

An illustration of a Black woman with her hair in a white headwrap, wearing a red and white dress. She is holding a large blue banner with the text 'STOP CASUALISATION' written in bold, black, capital letters. The background is dark with stylized rays of light and silhouettes of industrial buildings with smokestacks at the bottom.

**Mapping the world of
casualised work and
struggle in South Africa**

Dr Dale T McKinley

MAPPING THE WORLD OF CASUALISED WORK & STRUGGLE IN SOUTH AFRICA

Dr Dale T McKinley



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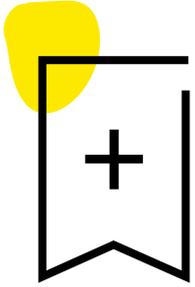
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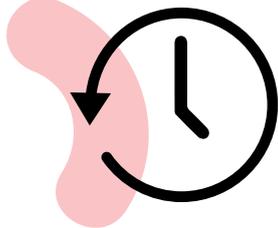


CONTEXT

& explanation

The core contextual backdrop that frames this project is the radical and ongoing recomposition of the broad working class, both globally and within South Africa. A central part of that recomposition has, over the last 20-30 years in particular, consisted of a major shift from a mainly permanent and largely industrial working class base to one where a majority of workers in the private sector, and a growing portion of those in the public sector, are now casualised and where large-scale/heavy industry no longer dominates the working landscape.

What are the different types of casualised workers?



fixed term / part-time / seasonal contract workers



labour broker workers (sub-contracted)



popular economy (informal sector) workers

These structural changes, which apply in both South Africa as well as across the globe, are best captured as constituting a ‘flexible labour market’. What has happened is that the labour market has been “polarized into various layers which simultaneously increase insecurity and broaden the scope for cheap labour ... [wherein] differentiation is producing zones of exploitation, incorporation and marginalization in the South Africa labour market”. The main components of this flexible labour market are: employment insecurity; wage flexibility; numerical and working time flexibility; health & safety concerns/problems; gender discrimination/inequality; labour market and economic insecurity; problems related to the comprehensiveness and enforceability of labour laws; and, low or lack of, social protection.¹

By way of conceptual definition the term ‘casualised’ (in itself contested and which will be explored further in the first section below) encompasses at least four distinct ‘types’ or categories of casual workers. While these categorisations are certainly not fixed, and noting that in some cases there can be overlaps amongst them, it is useful to break them down as follows: a) fixed-term/part-time/seasonal contract workers which are a mix of primary and outsourced workers; b) labour broker workers (which includes sub-contracted workers); c) day labourers, whose work is largely unregulated; and, d) popular economy² (informal sector) workers, whether as an employee or self-employed.

Another crucial part of the changes that now define the majority of the working world, particularly in South Africa, has been the gradual but systematic co-option, weakening and in

many cases demise of, dominant industry/sector specific trade unions. Not only have the ranks of casualised workers been swelled with ex-union members, there are now a large majority of workers who have no political, organisational or workplace connection to such trade unions.

In turn, this has fundamentally shifted the life, work, struggle and organising/mobilising realities and experiences of these workers. Yet, this has not been paralleled by a complementary shift in the core content and character of labour/worker research and analysis or, in the approach to organising, mobilisation and education. The reality is that on both of these fronts, the focus largely remains (again especially in South

¹ Oupa Bodibe (2006), ‘The Extent and Effects of Casualisation in Southern Africa: Analysis of Lesotho, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe’, NALEDI Research Report for the Danish Federation of Workers, November - https://sarpn.org/documents/d0002568/Effects_Casualisation_Nov2006.pdf (accessed 20 January 2020); Makoma Mabilo (2018), ‘Women in the informal economy: Precarious labour in South Africa’, MA Thesis, University of Stellenbosch - <https://pdfs.semanticscholar.org/69e8/47299e510b798c36e917704ebf3b4df2fc34.pdf> (accessed 21 January 2020)

² It is more analytically and practically useful to use the term ‘popular economy’ (originating in South America) as opposed to the ‘informal economy’ because it is more inclusive and speaks directly to the realities of what neoliberal capitalism has done to the broad working class. In a nutshell, it “refers to the production of goods and services by people who, unable to secure waged employment or regularized self-employment, nevertheless work in myriad ways in order to provide for themselves and their families.” While it does include “what is commonly referred to as informal economy [it] can contain formal economy elements as well such as cooperatives which are legally recognized.” Further, “the dependence of popular economy workers on the formal economy is another reason why the formal/informal sector distinction is inadequate to capture the essence of the economic activities that a large number of people invent to survive.” See: Séverine Deneulin (2015), ‘Theological resources and the transformation of unjust structures: The case of Argentine informal economy workers’, Bath Papers in International Development and Wellbeing, No. 39 (April) - <https://www.econstor.eu/bitstream/10419/128134/1/bpd39.pdf> (accessed 17 April 2020)

Africa) centred on unionised, permanent, mostly factory-based and larger-scale manufacturing and extractive sector workers.

As such there is scant research and analysis, and more particularly from left/progressive researchers-writers and activists in South Africa, on what the contemporary 'world of casualised work' looks like in hard facts and numbers. This is paralleled and indeed catalysed by the general paucity of empirical information/statistics related to casualised work/workers; a situation that stems from both Stats SA's limited and frankly crude methodological approach to measuring the full range of what constitutes casualised work, alongside the sheer rapidity of change in the number and types of casualised work³ which makes it extremely difficult for the data to keep up with the reality.

Further, there is certainly the need for more work and thought to be given over to what the 'map' of structural and empirical realities means - in strategic and tactical terms - for worker specific organisation, mobilisation and education as well as broader left/progressive linkages, support and solidarity (amongst casualised workers as well as between casualised

and permanent workers). As the Casual Workers Advice Office (CWAO), one of the few outfits that has tried to engage these questions and challenges, crucially points out, it is important to have a fuller picture of numbers and different types of casual worker precisely because there are different possibilities (the who and how) of organising⁴.

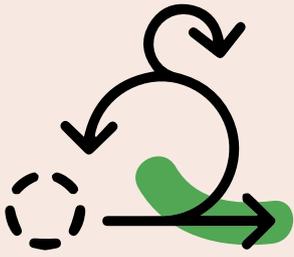
This research will hopefully act as a foundational basis upon which more extensive and in-depth research and analysis in respect of the world of casualised labour can be conducted. In addition, to provide workers, their organisations and associated 'civil society' allies with useful information which can contribute to more informed and effective engagement, organising, mobilising, education and overall struggle.

The basic format of the report consists of: an initial section (which forms the core of the report) that provides an empirically-grounded macro-'mapping' of the world of casualised work; a second section that surfaces the core issues and challenges experienced by/facing casualised workers; and, a final section that offers some perspectives on the key strategic questions going forward.

**There are a large majority of workers
who have no political, organisational
or workplace connection to
trade unions.**

³ For example, besides labour broker workers (who are categorised under 'Business Services' when in fact they work across multiple industries), Stats SA, following the legislatively-framed 'non-standard worker' typology does not have a formal measurement category of a 'casual' worker and therefore does not allow for specifically identifying and statistically capturing a range of other types of casual workers such as fixed-term/part-time/seasonal contract workers and day labourers.

⁴ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019



PROCESS

& methodology

The project consisted of three phases:

Phase 1

Phase 1 was taken up by the collection and collation of existent empirical/statistical information related to the world of casualised work and workers. The work was largely carried out through desktop research and secondarily, by accessing relevant repositories of such information at civil society research and labour information institutes, agencies and organisations.

Phase 2

Phase 2 consisted of gathering and analysing relevant information, studies, analysis and research, through both desktop research and from labour activists and scholars. A limited number of brief, structured interviews were conducted with researchers-academics and other relevant labour-union officials and activists. Additionally, conversations emanating from three focus group sessions with casualised workers were utilised.

Phase 3

In this final phase, all of the materials, data and information collected were collated, analysed and then written up to produce this research report in an accessible and useable way as possible. It is hoped that this report (available in both hard and electronic formats) can be used in particular by casualised workers, trade unions, associated worker and peoples collectives/organisations, allied researchers-academics and activists and then also have useful impact on relevant government officials and entities.

Section 1: The macro-map: what does the world of casualised work look like?



Who/what is a casualised worker?

When it comes to trying to ‘map’ the world of casualised work there is a core conceptual/definitional challenge that presents itself right from the start. Namely, that there are different terms/typologies that are commonly employed to both define and measure/categorise the kinds/types of work that fall under the term casualised. These includes terms such as ‘precarious’, ‘non-standard employment’ and ‘informal’. Secondly, there are varying understandings and thus approaches to the measurement of, the kind/types of work that fall under the term casual and/or casualised.

Arguably the most widely used term, especially in the realm of academic writing and research, is precarious. *Guy Standing’s 2011 book, The Precariat. The New Dangerous Class*, which collectivises the term, is probably the best known in this regard. For Standing, the central, defining feature of being precarious is insecurity of varying sorts. For example, a lack of labour market security, of income security, of job security, of employment security, of representation security and, of more general social and economic security.

For the International Labour Organisation (ILO) precarious work is generally understood as work that is low paid work, that is insecure (poor protection from termination), that lacks benefits and social protection and over which there is minimal worker control and exercising of rights⁵. More specifically, the ILO definition of precarious work is described as ‘two categories of contractual arrangements characterised by [the above mentioned] four precarious working conditions’. The two contractual arrangements are: i) the limited duration of the contract (lack of certainty); and ii) the nature of the employment relationship (e.g. use of temporary hiring agents).⁶

The term ‘non-standard employment (NSE)’ is used by Stats SA, by employers in both the public and private sectors and in relevant labour legislation such as the amendments to the Labour Relations Act (LRA). The meaning and practical

application of NSE is derived from its opposite which is, a ‘standard employment relationship’ (SER). While a SER consists of permanent, full-time work that takes place on premises under the control of the employer, NSE is defined as work that includes part time work, fixed-term contract work, seasonal work, home work, informal work, subcontracting and labour broking⁷.

There are different terms/typologies that are commonly employed to both define and measure/categorise the kinds/types of work that fall under the term casualised.

While the broad definitional base of NSE is useful in naming the various kinds/types of work that constitute casualised work, the problem is that when it comes to the principal basis for measuring such work, Stats SA relies on the category of ‘informal employment’. In turn, this category is then predominately twinned to a completely stand-alone statistical section which is aptly named, the ‘informal sector’. The conceptual and measurement challenges here are all too clear.

On the one hand, the work of all those categorised as being in informal employment is defined ‘on the basis of the nature of an individual workers’ job, including their status in employment’⁸. As such, all of the following fall under the ‘informal employment’ category for Stats SA:

- ‘Employees working in establishments that employ fewer than five employees, who do not deduct income tax from their salaries/wages’;
- Employers, own-account workers and persons helping unpaid in their household business who are not registered for either income tax or value-added tax⁹;
- Employees in the formal sector and workers not entitled to basic benefits such as pension and medical aid, and who don’t have a written contract of employment¹⁰.

⁵ International Labour Organisation - ILO (2016), ‘Non-standard employment around the world: Understanding challenges, shaping prospects’, Geneva: ILO - https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf (accessed 23 November 2019)

⁶ ILO (2012), ‘From Precarious Work to Decent Work’, Outcome Document to the Workers’ Symposium on Policies and Regulations to combat Precarious Employment, Symposium conducted in Geneva 4-7 October 2011 - https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/meetingdocument/wcms_179787.pdf (accessed 23 November 2019)

⁷ David Dickinson (2015), ‘Fighting their own battles: The Mabarete and the End of Labour Broking in the South African Post Office’, SWOP Working Paper, Feb 2015 - <https://www.ee.co.za/wp-content/uploads/2015/07/Post-Office-Labour-Unrest-Strikes-2009-2014-Prof-Dickinson.pdf> (accessed 16 October 2019); Also, Rob Rees (2019), ‘Becoming permanent: Taking Section 198 Up’, NALEDI Research Report, (September)

⁸ Debbie Budlender (2013), ‘Informal Workers and Collective Bargaining: Five Case Studies’, WIEGO Organising Brief No 9 - October 2013 - <http://www.wiego.org/sites/default/files/publications/files/Budlender-Informal-Workers-Collective-Bargaining-WIEGO-OB9.pdf> (accessed 17 October 2019)

⁹ Stats SA (2019), Quarterly Labour Force Survey, 4th Quarter 2019 - <http://www.statssa.gov.za/publications/P0211/P02114thQuarter2019.pdf> (accessed 25 April 2020)

¹⁰ Pamhidzai H. Bamu and Shane Godfrey (2009), ‘Flexibility and precariousness: exploring labour broking in the construction industry in South Africa’, Labour Research Services 2009 Bargaining Indicators - <https://www.lrs.org.za/media/2018/10/8669a154-6687-465a-9794-f9ffec8ac1d7-1539935341687.pdf> (accessed 16 November 2019)

On the other hand, this means that a formal sector worker can also be an informal worker but will not be counted/measured as part of the informal sector. In other words, the informality of work itself is not the deciding factor in terms of statistical measurement; rather, it is the 'degree of informality of work'¹¹. This has resulted not only in conceptual confusion but in a whole range of definitionally framed NSE or workers in informal employment being 'left out' of the measurement/statistical picture. For example, it is not at all helpful 'to just group together everyone who does not have a contract or to call those who are in non-standard employment, informal workers even though they might be in the formal labour market'.¹²

In light of the above, it is argued here that the term 'casualised' is both conceptually and practically more appropriate and useful. A casualised worker is a person who works in either the formal or informal sector (as employee or self-employed) and whose casualised work can encompass both standard and non-standard employment relationships such as temporary or seasonal, contract or part-time, seasonal, home-based, informal as well as outsourced/subcontracted work.¹³

The fact is that the nature of such work has dramatically changed in the last decade or so in particular and in parallel, the social and employment relationships between worker and employer that frame this work are constantly shifting. It is indeed the ultimate irony that at the same time that South Africa's labour legislation, alongside the measurement methodologies of its official statistics agency, do not formally recognise and/or use the term 'casualised work/workers', there has been an explosion of casualised work.¹⁴

Making use of the term 'casualised' as opposed to 'precarious' or 'non-standard employment' is not simply a conceptual and/or methodological choice, it is also one of attribution and relevance, by and to the workers themselves. What is crucial though is to distinguish between the various types of casualised work/worker, 'not only because they have different rights in law but also politically, because there are different possibilities of organising'.¹⁵

Further, casualisation better captures and encompasses the core types of relationship of the worker to capital and to production as opposed to the one or another of the specific

practicalities of work (for example, the longevity of a job) or a more generalised situational work context/experience which might or might not be applicable to all casualised workers (for example, middle class university-going teenagers working as waiters or on holiday-time jobs).

How many casualised workers are there?

This is the big question. The hard truth is that at present no one – including Stats SA – can say with any degree of certainty/accuracy how many casualised workers there are in South Africa. As noted above, the data as well as the methodology of measurement have simply not been able to keep up with the reality on the ground. That reality has seen a rapid rise in the number and types of casualised workers across the country and most especially over the last decade or so.

This problem, which at its root has a direct relationship with neoliberal capitalism's constantly evolving imperative to intensify the exploitation and vulnerabilities of workers, is not one that is specific to South Africa. The global labour market has, in the context of degrees of national-level differentiation, become more and more flexible. This flexibility has been driven by two main protagonists:

- Capitalists who, on the one hand continue to invent increasingly arbitrary ways to squeeze the maximise amount of labour and surplus value out of every worker in their employ; and, on the other hand continue to discard ever larger number of workers into the swelling ranks of a reserve army of labour, otherwise known as the unemployed and informal sector
- National governments and their state entities/apparatus. At both the national and local levels, governments have embraced neoliberal cost-cutting and outsourcing which is most often linked to patronage, class accumulation and mutually-beneficial ties with capitalists (both domestic and international). In doing so, they have treated public sector workers in much the same way as the private sector, actively facilitated the deregulation of the labour market and manifestly failed to enforce legislation and protect worker rights.

¹¹ Debbie Budlender (2013), 'Informal Workers and Collective Bargaining: Five Case Studies', WIEGO Organising Brief No 9 - October 2013 - <http://www.wiego.org/sites/default/files/publications/files/Budlender-Informal-Workers-Collective-Bargaining-WIEGO-OB9.pdf> (accessed 17 October 2019); Also, see Séverine Deneulin (2015), 'Theological resources and the transformation of unjust structures: The case of Argentine informal economy workers', Bath Papers in International Development and Wellbeing, No. 39 (April) - <https://www.econstor.eu/bitstream/10419/128134/1/bpd39.pdf> (accessed 17 April 2020); as well as comments in footnote number 2

¹² Author interview with Carin Runciman (University of Johannesburg Centre for Social Change and CWAO volunteer), 8 November 2019

¹³ Oupa Bodibe (2006), 'The Extent and Effects of Casualisation in Southern Africa: Analysis of Lesotho, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe', NALEDI Research Report for the Danish Federation of Workers, November - https://sarpn.org/documents/d0002568/Effects_Casualisation_Nov2006.pdf (accessed 12 November 2019)

¹⁴ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹⁵ Ibid.

The cumulative result is that the statistical picture of the world of casualised work, at both national and global levels, is akin to a Rubik's Cube, i.e., not only difficult to figure out/solve but at times almost impossible to decipher/reconcile. Here are a couple of examples at the global level that give a sense of how the figures provided on workers who could be broadly considered as being casualised (see above definitional frame) not only have wide definitional but also statistical variance.

The World Bank, using the latest available data from the International Labour Organisation (ILO), states that the percentage of workers in total employment – at a global level – that can be classified as being in 'vulnerable employment'¹⁶ stood at 44.6% as of 2019. However, when it comes to South Africa the figure provided is an incredulous 10%. This is less than the percentage for the European Union in which, according to the World Bank/ILO, 11% of all employed workers can be classified as being in 'vulnerable employment'.¹⁷ Even taking into account that the definitional base of such 'vulnerable employment' is closest to that of Stats SA's 'informal sector' category, the difference between the 10% of the World Bank/ILO and the 16.9% figure of Stats SA (for those in the 'informal sector' in 2017)¹⁸ is statistically worlds apart. So too is the gap more than substantial when considering that the same ILO concluded in a 2018 report that 61% of all workers (i.e. over 2 billion) across the globe are informally employed.¹⁹

A large part of the problem in relation to the empirical picture of the world of casualised work is the dominant and long-held practice of placing a statistical 'Chinese wall' between the formal and the informal sectors. As argued above, besides

this being completely at odds with the practical reality of the drastic changes in the world of work, this results in a large section of casualised workers simply not being specifically recognised as such in statistical terms. Nowhere is this more the case than with Stats SA whose methodological framework when it comes to casualised work/workers, has been left behind in the dust of a flexible labour market gone wild.

The best way to surface this in South Africa is to chronologically trace the statistical count - with most all figures being borrowed from/provided by, various Stats SA releases/reports - of informal employment and informal sector workers.

However, it has to be noted that depending on which Stats SA releases/ reports are used, the cumulative figures (more especially related to informal employment since there are clear differences over what constitutes such employment) vary greatly. This makes it extremely difficult for a truly accurate (and agreed upon) statistical picture to be emerge.

If we go all the way back to the 1990s one of the first post-1994 pictures was constructed around Stats SA's 'Household Surveys'. In 1997, that picture told us that while only 12% of all those employed were to be found in the informal sector the percentage of workers to be found in informal employment (otherwise named as NSE) was almost double that, standing at 23%. By 2001 the percentages had increased substantially, with the share of informal sector work rising to 17% and the share of informal employment rising to 31%.²⁰

Shifting to the first few years of the new century, the next picture that emerges from informal sector employment figures derived from Labour Force Surveys is of a rapidly growing casualisation of work. Excluding agriculture and domestic workers, informal sector employment constituted just under 18% of the total employed workforce of 11.18 million in 2001 – i.e., around 1.97 million. Four years later in 2005 that figure had risen by 25% to 2.46 million. If agricultural and domestic workers (a sizeable section of the former and the vast majority of the latter who can be classified as constituting casualised workers) are included then the figures are 4,03 million workers in 2001, rising to 4.25 million by 2005 (which makes up 35.3% of the total employed workforce).²¹



**61% of all workers
across the globe are
informally employed**

¹⁶ The ILO's definition of 'vulnerable employment' is 'the sum of own-account workers and contributing family workers'. See, ILO (2010), 'Vulnerable employment and poverty on the rise, Interview with ILO chief of Employment Trends Unit', 26 January - https://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_120470/lang--en/index.htm (accessed 12 April 2020)

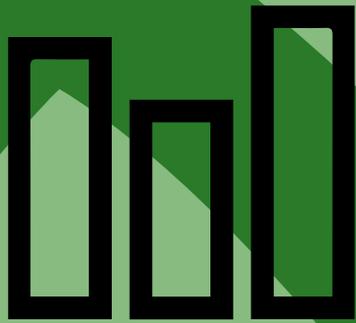
¹⁷ World Bank (2020), Vulnerable employment, total (% of total employment) (modeled ILO estimate) - <https://data.worldbank.org/indicator/SL.EMP.VULN.ZS> (accessed 12 April 2020)

¹⁸ Stats SA (2017), 'Labour market dynamics in South Africa, 2017', Report No. 02-11-02 - <http://www.statssa.gov.za/publications/Report-02-11-02/Report-02-11-02-022017.pdf> (accessed 15 November 2019)

¹⁹ ILO (2018), 'Women and men in the informal economy: a statistical picture', International Labour Office, Geneva - https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf (accessed 16 November 2019)

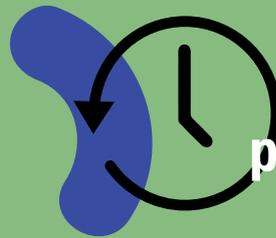
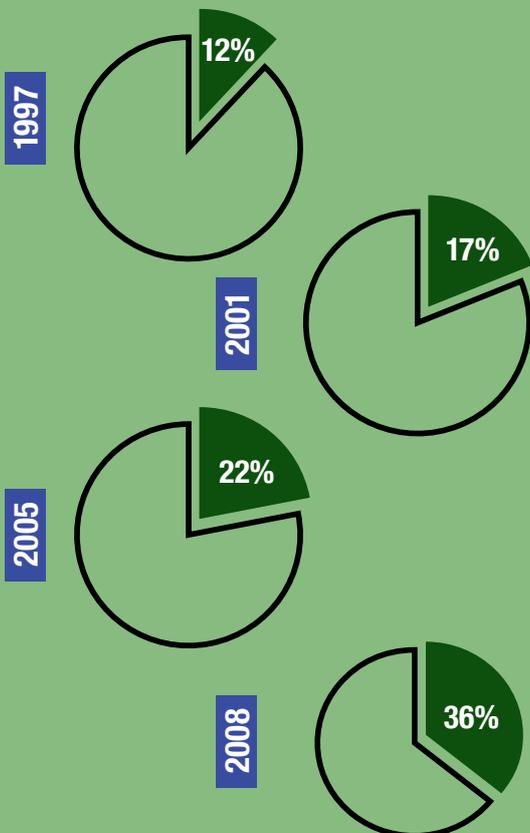
²⁰ Colette Muller (2003), 'Measuring South Africa's Informal Sector: An Analysis of National Household Surveys', DPRU Working Paper 03/71 - http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/DPRU%20WP03-071.pdf (accessed 16 November 2019)

²¹ Stats SA (2006), 'Labour Force Survey, September 2005', Statistical Release P0210 - <https://www.statssa.gov.za/publications/P0210/P0210September2005.pdf> (accessed 16 November 2019)

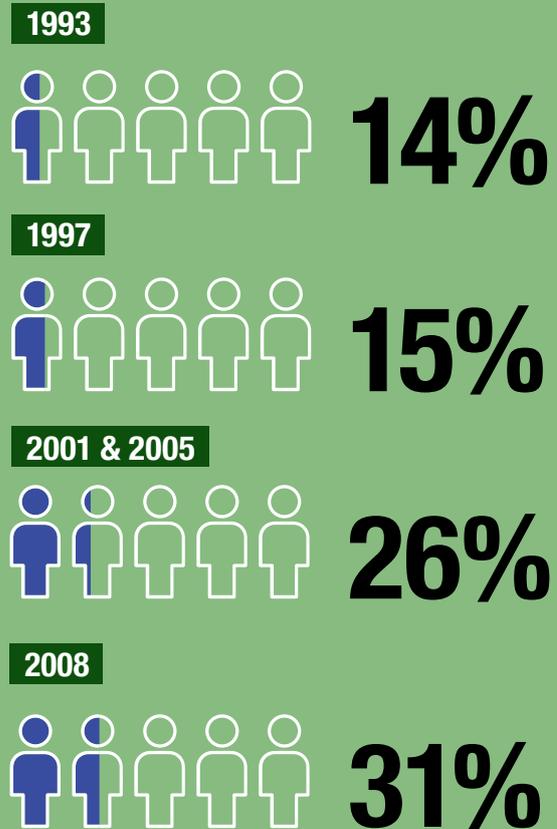


The rise and rise of casualised work in South Africa

Workers in informal employment



Rise in casual and part-time workers



Despite the somewhat roller-coaster nature of the various figures, especially from 2008 onwards, there is an unambiguous and inexorable rise in an inclusively defined and understood casualisation of work over the first two decades of South Africa's democratic transition.

Indeed, when one takes a cumulative view of the first 15 years of democratic South Africa then the upward trend in casualisation becomes even clearer. Research published by the Southern Africa Labour and Development Research Unit (SALDRU) and the School of Economics at the University of Cape Town in 2010 measures a sharp rise in what they refer to as 'casual and part-time work' between 1993 and 2008. The figures show that in 1993, 14% of employed workers were in this category, rising to 15% in 1997, 26% in 2001 and same for 2005 and then rising to 31% by 2008.²²

Here it is important to note, as the study's authors do, that this constitutes a 'drastic increase' in casualised work, which coincides with the implementation of 'firmer labour laws - e.g., the Labour Relations Act of 1995 (LRA), the Employment Equity Act of 1998 (EEA) and the Skills Development Act of 1998 (SDA). Unlike most other calculations though, this study separates out the measurement of informal sector work, although its definition of such (like most other studies) conflates informal employment/jobs with the informal sector. These figures (which include domestic workers) show that in 1997, informal employment constituted 19.7% of all employment but that by 2008 the percentage had skyrocketed to 36.2%.²³

As previously noted, because of the different measurements and connotations it is extremely difficult to come up with an

exact figure for the inclusive/total number of casualised workers; a problem that remains central to the present day. To give an example from this earlier period, the 36.2% figure for total informal employment in 2008 from the SALDRU study drops quite substantially to an all-inclusive - i.e. including agricultural and domestic workers - figure of 30.1% (out of a total of 13,2 million employed workers) in Stats SA's 2010 4th quarter Labour Force Survey.²⁴

Despite the somewhat roller-coaster nature of the various figures, especially from 2008 onwards, there is an unambiguous and inexorable rise in an inclusively defined and understood casualisation of work over the first two decades of South Africa's democratic transition. Although with an obvious profit-related interest in promoting casualisation, 2011 figures from the private labour-broking outfit Adcorp (which ironically labels itself a 'workplace solutions company') proffer that in the first decade of the century 'traditional permanent employment declined by 20.9% and temporary, contract and other forms of "atypical" employment increased by 64.1%.²⁵

Even if we accept the definitional parameters of 'informality of work' adopted by University of Cape Town's Development Policy Research Unit (DPRU), which provides that 'levels of informality' (as a percentage of total employment) fell from 44.5% in 2008 to 34.5% in 2012²⁶, this does not alter the overall

²² Murray Leibbrandt et al. (2010), 'Employment and Inequality Outcomes in South Africa', Southern Africa Labour and Development Research Unit (SALDRU) and School of Economics, University of Cape Town - <https://www.oecd.org/employment/emp/45282868.pdf> (accessed 17 November 2019). The study makes use of Stats SA's Household and Labour Force Survey data as well as data from the first part of the National Income Dynamics Study (NIDS). A definitional note on the category of 'casual and part-time' is provided that states: 'Part-time employees work less than 35 hours per week; the terms "temporary" and "casual" are often used interchangeably and describe work with a fixed end date'

²³ Ibid.

²⁴ Stats SA (2011), 'Quarterly Labour Force Survey, Quarter 4, 2010', Statistical Release P0211 - <http://www.statssa.gov.za/publications/P0211/P02114thQuarter2010.pdf> (accessed 17 November 2019)

²⁵ Congress of South African Trade Unions - COSATU (2011), 'Adcorp report makes case for labour broking ban - COSATU', statement issued by Patrick Craven, COSATU national spokesperson, April 14 - <https://www.politicsweb.co.za/party/adcorp-report-makes-case-for-labour-broking-ban--c> (accessed 18 November 2019)

²⁶ Haroon Bhorat et al. (2016), 'Vulnerability in Employment: Evidence from South Africa', Development Policy Research Unit Working Paper 201604, DPRU, University of Cape Town - https://media.africaportal.org/documents/DPRU_WP201604.pdf (accessed 18 November 2019). It is instructive to note that while the authors argue that an increase in the prevalence of contracts, occasioned by amendments to the Basic Conditions of Employment Act, is the main 'driver behind the decline in 'informality', they acknowledge that this 'did not translate into an increase in private benefits of permanent employment'.

upward trajectory of casualisation. Indeed, the same DPRU study goes on to say that since ‘57% of the employed in South Africa are neither low paid nor informal ... this leaves 43% of the employed with some level of vulnerability’.²⁷

The continuation of that trajectory is confirmed by another comprehensive statistical study carried out by the Studies in Poverty and Inequality Institute. This 2017 study found that the ‘fastest rise in employment since 2008 has been in the informal sector, where employment increased by 14.3% between 2008 and 2017, compared to 11.7% for the formal sector, 4.5% for agriculture, and 8.1% for private households’. It further found that by 2017, ‘38.2% of (employed) workers were on more precarious contracts of an unspecified or limited duration’.²⁸ Indeed, the National Labour and Economic Development Institute (NALEDI) estimates that between 2000 and 2017, permanent employment dropped from 73% to 61% of all formal employment while non-permanent work increased by an incredible 371%.²⁹

Further evidence comes from a 3-year (2013-2016) overview of the informal sector also conducted by DPRU. What is instructive here is not just the core numbers but the degree to which casualised work (even while being reduced to the informal sector) now starts to become the largest generator of jobs. As the overview states, ‘in absolute terms, the non-agricultural informal sector contributed as many net new jobs between 2013Q3 and 2016Q3 as its formal counterpart, despite being less than one-quarter of its size’.³⁰

**Non-permanent
work increased
by 371% between
2000-2017**

Paralleling these developments, while introducing yet another category of casualised work – the ‘underemployed’ – Stats SA’s 2017 ‘Labour Market Dynamics’ report reveals that the number of such ‘underemployed’ workers ‘increased from 585 000 in 2012 to 737 000 in 2017, accounting for 4.6% of the employed in 2017’.³¹ And, in Stats SA’s last ‘Labour Market Dynamics’ report the following year (2018) we find that the informal sector (excluding agricultural and domestic workers) constitutes 17.9% of the total number of those employed, which translates into 2.9 million workers.³²

Confirming that the pattern of systematic casualisation has not abated is Stats SA’s employment statistics, released in late 2019. They show that during 2018-2019 the losses in permanent employment were accompanied by increases in part-time employment. While the losses are, not surprisingly, substantially higher, the figures offer a clear overall picture of those sectors of the economy most affected on both sides of that equation. On the one hand losses in full-time employment came in at:

- 39 000 (-7.2%) in construction
- 15 000 (-1.3%) in manufacturing
- 3 000 (-4.9%) for electricity

On the other hand, part-time employment increased by 33 000 or 3.2% year-on-year, largely due to overall job increases in:

- Community services (33 000 or +8.9%)
- Trade (23 000 or +11%)
- Transport (1 000 or +5.6%).³³

The same overall trajectory is again confirmed in the latest employment statistical release by Stats SA, for the 1st quarter of 2020.³⁴

The 2019 Stats SA labour force statistics also show when we combine the 3.05 million workers specifically categorised as ‘informal sector’ workers with the estimated half (420 000) of agricultural workers who can be considered as

²⁷ Ibid.

²⁸ Daniel McLaren (2017), ‘Indicators to Monitor the Progressive Realisation of the Right to Decent Work in South Africa’, Studies in Poverty and Inequality Institute, Working Paper 15 - <http://spii.org.za/files/2017-SPII-Working-Paper-15-Indicators-to-Monitor-the-Right-to-Decent-Work.pdf> (accessed 19 November 2019)

²⁹ NALEDI (2019), ‘Challenges in organising: some issues to consider’, presentation to a COSATU COCC workshop, 16 July

³⁰ DPRU (2017), ‘An overview of the Informal Sector from 2013 Quarter 3 to 2016 Quarter 3’, Factsheet, 18 July - http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/Publications/Other/2017-07-26%20Informal%20Sector%20Factsheet.pdf (accessed 19 November 2019)

³¹ Stats SA (2017), ‘Labour market dynamics in South Africa, 2017’, Report No. 02-11-02 (2017) - <http://www.statssa.gov.za/publications/Report-02-11-02/Report-02-11-022017.pdf> (accessed 20 November 2019)

³² Stats SA (2018), ‘Labour Market Dynamics in South Africa, 2018’, Report No. 02-11-02 (2018) - <http://www.statssa.gov.za/publications/Report-02-11-02/Report-02-11-022018.pdf> (accessed 20 November 2019)

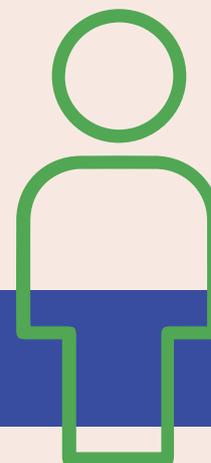
³³ Stats SA (2019), ‘Quarterly Employment Statistics - September 2019’, Statistical release P0277 - <http://www.statssa.gov.za/publications/P0277/P0277September2019.pdf> (accessed 20 November 2019)

³⁴ Stats SA (2020), ‘Quarterly Employment Statistics - March 2020’, Statistical release P0277 - <http://www.statssa.gov.za/publications/P0277/P02771stQuarter2020.pdf> (accessed 30 July 2020)

4.7 million

number of casualised workers out of 16.3 million employed workers*

16.3 million total employed



*this does not include those casualised workers in the formal sector such as security sector workers (estimated to number 500 000+) as well as reclaimers and migrant workers whose work is not recognised in Stats SA calculations

being casualised, plus the vast majority of the 1.25 million 'private household' workers there are, at the very least, 4.7 million workers who can be classified as casualised. As a percentage of the total number of those employed (16.3 million), the official casualised worker count comes in at 28.8%.³⁵ Here, it is important to again note that this does not present the full extent of casualised work precisely because it does not include the ever-increasing numbers of casualised workers in the formal sector, for example the estimated 500 000+ workers in the security sector³⁶, as well as most of those workers such as reclaimers and migrant workers whose work is simply not recognised in official statistical calculations.

Partially filling that gap in respect of reclaimers/waste pickers is the work done by academics and researchers from civil society organisations; partially, because like so many of the statistics on offer when it comes to casualised work, the numbers differ widely. So for example, a comprehensive 2016 research report by an academic commissioned by the Department of Environmental Affairs (DEA), and which focuses on 'the extent and role of waste picking in South Africa', estimates that the total number of waste pickers in South Africa stands at 62 147³⁷. However, in another academic piece of research on 'waste management and recycling' conducted in 2017 the authors argue that, 'there could be as many as 215 000 informal waste pickers earning a livelihood from waste'.³⁸ And then there is a 2019 'market intelligence report' on waste

which puts the number of 'informal landfill and kerbside waste pickers in the country' at 'over 50 000'.³⁹

As for migrant workers in South Africa, they have always remained in the shadows, politically, legally, socially and economically (see next section). The result is that it is extremely difficult to accurately determine the number of migrant workers in the country, not to mention offer statistically credible information about associated work demographics, location and conditions. The latest and most accurate statistics available only tell us the number of foreign-born migrants who are of working age (15-64 years) in the country. As of 2017, that number stood at 2 million, up from 1.3 million in 2012.⁴⁰ Since that same-year the (estimated) unemployment rate for these migrants is 18.4%. So, assuming that the vast majority are involved in some kind of work, we can estimate that there are around 1.5 million foreign-born migrant workers in South Africa. In terms of casualisation, the 2017 figures show that around 40% of migrants work in the informal sector and in 'private households',⁴¹ but the reality is that large numbers of migrant workers simply do not register on the legal/labour statistical radar.

Coming to the present, we are not yet in a position to consider the devastating impact (which has not been formally measured) that the ongoing Covid-19 pandemic and lockdown continues wreaking on employment across the country.

³⁵ Stats SA (2019), Quarterly Labour Force Survey Trends 2008-2019AQ2' - http://www.statssa.gov.za/?page_id=1854&PPN=P0211&SCH=7620 (accessed 21 November 2019)

³⁶ NALEDI (2019), 'Challenges of organising: Some issues to consider', NALEDI presentation to COSATU (COCC) workshop, 16 July

³⁷ Department of Environmental Affairs (2016), 'Report on the Determination of the Extent and Role of Waste Picking in South Africa, DEA', Pretoria, South Africa - <http://sawic.environment.gov.za/documents/5413.pdf> (accessed 17 September 2019)

³⁸ Godfrey, L. and Oelofse, S. (2017), 'Historical Review of Waste Management and Recycling in South Africa', Resources, 6 (57): 1-11 - https://researchspace.csr.co.za/dspace/bitstream/handle/10204/9717/Godfrey_19704_2017.pdf?sequence=1&isAllowed=y (accessed 17 September 2019)

³⁹ GreenCape (2019), 'Waste: 2019 Market Intelligence Report' - <https://www.greencape.co.za/assets/Uploads/WASTE-MARKET-INTELLIGENCE-REPORT-WEB.pdf> (accessed 17 September 2019)

⁴⁰ Stats SA (2017), 'Labour market dynamics in South Africa, 2017', Report No. 02-11-02 (2017) - <http://www.statssa.gov.za/publications/Report-02-11-02/Report-02-11-022017.pdf> (accessed 20 November 2019)

⁴¹ African Centre for Migration & Society (2020), 'Fact-Sheet on foreign workers in South Africa', 14 May - <http://www.migration.org.za/wp-content/uploads/2020/05/Fact-Sheet-On-Foreign-Workers-In-South-Africa-Overview-Based-On-Statistics-South-Africa-Data-2012-2017.pdf> (accessed 10 June 2020)

Nonetheless, we can assume with some degree of confidence that as economic activity gradually picks up over the next several months, there will be a significant increase in the casualisation of work. Such a projection rests on the clearly identifiable trend in both the public and private sectors to further implement austerity measures and try to squeeze more productivity and profit from a desperate workforce.

What all of this clearly shows us is, for the most part, contrary to what some economists, statisticians and researchers have claimed is a historical decline in 'informality'. Those claims are largely based on very narrow categorisations of what constitutes both informal and permanent work as well as an under-appreciation of new forms of casualisation adopted within the formal sector. The reality of what is unfortunately an often disconnected and patchwork statistical picture is that there is a consistency to increased casualisation, a historic and ongoing process that has been and continues to be grossly under-counted.

Labour/education academic researcher Mondli Hlatshwayo estimates that around 40% of South Africa's formal workforce can be classified as 'precarious workers' (this includes Expanded Public Works Programme – EPWP - and community healthcare workers). Further, Hlatshwayo argues that even the majority of those workers considered permanent can actually be considered as 'precarious'.⁴² Veteran former unionist and now Director of the CWAO Ighsaan Schroeder captures the statistical problematic and probable reality: 'Stats SA will say that something like one third of non-agricultural workers are non-permanent [but] ... you could probably invert those figures and it would be more accurate. If you take all the categories together we think you are looking at something like 7-8 million workers'.⁴³

Where are casualised workers located, and who are they?

The significant challenges in putting together an accurate statistical picture of the overall number of casualised workers in South Africa are multiplied when it comes to trying to determine where they are located (i.e. the economic/work sector and work performed) and who they are (i.e. demographic characteristics). Besides the previously noted

'Stats SA will say that something like one third of non-agricultural workers are non-permanent [but] ... you could probably invert those figures and it would be more accurate. If you take all the categories together we think you are looking at something like 7-8 million workers.'

issues with a generalised lack of definitional consistency as well as the statistical methodologies of Stats SA when it comes to capturing and categorising casualised workers, there is also the 'small' matter of some casual workers and certain types of casualised work not even appearing on the statistical radar.

So for example, the only statistical report put out by Stats SA that provides some information about the specific racial, gender, age and work-related characteristics of informal sector workers has been the 'Survey of Employers and the Self-Employed' (the latest being for 2017). But even here the Survey only covers those that run informal businesses, which according to the 2017 Survey numbered 1.8 million.⁴⁴ Given that the 2019 LFS counted 3.05 million workers in the informal sector that leaves just over 1.2 million without any attributional information.

⁴² Author interview with Dr Mondli Hlatshwayo (Senior Researcher, Centre for Education Rights and Transformation, University of Johannesburg), 3 November 2019

⁴³ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

⁴⁴ Stats SA (2019), 'Survey of Employers and the Self-employed 2017', Statistical release P0276 - <http://www.statssa.gov.za/publications/P0276/P02762017.pdf> (accessed 24 November 2019)

⁴⁵ Author interview with Eli Kodisang (Organiser with the African Reclaimers Organisation), 11 November 2019

South Africa's youth is characterised by 'widespread precarity, low wages and uncertain contracts; As of 2019, 32.7% of employed youth are casualised workers'.

Another example is in respect of the reclaimer/waste picker work sector which has experienced rapid growth over the last decade in particular. Here, there has been no formalised and specific collection of data by Stats SA. It has been largely left to academics and civil society researchers to do the empirical labour (see further below). Not only has this resulted in, at the very least, tens of thousands of casual workers not being officially counted but it also surfaces another more fundamental problem. This relates to how capitalist society understands and treats those whose labour does not fit into pre-figured criteria for what constitutes a job; namely, that the kind of casualised work such as that carried out by reclaimers is not officially recognised as work.⁴⁵

Despite these underlying challenges and problems there is enough information, even if often lacking in empirical specificity, to put together a broad-based picture of the 'where and the who', in respect of the world of casualised work. At the most generalised level, it is black Africans that constitute the majority of the casualised workforce, with an estimated 39.4% of all black African workers engaging in 'informal employment'. Of this cohort, women are a majority and youth also make up a significant portion.⁴⁶

Indeed, outside of the informal sector, most of the officially recognised and recorded casualised work categories (since 1994) have been classified as falling under the generically-named, 'temporary employment services' (TES) sector. It is this

sector that drove the rapid increase in the number of labour broker workers from 1994 onwards, not only in manufacturing but also in industries such as financial and business services, largely taken up by security guards, commercial helpers and cleaners.⁴⁷

While there have been many conflicting estimates of the overall size of the number of labour broker workers, ranging from less than 500 000 to 1.5 million⁴⁸, and noting that many of these workers have had their job status 'reclassified' since the Section 198 amendments to the LRA, what is not in doubt is they are an integral component of the growing casualised worker 'army of labour'. As CWAO Director Ighsaan Schroeder notes, labour-broker workers are 'in very formal employment and central to production'.⁴⁹ Within another TES category of worker, the contract labourer, there has been tremendous growth across all economic sectors in the past 2-3 years in particular, largely due to employer responses to the Section 198 amendments. Schroeder states that "there are probably more of these contract workers than there are labour-broker workers".⁵⁰

Not only has the TES sector been the 'fastest growing one in terms of employment in the post-2000 economy', but a majority of workers in it are both unskilled and young.⁵¹ This reality points to another core feature of the casualised workforce, its increasing youthfulness. Against the backdrop of 15-34 year olds having the highest unemployment rate of any age group, with the latest official calculations pegging the rate at 40.1%⁵², the world of work for South Africa's youth is characterised by 'widespread precarity, low wages and uncertain contracts'.⁵³

Although most likely an undercount, a review of the youth labour market published in early 2019 revealed that 32.7% of all employed youth are 'not in regular employment ... [are] self-employed, casually employed, working on a plot ... or

⁴⁶ Haroon Bhorat et al. (2016), 'Vulnerability in Employment: Evidence from South Africa', Development Policy Research Unit Working Paper 201604, DPRU, University of Cape Town - https://media.africaportal.org/documents/DPRU_WP201604.pdf (accessed 18 November 2019)

⁴⁷ Ibid.

⁴⁸ Dewald van Rensburg (2018), '80% of labour broker workers should be deemed permanent - report', 26 August - <https://www.fin24.com/Economy/80-of-labour-broker-workers-should-be-deemed-permanent-20180826-2> (accessed 12 November 2019)

⁴⁹ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019 <https://www.fin24.com/Economy/80-of-labour-broker-workers-should-be-deemed-permanent-20180826-2> (accessed 12 November 2019)

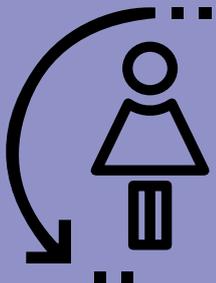
⁵⁰ Ibid.

⁵¹ Haroon Bhorat and Safia Khan (2018), 'Structural change and the patterns of inequality in the SA Labour Market', DPRU Working Paper 201801, March - http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/Publications/Working_Papers/DPRU%20WP201801.pdf (accessed 29 November 2019)

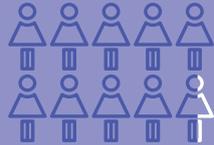
⁵² Stats SA (2020), 'Quarterly Labour Force Survey Q1', Statistical release P0211- <http://www.statssa.gov.za/publications/P0211/P02111stQuarter2020.pdf> (accessed 27 June 2020). If one adopts the expanded unemployment rate (which includes those who no longer are actively looking for work), then the number shoots up to just over 60%

⁵³ Zoheb Khan (2018), 'Youth and the Labour Market', Presentation to CCMA Labour Conference, 15-16 March - <http://www.ccmarecovery.synchrony.com/Media/Presentations/Token/ViewInfo/ItemId/22> (accessed 14 November 2019)

Women in numbers



47.6% of informal sector workers are women



96% of domestic workers are female

40 000 - 80 000
the estimated number of community healthcare workers, the vast majority of whom are women



helping someone else with their business'. Not surprisingly, it further revealed that those youth most likely to inhabit the world of casualised work are 'women, black Africans and rural workers'.⁵⁴

Another feature of the bigger picture is, again not surprisingly, the preponderance of women amongst the ranks of the casualised. Almost half of all those working in the informal sector (47.6%) are women,⁵⁵ while the vast majority of workers in the 'private household' sector, the largest employment sector for women in South Africa's labour market, are women domestic workers.⁵⁶ NALEDI has estimated that of the over 1 million domestic workers (2017), 96% are women.⁵⁷ Further, 'an increasing number of women are concentrated in low-skilled occupations and precarious forms of employment'⁵⁸

such as seasonal and temporary work with low pay and no long-term security.⁵⁹ Women also constitute the vast majority of community healthcare workers across the country. While it is yet again difficult to derive exact figures given the widely varying estimates, ranging between 40 000 - 80 000⁶⁰, this hugely important sector of over-worked and underpaid workers has most often been statistically overlooked.

Burrowing down a bit further, the majority of casualised workers 'in manufacturing are in very small companies, most of those in construction are day labourers and short-term contract workers, and most of those in transport work in the taxi industry'. Further, a 'majority of those in the trade sector are either working in very small restaurants and shops, or are own-account workers in the informal economy without an

⁵⁴ SALDRU (2019), 'Review of Youth Labour Market Research', National Income and Dynamics Study paper - http://www.opensaldru.uct.ac.za/bitstream/handle/11090/948/2019_01-NIDS026-YouthLabour.pdf?sequence=1 (accessed 10 November 2019)

⁵⁵ Stats SA (2018), 'How do women fare in the South African labour market?' - <http://www.statssa.gov.za/?p=11375> (accessed 12 November 2019)

⁵⁶ Republic of South Africa (2015), 'The Report on the Status of Women in the South African Economy' - http://www.gov.za/sites/www.gov.za/files/Status_of_women_in_SA_economy.pdf (accessed 12 November 2019)

⁵⁷ NALEDI (2019), 'Challenges of organising: Some issues to consider', NALEDI presentation to COSATU (COCC) workshop, 16 July

⁵⁸ Nina Benjamin (2015), 'How Can A National Minimum Wage Contribute To Narrowing The Gender Pay Gap And Moving Us Closer To Gender Equality?', Bargaining Indicators 2015, Labour Research Service - <https://www.lrs.org.za/media/2018/10/26c433f8-0855-47e0-8915-689251983450-1539870898108.pdf> (accessed 12 November 2020)

⁵⁹ Nina Benjamin (2017), 'How far have we come in Promoting Working Women's Rights to Gender Equality and Decent Work?', Bargaining Indicators 2017, Labour Research Services - <https://www.lrs.org.za/media/2018/8/667fe111-bda2-4d42-9c95-3b06f934554d-1533483346942.pdf> (accessed 12 November 2019); Also see, Stats SA (2019), 'General Household

⁶⁰ Health Systems Trust (2018), 'District Health Barometer: District Health Profiles, 2017/2018 - <https://www.hst.org.za/publications/District%20Health%20Barometers/District%20Health%20Barometer-District%20Health%20Profiles%2020172018.pdf> (accessed 12 November 2019); B. Maregele (2014), 'Where's the Care for Community Health Workers?' GroundUp, 10 July - <https://www.dailymaverick.co.za/article/2014-07-10-groundupwheres-the-care-for-community-health-workers/> (accessed 12 November 2019); www.lrs.org.za/media/2018/8/667fe111-bda2-4d42-9c95-3b06f934554d-1533483346942.pdf (accessed 12 November 2019); Also see, Stats SA (2019), 'General Household

employer ... [while] in community and social services Expanded Public Works Programme (EPWP) and “volunteer” workers in NGOs’ make up a sizeable portion’.⁶¹

It is important to note here that casualised workers are not just located in the private sector but are also to be found in the public sector in increasingly larger numbers. In the decade from 2008-2018, while employment growth in the private sector was relatively stagnant, more than 500 000 jobs were created in the public sector. Many of those jobs ‘fall under the category of elementary occupations/unskilled workers such as sweepers, cleaners as well as maintenance and waste collection workers.’⁶²

Other attributional and locational trends point to a sizeable section of workers in the pharmaceutical and chemical sectors being fixed term contract workers. When it comes to the food processing, logistics and glass/paper sectors, there are significant numbers of labour broker workers.⁶³ Even if a few years back, an overview of the wholesale and retail industry from 2008-2013 is consistent with the overall historical trend of casualisation. That overview found that almost 40% of all workers in the industry were informally employed and concluded that, ‘informal employment relationships are ... significantly more common in the formal sector of the wholesale and retail trade industry...’⁶⁴

From 2008-2018 over 500 000 jobs were created in the public sector, most of which were for casualised work done by workers in cleaning, maintenance and waste collection positions.

A 3-year overview of informality rates by economic sector found that by the late 2016 the sectors with the greatest rates (as a percentage of the sectoral workforce) were:

- Wholesale and Retail Trade (33.4%)
- Construction (31.8%)
- Transport, Storage and Communications (27.8%)
- Agriculture, Forestry and Fishing (12.2%)

When considering the geographical spread of workers in informal employment, there is ‘a significantly larger share of total employment in the rural parts of the country (48%) relative to the major metro areas (24%).’

Additionally, ‘differences by sex and age group show’ that in the major metropolitan areas there are larger shares - 29%

Economic sectors with significant casualisation of work

2013-2016



Agriculture, Forestry and Fishing (12.2%)



Construction (31.8%)



Transport, Storage and Communications (27.8%)



Wholesale and Retail Trade (33.4%)

⁶¹ South African Federation of Trade Unions- SAFTU (2018), ‘Memorandum handed over on the 25 April general strike’, 25 April - <http://saftu.org.za/memorandum-handed-over-on-the-25-april-general-strike/> (accessed 28 November 2019)

⁶² Haroon Borat et al. (2015), ‘Demographic, employment, and wage trends in South Africa’, WIDER Working Paper, No. 2015/141, The United Nations University World Institute for Development Economics Research (UNU-WIDER), Helsinki, <http://dx.doi.org/10.35188/UNU-WIDER/2015/030-0> (accessed 9 November 2019)

⁶³ Author interview with John Appolis (General-Secretary of the General & Industrial Workers Union of South Africa – GIWUSA), 12 November 2019

⁶⁴ DPRU, (2013), ‘An overview of the Wholesale and Retail industry from Quarter 1 2008 to Quarter 1 2013’, Factsheet 12 July - http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/Factsheet%2012%20-%20Wholesale%20and%20Retail.pdf (accessed 10 November 2019)

and 31% respectively - of the youngest (15-24) and oldest (over 64) age group 'in informal employment, relative to the 25-64 age group.⁶⁵ Looking specifically at the category of the informal sector, the provinces with the largest share of workers (as a percentage of the provincial workforce) are:

- Limpopo, Mpumalanga, Eastern Cape and KwaZulu-Natal (between 20-30% of non-agricultural employment)
- Gauteng (12%) - although the largest in pure numbers Western Cape (10%)⁶⁶

When it comes to those workers, such as reclaimers/waste pickers, who simply do not feature in the official statistics, the best available research tells us that the vast majority are, not surprisingly, men located in the major cities of South Africa with a relatively young mean age of 38.7 years. Almost all – 94.5% - reclaimers/waste pickers are black Africans, while 5.1% are coloured, 0.2% white and 0.1% Indian.⁶⁷ In addition to the informally employed reclaimers/waste pickers, there are 36 000 formal sector jobs in 'waste management'⁶⁸ (i.e. rubbish collection), a sizeable portion of which have become increasingly casualised.

By the very nature of their work and associated conditions (see next section), all casualised workers are vulnerable and exploited. Nonetheless, there are most certainly varying degrees of this vulnerability and exploitation depending on, amongst other things, gender, age, race, geographical location,

formal/informal work status and work sector. But the one section of casualised workers in South Africa that is largely 'invisible' when it comes to official recognition never mind statistics and that is the most highly vulnerable and exploited, is migrant workers.

Stats SA's 2017 labour market dynamics report tells us that the majority of migrant workers are men, that elementary occupations contributed the largest share to employment and that the trade industry provided the most employment opportunities for migrant workers.⁶⁹ Additionally, migrants 'are more likely to be employers and own account (self-employed) as well as informally employed, than South African citizens.'⁷⁰

Besides the generalised and ongoing experiences of xenophobia (especially from law enforcement authorities) and a hostile and difficult immigration and labour bureaucracy, the majority of migrant workers are considered 'illegal' due to not having or not being able to renew, the appropriate documents and permits. This not only makes them 'economically and politically precarious' but also catalyses further 'apprehension' and a lack of freedoms that makes migrant work in South Africa 'a form of unfree labour'.⁷¹ As such, migrant workers, and more especially women, are much more likely to work 'off the books' for unscrupulous employers, have no labour or legal protections, toil for long working hours, be physically and otherwise abused, become indebted and earn very low wages.⁷²

The one section of casualised workers in South Africa that is largely 'invisible' when it comes to official recognition never mind statistics and that is the most highly vulnerable and exploited, is migrant workers.

⁶⁵ WIEGO (2019), 'Informal Workers in Urban South Africa: A Statistical Snapshot', Statistical Brief No. 19, February - <https://www.wiego.org/sites/default/files/publications/files/Informal%20Workers%20in%20Urban%20South%20Africa%20SB%2019.pdf> (accessed 9 November 2019)

⁶⁶ Michael Rogan and C. Skinner (2018), 'The size and structure of the SA informal sector 2008-2014: A Labour Force Analysis', in F. Fourie (Ed.), *The South African Informal Sector: Creating Jobs, Reducing Poverty* (Cape Town: HSRC Press): 77-102

⁶⁷ Department of Environmental Affairs (2016), 'Report on the Determination of the Extent and Role of Waste Picking in South Africa, DEA', Pretoria, South Africa - <http://sawic.environment.gov.za/documents/5413.pdf> (accessed 17 September 2019)

⁶⁸ GreenCape (2019), 'Waste: 2019 Market Intelligence Report' - <https://www.greencape.co.za/assets/Uploads/WASTE-MARKET-INTELLIGENCE-REPORT-WEB.pdf> (accessed 17 September 2019)

⁶⁹ Stats SA (2017), 'Labour market dynamics in South Africa, 2017', Report No. 02-11-02 (2017) - <http://www.statssa.gov.za/publications/Report-02-11-02/Report-02-11-022017.pdf> (accessed 15 November 2019)

⁷⁰ African Centre for Migration & Society (2020), 'Fact-Sheet on foreign workers in South Africa', 14 May - <http://www.migration.org.za/wp-content/uploads/2020/05/Fact-Sheet-On-Foreign-Workers-In-South-Africa-Overview-Based-On-Statistics-South-Africa-Data-2012-2017.pdf> (accessed 10 June 2020)

⁷¹ Johannes Machinya (2016), "'Illegal' and criminalised: undocumented Zimbabwean migrant workers as 'unfree' labour in Witbank, South Africa', *Global Labour Column*, No 243, August - <http://column.global-labour-university.org/> (accessed 24 September 2019)

⁷² Mondli Hlatshwayo (2018), 'The new struggles of precarious workers in South Africa: nascent organisational responses of community health workers', *Review of African Political Economy*, DOI: <https://www.doi.org/10.1080/03056244.2018.1483907> (accessed 24 September 2019)

Migrant workers, and more especially women, are much more likely to work 'off the books' for unscrupulous employers' and thus be much more vulnerable to multiple exploitations.

Wage and other inequalities

At the foundational base of casualised work is the desire by the employer (whether in the private or public sector) to lower the costs of labour. In turn, this lowering of labour costs is directly tied to the structural imperative, under a system of neoliberal capitalism, of profit maximisation. While this is the 'natural' state of things in the capitalist private sector, it has been the rapid privatisation or corporatisation of many public sector entities that has increasingly made profit the base imperative of labour relations within all levels of the state/public sector. The cumulative result, both globally and even more so in a country with such historic and sustained high levels of embedded structural inequality as South Africa, is the parallel growth of the casualisation of work as well as wage and other inequalities within the overall workforce.

The centrality of wage income from work, to the very existence and survival of the vast majority of South Africa's population, is a simple fact. Stats SA's comprehensive 2019 report on 'inequality trends' confirms that (wage) income from the labour market continues to be the largest contributor to overall household income and that 'two-thirds of overall inequality comes from inequality in earnings'.⁷³ Such dependence on wage income meant that it was inevitable that as the rate of casualisation increased from 1994 onwards, so too did wage inequality. Data collected for a 2018 DPRU report looking at historic patterns of inequality in South Africa's labour market, shows that levels of wage inequality increased substantially during the period from 1994-2014.

Astonishingly, the proportion of workers who occupy the lowest rung of the real wage income ladder – those earning between R665 and R1339 per month – was greater in 2014

than it was in 1994. The report also reveals that over this 20 year period highly casualised work sectors such as retail and wholesale trade, had the highest growth in unskilled labour.⁷⁴ Tracking wage income across specific work sectors (inclusive of all workers in that sector whether formal/informal etc.), data collected by the Labour Research Services (LRS) for the period between 1996 and 2013 tells us that:

- The real wages of workers in agriculture declined 'from just below R2 900 in 1996 to a little under R2 200 per month in 2013.
- In the community, social and personal services sector real wages 'fell from just under R3 000 to a little more than R2 400 per month'.⁷⁵

Between 2011 and 2015 the real wages of the bottom 10% of earners ... declined by an incredible 25%, while the national median wage shrank by 15% ... meanwhile, the earnings of the top 1% increased by 48%.

Further confirmation of the growing wage inequality can be seen when we look at South Africa's wage-earning pyramid during the last decade in particular. Between 2011 and 2015 the real wages of the bottom 10% of earners, almost all of whom we can confidently say fall into the casualised labour cohort, declined by an incredible 25%, while the national median wage shrank by 15%. Compare that to those at the very top of the pyramid. In that rarefied space, the earnings of the top 2% grew by 15%, while those in the top 1% sat back and watched their earnings increase by 48%.⁷⁶

⁷³ Stats SA (2019), 'Inequality Trends in South Africa: a multidimensional diagnostic of inequality', Report 03-10-19 - https://www.statssa.gov.za/?page_id=1854&ppn=report-3-10-19&sch=7860 (accessed 23 November 2019)

⁷⁴ Haroon Borat and Safia Khan (2018), 'Structural change and the patterns of inequality in the SA Labour Market', DPRU Working Paper 201801, March - http://www.dpru.uct.ac.za/sites/default/files/image_tool/images/36/Publications/Working_Papers/DPRU%20WP201801.pdf (accessed 21 November 2019)

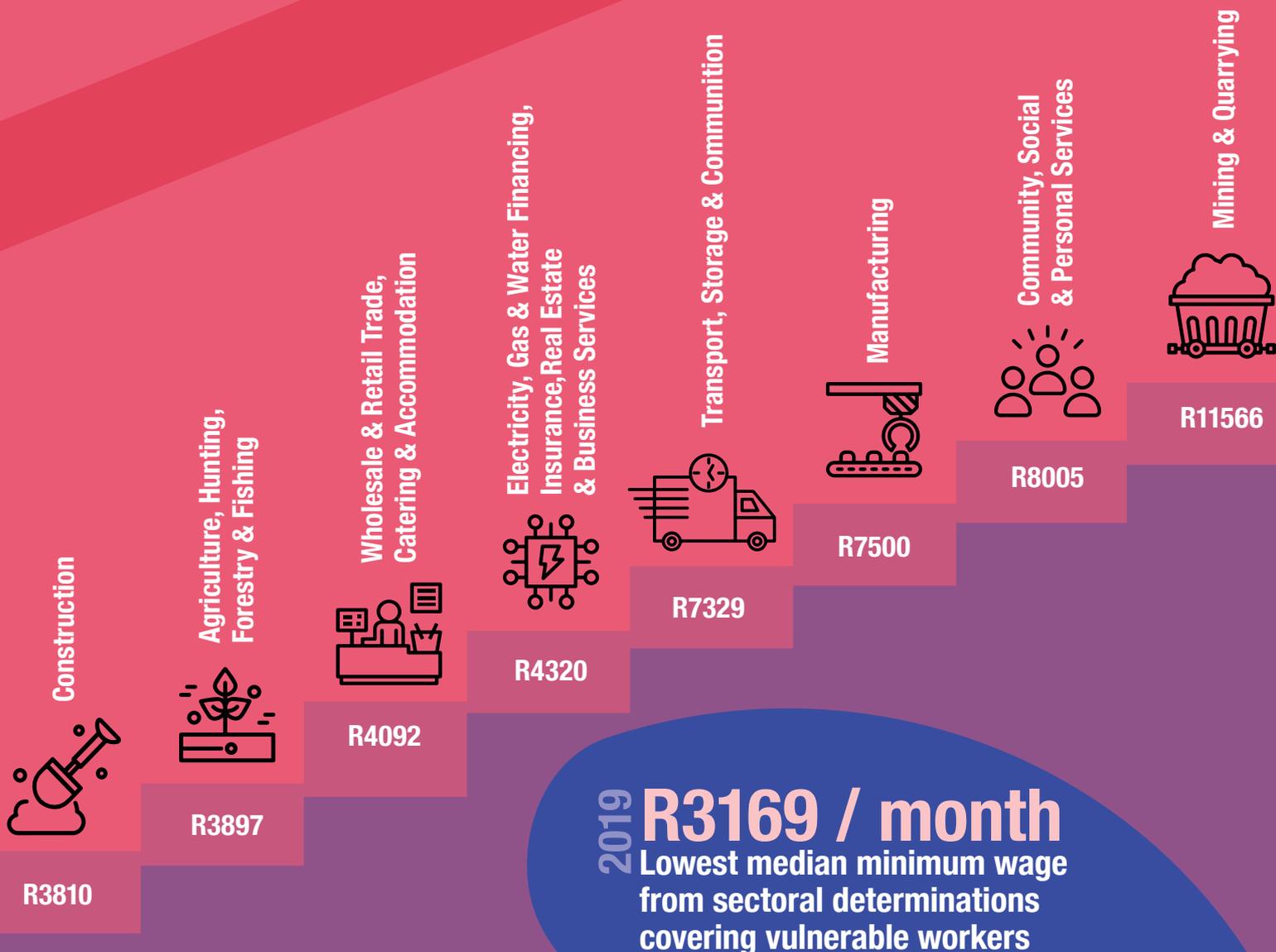
⁷⁵ Trenton Elsley and George Mthethwa (2014), 'Wage Determination In South Africa Since 1994: Determined To Keep Wages Low', Bargaining Indicators, 2014, Labour Research Services - <https://lrs.org.za/media/2018/2/581fdcd0-cb0f-4868-a596-aab954a8edec-1517986776334.pdf> (accessed 23 November 2019)

⁷⁶ Dennis Webster (2019), 'Why South Africa is the world's most unequal society', 19 November - https://mg.co.za/article/2019-11-19-why-sa-is-the-worlds-most-unequal-society?utm_source=Mail+%26+Guardian&utm_medium=email&utm_campaign=Daily+newsletter&utm_term=https%3A%2F%2Fmg.co.za%2Farticle%2F2019-11-19-why-sa-is-the-worlds-most-unequal-society (accessed 23 November 2019)

Median wage settlements

for the 2nd quarter of 2019

in the formal sector



Fast forward to 2017 and statistics compiled by the World Inequality Database put the inverted shape of the pyramid into bold relief. Although difficult to fathom the respective shares of (pre-tax) national income are as follows: the bottom 50% has a 6.3% share; the middle 40% has a 28.6% share; and, the top 10% command a whopping 65.1% share. When it comes to personal wealth the top 10% are hoarding an incredible 85.6% share, the middle 40% possess a modest 16.9% share and the bottom 50% do not even feature, coming in with a -2.5% share (i.e. half the population has no personal wealth at all and is in the wealth red zone).⁷⁷ No surprise then that South Africa continues to sit atop the global rankings of income inequality.⁷⁸

When wages are broken down to the level of mean monthly earnings of workers, the inequality gap becomes even more real and easier to grasp. Late 2019 figures from Stats SA reveal that the mean monthly earnings (at constant price) for all formal, non-agricultural industries sit at R19 422 per month.⁷⁹ However, when we take the median monthly wage for all earners (including those with zero) the figure plummets to R3 442; when the zero earners are removed there is little difference – R3 476 per month.⁸⁰ For those, such as community healthcare workers, the majority of who remain off the official labour statistical radar, the average monthly wage varies (according to geographical location) from around R2000 – R3500 per month.⁸¹ For women workers, wage inequality is built into the patriarchally gendered system. According to the World Economic Forum's 2020 Global Gender Gap Report, women workers in South Africa earn on average 22% less than men.⁸²

While those figures give us a very real sense of the huge, overall levels of wage inequality amongst the South African workforce, taking a look at specific median wages for different industries in the formal sector also confirms the direct link between those formal work sectors with the highest levels of casualisation and the persistence of lower wages. LRS put together the median wage settlements for the 2nd quarter of 2019 and this is what they look like:⁸³

- Construction – R3 810
- Agriculture, Hunting, Forestry & Fishing – R3 897

- Wholesale & Retail Trade, Catering & Accommodation – R4092
- Electricity, Gas & Water Financing, Insurance, Real Estate & Business Services – R4320
- Transport, Storage and Communication – R7 329
- Manufacturing – R7 500
- Community, Social & Personal Services – R8005
- Mining & Quarrying – R11 566

What these numbers further reveal though is the wage inequalities - inclusive of benefits - between those workers in the formal sector who have permanent jobs, are organised (mostly in unions) and who are represented in the respective collective and plant-level bargaining councils and those workers who also work in the formal sector but who are casualised, unorganised and not represented. Figures collated by LRS from 2019 show that only 'about 8% of collective agreements provided evidence of [the] extension of normal benefits to fixed and short-term employees'.

In addition, 'sectoral determinations that cover vulnerable workers recorded the lowest median minimum wage of R3169 per month in 2019 [while] ... bargaining council and plant level attained R4456 and R5207 respectively. But if we isolate for example, the sectoral determination for domestic workers who 'work 27 ordinary hours per week or less', then we discover how low the minimum wage can go. That wage was set at R1641 in 2017, with a below inflation increase of 4.5% in 2018 to R1722.⁸⁴

When it comes to the most exploited and vulnerable casual workers the wage inequalities cut even deeper. Despite the generally progressive and well supported idea of a national minimum wage (NMW) as a means of addressing the incredibly low wages paid to such workers and to close the wage inequality gap, the passage into law of the National Minimum Wage Act in late 2018 has not, in practice, matched the idea. One of the key reasons for this is because the minimum wages set are, in the context of the rising cost of living, effectively

⁷⁷ World Inequality Database (2018), South Africa dataset - <https://wid.world/country/south-africa/> (accessed 23 November 2019)

⁷⁸ International Labour Organisation (2019), 'ILO Global Wage Report for 2018-2019 - https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf (accessed 23 November 2019)

⁷⁹ Stats SA (2019), 'Quarterly Employment Statistics - September 2019', Statistical release P0277 - <http://www.statssa.gov.za/publications/P0277/P0277September2019.pdf> (accessed 13 January 2020)

⁸⁰ Imran Valodia (2019), 'The National Minimum Wage in South Africa: The road travelled and the role of stakeholders in ensuring compliance and successful policy implementation', presentation at CCMA 2nd Annual Labour Conference, 4 March - <http://www.ccma.org.za/Media/Presentations/Token/ViewInfo/ItemId/27> (accessed 13 November 2019)

⁸¹ Mondli Hlatshwayo (2018): 'The new struggles of precarious workers in South Africa: nascent organisational responses of community health workers', Review of African Political Economy, DOI: <https://www.doi.org/10.1080/03056244.2018.1483907> (accessed 17 September 2019)

⁸² World Economic Forum (2019), 'Global Gender Gap Report 2020', December - http://www3.weforum.org/docs/WEF_GGGR_2020.pdf (accessed 18 September 2019)

⁸³ LRS (2019), 'Industry Median Wage Settlements Median wage increases (Q2) April - June 2019' - <http://lrs-org.co.za/media/2019/7/7667e88a-8f24-4f0c-af46-716de7c8eda0-1564493799263.pdf> (accessed 14 November 2019)

⁸⁴ LRS (2019), 'Bargaining Indicators 2018-2019' - <http://lrs.org.za/media/2019/9/a0d1a2c8-d091-465d-8013-c2635e33e3d0-1569846963046.pdf> (accessed 14 November 2019)

National minimum wage set at R20, except for:

Farm workers
R18 / hour



Domestic workers
R15 / hour



EPWP workers
R11 / hour

Half of the street waste pickers nationally earn a usual-day income of R50 or less

poverty wages as opposed to living wages. The overall NMW is set at R20 per hour except for farm workers (R18), domestic workers (R15) and EPWP workers (R11).⁸⁵

Since (outside of specific agreements and/or determinations) there is no set weekly or monthly minimum wage, employers can (and indeed have done so) unilaterally determine the number of hours worked according to their own needs as opposed to providing workers with a living weekly/monthly wage. Further, the vast majority of the workers who are covered by the NMW come from those sectors which experience the most exploitative and vulnerable conditions – farm/rural, domestic, security, labour broker and outsourced, contract, informal sector and EPWP – which in turn, have a preponderance of black women, migrants/immigrants, those with lower levels of education, those who live in shack settlements and townships and those who are unorganised.⁸⁶

For those workers who are informally employed and do not have a direct waged employment relationship covered by the NMW, the levels of income are, for the most part, propping up the bottom of the pyramid. For example, a 2018 academic study found that ‘...half of the street waste pickers nationally earn a usual-day income of R50 or less’,⁸⁷ while the 2016 DEA-commissioned report on waste picking states that the mean monthly earnings stands at R1 430.⁸⁸

Of course, while a focus on inequalities in respect of wages/earnings can give us a clear picture of the generally desperate

socio-economic realities of casualised workers, it cannot tell us about the non-waged casualised work that mostly women workers engage in as part of systemic social reproduction. Indeed, a huge amount of unpaid work is being carried out by women and in South Africa, predominately by black women. This reality not only serves to further entrench levels of inequality but also serves to underplay the number of (casualised) women workers and to dismiss/undervalue the crucial economic and social role and place of such (casualised) work in society.

A rare statistical glimpse into the world of women’s unpaid (casualised) work in South Africa was provided in Stats SA’s 2010 ‘A Survey of Time Use’; rare because it is the only such survey that has ever been produced by Stats SA and which attempted, in its own words to measure (amongst other things) the ‘time spent on performing unpaid activities such as household chores, the care of children, the sick and the elderly whose burden, more often than not, falls on women’.⁸⁹ It found that women spent twice as much time as men doing unpaid household work and were three times more likely to engage in unpaid care-giving work.⁹⁰ Another Stats SA survey of volunteer activities in 2014 found that women accounted for 60.7% of all volunteer activities, and in the process contributed 370.5 million volunteer hours (valued at R5.95 billion) equivalent to 178 000 full time jobs.⁹¹

⁸⁵ Republic of South Africa (2018), ‘National Minimum Wage Act, Act No. 9 of 2018’, Government Gazette, Vol. 641, No. 42060, 27 November - https://www.gov.za/sites/default/files/gcis_document/201811/42060gon1303act9of2018.pdf (accessed 15 November 2019)

⁸⁶ Carin Runciman and Ronald Wesso (2018), ‘UNDERSTANDING AND PROTECTING WORKERS’ RIGHTS: The Implementation of the National Minimum Wage’, Presentation to CCMA Labour Conference, 15-16 March - <http://ccmarecovery.syncrony.com/Media/Presentations/Token/ViewInfo/ItemId/22> (accessed 15 November 2019)

⁸⁷ Kotie Viljoen et al. (2018), ‘“Sometimes you don’t make enough to buy food”: An analysis of South African street waste pickers’ income’, Journal of Economic and Financial Services, Vol. 11, No. 1 - <https://jefjournal.org.za/index.php/jef/article/view/186/496> (accessed 17 September 2019)

⁸⁸ Department of Environmental Affairs (2016), ‘Report on the Determination of the Extent and Role of Waste Picking in South Africa, DEA’, Pretoria, South Africa - <http://sawic.environment.gov.za/documents/5413.pdf> (accessed 17 September 2019)

⁸⁹ Stats SA (2013), ‘A Survey of Time Use 2010’ - <http://www.statssa.gov.za/publications/Report-02-02-00/Report-02-02-002010.pdf> (accessed 17 September 2019). The survey, which was carried out in 2010, was only published in 2013 due to ‘capacity issues’. There was supposed to be another survey done in 2016 and then every 4 years thereafter, but up until the present the 2010 survey remains the only one completed.

⁹⁰ Ibid.

⁹¹ Stats SA (2015), ‘Volunteer Activities Survey 2014’ - Statistical release P0211.3 - <http://www.statssa.gov.za/publications/P02113/P021132014.pdf> (accessed 17 September 2019)

2014

Women accounted for
**60.7% of all
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equivalent to 178 000 full time jobs**

22%

**women workers in SA
earn on average 22%
less than men**

Section 2: Core issues and challenges facing casualised workers



The law, workers' rights and the workplace: response of the bosses

One of the most enduring features of South Africa's post-1994 transition is the yawning gap between the actual law and its implementation. Nowhere is this more applicable than in respect of the country's labour terrain/market and even more so when the law relates to the world of casualised work. On paper, many of the labour laws, and in particular the more recent amendments to both the LRA and the Basic Conditions of Employment Act (BCEA), are framed by a generally progressive (i.e. worker-friendly) narrative and speak to a range of worker rights.⁹² However, there is minimal focus on the workplace situation and rights of the full range of casualised workers. This legal marginalisation of the world of casualised work is reflective of the historic and ongoing political influence as well as labour market dominance of a unionised and largely permanent public sector workforce as well as the same for an 'industrial proletariat' in the private sector.

Regardless of these limitations though, it is the incredibly weak practical implementation of the laws as well as associated regulation that has allowed the capitalist private sector and state bureaucratic bosses to treat casualised workers as a useful and malleable but ultimately disposable 'reserve army of labour'. Indeed, for the better part of the 25+ years of South Africa's democratic transition since 1994, casualised workers have been seen and treated not only as 2nd class workers by most unions and associated federations as well as the state, but as 3rd class human beings by the bosses.

However, as the number, productive centrality and mobilisational voice of casualised workers increased in the first 15 years of the transition, developments which made them an increasingly important political constituency, so too did the impetus for changes in the law become greater. This culminated in amendments to the LRA in 2014 and more particularly to Section 198 which deals solely with workers who are classified as being in the 'non-standard employment' (NSE) category. The key change is that workers employed by 'temporary employment services' (TES – otherwise known as labour brokers) who work for longer than 3 months for a 'client' are then considered to be employees of the 'client' and must be employed with all the 'same rights and benefits as other workers doing the same job'. The same applies to fixed-term contract (which are not of a limited or definite duration) and part-time workers who have worked for more than 3 months.

Crucially though, there is a large section of casualised workers who have been left out completely. Those who work for 'employers with fewer than 10 workers or employers with fewer than 50 workers during their first two years and, 'workers earning more than R205 433 per year' are not covered by the changes.⁹³ What this means is that those most in need of protection from labour law – i.e., the most vulnerable and marginalised of casualised workers, most of who work in the informal sector and for small businesses – have been left virtually defenceless and evermore exposed to exploitative and unsafe workplace conditions.

Together with the 2018 NMWA and amendments to the BCEA, which mostly dealt with regulation of working hours, work contracts and remuneration⁹⁴, the legislative changes were greeted by casual workers and associated collectives, support

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⁹² Such laws include the Labour Relations Act of 1995, the Basic Conditions of Employment Act of 1997 and the Employment Equity Act of 1998

⁹³ CWAO (2015), 'Summary Labour Relations Act 2014, Section 198: New rights for labour broker workers, contract workers and part-time workers' - <http://www.cwao.org.za/downloads/BIG%20NEW%20RIGHTS%20Feb%202015-summary.pdf> (accessed 19 September 2019)

⁹⁴ See, Department of Labour (2018), 'Basic Conditions of Employment Act of 1997, as amended: Summary', Government Gazette No. 42124, 19 December - <https://www.labourguide.co.za/workshop/1507-basic-conditions-of-employment-act-regulations-amendment/file> (accessed 24 November 2019)

organisations and some unions as the result of long-standing struggles/demands and a significant step forward in ensuring a greater degree of employment equity and workplace equality. However, as the practical implementation of the amendments got underway, pushed along by worker actions, it did not take long for the bosses to respond aggressively and negatively in a number of different ways. Workers and their leaders have been targeted through dismissals, suspensions and other punishments. Additionally, as part of attempts ‘to avoid and evade the law employers have argued’ that such casualised workers are ‘independent contractors’ and that TES outfits are ‘service providers’.⁹⁵

Helped along by the continued failure of the government and the Department of Labour (DOL) in particular, to effectively and consistently check for and enforce compliance, the bosses have become increasingly and disingenuously ‘creative’ in finding ways to undermine the Section 198 amendments. Some of the main means by which they have done so include:⁹⁶

- **Learnerships:** Workplace learnerships have been increased in order to replace casualised workers made permanent. This is done by employing younger people under 35 on fixed-term contracts (the maximum allowed is 1 year) to ‘learn’ how to do a specific job. Besides these worker ‘learners’ not having the same rights as permanents, they can be paid as little as ‘R300 per week according to the NMW framework, and employers get tax rebates for every learnership registered as well as when they are finished’.
- **Project work:** In this instance, the employers (for example, Pioneer Foods) bring on board workers to ‘help’ with the production of a specified product (for example, custard), which is then defined as a ‘project’. This allows the bosses to hire workers on a much shorter contract which is not subject to the legislation since such work is classified as a separate ‘project’.
- **Zero-hour contracts:** Once previously casualised workers have been made permanent, many employers introduce these contracts. The affected workers then have no guarantee of the amount of hours they will work every week; they can fluctuate between anything from a full 40 hour work week to less than 10 hours, depending on the ‘needs’ of the bosses. Such workers get no help from the NMW legislation since it does not prescribe minimum working hours.
- **Labour pooling:** A particularly insidious manoeuvre by employers is to contract a sizeable number of workers (for example, 200) when in reality they require less than that (for example, 150) at any one time to do the necessary

work. The bosses will keep that extra number of workers on board for 2 – 2 ½ months (i.e. before the 3 month threshold kicks in) and then replace them with other workers for the same amount of time. This means there is no permanency and thus, no accompanying benefits.

- **Shift work:** While this has been around for a long time, employers are increasingly making opportunistic use of this work regime to make the lives of casualised workers even more difficult. Such shift work, which many bosses do not standardise, thus becomes unpredictable, disorienting and negatively impacts on worker organisational and social life.

It is these kinds of actions by employers that are explicitly planned and designed to ‘get around the law’, alongside the inactivity of those supposed to enforce the law, which continue to fuel the exponential growth in casualised work. In the words of CWAO Director Ighsaan Schroeder, ‘why would you want a permanent worker when you can have these arrangements?’⁹⁷

The law, workers’ rights and the workplace: the CCMA

The outrageous but predictable responses of the bosses as detailed above, coupled to the oversight and enforcement failures of the DOL, have made life even more difficult for casualised workers over the last few years. Ironically, on the one hand these workers are being forced to rely ever more heavily on legal recourse and expertise in order to enforce their legal/labour rights while on the other hand the terrain on which such legal battles take place has largely been given over to the increasingly contested terrain of an already over-burdened Commission for Conciliation, Mediation and Arbitration (CCMA). The cumulative result is that the ability of and possibility for, casualised workers to resist the bosses’ agenda and realise their rights has become a massive challenge.

Not long after the Section 198 amendments to the LRA took effect in late 2014, NALEDI undertook an analysis of Section 198 referrals made to the CCMA between April 2015 and December 2016.⁹⁸ They found that there were 1401 referrals involving over 20 000 workers, 23% of which were withdrawn for various reasons. When the referrals were broken down by type/character: the largest category involved workers on fixed term contracts (57%); followed by 36% of cases dealing with ‘unfair dismissals’ by employers; and then, 7% coming from

⁹⁵ Rob Rees (2019), ‘Becoming permanent: Taking Section 198 Up’, NALEDI Research Report, (September)

⁹⁶ All of the examples that follow come out of the author’s interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

⁹⁷ Ibid

5 ways

employees have
tried to undermine
the rights of
casualised workers



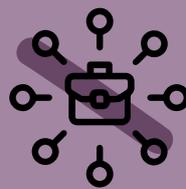
Project work



Learnerships



Zero-hour contracts



Labour pooling



Shift work

workers in part-time employment. In the majority of cases, the main reason for referral was because of 'unfair dismissals' undertaken by the employers in order to prevent TES workers from becoming permanently employed.

When it comes the issue of whom represented/assisted the workers in these CCMA cases, the findings are instructive. A total of 82 unions represented workers in 28% of referrals, providing confirmation that not only are most casualised workers not members of and/or relying on unions but that unions themselves (and particularly the larger, more established, organised and better resourced unions) are largely detached from the workplace struggles of casualised workers. Meanwhile, a small, Johannesburg-based support organisation, the CWAO, accounted for 4% of referrals, representing 20% of all affected workers.⁹⁹

Two years later and CCMA's annual report for the 2018-19 financial year further confirmed the overall trend of an increased caseload with 'unfair dismissals' taking up the lion's share. In the CCMA's own words, the increases were 'largely due to unfair dismissals and the new legislations' (i.e. amendments to the LRA, the Basic Conditions of Employment Act - BCEA and the new National Minimum Wage Act - NMWA). Incredibly, the total number of cases received in 2018-19 was 193 732 making the CCMA the 'largest labour dispute resolution agency in the world by volume of referrals'. The vast majority of these cases dealt with unfair dismissals (71%), followed by 'unfair labour practices' (11%). Specific Section 198 referrals dealing with retrenchments maintained the momentum of previous years with 529 cases, an increase of 8.4% from 2017-18.¹⁰⁰

In specific respect of the impact of the NMWA and the BCEA amendments, the first 3 months of 2019 saw a total of 2638 cases being referred to the CCMA. Not surprisingly, almost 80% of these cases came from the three most populous provinces with the highest numbers of casualised workers (i.e. Gauteng, KZN and the Western Cape) and heavily casualised sectors such as safety/private security, building/construction, retail and domestic were well represented. Key reasons cited for referrals include the failure by employers to pay the required

remuneration and unilateral changes to the terms and conditions of employment, two issues that are at the heart of workplace rights struggles by casualised workers.¹⁰¹

At the same time that the numbers of CCMA referrals related to the problems and struggles of casualised workers is on the rise, so too are the challenges related to the CCMA process itself. For starters the ever-increasing caseload, with a daily average (prior to the onset of the early 2020 Covid-19 pandemic/ lockdown) estimated to be in the region of 750 cases¹⁰², is placing an almost impossible weight on the shoulders of an under-resourced organisation, with hugely negative impacts on the quality of hearings and adjudication work.

Further, representation has become increasingly challenging and restrictive for workers – especially those with little or no union or organisational support – stemming from changes to CCMA Rule 25. The changes make it even more difficult for workers who do not belong to a union or recognised labour organisation in the workplace to access legal/expert representation.¹⁰³ Other challenges include¹⁰⁴:

- Section 198 and related dispute resolution processes becoming more complex and inaccessible due to the legal strategy of bosses that involves specialised and costly legal expertise unavailable to casual workers.
- The CCMA's procedural framework not being well designed for collective dispute resolution, which disadvantages poorly resourced and organised casual workers.
- No paid leave available to attend cases.
- Employers' ability and willingness to use the law (and the significant resources required) to frustrate, delay and dismiss cases as well as review unfavourable awards and judgements.
- The general lack of enforcement of arbitration awards.

The hard reality is that confronting and trying to overcome the range of issues and problems centred on worker rights and the workplace mostly requires, at first, engaging in a legal struggle of one sort or another. While this presents significant and in many cases unique challenges for casual workers, it also

⁹⁹ Ibid.

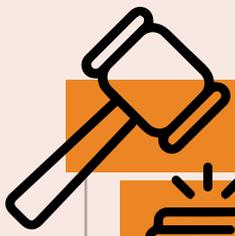
¹⁰⁰ CCMA (2019), 'Media Statement on the CCMA 2018/19 Annual Report Briefing' - <https://www.ccma.org.za/Media/ArticleID/310/MEDIA-STATEMENT-ON-THE-CCMA-2018-19-ANNUAL-REPORT-BRIEFING> (accessed 19 November 2019)

¹⁰¹ Caren-Lee Small (2019), 'The implementation of the employment law amendments and national minimum wage: anticipated impact on the CCMA and the CCMA's operational response', presentation by the CCMA National Commissioner at CCMA 2nd Annual Labour Conference, 14th March 2019 - <https://www.ccma.org.za/Media/Presentations/Token/ViewInfo/ItemId/27> (accessed 23 November 2019)

¹⁰² Carin Runciman and Ronald Wesso (2018), 'UNDERSTANDING AND PROTECTING WORKERS' RIGHTS: The Implementation of the National Minimum Wage', Presentation to CCMA Labour Conference, 15-16 March 2018 - <https://www.ccma.org.za/Media/Presentations/Token/ViewInfo/ItemId/22> (accessed 23 November 2019)

¹⁰³ Department of Labour (2020), 'NOTICE 194 OF 2020 Labour Relations Act (66/1995): effective from 1st March 2020, RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA' - <https://www.gilesfiles.co.za/amended-ccma-rules-2/> (accessed 17 April 2020)

¹⁰⁴ The points that follow are mostly taken from Runciman and Wesso (2018), as well as Rob Rees (2019)



Casualised workers



and the CCMA



Representation has become challenging and restrictive stemming from changes to CCMA Rule 25



Section 198 and dispute resolution processes are becoming more complex and inaccessible due to the legal strategy of involving specialised and costly legal expertise



Employers are more able and willing to use the law to frustrate, delay and dismiss cases



No paid leave available to attend cases



Employers' ability and willingness to use the law to frustrate, delay and dismiss cases



There is an increasing lack of enforcement of arbitration awards

provides opportunities for the workers, support organisations and interested unions to engage the parallel challenges and questions of organisation and mobilisation.

Organisation and mobilisation: realities and responses

It is self-evident that the issues of organisation and mobilisation sit at the core of challenges facing casual workers. At the macro-base, the institutional, productive and social relations that are inherent to the world of casualised work militate against most all the things that are central to effective and sustained organisation and mobilisation. Layered on top of this are increasing levels of economic precariousness and social vulnerability. When combined with the generalised failure of organised labour/trade unions to fully recognise and reach out to casual workers, the overall organisational and mobilisational terrain for casual workers presents huge challenges.

The reality for the vast majority of casualised workers in South Africa is that they enter into and exist within both their work and social 'worlds' as individuals, without any effective and sustained organisation and largely as bystanders or occasional participants in collective mobilisation. At the most basic level then, organising in the world of casualised work is

fundamentally about 'how do I make a decent living/wage, what obstacles need to be removed and who is the relevant authority that has the power to change the situation?'.¹⁰⁵

Yet even that seemingly simple organisational imperative has to be set against the myriad organisational and mobilisational challenges, both contextual and more directly, faced by casual workers, no more so than within the informal sector. Here are some prime examples (other than wage-related) for different categories of informalised workers that cut across national identities and geographical boundaries:¹⁰⁶

- Street, market vendors and hawkers: Protection against harassment and repression by police/authorities; not being regarded as workers by themselves and others; productive and potential organising space controlled by politicians/'mafia';
- Home-based workers: Spatially disparate/divided; competition with factory workers/fear of losing work; exploitation by intermediaries; irregularity of work; double burden of work and home care; largely unprotected by labour laws
- Waste pickers and recyclers: Competition amongst themselves; hostility of permanent workers and municipal authorities; xenophobia; lack of official recognition and labour law protection; exploitation by intermediaries (inclusive of prices for recyclables); poor health and safety conditions

¹⁰⁵ Author interview with Jane Barrett (long-time unionist and now Director, Organisation and Representation at Women in Informal Employment, Globalising and Organising – WIEGO), 13 November 2019

¹⁰⁶ Most of what is contained in the list that follows comes from: Debbie Budlender (2013), 'Informal Workers and Collective Bargaining: Five Case Studies', WIEGO Organising Brief No 9, October - <http://www.wiego.org/sites/default/files/publications/files/Budlender-Informal-Workers-Collective-Bargaining-WIEGO-OB9.pdf> (accessed 19 November 2019)

- Domestic workers: Little to no recognition as workers; employer dependency and job loss fears; scant protection against dismissal and abuse; excessive working hours and lack of free/own time; spatially disparate; restrictive and exploitative living conditions;
- Women workers: all sectors: lack of safe and affordable child care/home care; little/no income protection during/after childbirth; widespread sexual harassment and abuse as well as lack of physical security; dominance of men/patriarchal relations.

Despite these multiple and significant challenges, some categories of informal sector workers in South Africa – such as community healthcare and domestic workers - have managed to pull themselves together in forums or associations and forge alliances with other worker support organisations. These more informal/associational organisational forms are directly related to both legal, financial and human resource limitations as well as generally negative experiences with trying to establish unions and/or joining existing unions.¹⁰⁷

While many of these realities and consequent organisational/mobilisational challenges also apply to casual workers in the formal economy, the more South African-specific

historical and contemporary context where a majority of casualised workers are outside of the informal sector presents additional challenges. For example, in a country with a real unemployment rate of over 40%, the desperation to simply secure some kind of employment has opened up increasing opportunities for employers to take advantage of that desperation. This not only impacts negatively on those workers' wages, workplace conditions and employment security, it also makes it exceedingly difficult to speak out, organise and mobilise. When combined with the consistent lack of regulatory oversight and enforcement of labour laws, the result is an overall situation in which most casual workers in the formal sector remain unorganised and where attempts to mobilise are met with constant victimisation and retribution.¹⁰⁸

Another example is the sizeable numbers of casual workers who are foreign nationals, and who continue to face various forms of xenophobic targeting and discrimination from both state immigration authorities and private employers. Threats of dismissals and occasionally of violence, the non-renewal of permits, extortion through demands for bribes and non-enforcement of basic labour rights confront these workers on a daily basis.¹⁰⁹ Under such circumstances, it becomes almost

Challenges faced by casual workers



Street, market vendors and hawkers

Protection against harassment and repression by police/authorities; not being regarded as workers by themselves and others; productive and potential organising space controlled by politicians/'mafia'.



Home-based workers

Spatially disparate/divided; competition with factory workers/fear of losing work; exploitation by intermediaries; irregularity of work; double burden of work and home care; largely unprotected by labour laws.



Waste pickers and recyclers

Competition amongst themselves; hostility of permanent workers and municipal authorities; xenophobia; lack of official recognition and labour law protection; exploitation by intermediaries (inclusive of prices for recyclables); poor health and safety conditions.



Domestic workers

Little to no recognition as workers; employer dependency and job loss fears; scant protection against dismissal and abuse; excessive working hours and lack of free/own time; spatially disparate; restrictive and exploitative living conditions.



Women workers

Lack of safe and affordable child care/home care; little/no income protection during/after childbirth; widespread sexual harassment and abuse as well as lack of physical security; dominance of men/patriarchal relations.

¹⁰⁷ Mondli Hlatshwayo (2018): 'The new struggles of precarious workers in South Africa: nascent organisational responses of community health workers', *Review of African Political Economy* - <https://www.doi.org/10.1080/03056244.2018.1483907> (accessed 19 November 2019)

¹⁰⁸ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹⁰⁹ Author interview with Dr Mondli Hlatshwayo (Senior Researcher, Centre for Education Rights and Transformation, University of Johannesburg), 3 November 2019; Also, Author interview with Eli Kodisang (Organiser with the African Reclaimers Organisation), 11 November 2019

Two enduring features of unions in post-1994 South Africa



Feature 1

A fundamental failure to politically and organisationally see and acknowledge casualised workers, not only as equals but as forming the majority of the working class.



Feature 2

There has been and remains a dual general crisis within unions, of servicing their existing members and of having active recruitment programmes. As such, the capacity and willingness to organise and integrate casualised workers into unions is largely absent.

impossible to organise and mobilise on any kind of effective and sustained basis.

The organisational-mobilisational struggles of foreign national casual workers, alongside that of casual workers in general, has been further undermined by what has proven to be two unfortunately enduring features of most union politics in post-1994 South Africa. First, in the context of an aggressive capitalist neoliberalism and because the membership of most all unions is dominated by formal sector, permanent workers there has been a fundamental failure to politically and organisationally see and acknowledge casualised workers, not only as equals but as forming the majority of the working class. In the words of a former unionist and long-standing labour activist, 'the union culture is one of general arrogance when it comes to histories of struggle ... their approach is our way or the highway'.¹¹⁰

Second, there has been and remains a dual general crisis within unions, of servicing their existing members and of having active recruitment programmes.¹¹¹ As such, the capacity and willingness to organise and integrate casualised workers into unions is largely absent. The extent of this failure is highlighted by unions themselves. A 2018 COSATU survey found that many union officials considered the financial and human resource 'costs' of organising and recruiting casual workers too high for the consequent 'return' in union subscriptions. And further, that many union members (permanent workers) see casual workers as competition and therefore think they can keep their jobs by excluding and undermining the casuals.¹¹² Also, research by the South African Federation of Trade Unions (SAFTU) concluded that almost 70% of all workers in the formal

sector do not have negotiated pay, underlining the massive, but missed, organisational-mobilisational potential.¹¹³

Arguably, it is these features/failures of the union movement in post-apartheid South Africa that go a long way to explaining why casualised workers continue, over a quarter of a century later, to suffer from a generalised crisis of organisational participation and representation. While there are some examples of self-organisation amongst formal sector casualised workers, such as the Simunye Workers Forum (SWF) active in the Gauteng province, they are few and far-between and remain closely tied to support organisations.

But it is also the increased material precariousness, individuality of the workplace and social atomisation which all comes with being a casual worker that has made it almost impossible for casual workers to meet, to get to know each other, to build organisation. 'There is an in-built discontinuity ... forms or organisation, reflect the underlying set of social relations'.¹¹⁴ Coupled to the observable and experiential truth that organising takes time, and given the rapidity with which the bosses erect obstacles (exacerbated by state authorities abandonment of their legal and institutional mandates), casual workers are constantly having the organisational and mobilisational 'rug pulled from underneath' their feet.¹¹⁵

It is against the historic and ongoing backdrop of these harsh realities and challenges, made even more immediate by the current economic and social devastation accompanying the Covid-19 pandemic, that the world of casualised work in South Africa faces some searching strategic issues and questions.

¹¹⁰ Author interview with Eli Kodisang (Organiser with the African Reclaimers Organisation), 11 November 2019

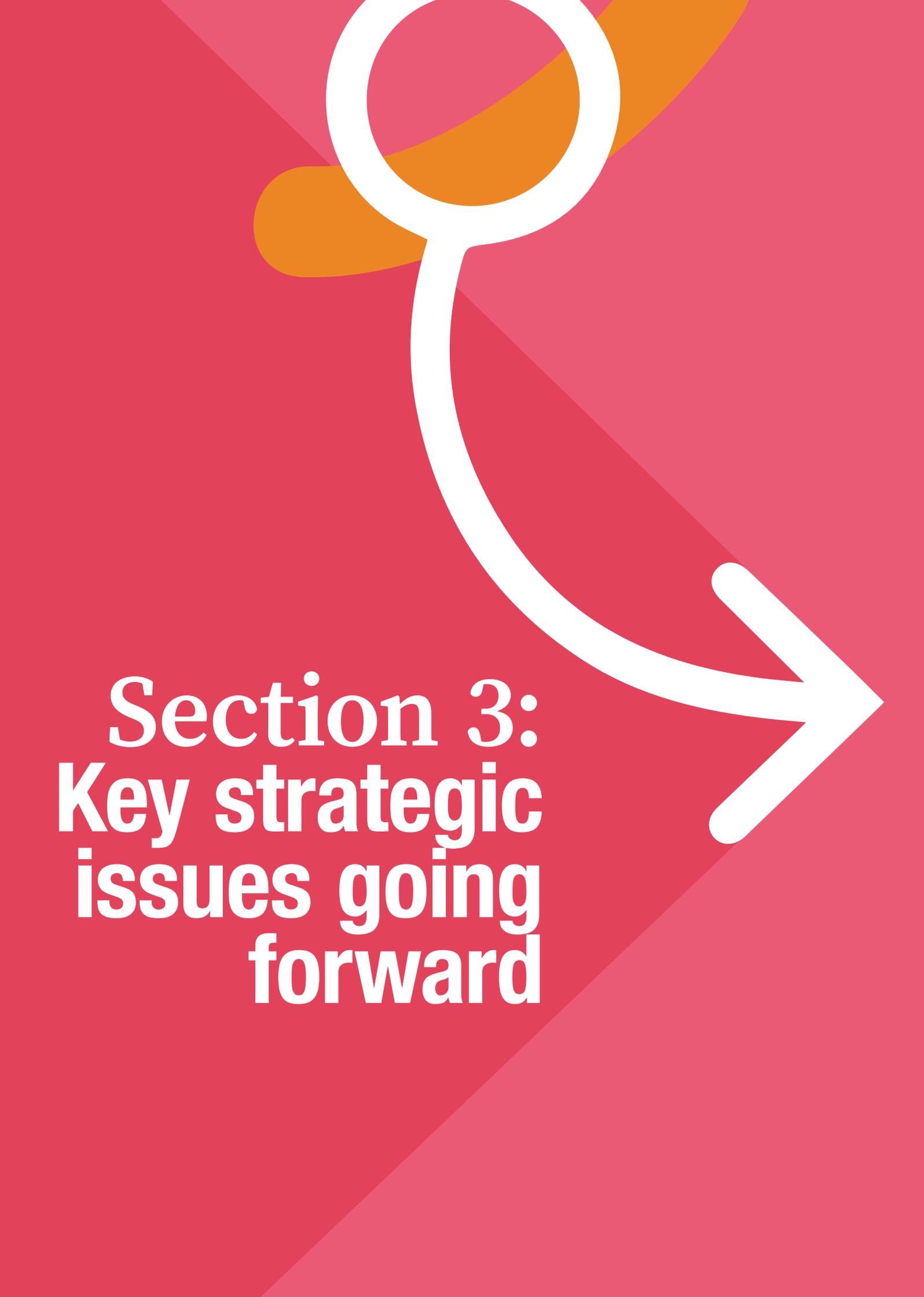
¹¹¹ Author interview with Stephen Faulkner (former union official/activist in both the UK and South Africa and presently advisor to both DEMAWASU and SAFTU), 13 November 2019

¹¹² NALEDI (2019), 'Challenges of organising: Some issues to consider', NALEDI presentation to COSATU (COCC) workshop, 16 July; Also, Author interview with John Appolis (General-Secretary of the General & Industrial Workers Union of South Africa – GIWUSA), 12 November 2019

¹¹³ Ibid

¹¹⁴ Author interview with Ighsaan Schroeder (CWAU Director), 27 November 2019

¹¹⁵ Author interview with Carin Runciman (University of Johannesburg Centre for Social Change and CWAU volunteer), 8 November 2019



Section 3: Key strategic issues going forward

Systemic crisis, strategic confusion

the world of work in South Africa,
is in the throes of a deep, systemic crisis



Socio-economic inequality

Record level of socio-economic inequality between those who own the means of production and those who produce



Divided workforce

Workers are increasingly divided ideologically, socially, economically and organisationally



Weak trade unions and the left

The state of the trade union movement and those forces which constitute what can be considered to be the political/ideological 'left' is incredibly disoriented and weak.



Strategic confusion

The most crucial 'product' of this crisis is strategic confusion.



Ideological uncertainties

Past ideological certainties are no longer able to provide the framing glue for holding together a clear strategic vision and set of goals.



Weak and captured foundations

The institutional and organisational foundations that previously allowed for the strategic building of more inclusive labour movements and the catalysing of working class unity in action, have largely crumbled or been captured by corporatists and abstentionists.



Values and principles have changed

The core principles and values that undergirded the very strategic DNA of worker organisation and struggles have receded in the face of unprecedented waves of material desperation, opportunism and reaction.

Key Strategic Issues



more and better
empirical information



linkages and solidarities with
other working class forces



organisational form
and character



consciousness: social attitudes,
organisational principles &
personal values

Systemic crisis, strategic confusion

There can be little argument that the world of work in South Africa, is in the throes of a deep, systemic crisis. Besides the record level of socio-economic inequality between those that own the means of production and those that produce and which is threatening to pauperise the vast majority of workers, workers themselves are increasingly divided, ideologically, socially, economically and organisationally. Complementarily, the general state of the trade union movement and more broadly, those forces which constitute what can be considered to be the political/ideological 'left', of which workers have historically been the most sizeable and influential part, is incredibly disoriented and weak.

Arguably, the most crucial 'product' of this crisis is strategic confusion. Past ideological certainties are no longer able to provide the framing glue for holding together a clear strategic vision and set of goals. The institutional and organisational moorings that previously allowed for the strategic building of more inclusive labour movements and the catalysing of working class unity in action, have largely crumbled or been captured by corporatists and abstentionists. And, the core principles and values that undergirded the very strategic DNA of worker organisation and struggles have receded in the face of unprecedented waves of material desperation, opportunism and reaction.

It is not a pretty picture but it is the reality. Addressing and hopefully changing this reality, requires that the key strategic issues confronting casual workers be identified.

More and better empirical information

As stated in the introductory section, one of the main reasons why this research project has been undertaken is because there is such a dearth – both quantitatively and qualitatively – of basic information, particularly empirical, related to the world of casualised work. The importance of a more comprehensive informational picture lies in the fact that it provides the primary basis for engaging and determining any serious strategy. Without this, analytical, educational as well as practical organisational and mobilisational work and struggle related to casual workers will not only continue to be informationally challenged and subject to unnecessary contestation but also practically less effective and impactful.

The present information deficit is akin to a worker undertaking a difficult technical job with only a partial complement of tools; the job might well get done but its quality, legitimacy and longevity will always be in question. In order to provide a solid informational foundation on which to then to address the key strategic issues facing casualised workers, a more accurate and consistent (on at least a yearly basis in most cases) determination of the following will be essential.¹¹⁶

- The number of workers both employed by and sourced from, TES entities and where they work as well as the terms of the contract between TES entities and employers/contractors
- The number of workers from TES entities who, after the requisite 3-month period, are retrenched, made permanent or contracted in various ways
- The number of workers who are part of a labour pooling system and the number who are retrenched before the 3 month period expires
- The number of part-time workers, the mean number of hours worked per week and where they work
- The number of fixed-term contract workers, including zero-hour contracts, the terms of the contract and where they work
- The number of workers engaged in learnerships, the terms therein and where they work
- The number of workers employed on projects, the terms therein and where they work
- The number and sectoral location of casualised workers who are included in workplace and/or sectoral bargaining forums/determinations
- The number of temporary/seasonal workers, the terms of employment and where they work
- The number of home-based workers, their mean monthly income and what sectors they work in
- The number of waste reclaimer workers, their mean monthly income and their geographical areas of work
- The number of immigrant (foreign national) workers in both the formal and informal sectors
- The number of workers employed by the EPWP on a yearly basis, their monthly remuneration and their allocation as per categories of work programmes
- For all of the above, a breakdown of gender, racial and age status

One final area of information that is going to be of crucial importance going forward relates to the number of workers who are losing their work/jobs to automation. A 2018 data analysis estimates that 'occupations performed by almost 35% of South African workers – roughly 4.5 million people

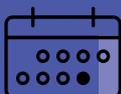
¹¹⁶ Some of these informational points are taken from: Jan Theron (2014), 'Non-standard employment and labour legislation: The outlines of a strategy', Monograph 1/2014, The Institute of Development and Labour Law, University of Cape Town - <https://pdfs.semanticscholar.org/6bf5/55eac7fe8c968c359de3f6a4dac2f320141d.pdf> (accessed 16 November 2019)

Essential information required to address strategic issues facing casualised workers



The number of workers both employed by and sourced from, Temporary Employment Services (TES) entities and where they work as well as the terms of the contract between TES entities and employers/contractors

The number of workers from TES entities who, after the requisite 3-month period, are retrenched, made permanent or contracted in various ways



The number of workers who are part of a labour pooling system and the number who are retrenched before the 3 month period expires

The number of part-time workers, the mean number of hours worked per week and where they work



The number of fixed-term contract workers, including zero-hour contracts, the terms of the contract and where they work

The number of workers engaged in learnerships, the terms therein and where they work



The number of workers employed on projects, the terms therein and where they work

The number and sectoral location of casualised workers who are included in workplace and/or sectoral bargaining forums/determinations



The number of temporary/seasonal workers, the terms of employment and where they work

The number of home-based workers, their mean monthly income and what sectors they work in



The number of waste reclaimer workers, their mean monthly income and their geographical areas of work

The number of immigrant (foreign national) workers in both the formal and informal sectors



The number of workers employed by the EPWP on a yearly basis, their monthly remuneration and their allocation as per categories of work programmes

For all of the above, a breakdown of gender, racial and age status



– are potentially automatable in the near future'. Further, the analysis finds that the vast majority of these workers are to be found in occupations that are highly casualised, for example, cashiers, farmworkers, secretaries, tellers and telephone salespersons and have a 80-90% 'probability of being automatable in the near future'.¹¹⁷

Organisational form and character

At the heart of any meaningful strategic consideration lies the issue of organisation. More particularly in the case of casual workers, given the generalised crisis of left forces and the trade union movement as well as the parallel crisis of secure, permanent work, the key question is what organisational form and character will best serve their interests? Historically in South Africa, the union form has been dominant, not only because of the central role unions played in the anti-apartheid struggle but because the post-1994 labour market terrain has been institutionally, legally and procedurally constructed to privilege unions as the principal form of worker representation and voice. Indeed, that terrain has effectively demanded the formalisation of worker organisation as the pre-requisite for recognition by employers and participation in the institutional and legal-procedural frame.

Besides the not so insignificant financial and human resources as well as legal-institutional expertise needed to set up and sustain a union, the union form in South Africa has been mostly characterised by exclusivity and hierarchy, which have gone hand-in-hand with formalisation.¹¹⁸ Exclusivity in the sense that even 25 years after the end of apartheid there still remains a small minority of workers who are union members; the latest Stats SA figures showing that as of 2018, only 29.5% of employees are members of a trade union.¹¹⁹ As for hierarchies, they are intrinsic to all unions in South Africa with formal leadership positions differentiated by title and salary, centralised bodies of executive authority at the core of regular decision-making and the general dominance of men at all levels of the organisation.

... 25 years after the end of apartheid there still remains a small minority of workers who are union members; the latest Stats SA figures showing that as of 2018, only 29.5% of employees are members of a trade union.

For casual workers then, whose job/work/financial status is inherently precarious and fluid and in whose ranks women have much greater presence than in the permanent workforce, the issue of organisational form and character presents both a practical and conceptual conundrum. For a casual worker collective like the Gauteng-based Simunye Workers Forum (SWF), the ongoing debate about whether to maintain their de-centralised, non-hierarchical, gender-inclusive and non-commodified organisational form or to establish a union encapsulates the strategic conundrum.

On the one hand without formal recognition in the workplace, members of the SWF have no (formal organisational) procedural and institutional/workplace presence and voice (for example, being able to meet during working day and being represented at the CCMA).¹²⁰ Such recognition, particularly in this incredibly volatile and worker-unfriendly period, could provide some stability and allow for more effective education, representation and collective struggle.¹²¹ On the other hand, because the membership of most existing unions is overwhelmingly taken up by male permanent workers who are themselves insecure about their jobs and social status, the general attitude and approach to casual workers (and more especially women workers) is either one of indifference or hostility and control. Further, while forms of organisation such as the SWF can wax and wane due to their spontaneous character, many former union members amongst the ranks of the SWF are all too familiar with the ossification of union activities and the impact of commodified relationships occasioned by the payment of union fees/dues.¹²²

¹¹⁷ Daniel B. le Roux (2018), 'Many South African jobs could soon be automated, and the country isn't prepared' - <https://theconversation.com/many-south-african-jobs-could-soon-be-automated-and-the-country-isnt-prepared-99689> (accessed 17 November 2019)

¹¹⁸ Author interview with Jane Barrett (long-time unionist and now Director, Organisation and Representation at Women in Informal Employment, Globalising and Organising – WIEGO), 13 November 2019

¹¹⁹ Stats SA (2018), 'Labour Market Dynamics in South Africa, 2018', Report No. 02-11-02 (2018) - <http://www.statssa.gov.za/publications/Report-02-11-02/Report-02-11-022018.pdf> (accessed 20 November 2019)

¹²⁰ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹²¹ Author interview with John Appolis (General-Secretary of the General & Industrial Workers Union of South Africa – GIWUSA), 12 November 2019

¹²² Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

While the form of worker organisation does not completely determine its core character, they are in many ways inter-linked. The form can go a long way in determining not just how effective the organisation is in practically advancing the workplace struggles of its members but also in responding to the overall needs of those members and reflecting its stated values/principles as well as aims and objectives. With a few exceptions, worker organisational forms in South Africa have largely proven to be ill-fitted to the overall needs of associated members/activists and have failed to lay the foundations of consciousness that can feed and sustain solidarity and unity.¹²³

That is why worker collectives such as the African Reclaimers Organisation (ARO) are thinking about adopting a model of ‘community membership’, wherein middle-class supporters etc. can join as ‘activists’ and lend their expertise and practical support. In this way, the organisational form is built to cover the multiple needs of members; for example, kitchens supplying food to reclaimers and their families, rehabilitation centres and the occupation and self-management of empty spaces in the city. As ARO organiser Eli Kodisang states, ‘we must let the workers be creative and not constrain them with what we know, what the history of our organisations were ...’¹²⁴

In this respect, casual workers in South Africa would be well-served to look for example, at the organisational history of the Argentine Union de Trabajadores de la Economía Popular (UTEP - Union of Workers of the Popular Economy). Formed in 2011 as a confederation and bringing together self-employed and casualised workers in various recycling, textile and housing cooperatives together with worker-recovered enterprises, UTEP has more recently formed itself into a new type of ‘extended trade-union’.¹²⁵ Crucially, UTEP’s underlying

ideological frame, principles, values and social relations are at the centre of its organisational form and practice. In this way, it is able to adapt its forms of organising to the holistic needs of its members, coterminous with a solidaristic and movement building focus and intent.¹²⁶

Linkages and solidarities with other working class forces

One of the major failings amongst left/progressive and working class forces in the post-apartheid era has been to consistently create and sustain concrete organisational and mobilisational linkages and solidarities. That failure has been especially acute when it comes to forging such alliances between labour and community movements, even more so between unions and casual workers (whether in the form of individual workers, smaller workplace collectives or larger workers forums/ support organisations). In the context of the divisive neoliberal corporatist restructuring of the workforce and workplace that has been taking place since 1994, there are three realities that speak to this failure.

First, the dominant institutional framework within which unions now operate serves to further separate labour from both community and casual workers. Much like in the political and social realms, there is an institutionally constructed division between permanently employed workers and casualised workers (inclusive of those in the informal sector). As a result, non-union members of the broad working class are effectively locked out of the organised labour movement.¹²⁷

... worker organisational forms ... have largely proven to be ill-fitted to the overall needs of associated members/activists and have failed to lay the foundations of consciousness that can feed and sustain solidarity and unity.

¹²³ Author interview with Jane Barrett (long-time unionist and now Director, Organisation and Representation at Women in Informal Employment, Globalising and Organising – WIEGO), 13 November 2019

¹²⁴ Author interview with Eli Kodisang (Organiser with the African Reclaimers Organisation), 11 November 2019

¹²⁵ Mariyana Amova and Mirta Vuotto (2019), ‘The Creation of a Union Representation of the Popular Economy in Argentina’, Paper for the UN Inter-Agency Task Force on Social and Solidarity Economy - http://unsse.org/wp-content/uploads/2019/07/63_Amova_Popular-Economy-in-Arentina-ODS-8_En.pdf (accessed 14 November 2019)

¹²⁶ Ibid

¹²⁷ Dale McKinley (2015), ‘Labor-Community Alliances in South Africa: Reclaiming (Some of) the Past, Inventing the Future?’, *The South Atlantic Quarterly*, 114:2, April – <http://dx.doi.org/10.1215/00382876-2862831> (accessed 14 November 2019)

Second, casualisation of work has now become the sine qua non of the neoliberal capitalist labour market, both at the national and global phenomenon. This has fundamentally changed the composition of the working class, wherein there are now more casualised workers than there are permanent workers in most all countries and most certainly on a world-wide scale. However, the dominant model of worker organisation historically, and in South Africa also in the present period, has been based on permanent/full-time workers. As a result, the trade unions in South Africa have abjectly failed to respond adequately (or have responded negatively/even if at all in some cases) to the needs and struggles of the ‘new’ members of this changed working class.¹²⁸

And third, the hyper-commodified and individualised nature of the world of work under capitalist neoliberalism has engendered distrust and competition amongst workers. The resultant social and workplace relations, that only further undermine nascent efforts at organisational linkages and mobilisational solidarity, have been particularly critical amongst permanent and casual workers.¹²⁹

Over the last many years there have been a number of efforts as well as practical ideas/proposals that have been attempted and proffered respectively, in order to try and address these realities. These have included:

- The formation of unions – both within trade union federations and independently – for some sections of the casualised workforce (for example, domestic and farm workers)
- The establishment within COSATU of the ‘Vulnerable Workers Task Team’ to try and get member unions that were in trouble to come together and think about new

forms of organising involving casualised labour as a means to confront their challenges.¹³⁰

- Joint campaigns, work/educational programmes and practical solidarity between both independent and federated unions such as GIWUSA, the Commercial, Stevedoring, Agricultural and Allied Workers Union (CSAAWU) and the Democratic, Municipal and Allied Workers Union (DEMAWASU)¹³¹, casual worker collectives such as the SWF and the Gauteng Community Healthcare Workers Forum (GCHWF) and support organisations such as CWAO, Khanya College and ILRIG.
- Proposed workplace forums involving both permanent and casual workers as well as unionised and non-unionised workers
- A proposed ‘Charter of Rights for Non-Standard Workers’ drawn up by unions and casual worker collectives/support organisations¹³²

Unfortunately, most of these activities and proposals have not had a very long shelf-life and/or have struggled for consistency and lasting impact. What is so clearly missing and more specifically from established trade unions and federations, is a clear political and organisational willingness/focus to embrace the changes to the working class and enter into the world of casualised work with positive, inclusive and unified purpose and intent. On a more practical, immediate terrain there is definitely space for worker struggles, whatever their organisational origins, to be taken out of the workplace and take on a more mass, campaigning and solidaristic character. It is the cumulative impact of the more systemic realities alongside the possibilities of efforts undertaken, that continue to present one of the most central strategic challenges for both unions and casualised workers collectives/organisations.

There are now more casualised workers than there are permanent workers in most all countries and most certainly on a world-wide scale



¹²⁸ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹²⁹ Author interview with Jane Barrett (long-time unionist and now Director, Organisation and Representation at Women in Informal Employment, Globalising and Organising – WIEGO), 13 November 2019

¹³⁰ Ibid

¹³¹ Author interview with Stephen Faulkner (former union official/activist in both the UK and South Africa and presently advisor to both DEMAWASU and SAFTU), 13 November 2019

¹³² Jan Theron (2014), ‘Non-standard employment and labour legislation: The outlines of a strategy’, Monograph 1/2014, The Institute of Development and Labour Law, University of Cape Town - <https://pdfs.semanticscholar.org/6bf5/55eac7fe8c968c359de3f6a4dac2f320141d.pdf> (accessed 16 November 2019)

Consciousness: social attitudes, organisational principles and personal values

It is instructive that for the most part, workers' social, political, economic and moral consciousness has been missing from the strategic radar for almost as long as South Africa's post-apartheid transition. Much like the party, state and social movement terrains, the personal has been largely removed as a core socio-political and organisational attribute, a central component in shaping and guiding both individual and collective practice. In the process what has happened is that most all personal behaviours and approaches have been reduced to the 'structural' and the 'objective reality'. Ironically, the 'victim' has become the actual agency of workers as human beings who think, reflect, make choices and consciously act.

What this has produced is a situation in which large parts of the labour sector, constitutive of both individual leaders and rank-and-file workers as well as organisational collectives, have been part of contributing negatively to (re)shaping the landscape of political and socio-economic possibility, of collective and personal social relations, of what it means to be a progressive worker/ activist, of what it means to build and engage in inclusive and tolerant organisation and struggle. The harsh reality is that, with some exceptions, 'basic ethics/ values of honesty, respect, humility, accountability, empathy, responsibility, solidarity and generosity that informed the huge personal sacrifices for and collective moral power of, past worker and liberation movement struggle in South Africa have been largely forgotten and cast aside'.¹³³

There are far too many examples over the years, especially when it comes to issues of money and violence against women involving the various leadership levels of established trade unions and their federations. But this crisis of consciousness is widespread throughout South Africa's world of work; a recent example deriving from the work of CWAO suffices to make the point. In late 2019 during the height of the latest bout of xenophobic violence to hit South Africa, the offices of the CWAO were attacked by a mob. At a mass meeting (mostly of casual workers) called soon thereafter to discuss the attack

... the personal has been largely removed as a core socio-political and organisational attribute, a central component in shaping and guiding both individual and collective practice.

and the scourge of xenophobia and come up with a collective response, only a third of the usual number of workers pitched up. During the meeting (and also at others) many workers asked how they could get rid of foreigners at the workplace.¹³⁴

In the face of ever-intensifying macro-level contributors such as a narrow nationalism, a deeply corrupt state and governing party at all levels, a widespread, celebrated culture of crass accumulation and consumerism and an all-too-easy embracing of violence, worker organisations have (again with some exceptions) come up woefully short in respect of consciousness-raising and education. According to a long-time unionist educator 'there is an almost complete lack of worker (political/activist) education taking place in the unions', and where education programmes do exist they are 'rigid and not inclusive of any of the new realities of the working class'.¹³⁵ For casual worker collectives like the SWF, 'the reality is that ... most workers want to talk about very practical, work-based issues and problems as opposed to having political education and discussion ... practical (tactical) questions and challenges simply overwhelm any strategic clarity'.¹³⁶

Most of the (limited) research conducted amongst casual workers indicates a clear desire for a curriculum of workers' education focused on specifically helping to improve material and workplace conditions; for example, workers' rights in labour law as well as bargaining and practical skills such as reading/writing.¹³⁷ But what all of above shows so very unmistakably, is the dire, strategic need for a holistic approach to worker education, no more so than in respect of the world of casualised work where the contextual socio-economic and labour market/workplace realities are hugely constraining and challenging.

Such an approach must necessarily combine: a primary focus on the development of a socially progressive, politically radical

¹³³ Dale McKinley (2017), *South Africa's Corporatised Liberation: A critical analysis of the ANC in power* (Johannesburg: Jacana Media); 144

¹³⁴ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹³⁵ Author interview with Stephen Faulkner (former union official/activist in both the UK and South Africa and presently advisor to both DEMAWASU and SAFTU), 13 November 2019

¹³⁶ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹³⁷ Mondli Hlatshwayo (2019), 'Workers' education under conditions of precariousness: Re-imagining workers' education', *The Economic and Labour Relations Review*: 1-18 - <https://doi.org/10.1177/1035304619879574> (accessed 24 November 2019)

There is the dire, strategic need for a holistic approach to worker education: ... a focus on the development of a socially progressive, politically radical worker consciousness centred on associated personal values; relevant rights knowledge and basic skills; and, methodologies that acknowledge that casual workers themselves are sources of knowledge and that respect their own lived experience.

worker consciousness centred on associated personal values; relevant rights knowledge and basic skills; and, methodologies that acknowledge that casual workers themselves are sources of knowledge and that respect their own lived experience.¹³⁸ It is no exaggeration to say that without this kind of educational programme the principles of democracy, accountability, responsibility and solidarity will continue to be mentioned but rarely practiced. In a phrase, and as one of the core principles of the ARO: 'We really organise the person, not just the worker'.¹³⁹

Between desire and possibility

As the initial part of this last section noted, the harsh reality is that South Africa's overall world of work and indeed its entire political economy, is in a systemic crisis. The strategic confusion that emanates from this crisis points to another parallel reality; namely, that the hopes and desires for radical, systemic change that drove mass support for and involvement in both the liberation and earlier post-apartheid worker and community struggles have had much of the life squeezed out of them.

However those hopes and desires have been practically imagined, they have now mostly given way to defending rights

and spaces previously won as well as mitigating the worst impacts of the cumulative crises. Metaphorically, the big picture has now been broken into component but increasingly disparate parts. In the words of the CWAO's Ighsaan Schroeder, 'we need to realise that in this period the work is far more elemental than we can imagine. A lot of the questions that the class confronts are political questions but it is a class whose immediate concern is just getting through the day and being back at work tomorrow'.¹⁴⁰

While one way of looking at this reality is to come to the conclusion that the systemic battle has been lost, another view is to see the current and coming period as a different kind of transition; one of possibility. If, as is clearly the case, the labour movement needs to be reimagined and rebuilt, then it is within and alongside the world of casualised work (where the majority of workers are), 'where it needs to be done'.¹⁴¹ Here, there is the possibility of a transition in which much of the old ideological, organisational and discursive baggage can be off-loaded, in which new spaces for critical thinking and debate can be created, in which progressive and personal as well as collective social and moral values/principles can be committed to, and in which the basics of inclusive and grounded organisation and struggle can take centre stage.

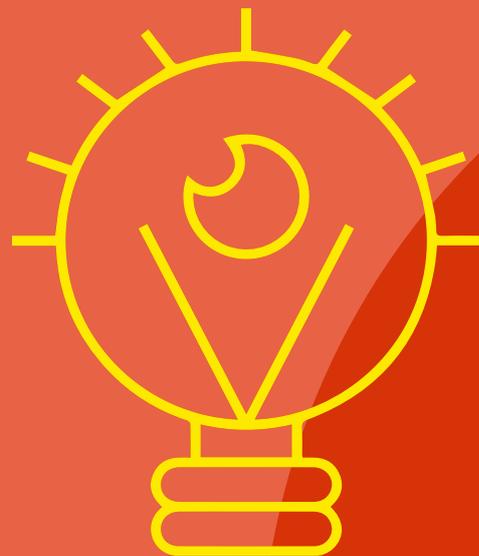
¹³⁸ Ibid

¹³⁹ Author interview with Eli Kodisang (Organiser with the African Reclaimers Organisation), 11 November 2019

¹⁴⁰ Author interview with Ighsaan Schroeder (CWAO Director), 27 November 2019

¹⁴¹ Ibid

**The labour movement
needs to be
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the world of
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(where the majority
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Annexure

Key research questions

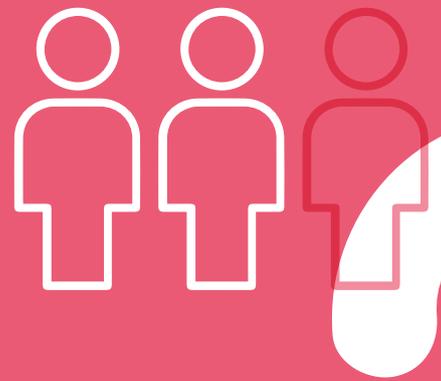
- How many casualised workers are there in the SA economy (broken down by type/category)?
- What private sector areas/industries as well as public departments/entities do they work in?
- What is the gender, racial and national identity character of such workers?
- What are the main issues around wages/inequality (inclusive of the minimum wage)?
- What is the reality in terms of the legal status of such workers given recent legislative changes in labour law?
- What have been the dominant actions/responses of employers?
- What is the dominant character/content and the number of labour cases (CCMA) involving these workers that have been taken up over the last few years?
- What is the organisational/operational state of the main regulatory bodies that deal with casualised workers?

Interview questions

- What are the core problems and challenges of casualised workers in respect of the workplace?
- What are the main political and organisational issues that casualised workers are faced with?
- Can key 'demands' be identified across the world of casualised workers and if so, what are they and how are they pursued?
- Are there substantive differences (on whatever level and of whatever character) amongst and between casualised workers? If so, what are they and how do they play out/have impact?
- In what ways has casualisation been effective in preventing worker organisation?
- What have been/are the main forms of organising that have marked the activities and struggles of casualised workers?
- Who is supporting (in varied ways, including legal, financial, and political-social) the organising, mobilisation and struggles of, casualised workers?
- What needs the most urgent strategic attention in respect of organising and mobilising?
- What are the issues/spaces/areas in the world of casualised work that provide the most potential for linkages across the casualised-permanent worker divide, across worker-community struggles and between urban and rural workers?

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61%



of all workers
(over 2 billion)

across the globe are
informally employed