

# Chapter 7

## Policy Implementation Challenges for Worker Education and Foreign National Migrants



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### 7.1 Introduction and Background

The importance of worker education around the presence of foreign national migrants “beyond the apartheid workplace” (Webster & von Holdt, 2005: 4) is undisputed. Our intention is to establish the extent to which worker education programmes benefit foreign-national migrants and also to establish the possible challenges in the implementation of the related legislation and policies. The current context of neoliberal capitalism and growing informalisation of work (Webster & von Holdt, 2005; Muller & Esselaar, 2004) is particularly important, as it tends to challenge the existence and effectiveness of worker education while promoting divisions among the workers. During the apartheid era, worker education was a resource used by the trade union movement to address struggles in the workplace and those percolating to the communities (see Xulu-Gama, 2018; Von Holdt, 2002; Webster, 1985; Friedman, 1987). Worker education always took into consideration the history of the South African workplace, which made it relevant, comprehensive, critical and progressive (Hamilton, 2014).

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Worker education is as much a historical concept as foreign national migration in southern Africa. This allows us to comfortably locate our chapter within the South-South migration research framework, which has been understood as an extension of migration studies (Campillo-Carrete, 2013). The importance of South-South migration studies is supported by statistical evidence from the United Nations Department for Economic and Social Affairs (UN DESA). Migration within the South is just as important as, if not more important than, movement from the South to the North (ACP Observatory, 2013). The migrant labour system and its persistence in post-apartheid South Africa is a cornerstone of the labour landscape of colonial and apartheid South Africa and southern Africa (Xulu-Gama, 2017; Bezuidenhout & Buhlungu, 2011; Leliveld, 1997; Wilson, 1972).

In addition, the South African economy, in particular mining, was and continues to be built on the migrant labour system: “South Africa – Johannesburg in particular – drew its labour from the reserves as well as other southern African countries” (Hlatshwayo, 2012: 231). Employers sourced their labour from all countries in Southern Africa. Foreign-national migrants and worker education played prominent roles in the workplace during the colonial and apartheid eras in South Africa, and continue to forge a presence in the post-apartheid workplace (Webster & von Holdt, 2005) and thereby in labour scholarship (Bezuidenhout & Buhlungu, 2011), despite a myriad of evolving challenges for both. The attempt to look at these concepts together – foreign-national migrants and worker education – is complex as they are, and further complicated by the fact that both can be quite controversial and contested regarding how they are defined, accessed and worked with conceptually and practically (see Koen, 2019; Hamilton, 2014; Motala & Valley, 2014).

Thus the report of the NALEDI-HRDC-WEC (National Labour and Economic Development Institute-Human Resource Development Council) Worker Education Committee (WEC) defines worker education as:

...education of workers by workers (through their organisations), for the purposes that they themselves determine. Worker Education is worker-controlled and working-class oriented with a core objective of building working class unity, collective organisation and solidarity. It is aimed at building working class consciousness for the purpose of advancing working class struggles against exploitation and oppression and for progressive alternatives (NALEDI-HRDC-WEC, 2018: 22).

Orr (2019: 4) argues that worker education in South Africa developed in the context of the liberation movement, the workers’ movement, and the popular education movement, during a period of heightened mass mobilisation. Worker education was understood to be about empowering workers to build trade unions and the workers’ movement in order to liberate the working class from oppression and exploitation. Thus worker education has been an emancipatory tool, political in nature, while affording workers an opportunity to own it and focus on building their consciousness rather than increasing their productivity to maximise profits for employers. Worker education was designed to assist in forging solidarity between local and migrant workers, uniting the workers of the world (Hlatshwayo, 2012). Worker education, in this view, would operate as a thread sewing workers together to unite in the struggle against capitalism. Worker education, argues Cooper (2019:

13), has a long history of being politically inspired; further, she notes, “Worker education was unashamedly partisan; it emphasised the political character of workers’ education and the fact that it should be rooted in workers’ experiences and aimed at building workers’ class identity and confidence.”

This chapter begins with a brief explanation of the methodology employed for data collection. Thereafter, it discusses some of the prevailing worker-education tensions as they relate to the South African context. This is pivotal as we proceed to frame the positioning of the Congress of South African Trade Unions (COSATU) in South-South migration relations, as it is the largest federation of trade unions in South Africa. This is followed by a discussion of the labour migration policy framework and some insights from primary data collected through key-informant interviews as we establish the extent to which worker education programmes benefit foreign-national migrants and the possible challenges in implementation of related legislation and policies. This chapter does not differentiate between the different migrants’ statuses (documented or undocumented; refugee; asylum seeker or economic migrant), although we are aware that undocumented migrants are more vulnerable than documented ones. We take particular interest in the vulnerabilities of working class migrants.

## 7.2 Methodological Insights

This chapter is based on literature reviewed as well as four semi-structured interviews with key informants from COSATU. This process involved interviewing individuals who were likely to provide “needed information, ideas, and insights” on the subject (Kumar, 1989: 1). According to Kumar (1989) only a small number of informants are interviewed. The data that is collected from such a small number is normally used for a follow up larger research project comprised of a bigger sample. Key informant interviews are essentially qualitative interviews. They are conducted using interview guides that list the topics and issues to be covered during a session. The interviewer frames the actual questions in the course of interviews. The atmosphere in these interviews is informal, resembling a conversation among acquaintances (Kumar, 1989: 1).

Central to the underlying objective of this chapter is the presentation of the views of key informants. The interview approach is a flexible approach, allowing for new questions or check-questions to be posed when the need arises. The flexibility it provided made the interview a superior technique for the exploration of the area of interest considering the sensitivity of the subject matter.

The few and specific key informants were chosen because the chapter has a focus on COSATU’s role, as the biggest trade union federation in South Africa with a rich history in both the liberation struggle and worker struggles in the country. The interviews are with key players in the trade union federation especially on issues of international relations and labour migration as they deal directly with migrant workers. These key informants are both responsible for policy formulation and

implementation in the labour federation. These are also key figures who also contribute on issues of labour migration and international relations in the ANC, through the tripartite alliance which the ANC has with COSATU and the SACP (South African Communist Party). The positions in departments in which the key informants occupy justify the solicitation of their insights for our examination, it not only makes them knowledgeable but their insights are also nuanced.

The data informing the frame of reference in this chapter was gathered qualitatively by use of face-to-face interviews held in groups of three, comprising two researchers (interviewer and a scribe for observation and note-taking) and one interviewee. Open-ended questions were asked and the interviewer probed for more information as the hour-long interviews were conducted. The atmosphere was informal, resembling a conversation among acquaintances. The convenience sampling method was used as respondents were purposely approached for their experience in heading and coordinating the various divisions of the COSATU federation (namely international, organising, campaigns and the secretariat). Two key questions asked in data collection related to the possible challenges in implementing the South African labour legislation. The second investigated the extent to which the respondents felt foreign national migrant workers are able to access worker education and how worker education is negotiated in modern day South Africa.

### **7.3 What Has Happened to Worker Education in South Africa?**

Worker education is a contested concept and labour scholars have grappled with it for years. Its definition has also proved to be elusive. Central to this contestation are the parameters within which worker education should fall: that is, what it should and should not include. The three-pillar model argues that worker education should constitute the knowledge, skills and attitudes of workers at the following levels: vocational (skills development), political and trade union education (NALEDI-HRDC-WEC, 2018). Motala and Valley (2014) argued that, at its core, the outcome should be raising the consciousness of workers and promoting an understanding of their organisations (trade unions); that is to say, political and organisational education should constitute worker education. Worker Education is worker controlled and focuses on building consciousness to help workers advance their class struggle, and excludes vocational or skills development, which is geared at improving productivity. As such, worker education includes both political and organisational and/or trade union education. It is vital to understand workers as a class and just as important for workers not to see themselves in narrow racial and national terms but as a collective class.

The NALEDI-HRDC-WEC Report (2018) characterised worker education as based on workers' knowledge and experience, which includes their creative and innovative abilities. This reinforces the idea that worker education is and should be

worker controlled. Worker education aims to develop working class consciousness and democratic movement and organisation building, guided by collective solidarity in the struggle. Worker education in this sense is about the worker serving the interests of the worker and not those of capital, and as such it should focus on building worker organisations with workers charting the way forward.

In summary, worker education is education that is influenced and controlled by workers. It is shaped or informed by the conditions, experiences and struggles of the workers at the point of production and in the broader society (Vally et al., 2013). Guided by working class principles in terms of methodology and values, it must allow workers to contest power, exert pressure, and control their organisations and their places of work. Worker education must develop a variety of competencies that enable workers to actively and critically engage with social, political, economic and cultural engagements inside and outside the workplace. This definition consciously shifts from the exclusive focus on productive activities (wage labour) to social reproduction and recognises the unpaid work done mostly by women at home and in the communities.

The low levels or complete lack of political consciousness among workers leads to xenophobic attitudes and extreme violence towards foreign-nationality migrants. This is also an indicator that workers do not consider themselves as collectively belonging to the working class, giving precedence to a narrow national focus (see Alfaro-Velcamp & Shaw, 2016; Hlatshwayo, 2012, 2013). This narrowed form of nationalism impacts negatively on the principle of worker solidarity and internationalism advanced by COSATU. Thus, sentiments such as “foreigners are taking our jobs” are not only prevalent in our communities but also find expression in the trade unions and organised workplaces. The lack of political education produces fewer progressive workers who can make the link between community struggles and workplace struggles (Ginsburg et al., 1995) – what scholars have termed social movement unionism (Von Holdt, 2002). A gulf between productive and reproductive spheres emerges because of the decline in social movement unionism, where community struggles are fought in isolation from those at the workplace. Orr (2019: 7) argues that: “Worker education is affected by the diminished organisational vibrancy and weakened worker control and solidarity within trade unions. This is a critical challenge given the organic relationship between education and organisation.”

The NALEDI-HRDC-WEC Report (2018) notes that the lack of both trade union and political education is due to the lack of funds from the union. This is due to budget cuts for worker education and the education departments that house worker education programmes. This in turn leads to low levels of consciousness and understanding of worker solidarity. The lack of political education means that workers are deprived of the chance to get education about international worker solidarity which is derived from *The Communist Manifesto*'s clarion call for “[w]orkers of the world [to] unite, you have nothing to lose but your chains” (Marx et al., 2002: 265). Hence, the call for COSATU has always been about international worker solidarity (Buhlungu, 1999), notably, moving away from the use of the word ‘foreign’ as it carries negative connotations and xenophobic sentiments.

## 7.4 Positioning COSATU in South-South Relations

In the context of neoliberal globalisation and capitalist crisis, migration has become a typical and characteristic feature of the integrated global economy. The comparative development of South Africa, coupled with the collapse or decline of many Southern African economies under the pressure of neoliberalism and structural adjustment programmes, means that, as long as the country continues to nourish a steady economy, it will continue to be at the centre of in-migration in the region (COSATU, 2015).

This intensifies competition between workers, creates divisions and induces xenophobic sentiments, which undermine the unity of workers' struggle and the potential for their emancipation. Political elites exacerbate these tensions to deflect attention away from the failures of service delivery. The media also play a role in promoting negative images of Africans. But more fundamentally, this situation benefits capital – which actively promotes xenophobia while enjoying ever-expanding profits as workers fight amongst themselves for the crumbs. (COSATU, 2015: 28)

In an effort to strengthen and promote South-South relations within the region, COSATU has identified South-South co-operation as a key priority. It has acknowledged that building alliances with progressive workers' unions in the global South is vital for the development and transformation of the international trade union movement into a robust and united force. Lambert (1998: 73) argues that it is characterised by a narrow “workplace focus” and a “failure” to engage community organisations. COSATU further contends that the global South is a key location of struggle against capitalism, harbouring significant practical examples and experiments in building alternatives in the sphere of trade unionism.

The COSATU International Policy (COSATU, 2015) outlines four focal points for strengthening and promoting South-South relations:

- (i) Forging and deepening bilateral and trilateral collaboration with trade unions in the southern region that engenders similar ideologies;
- (ii) Ensuring the optimal use of resources in the Global South to ensure that the aims and objectives are reinforced at organisation level;
- (iii) Ensuring more cohesion through international work across the Global South, through the sharing of resources such as knowledge and expertise; and
- (iv) Encouraging participation on a global scale within forums and with organisations or networks that provide platforms for South-South co-operation and horizontal networking.

Below are strategies through which COSATU (2015: 29) intends to address the challenges encountered on the question of worker education and foreign-national migrants:

- (i) Classifying migrant workers under the vulnerable sections of the working class who face super-exploitation. This will enable COSATU to have a more organised approach to oppose such practice.

- (ii) Exposing and condemning the exploitation and abuse of migrant workers by employers, agents and other intermediaries.
- (iii) Enforcing rights of foreign-national migrants through the provision of equal access to social protection. These rights are non-discriminatory, particularly regarding the legal status of such an individual, providing the right to social justice, equal treatment and gender equality.
- (iv) Reviewing the racist and exclusionary apartheid-style migration policy in favour of a more inclusive, humane approach. This approach will be based on equal rights for all as articulated in the constitution and the Universal Declaration of Human Rights. African heritage should be promoted while affirming values of *ubuntu*<sup>1</sup> and challenging negative, false imagery and linkages between migration and crime in the media.
- (v) Recognising the gap regarding a comprehensive development plan to fight the grounding causes of xenophobia on the African continent, as well as campaigning against undemocratic regimes and human rights abuses which force people from their homes and countries of citizenry.
- (vi) Lobbying for the development of policies designed specifically to protect foreign-national migrants working in South Africa. This would also reinforce their right to organise and be organised into unions which will allow them to enjoy the dignity afforded to workers by the Labour Relations Act and other policies in the country.
- (vii) Creating opportunities for the transfer of skills within the African region as well as internationally. This would involve the targeted recruitment of skilled labour from neighbouring countries. Recruited individuals have the right to enjoy certain liberties as they contribute to the economic development of the country.

At this juncture, it is useful to discuss some of the key challenges that unions face. It is important to note the role of global capitalism in the creation of more solid connections between countries. This has led to throwing “workers in one country into competition with each other, which opens up the danger of a ‘leveling down’ in wages and working conditions” (Bezuidenhout, 2000: 1). One of the key recurring challenges is xenophobic sentiments and violence toward foreign-national migrants. The motivation given is that undocumented foreign national workers need to be weeded out of the system and South African nationals are to be employed. The negative sentiments towards foreign-national migrants are also fueled by the harsh economic environment prevailing in South Africa. Capitalists tend to exploit to maximise profits without regard for colour or nationality, while, due to intrinsic and extrinsic factors, foreign-national migrants supply cheap labour on the market which leads to the notion amongst South Africans that “these foreigners take anything” (see Machinery’s work (Chap. 16) in this volume).

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<sup>1</sup>A South African *isi* Zulu word to express the humanity in people, the compassionate and considerate nature: “I am because you are”.



Regardless of the other glaring challenges, there is a general feeling among foreign-national migrants that unions do not address their issues; hence their disinterest in joining unions. There is no motivation to join the union since the primary aim is to get access to assistance regarding working conditions but the union does not offer this. This decision, once again, deprives them of access to worker education, which is intricately intertwined with union membership. COSATU's approach suggests that they defend undocumented migrants, and upon winning some of the cases, they can then organise them into unions. This will, in effect, ensure access to all workers. "Organising external migrants and integrating them into the union structures is potentially one of the most powerful weapons in the struggle against xenophobia, as it strengthens workers' identity and solidarity" (Hlatshwayo 2009 cited in Hlatshwayo, 2012: 238). This organising strategy is not sufficient, however, to address all the challenges faced by foreign-national migrants. The COSATU strategy should broaden its traditional approach from just arranging permanent work and secure jobs for nationals, but should also include vulnerable groups, including foreign-national migrants and those in the informal sector.

Foreign-national migrants do not join unions as they perceive that it would make them more susceptible to being unfairly dismissed, primarily because they are vulnerable and sometimes do not have proper documentation. In addition, they know that employers have a negative perception of unionised workers. Therefore, when employers contract undocumented workers deliberately, it is to avoid paying the stipulated minimum wage for their sector. Because the worker is undocumented and hence fearful, and unaware of their rights, they do not report the employer, leaving them more vulnerable and susceptible to more exploitation than that experienced by local workers (see COSATU, 2015; Lorgat (Chap. 17) in this volume).

## 7.5 The Labour Migration Policy Framework

Among other things that the Employment Services Act No. 4 of 2014 seeks to achieve is the promotion of employment of young work seekers and other vulnerable persons. The act also aims to facilitate the employment of foreign-national migrants in a manner that is consistent with this act and the Immigration Act No. 13 of 2002. According to South African policy and its legislative framework, a 'foreign national' is an individual who is not a South African citizen nor has a permanent residence permit issued in terms of the Immigration Act. The Employment Services Act is designed to be a short-term measure to bridge the skills shortage within the employer's business. It makes clear that foreign-national migrants should be employed on the basis that their employment promotes the training of South African citizens and permanent residents. This consequently excludes many semi-skilled and unskilled migrants from participating in the South African post-apartheid workplace. Additionally, the act states that employment of the foreign national migrant must not impact negatively on existing labour standards or the rights and expectations of South African workers, and it gives effect to the right to fair labour practices



as explained by section 23(1) of the Constitution of the Republic of South Africa, Act 108 of 1996 (Republic of South Africa, 1996). Leliveld (1997) documents the negative effects of the restrictive South African labour policy as a shift from the 1994 democratic era:

Section 1 of the Immigration Amendment Act No. 13 of 2011 defines work as:

conducting any activity normally associated with the running of a specific business or being employed or conducting activities consistent with being employed or consistent with the profession of the person, with or without remuneration or reward. (Immigration Amendment Act No. 13 of 2011: section 1).

Section 1 also says that a foreigner is an individual who is not a citizen. An illegal foreigner refers to an individual who is in the Republic in contravention of the act. Section 38 of this act further stipulates that no person shall employ (a) an illegal foreigner; (b) a foreigner whose status does not authorise him or her to be employed by such a person, or (c) a foreigner on terms and conditions or in a capacity different from those stipulated in such foreigner's status (see Kaziboni's work (Chap. 14) in this volume).

The policy, legislative and strategic framework assists and promotes management of inter-regional labour migration to the value of both the sending and the receiving countries, but especially the migrant workers. In the area of labour migration, there is a serious policy gap that the White Paper (DHA, 2017) has been able to identify regarding asylum seekers and refugees. South Africa has never been able to provide basic necessities to asylum seekers; hence they have been allowed to seek employment while their claims are being adjudicated.

Since the end of apartheid, South African policy and its legislative framework have been accused of following the previous colonial patterns. It has also been seen "to perpetuate irregular migration, which in turn leads to unacceptable levels of corruption, human rights abuse and national security risks" (DHA, 2017: v). While South Africa has opened its borders to the world, it prioritises the emigration of people with scarce skills, forsaking semi-skilled and unskilled migrants (Employment Services Act 2014).

## 7.6 Insights from Key Informants

Below are the responses of the four key informants interviewed.

Key Informant #2 reported to have been part of a COSATU coordinated campaign with workers from other countries through a Vulnerable Workers Task Team (VWTT), which caters for informal workers such as local and foreign national street traders. These campaigns are attempts to unite the groups. This is also reportedly done in the farms where workers are organised. The few locals at the farms feel that their jobs are at risk due to the high volumes of foreign national workers on the farms. Key Informant #2 pointed out that the use of the word 'foreign' in South Africa is divisive and suggestive of trouble, making the use of appropriate

terminology inappropriate and dangerous. This was shared just to highlight the context in which COSATU is supposed to be organising and uniting workers.

### **7.6.1 Challenges to Policy Implementation**

The key informants highlighted two challenges that relate to why issues of migrant workers do not seem to dominate the agendas of worker education, with recruitment being the first (Key Informant #1). If there are no foreign nationals in the union and the bulk of the membership is not foreign nationals, worker education on the issues that deal with the socio-economic problems of foreign national workers do not seem to dominate the agenda. The second issue highlighted was that, if the union does not conceive itself as a union that represents workers on a class basis regardless of where they are from, as opposed to a national basis, problems arise.

It was additionally pointed out that policy and legislation have many loopholes, and it has followed many colonial trajectories (Key Informant #1, #2, #3 and #4). As a possible challenge to policy implementation, our key informants pointed out a problem with the conception of people who are from outside the South African borders (Key Informant #2 and #4). One key informant preferred to refer to foreign-national migrants as economic migrants because the word “foreign” has negative and xenophobic connotations. She further highlighted that “this comes from trying to educate our own members, to get them to understand that these are also workers. It does not matter if they are not South Africans...they are workers and should enjoy the same rights” (Key Informant #2). The informant further suggested that it is not only South African workers affected by “this” thinking. Once you say “foreign” in South Africa, the background that was instilled in the general population suggests that “we are South Africans and not Africans” (Key Informant #2). Another key informant pointed out that if a medical doctor were to indicate that there was a foreign object in “your body, you would develop a natural aversion to the unknown object” (Key informant #4). A historian would, for example, refer to a foreign invasion and an environmental scientist to an invasion by a foreign species. Hence, anything foreign is alien and has problematic connotations. When an individual is referred to as a foreigner, it immediately classifies that person as a species that does not belong, hence implying that there is an intruder.

“[‘Foreign’ is] clumsy and rejectionist in any frame of reference. It also defeats the purpose of trying to educate local workers to understand that these are also workers and should enjoy the same rights” (Key Informant #4).

Another key informant added that “another possible challenge in policy implementation in South Africa is trying to stop or limit migration”, highlighting that migration is a permanent worldwide phenomenon, “so fighting migration is an impossible war to win; you will never win it” (Key Informant #1).

More challenges were cited such as the lack of knowledge on the part of the trade union leaders who are unfamiliar with the processes, legislation and policies; for example, how Home Affairs operates with regards to the documentation of workers.

This knowledge would make people sympathetic to the plight of undocumented workers. An informant pointed out that it is not the fault of the employee and that employers hire workers knowing very well that they are undocumented. Therefore, the obligation lies with the employer and the trade unions. “The reason why they join a trade union is that they need assistance. If a trade union is unable to do that, there is no need for workers to join a trade union” (Key Informant #3).

### ***7.6.2 Foreign National Migrants and Worker Education***

One of the fundamental views expressed was that migrants’ lack of documentation makes it difficult to organise and communicate their rights to them. The informant sighted the example of farm workers as one of the vulnerable sectors and acknowledged the deplorable living conditions provided by the employers (Key Informant #3). Migrant workers were consistently referred to as vulnerable and highlighted as the most exploited group of workers, requiring different strategies to organise them (Key Informant #3).

One informant proposed that when the extent to which worker education benefits foreign national migrant workers is discussed,

we must capture the ability to change power relations in society and transform the quality of life of workers; particularly, the case of migrant workers and to be able to improve their working conditions. It must be able to contest the share in the distribution of wealth in society but also transform consciousness, it must make me different, and it must be a baptism of fire. It must be able to listen to you in a meeting and be able to tell that you are class conscious and not some [corporate] official, without you even mentioning an organisation or where you are from. It must be able to challenge the normalcy, the falsehoods of the dominant system. It must not make us fantasise about reality; reality is concrete (Key Informant #4).

Another informant suggested that “The role of Worker Education is to try to convert the perceptions. The level at which it is happening is not meaningful because if it was meaningful we could’ve seen the changes; worker education has to go beyond the stipulated terrain which is labour federations” (Key informant #1).

While detailing examples of successful and unsuccessful unions, one key informant mentioned the National Union of Mineworkers (NUM) as an example of a union that, for decades, has managed to organise both South African and foreign-national miners because the mining industry was built on the migrant labour system (Key Informant #3). The migrant labour system encouraged workers from neighbouring countries to migrate to the mines. This helped the union to build solidarity amongst workers and develop bargaining power for the union. He further argued that if this model of organising were replicated across all unions in South Africa, it would have the potential to address the xenophobic sentiments amongst workers and forge international solidarity or internationalism. The Southern Africa Clothing and Textile Workers Union (SACTWU) is another union which reflects in its name its goal of forging international worker solidarity. This union has a high

concentration of Basotho workers. The Food and Allied Workers' Union (FAWU) is also organised amongst farmworkers around Mpumalanga, and some of its members are from Mozambique or eSwatini.

Key informants attested to the fact that most foreign-national migrants do not feel that their concerns are addressed by the unions, which is why they seem uninterested in taking up membership with the unions. Another related problem is that the federations argue that they have been organising foreign-national migrants as far back as colonial times, and yet their members are still not educated enough. The conclusions they draw are based on their experiences with the members and by apparent divisions amongst foreign and South African workers (Key Informant #2).

The key informants argued that worker education must adjust its content to speak more to the current challenges faced by foreign-national migrants. Unfortunately, unions only operate within the realm of their levels of organisation, but in practice, worker education is supposed to go beyond that. They also highlighted that worker education has never distinguished between local and migrant workers and that worker education should advocate for South African workers not to be xenophobic or rejectionist towards foreign-national migrants (Key Informant #2).

Global capitalism, with its neoliberal orientation and the growing informalisation of work, has equally contributed to a growing informal economy. This implies the proliferation of precarious forms of work that cut across racial, class, gender and national lines. As a countermeasure to this increase, COSATU, in collaboration with the Migrant Workers' Union of South Africa (MIWUSA) established the Vulnerable Workers Task Team in 2012 (Key Informant #2). The task team spans multiple sectors of the economy. This collaboration bridges the language barrier in the articulation of issues affecting foreign-national migrants in South Africa. Such issues include adequate representation at the Commission for Conciliation, Mediation and Arbitration (CCMA) for unfair dismissals, particularly dismissals on the grounds of being undocumented when the employer knowingly employed them (Key Informant #2).

## 7.7 Conclusion

The purpose of this chapter was to establish the extent to which worker education programmes benefit foreign-national migrants. The insights from examining the key informants' interviews, COSATU international policy, the South African labour legislation and literature on worker education have allowed us to conclude that worker education programmes and their role in linking workplace struggles with household and community struggles remain critically important for the workplace. It is this kind of education that has been in decline, due to the focus on accredited forms of education, diminished organisational vibrancy and a lack of commitment to funding. Therefore, the quality and quantity, efficiency and effectiveness of such programmes are debatable in relation to the experiences of the workers. These experiences relate particularly to the rhetoric about foreign-national migrants and

the rate of xenophobic violence in South African communities. There is a need to revisit the content of worker education programmes and align them with the defining characteristic of worker education to incorporate the experiences of all workers.

Our conclusion is that worker education does not generally benefit foreign-national migrants, except in a few affiliates such as NUM, SACTWU and FAWU. The unions are not fully committed to actively tapping into the foreign-national migrant membership. There is a paradox caused by the high unemployment rate in South Africa, as well as the different working conditions that foreign-national migrants are normally willing to accept, compared to locals. Unions also find it difficult to implement either COSATU policy or South African policy and legislation because they are not always well-versed on the processes, systems, policies and legislation.

This chapter has outlined the South African legislative framework as well as COSATU's international policy framework, noting their shortcomings in the lack of a shared understanding of the treatment of foreign-national migrants. While COSATU's framework is friendly, welcoming and comprehensive, South African policy is very specific, selective and conditional about how and why it would accept foreign-national migrants. This, we argue, can be seen as contributing to the unfriendly environment in which foreign-national migrants find themselves in South African workplaces and beyond. On the other hand, it is clear that, while COSATU has an attractive international policy, the key informants' insights suggest that it has not been very successful in the implementation of its policy framework in all its affiliates. Therefore, it is our view that there is much that can still be done to ensure that worker education programmes benefit foreign-national migrants. The chapter clearly shows that good intentions and policies on paper alone are not enough, and cannot bring positive change if they are not followed by practical actions and implementations.

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