUCTION

The concept, ‘social dumping’, seems relatively new in the discourse of the international trade union movement but has a lot to do with the rise of globalization in the world.

In South Africa, we came to find ourselves faced with this concept following the democratization of the country at the end of legislated Apartheid system and the first democratic elections. As it will be shown, there are certain involuntary factors at play in addition to deliberate policy decisions to integrate to globalization.

Because the trade union movement finds itself negatively affected by social dumping, it had to begin thinking about doing something and some proposals are thrown into what could constitute strategies to combat this scourge.

2. SOUTH AFRICAN SITUATION & BASIC ANALYSIS

Conceptually, social dumping occurs when a country opens its borders to allow a movement of labour from ‘low-cost labour’ countries into its well regulated labour market on the one hand.
On the other hand, the concept has to do with relocation of factories (migration of jobs) to the low-cost countries because business does not want to adhere to decent work principles and regulated labour market.

2.1 Some Basic Facts

It is estimated that there are about three and million Zimbabweans in South Africa and overwhelming majority are in the country illegally (i.e without work permit and/or permission of entry). It is also estimated that there is a significant chunk of illegal Mozambique nationals as well.

2.2 Documented and Illegal Migrants

2.2.1 Legal Migrants or ‘Documented’ Foreign Nationals

A number of legal or documented migrants from other African countries, particularly neighbouring countries, is not significant compared to illegal migrants. Almost all legal migrants from Mozambique and Lesotho were employed in the mines and this started in the early 19th century.

2.2.2 Illegal Migrants and Political and Economic Refugees

The increase in ‘illegal’ and undocumented migrants sharply rose in the 1990s as South Africa democratized and as the number of both political and economic refugees, say from Zimbabwe, increased.
2.3 History of labour Migrant System and Potential of/Actual Social Dumping

2.3.1 History of Migrant Labour in SA

South Africa has a history of labour migrant system relating to the mining industry since the ‘discovery’ of diamonds in the 1860s and of gold in the 1880s.

Because South African indigenous people largely resisted working in the mines, even after land laws that forced them from fertile land, those did where from an area called Transkei ended up working there in addition to those from Mozambique and Lesotho.

2.3.2 In Agriculture

It is only in the 1990s that we began to see a lot of foreign nationals from Lesotho, Mozambique and Zimbabwe working in the Agricultural sector, particularly on farms in provinces bordering these countries.

2.3.3 In Services (restaurants, petrol stations, etc)

There is a growing yet precarious employment of Zimbabweans in services areas of restaurants and petrol filling stations in South Africa.
2.3.4 Going to the Rest of Africa

Of course, in the late 1990s and early 2000s we began witnessing the spread of South African business to neighbouring countries. These were from primary agriculture to food processing and retail chain stores among others.

This may not be so much about running away from South African labour laws but about capturing potential and growing markets. If it was about migration of jobs then there should have been closure of factories and farms in South Africa. Maybe, the inadequate infrastructure in those countries will make it costly to transport finished products back into this ‘sizable’ African market.

2.4 The Role of Employers

2.4.1 Undermining the Laws

In SA, it is unlawful to employ illegal immigrants or to employ without registering people with authorities. In the agriculture, as in other sectors, reports on employment of illegal foreign nationals without registration are made.

Further, farm owners and other employers are aware of various labour laws, including on minimum wages, yet they choose to either ignore or undermine these laws with full knowledge that foreign nationals are unlikely to report to authorities as they will most likely face deportation.
2.4.2 Abusive Labour Practices

Even where there is no outright violation of laws, employers find a way of feasting on the plight and desperation of migrants with threats of throwing them out of farms if they begin to complain of poor/no pay and bad conditions.

2.5 Government Inaction

When illegal immigrants are handed over to authorities, police do not begin with instituting investigation on why these workers were employed without documentation in the first place but are happy to process deportation programme.

Other government agencies, such as labour department’s inspectorate division does not seem to have the will or capacity to mount investigations and to deter practices of unlawful employment of illegal migrants or foreign nationals.

3. PROPOSED STRATEGIES FOR UNIONS

3.1 Enforcement of Laws and ILO Conventions

All laws, including employment of migrants with legal and/or work permits, must be enforced. Even where foreigners are lawfully employed, labour laws must apply. ILO Conventions, particularly relating to migrants, must be observed.
Unions must fight for equal treatment of workers irrespective of their nationality. In this way unions will ensure that there is no ‘dumping’. But a struggle against dumping is not the same as advocating for discrimination or xenophobia.

One platform in fighting for equal treatment of workers is calling for adherence to all ILO Conventions by countries.

3.2 Organizing Migrants and Fighting Xenophobia

As proven by the success of how the National Union of Mineworkers has organized mineworkers, albeit legal migrants, trade unions must design organizing strategies to organize migrant workers.

In vulnerable sectors, foreign nationals, for fear of victimization, will not easily join unions but concerted organizing programmes must be pursued to ultimately get them in the union fold.

Of course, unions must be seen to be against xenophobia and to be sensitive to the plight of such workers. Therefore, unions’ policies must reflect this new reality of migrant workers.

3.3 Union Solidarity Support and Collaboration

At the heart of a successful campaign will be a union solidarity and collaborative work in which workers get organized in the so-called low-cost countries, particularly in multi-national companies, and exchange of ideas and sharing of experiences are pursued to strengthen the struggle against social dumping.
4. CONCLUSION

In conclusion it must be stated that this is not going to be an easy battle given that relocation of factories to low-cost countries is sometimes seen as a welcome investment from such countries, even if wages are low or conditions are worse.

Because of high unemployment rate and poverty levels, xenophobia is quite high against foreign nationals in South Africa. The main accusation against migrants is that they work for next to nothing and take jobs from locals. Yet for foreign nationals, having jobs is good enough and better than the situation back at home.

So the trade union movement must do more on education and member mobilization against xenophobia and for unity and solidarity of all workers irrespective of nationality.

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