Representing foreign workers in the private security industry: a South African perspective on trade union engagement

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ABSTRACT

In recent years South African cities have become home to a large number of undocumented migrant workers. If trade unions do not organise undocumented migrant workers, it opens up such workers to exploitation and maltreatment by employers, thereby creating a split labour market that undermines the entire labour movement. This article focuses on the responses of the national trade union movement in the private security sector to the presence of undocumented workers at the grassroots level. Using a case study approach, we find that the pressures of labour market informalisation in the industry prompt unions to seek to maintain and advance their position from their traditional support base of citizen workers rather than attempt to include new groups. The failure to engage is reinforced by anti-immigrant attitudes which link foreigners with problems in the industry such as low wages and portrays such workers as co-conspirators rather than comrades. While justice and solidarity have always been the foundation of trade unionism in South Africa, the movement is in danger of failing this test if the current situation in terms of the exclusion of undocumented foreign workers persists.

INTRODUCTION

The trade union movement, regardless of national orientation, has always been preoccupied by the promotion of worker solidarity and the regulation of the labour market. Trade unions seek to organise workers both within and across national boundaries, while at the same time campaigning for limiting the power of employers through national regulation (Penninx & Roosblad 2000). Although these two dimensions are often complementary, the presence of migrant workers can bring them into conflict. Many union leaders seek the participation with, and organisation of, undocumented migrant workers and try to challenge restrictive immigration policies (see Delgado 1993; Gray 2007; Jacobson & Geron 2008; Fitzgerald & Hardy 2010; Milkman 2011). However, when undocumented foreign workers are perceived to threaten the wages and working conditions of indigenous workers, nationalist ideological arguments in favour of restrictive immigration policies arise and inevitably result in demands for the exclusion of foreigners from the labour market. South African trade unions have had an ambivalent record on the issues of xenophobia and the general concerns of migrant workers. Despite the existence of a discourse of internationalism, concepts of workers' solidarity are often closely tied to the concept of the nation state and the related concept of citizenship.

In a number of North American and European countries, trade unions have supported the mobilisation of undocumented foreign labour. According to Jacobson & Geron (2008: 105), this trend has expanded in recent decades with unions becoming frequent and vocal supporters of pro-immigrant policies and immigrant rights in European countries such as France, Italy and Spain. Across the Atlantic in North America, the American Federation of Labour and Congress of Industrial Organizations (AFL–CIO) has stated that it is opposed to the raiding of workplaces by the Immigration Control Enforcement and opposes sanctions against employers hiring undocumented foreigners. Historically black trade unions in South Africa have largely supported foreign labour operating in South Africa, mobilising both foreign and non-foreign labour in their efforts to improve the working conditions and labour rights of all workers. However, in modern times unions in South Africa have not sought to organise undocumented foreign labour or campaign for legislation and policy that would open a path to documentation. This article will seek to understand why trade unions in the country do not engage in such actions.

In order to provide reasons for why trade unions do not fulfil their basic role to defend the interests of foreign workers, Penninx & Roosblad (2000) point to the complex conflicts of interests that arise from unions' intermediary position between indigenous labour, employers and government authorities. Accordingly, four sets of factors are put forward to explain union policies towards foreigners. These include: the social and political position of the trade union movement, the economic and labour market situation, the broader social and institutional context (including the national ideologues and public discourse of the specific country), and finally the characteristics of the foreigners themselves (also see Fitzgerald & Hardy 2010). An investigating of these factors provides an insight into the 'three dilemmas' facing trade unions regarding foreign labour. These 'dilemmas' can be characterised as follows:

- Should the unions oppose the employers' desire to recruit foreigners or should they cooperate? And if they cooperate, what demands should they formulate with regard to the conditions afforded these foreigners?
- Should foreigners be included as regular members of the trade union movement?
- Should special measures be taken with regard to any particular needs they might have?

These dilemmas are relevant given the challenges facing the South African trade union movement, both in terms of its campaign against xenophobia as well as its commitment to organising those in peripheral sectors and expanding union membership (see Gray 2007; McGovern 2007; Fitzgerald & Hardy 2010). The theoretical framework provided by Penninx & Roosblad (2000) is most often applied to cases involving documented foreign labour. Trade union responses are further problematized in this case by the clandestine nature of many undocumented foreign workers in South Africa.

This paper seeks to understand how unions in South Africa respond to the 'three dilemmas' as outlined by Penninx & Roosblad (2000), at a grassroots level with specific reference to undocumented foreign labour, using a qualitative case study. A key contention of this paper is that while trade unions have not directly opposed the inclusion of undocumented foreigners in the workplace or union membership, the unions have failed to address the third dilemma in terms of addressing the challenges face by such vulnerable workers. Unions invariably promote measures to increase the job security of indigenous labour at

the expense of undocumented migrants by not taking special measures to improve the status of foreign migrants. In order to understand the context of the study, the next section presents an overview of the South African labour market and trade union movement. This is followed by a brief evaluation of undocumented migration into South Africa. This is followed by an analysis of the South African trade union response to this undocumented migration.

A HISTORICAL PERSPECTIVE ON TRADE UNIONS IN SOUTH AFRICA

For much of the 20th century, immigration law and policy in South Africa was a product of the white minority's obsession with maintaining their system of domination. In terms of the migrant labour system black Africans were recruited from South Africa's neighbours to work on mines and farms while denying such foreign workers the right to settle as legal residents in the country. The system was characterised by the dangerous and exploitative conditions of work on the mines and farms, the horrendous living conditions of foreigners, and the social dislocation caused by family separation. Arrighi *et al.* (2010) review the notable studies that detail the highly exploitative nature of this system including Harold Wolpe's (1972) examination of capitalism and cheap labour in South Africa, Giovanni Arrighi's work on the creation of 'unlimited' supplies of labour in what was Southern Rhodesia and Michael Burawoy's (1976) comparative study of South Africa and California and how the regulating circulatory migrant streams of these two locations subsidised capital by pushing across the border the costs of social reproduction.

From the perspective of the black nationalistic intellectuals such a system was a form of racial oppression, an instrument of labour control designed to provide cheap, docile labour for white capital (Neocosmos 2006: 32–45; Trimikliniotis *et al.* 2008). The main component was the destitution of the rural periphery – labelled by the apartheid state as the 'labour reserves' – to privilege the urban core. Indeed, Arrighi *et al.* (2010: 411) described the Southern African region in the early 1970s as 'a paradigm of accumulation by 'dispossession''. According to Neocosmos (2006: 45–9) such a system was intended to divide and oppress the black working class (also see Buur *et al.* 2007). Therefore, one of the goals of the pro-democracy movement in South Africa was the discontinuation of the exploitative migrant labour system.

Democratisation in South Africa took place alongside the politicisation of black trade union activity and collaboration between unions and the pro-democracy movement. Pressure from rank and file black workers pushed previously non-aligned black trade unions into what Edward Webster called 'social movement unionism' (see Neocosmos 2006: 53–68 for a discussion of social movement unionism in the context of immigration during the apartheid period). In the 1980s, the major black trade union federation, the Congress of South African Trade Unions (COSATU), formed an alliance with the pro-democracy political movement. After the end of white minority rule, black trade unions in South Africa became part of a gradual adoption of corporatism – state-driven development in 'partnership' with private capital (Barchiesi 2011: 46–59). COSATU became part of the ruling tripartite coalition in South Africa, with the African National Congress (ANC) and the South African Communist Party (SACP).

The new governing coalition enacted legislation that favoured organised labour, ended the migrant labour system and promised state-driven development (clearly expressed in the popular Reconstruction and Development Programme). However, as McKinley (2006: 415) remarks, the first two years of democracy 'witnessed the ANC's gradual, even if at times contested, political and ideological acceptance of the broad framework of a globally dominant, neo-liberal political and economic orthodoxy'. In the late 1990s ANC President Thabo Mbeki supervised the scaling back of state-driven development in exchange for a programme of economic development similar to the structural adjustment programmes favoured by the World Bank and the International Monetary Fund. It would appear that there was compromise on state-driven development in post-apartheid South Africa shortly after democratisation. Nattrass & Seekings (2001) call this the 'double class compromise': the working class accepted a capitalist economic system and the capitalist class accepted progressive social welfare (primarily on the urban working class), more robust labour legislation, redistribution through taxation as well as the prospect of job creation for the poor. In a subsequent article, Seekings (2004) argued that trade unions' actions in this 'double class compromise' were driven by their primary objective of protecting their members' interests. In this article, Seekings (2004) stated that he had overstated the power of the poor and underestimated that of organised labour when discussing the 'double class comprise'.

Democratic South Africa had strong unions. The nation's trade unions – the largest of which are the COSATU, the National Council

of Trade Unions (NACTU) and the Federation of Unions of South Africa (FEDUSA) –represent more than three million workers throughout the country. The transition from an economy defined by isolationism during apartheid towards a globally integrated neo-liberal one in the democratic era, opened South Africa to the forces of economic globalisation. These forces weakened organised labour in the country. New labour market conditions weakened the democratic and social rights for workers (Standing 2011; Webster *et al.* 2011) creating divisions in the South African labour market. Webster & Von Holdt (2005) described the divisions within this new world of work in South Africa as between those who have access to formal employment (the core) and those who are forced into 'informalised' labour (the periphery). This division has empowered 'core' workers who are formal employees with all the rights and privileges that this entails. However, as Webster & Von Holdt (2005) argue, the number of core workers is dwindling, and the number in contract work or casual labour is sharply increasing.

The world of work was and continues to be profoundly transformed with workers facing new challenges as new forms of workplace organisation emerge (see Standing 2011: 26–59). The post-apartheid period witnessed the emergence of a distinctive and large 'precariat' – an underemployed segment of the workforce defined by their insecure employment relationships. New forms of precarious employment have spread, and workplaces are redesigned along 'flexible' lines thereby weakening national trade unions (Webster *et al.* 2011). Traditional shop floor structures have diminished in effectiveness and with them the traditional position and solidarity of the working class (Buhlungu 2010: 79–98). South African trade unions enter a labour market that has undergone a profound transformation since the democratic elections of 1994. For Buhlungu (2010: 95), the trade union response to this change has been inadequate, and he contends that: '[flexible work practices] poses a threat to the existing model of unionism which is premised on full-time, permanent employment based on rights and protections underwritten by a sympathetic interventionist state'.

For trade unions in South Africa, as Barchiesi (2011) argues, such employment is the basis and ongoing practice of social emancipation for the working class. This reflects partially the unions' acceptance of the governing ANC's notion of social citizenship. Entering the neoliberal paradigm of the post-transition period, South African unions are now expected to act as responsible partners in a labour relations system which encourages cooperation between state, labour and capital (Buhlungu 2010; Barchiesi 2011; Jordhus-Lier 2013).

McKinley (2006) has postulated that the events of the early post-apartheid period have shown that this relationship has served to tie organised workers into an illusion of ideological unity. It is apparent that the modern South African trade union movement faces new challenges in the democratic era which include retaining and re-energising rank and file, resisting flexible work practices and reaching out to potential members in the informal sector and other areas of insecure work. Meeting these challenges is complicated by the trade unions' acceptance of post-apartheid corporatism.

UNDOCUMENTED MIGRATION IN THE CONTEXT OF A CHANGING LABOUR MARKET

South Africa continues to confront many interrelated phenomena that are specific to the current process of globalisation (Webster & Von Holdt 2005; Buhlungu 2010; Barchiesi 2011), not least amongst which is new forms of migration from her continental neighbours. South Africa has a deep history of (and considerable literature on) cross-border migration (Neocosmos 2006: 23–69; Trimikliniotis *et al.* 2008: 1325–9; Segatti 2011). Prompted by economic and political crises in Africa, immigration into South Africa increased significantly in the aftermath of the political transformation. The decline in labour recruitment from the mineral sector in the 1990s (see Neocosmos 2006: 83–90; Buur *et al.* 2007: 65–67) and the collapse of the apartheid system shifted traditional Southern African migration trajectories. A significant increase in cross-border immigration into the post-apartheid nation was soon evident although exact numbers of foreigners was not (Vigneswaran 2011). Most were economic foreigners from Africa[1] and many came, unlike in the past, to work in sectors other than commercial and mining. Some came as legal foreigners, but many crossed the border without documentation seeking residency and employment in the nation's inner-cities and its informal peri-urban settlements. The end of white minority rule saw the dismantling of the labour migrant system and the deracialisation of immigration policy. However, apartheid-era restrictive immigration was maintained with few legal avenues for foreigners to live and work in South Africa.

As undocumented workers enter the labour market, they are primarily drawn to those industries where such 'flexible' practices predominate (Segatti 2011: 17–22). The customary advantages of undocumented employment (low wages, high vulnerability and exploitative conditions) are probably at the centre of this overall preference.

As Standing (2011: 94) contends such workers 'have no alternative to eking out an existence in the precariat, with many in the shadow economy'. The majority of undocumented migrant workers find employment in sectors characterised by low security, poor working conditions, low wages, and a lack of unionisation or labour organisation.

These sectors include construction, farm work, domestic service, street trading and the private security industry. Such workers inhabit a legal category with which any modern trade union movement would find difficult to engage. De Genova (2002) defines undocumented migrants in terms of their exclusion from the formal rights of citizenship including those that protest against exploitation. Excluded from the formal labour market by virtue of their legal status, this designation reduces the undocumented foreigner to neither legally recognised citizen nor legally recognised visitor (also see Buur *et al.* 2007: 81–83). The spatialised condition of 'undocumentedness', according to De Genova (2002), leads to the reproduction of the physical borders of the nation-state, and in effect offers a device for ensuring and cementing the undocumented foreigners' vulnerable and tractable status as workers. Cohen (1989) observes that this vulnerability allows migrant workers to become the new helots of the modern age. This standpoint has long been acknowledged in labour literature (see for example Castells 1975; Delgado 1993; Penninx & Roosblad 2000; Standing 2011). In the globalised scenario, undocumented migration becomes a profoundly useful and profitable social phenomenon that successfully provides a means to create and sustain a vulnerable reserve of labour that is comparatively obedient and consequently low-cost. Arrighi *et al.* (2010) argue that the growing number of foreigners from north of the Limpopo allows many employers in the country to escape entirely or at least reduce the cost of social reproduction. For those employing undocumented labour the cost of social reproduction of that labour is displaced from the employer and the state.

The majority of South Africans do not welcome foreigners, especially those from other African countries. Few words are more derogatory in modern South Africa than 'amakerre-kwerre', a popular label for unwanted foreigners. In recent years, episodes of shocking and widespread violence against the 'amakerre-kwerre' have scandalised the media and highlighted the xenophobic nature of South African society (Neocosmos 2006: 103–15; Landau 2010). Despite the 'African Renaissance' ideology of South Africa's ruling ANC, the popular image of 'black' Africa and 'black' Africans still follows apartheid stereotypes. 'Black' Africa is depicted as the 'wretched continent', a vague space

marked by wars, barbaric violence and poverty (also see Trimikliniotis *et al.* 2008: 1329–31). For many 'indigenous' South Africans this space is represented as both negative and homogeneous, and, in keeping with the old apartheid logic, completely divorced from the space that constitutes South Africa.

South African townships (in which the majority of foreigners are supposedly located) are rife with rumours and widespread reports of anti-immigrant violence. The most prominent example of such urban violence is the May 2008 riots which saw the displacement of more than 100,000 people and the death of more than sixty (Landau 2010). Many eminent politicians and academics have attempted to locate this hostility within the context of economic deprivations following the political transition (for a review see Neocosmos 2006: 103–15). These analysts have asserted, sometimes in the popular media, that xenophobia is more violent and evident among the poor within South African society (also see Crush 2008: 31–5). Barchiesi (2011) locates anti-immigrant sentiment in the problematic intersections of work, citizenship and social identities in South Africa. There is little doubt that the racialised nature of post-apartheid xenophobia and how the identity of 'black' foreigners from 'black' Africa (typified as primarily sub-Saharan Africa) is constructed has been shaped by the former apartheid system, with its enormous emphasis on racial discrimination (also see Landau 2010).

TRADE UNION RESPONSE TO IMMIGRATION INTO DEMOCRATIC SOUTH AFRICA

Trade unions in South Africa have criticised the nature of post-apartheid immigration policy. During the drafting of the current Immigration Act (No. 13 of 2002), a joint submission by the nation's largest trade unions (known as the 2002 Joint Submission of COSATU, NACTU & FEDUSA, see Trimikliniotis *et al.* 2008: 1331–4) criticised the then Immigration Bill of opening the door for the exploitation of foreign workers. In a separate submission, the country's largest trade union federation COSATU accused the Bill of: '[A] preoccupation with undocumented migration [which] results in a failure to provide a coherent immigration policy and in certain respects the avoidance of issues … [such a preoccupation would] further engender paranoia, which will then make it difficult to have a rational and humane approach to undocumented migration' (COSATU Submission 2000: 3). COSATU's efforts, even in partnership with the other major trade union federations, were unsuccessful in changing the nature of the Immigration Bill and the

preoccupation with undocumented migration was retained in the Immigration Act.

When the Immigration Act was amended in 2009, COSATU again entered the debate on immigration policy reform. At the 2009 10th National Congress of COSATU, for example, the trade union federation put forward a resolution that made the following call: 'Immigrant workers, whether legal or not must be protected by the formal labour system and existing bargaining agreements and authorities must ascertain those facts before deportation. COSATU must campaign to legalise foreign nationals who had been working for one employer for several years.' (COSATU Congress Consolidated Resolutions 2009: 14).

The South African trade union movement has actively engaged the government with civil society on the immigration debate (Hlatshwayo 2011). In this manner, the trade union movement demonstrates its commitment to greater worker solidarity throughout the region and its dedication to combating the formal and informal discriminations that marginalise undocumented migrant workers. However, COSATU has been the only one of the major trade union federations in South Africa to engage effectively in the immigration debate at the national level. Moreover, as Trimikliniotis *et al.* (2008) have observed, the nation's trade unions have not sought to organise undocumented foreign workers in the country. In order to understand why, it is necessary to investigate worker dynamics and interaction at the grassroots level, and examine the response of trade unions in those locations where undocumented foreigners work.

Trade union responses to immigration policy in South Africa have been analysed at the policy level (see, for example, Trimikliniotis *et al.* 2008; Hlatshwayo 2011). But the trade union response to foreigners at the grassroots level is less well considered and less well documented. In contrast to other countries such as South Korea, Spain, Holland and the USA (see, for example, Gray 2007; Jacobson & Geron 2008; Milkman 2011), the South African trade union movement has not sought to actively organise undocumented migrant workers. Much like their counterparts in Spain, these workers may be fearful of joining trade unions (although without empirical evidence it is difficult to speculate on their motivations).

In addition, the vast majority of undocumented workers appear to be engaged in non-permanent employment, often temporary contract work or work in the informal sector (see Buur *et al.* 2007: 74–78). However, similar barriers to unionisation for undocumented workers have been encountered and aggressively targeted in other national

contexts with varying levels of success. Indeed, Delgado (1993: 11) argues that: 'their organisability depends less on their citizenship status … and more on labour market forces, the legal environment, organisational capacities, forms of labour control, migration and settlement, and other such factors' (also see Jacobson & Geron 2008). In South Africa, there is little indication that there has been a progressive attempt to mobilise undocumented foreign workers, and this study attempts to understand the reasons for this state of affairs.

THE CASE OF THE PRIVATE SECURITY INDUSTRY

This study uses a case study approach, selecting a major trade union in the private security industry as our object of study. This sector was chosen as our object of study because the private security industry appears to have become a source of employment for the nation's growing undocumented migrant population. South Africa has one of the largest private security industries in the world, with nearly 9,000 registered companies and 400,000 registered active private security guards. The private security industry is characterised by heterogeneity and diversity, with small independent 'fly-by-night' security providers operating alongside huge multinational conglomerates with established reputations. These circumstances have encouraged many firms to adopt more flexible labour strategies. In order to cope with fluctuations in demand, many employment contracts are not of a permanent nature, and are tied to the commercial length of a contract between a service provider and a client. It is important to note that there are a number of documented foreign workers in the private security industry and some of these workers belong to trade unions. The focus of this study is undocumented foreign workers in the industry. Union officials interviewed for this study maintain that a significant number of workers in the industry are undocumented foreign workers. However, it is impossible to produce an accurate account of their number.

Unlike the other sectors in which undocumented foreigners find employment (for example, construction, domestic service, informal trading etc.), the degree of informalisation found within the private security industry is not due to the inherent nature of the work itself. Rather it is due to the environment within which the industry exists, which is characterised by under-regulation and low union density that has allowed employers to circumvent legal norms and employ undocumented foreigners (Baker 2002). Given the sensitivity of the topic, the name of the trade union officials interviewed will not be

disclosed here. The National Security & Unqualified Workers Union (Nasuwu) was selected as the research site. During the period of the investigation, the union claimed a membership of more than 10,000 members.[2]

The trade union is affiliated to the FEDUSA[3] and has a strong tradition of rank and file democracy. An advantage of focusing on a comparatively small trade union was that it allowed the researchers to obtain a more holistic perspective of union activities with access to both key decision-makers as well as those at ground level. The union's size is also indicative of the current state of the trade union movement in those industries with a high prevalence of insecure labour relationships. For these reasons, it was felt that the case study represented a valid vehicle to facilitate a deeper understanding of the South African labour movement's response to undocumented migrant workers.

The period of investigation began in late April and June 2006 during a 96-day period of industrial action in the industry. Tensions between indigenous and foreign security workers during the strike were evident, and the dynamics of the situation provided insights into how trade unions at the grassroots level in South Africa respond to the three dilemmas outlined earlier. Eight comprehensive semi-structured interviews were conducted with key members of the union including members of the leadership (such as the union president and general secretary). The leadership is composed of former security workers who have first-hand experience of the subtleties of the industry. Further interviews were conducted with the union's shop stewards. Follow-up sessions were arranged to gain further information where necessary.

GRASSROOTS RESPONSE TO UNDOCUMENTED FOREIGN WORKERS

The South African private security industry is a critical actor in the post-apartheid period and is itself the product of increasing organisational flexibility and privatisation within the economy (Baker 2002). According to union officials from the National Security & Unqualified Workers Union interviewed for this study, the growing presence of undocumented migrant workers within the sector is a consequence of employers' actions. Although it is not possible to determine the factual truth of this statement, it is important to understand how unions in the industry interpret the 'problem' of undocumented workers. Accordingly, the continued presence of these undocumented foreign workers in the industry is perceived as the responsibility of the

employers, and the hiring of undocumented foreign workers is seen as constituting a direct attempt by employers to undermine their authority.

As a consequence, the Nasuwu often takes action against employers it suspects of committing this particular transgression. The standard procedure is first to confront the employer and seek cooperation with them as a first step. The second step is to report the employer to a series of regulatory bodies that are designed to police the industry. One of the interviewees stated that it is the duty of the union to do everything in its capacity to ensure that employers come to the assistance of these undocumented foreigners and help them to gain access to work permits (making them legal foreigners). The reasoning for this is simple and is summed up by an interviewee, '[the] employer has hired undocumented foreigners and therefore he/she is responsible for their livelihood' (11.8.2006). However, he acknowledged that employers do not often come to their undocumented migrant workers' assistance when it comes to gaining access to legality within South Africa. Similar sentiments are shared by South African Transport and Allied Workers Union (Satawu) – the industry's largest union – who condemned the hiring of 'non-documented African nationals' in a 2008 press statement and called for prosecution of 'employers' who utilise non-documented labour.

Despite this opposition to undocumented foreign workers, union officials (especially those at the shop steward level) often turn a blind eye to the legal status of many foreigners within the industry. Although the nature of the industry makes it difficult to confirm the precise statistic, it is popularly estimated that during the period of study only 32% of all registered security guards were unionised, and that this estimation indicated a particularly low level of unionisation for the industry (see *Mail & Guardian* 23.3.2006). Labour representation is further undermined by the severe fragmentation of the trade union movement in the industry. During the period of investigation, there were no fewer than 33 separate trade unions representing the security industry in South Africa. In this context, the challenge of taking on 'undocumentedness' as part of the worker struggle is deemed to be a bridge too far. Moreover, the 'foreignness' of certain trade union members in the industry has been a source of contestation over union legitimacy.

Criticising certain industry unions for adopting an overly conciliatory stance during the 2006 strike, Jackson Simon (Satawu's National Coordinator for the Security Sector) attacked other union leaders by questioning their nationality. He stated that: '[T]hese unions were

formed by people from other countries like Zimbabwe. They come here to look for work and when they did not find any, they formed unions. These unions can't lead the workers' struggle because they grab any deal. They don't have a conscience of the workers' struggle' (*Mail & Guardian* 12.4.2006). Clearly the controversial nature of the foreign workers issue in the industry, and the complexity of the situation within the industry must be taken into consideration. It is important to note that not all foreign workers in the industry are undocumented; many are asylum-seekers and refugees with legal rights to work while still others are legal residents. Due to the clandestine nature of undocumented migration, it is not possible to discern how many workers in the private security are undocumented foreigners. Undocumented workers are ignored by the union leaders. It is not a simple task for union leaders to persuade existing members to shoulder the burden of even higher risks, while simultaneously attempting to build a new solidarity between native and foreign workers against a backdrop of uncertainty and extraneous factors such as cultural and language barriers. The more immediate need of the trade union movement to maintain and advance its position within its traditional support base takes precedence over the need to foster new unity among diverse groups.

Trade union responses to undocumented migration in South Africa exhibit a tension that is reflected in a strange dichotomy of opinion between a commitment to international workers' solidarity and a growing exclusive nationalism. This dichotomy reflects the deep contra-dictions at the root of the movement's inability to generate an effective response to the undocumented foreign worker issue (see Trimikliniotis *et al.* 2008). According to one interviewee, 'the purpose of trade unions is to advance the interests of *all* workers within the industry and not to a *specific* group of workers' (Nasuwu trade union leader (d) 2006 int.). Despite this noble intention, Nasuwu leadership admit failures in establishing clearly defined policies or strategies for the organisation of undocumented foreign workers or the advancement of their interests. According to Nasuwu officials, this apparent failure is the consequence of a multitude of factors that are beyond the capacity of the union to overcome. These include:

- the 'missing legal framework' to organise undocumented foreign workers;
- the apparent lack of interest on the part of undocumented foreign workers to join trade unions;
- the distrust existing on both sides;

- language barriers;
- fear by undocumented foreigners that union membership would make them visible to state authority; and
- intimidation from employers.

There is a general insistence by the Nasuwu leadership that all workers within the industry should subordinate their distinctive personal struggles to the general causes and aspirations of the trade union. For the union officials interviewed, this was a new problem that did not exist during the apartheid period. It is evident that foreigners make up a relatively small percentage of union membership. One of the interviewees claimed that perhaps 100 foreigners were members of the union (out of at least 10,000 claimed union members in 2006).[4] After in-depth interviews with trade union officials, it was clear that issues specific to foreigners had a limited space in trade union affairs.

Trade unions are inextricably linked with the societies in which they take part. Accordingly, the trade union actions discussed here have taken place upon a larger canvas of anti-immigrant sentiment in South Africa. The incidence of xenophobia is often linked to the intense struggle among the nation's working class for economic competition following the political transition (see Crush 2008: 31–6). These attitudes are reflected in the private security industry where undocumented foreigners are often seen by organised labour not as allies against their employers, but rather as co-conspirators.

One shop steward advanced the opinion that he was suspicious of foreigners' involvement with the trade union movement and said that undocumented employees would work willingly with employers against the union (Nasuwu Shop steward (a) 2006 int.). He claimed that this came in the form of leaking information to the employers about the union's activities and plans. During the industry's 2006 strike, undocumented foreigners were accused of being used as 'scab labour' (Nasuwu Shop steward (b) 2006 int.). The Nasuwu leadership –like almost all other trade union leaders in South Africa (see Hlatshwayo 2011) – are committed to fighting xenophobia. Nevertheless in spite of this claim, there remains an underlying perception among trade union members that the presence of undocumented foreign workers poses a threat to South African workers.

The regulatory environment that distinguishes citizen from undocumented foreigner is key to understanding the relationship between these two groups. Trimikliniotis (2009: 182) argues that: 'regimes of regulation of the most vulnerable groups, the 'weakest link' of labour

and the backbone of undeclared labour and clandestine foreign labour is in fact produced and reproduced by how the migration regulation is organised, somewhere in between immigration and labour regulation'. The Private Security Industry Regulation Act (56 of 2001) states that every employee in the security industry must be registered with the industry regulator, the Private Security Industry Regulatory Authority (PSIRA), as a security provider and must be in possession of a valid security service provider certificate. PSIRA is responsible for the certifying would-be private security officers, checking their criminal records and approving the training centres where these officers receive the different grades of security duty. Although important for distinctions between categories of private security employees, these training centres only offer the most simplistic courses in law and firearm use. In his study on non-state policing in South Africa, Baker (2002: 39–48) noted the weakness of the PSIRA (prior to February 2001 the Security Officers Interim Board), especially their failure to hold private security companies accountable.

This regulation of employment translates into criminalising undocumented workers within the industry. The PSIRA and the new Act only make allowances for South African citizens and permanent residents to apply for registration as security service providers. This reflects an environment for employment that has become increasingly hostile for the undocumented foreigners in the security industry. State monitoring systems highlight the difference between the illegally and legally employed, and in fact deepen the divide between them (for a discussion of this issue in other national contexts, see De Genova 2002; McGovern 2007; Jacobson & Geron 2008). This creates a situation in which the quality of employment increases for the legally employed, while the undocumented foreign workers are disadvantaged. Consequently, PSIRA and the Act can be described as an instrument that serves to institutionalise the weakened position of the undocumented migrant within the industry.

During the private security industry's 2006 strike, major unions in the industry demanded the strengthening of industry regulation. According to the trade union leadership, the enforcement bodies for the industry were useless and unable or unwilling to effectively regulate the sector. In his analysis of non-state policing in South Africa, Baker (2002: 38) noted that the industry had a well-deserved reputation for dubious practices, particularly by the small, often unregistered, private security operators. Such companies seek profits by cutting costs, paying below average wages and under-spending on firearms training. During our interviews

with the trade union officials, stories of illegal activities and of the mistreatment of workers featured prominently.

Workers interviewed highlighted their mistreatment at the hands of labour brokers. They contended that labour brokering weakened their position as workers. Union officials claim that the PSIRA had all but collapsed, and that this had resulted in an almost non-existent regulation of companies. Yet, according to an interviewee, 'deductions are continually made from poorly paid workers to fund this empty and unproductive state authority' (Nasuwu trade union leader (b) 2006 int.). The result has been that the union actively seeks to bring the rule of law to the security industry. Nasuwu wanted to target for prosecution those companies that did not comply with relevant legislation and regulation (including the Sectoral Determinations), and to campaign for more effective enforcement by the Department of Labour. Flanders (1970: 42) has observed 'rules provide protection, a shield, for their members. And they protect not only their material standards of living, but equally their security, status and self-respect – in short, their dignity as human beings'.

However, if the anti-migrant statutory regulations that are woven into the fabric of the Private Security Industry Regulation Act are not removed then a more powerful, better resourced regulatory body is unlikely to benefit *all* workers within the industry. Such a body would further weaken the position of undocumented migrant workers to the advantage of their citizen counterparts, and the former will face greater insecurity. In this way the trade union, and the other unions in the industry, unintentionally promote measures to increase the job security of indigenous labour at the expense of undocumented migrant workers.

Another example of the weakening of the position of migrant workers is illustrated with reference to the importance of training as a means of gaining greater formalisation and regulation in the industry. An interviewee said that union members were seeking accreditation, qualification and new conditions of employment through participation with government skill provision programmes (Nasuwu trade union leader (c) 2006 int.). The trade union aims to raise the standards of the profession, and has identified education as an empowerment tool. Training and qualification programmes are conducted in coalition with the various governmental sector education and training authorities and skill development bodies. Undocumented immigration and undocumented migrant workers present a formidable challenge to this attempt, as workers deemed 'undocumented' do not qualify for admission to these programmes, and consequently cannot be considered for training

qualifications. Despite this, an unknown number of undocumented workers run the risk of detection by attempting to gain this accreditation while using false identity papers. Some obviously must already have succeeded, although there is no way of knowing how many, but those who are identified have faced prosecution and deportation (Nasuwu trade union leader (a) 2006 int.). The accreditation gained by workers who are union members is a form of empowerment that represents a barrier to undocumented migrant workers seeking entry into the industry. Those that are shut out of this process are in fact *disempowered* by it. In effect, this 'skilling' process represents a tangible threat to undocumented foreigners because it lowers their value and further reduces their status as labourers within the industry, and increases their vulnerability.

The illegal status of undocumented migrant workers is the singular feature behind the forging of their exploitation and subjugation (Cohen 1989; De Genova 2002; Vigneswaran 2011). In fact, in order for the union to engage undocumented foreigners and seek their participation in the movement, the forces that produce this status must be challenged. This would entail confronting social and political forces outside the workplace, such as the state, the xenophobia of contemporary society, and the economic forces that produce the oppression of this group. The trade union vision for the future of the industry lies in the slogan: 'one union one industry' and the union believes in expansion and unification of organised labour within this sector.

In order to achieve this, the trade unions need broad-based support from workers within the industry. Embracing a controversial issue such as undocumented migrant workers could endanger support for the union among a citizen workforce that hold strong anti-immigrant views. The trade union's vision for the future of this industry centres on participation with the state in a variety of areas, which would include a role in the regulation and monitoring of the sector. To seek confrontation with the state over the issue of undocumented foreigners could potentially endanger this vision, and perhaps compromise further cooperation.

As with the leaderships of most South African trade unions, the political philosophy of the security trade union leadership advocates for the right of unions to campaign on social and political issues. However, in practice the trade union is primarily focused on narrow workplace issues. The trade union agenda has evolved in a workplace environment that is characteristic of the global trend in contemporary service industries towards fragmentation and flexibility (Jordhus-Lier 2013).

Undocumented migration is considered to be an 'external' matter, and is not an issue that occupies much space within the trade union's framework of more pressing 'internal' bread-and-butter issues affecting registered private security providers. In the fight for industrial regulation and in the exercise of that control, the South African trade union comes into contact, and frequently into conflict, with the productive and distributive functions of industrial society (Buhlungu 2010: 57–78). Indeed the trade union distances itself from taking a position on migration policy and is disinclined to involve itself in such a struggle. Instead, the union contends that it restricts itself to the agenda of collective control over employment. However, the trade union's agenda cannot be understood solely from an economic standpoint. In contrast to earlier periods, the study of trade union agendas in the post-apartheid era often reflects a narrow series of goals and criteria related to the member group. There must be a realisation, therefore, that the aims of the union are directed to the welfare of a specific group within the working class and should not be considered general (for an international perspective on union agenda see Jordhus-Lier 2013).

The trade union featured in this study is unique. The trade union's platform consists of three primary objectives for creating greater security in the industry. The first objective constitutes participation with the state in providing security to its members through increasing regulation and control of the industry by limiting employers' arbitrary authority and underwriting employment protection, with 'fair' mechanisms for promotion, discipline and dismissal, and the allocation of work. The second objective addresses the flexible and informal nature of employment in the industry, focusing on providing income and job security through limiting the informalisation within this sector. The third objective aims at improving job and work security through the protection of working conditions and by addressing issues such as training. In order to understand the aims of a union, there must be a realisation that union aims focus primarily on the welfare of a particular group of workers (Buhlungu 2010: 100–15).

Nasuwu cannot be considered to be a union in isolation and its approach towards undocumented foreign labour in the private security industry conforms to that of other trade unions in the industry. Moreover, it would be wrong to view unions in the private security industry as distinctly different from other unions in South Africa on the issue of undocumented migration. Private security unions' acceptance of the current government position closely mirrors that of other unions

who have not engaged in any sustained action to promote the regularisation of undocumented foreigners or to advance the rights of foreign workers, despite some statements to the contrary (see Hlatshwayo 2011). Indeed, in all likelihood, such actions may be highly unpopular with the state and would impact negatively on the federation's commitment to corporatist unionism.

THE UNDOCUMENTED PRECARIAT – A THREAT TO INDIGENOUS UNION MEMBERSHIP?

From a Marxist perspective, the demand for cheap exploitable foreign labour creates antagonism in the indigenous working class. The development of a labour market divided by migration status has been the subject of extensive research since the 1970s (see Castles & Kosack 1973; Castells 1975; Penninx & Roosblad 2000; Jacobson & Geron 2008). The concept of xenophobia is significant in explaining how migrant struggles become separated from worker struggles. According to Castells (1975) even workers with an absence of xenophobic tendencies have a logical desire to protect their relative control over both the labour process as well as their financial destinies by safeguarding the jobs that provide them and their families with financial security (also see McGovern 2007: 228–30). Often the expedient course of action for documented workers is to separate themselves from undocumented foreign workers (also see Penninx & Roosblad 2000: 4–8). Castells (1975: 53) argues that:

[This form of xenophobia] accentuates the cleavages by national cultural particularities and determines the ideological isolation of immigrants. They are thus separated from their class . . . This cuts them off still more from the labour movement, in a sort of vicious cycle which tends to reproduce the fragmentation and dislocation of the working class in advanced capitalism. This disunity compounds the tendency of fragmenting labour protest into separate and often weaker segments.

When these ideas are applied to the South African context, undocumented foreigners are a force that could fracture the unity of workers within the security industry sector. Speaking about the South African case, Standing (2011: 98) argues that the presence of such workers:

lowers the bargaining position of workers in general, swells the precariat, and allows politicians and economists to claim there is massive unemployment and that real wages and labour protections must be lowered. In reality, much of the employment is simply not being measured.

The discussion of xenophobia here is not intended to diminish the determined anti-xenophobia position taken by the trade union in our case study or the country's national labour movement. However, by not addressing the special needs of undocumented foreigners, unions in South Africa inadvertently follow actions that marginalise these workers. This could be seen as evidence of trade unions colluding with the South African government to maintain the exclusive nationalism of the post-apartheid state.

Most documented workers in the private security industry cannot be described as members of the classic African labour aristocracy (see Waterman 1975 for a discussion). Rather, these workers are members of the precariat and their working lives are defined by insecurity. However, this group is more privileged than their undocumented counterparts and, more importantly, these workers have clearer avenues to increase their security and improve their labour market position (see Standing 2011: 90–115, and his discussion of migrants and the precariat). In other words, this group is a potential component of the labour aristocracy and, therefore, tends to campaign for the kind of regulation that would have a negative effect on the ability of undocumented workers to operate in the private security industry.

Although the main function of trade unionism resides in resisting insecurity, there are circumstances when the consequences of such struggle may prove divisive. This occurs particularly when such resistance is confined to a certain category of worker within a divided labour scenario (also see Castles & Kosack 1973; Cohen 1989). If successful, the fight for security may, on one hand, stabilise the position of 'insiders', but may also simultaneously deepen the divisions between the 'insiders' and the 'outsiders', and make the labour market situation of 'outsiders' even more precarious than before (Trimikliniotis 2009: 187–8). If the trade union's aims are realised in addressing the forms of insecurity affecting 'legal' workers from whom they have their mandate, the consequences would be an increase in the degree of insecurity experienced by those workers not recognised as 'legal' by the Private Security Industry Regulation Act.

Nattrass and Seekings (2001) acknowledge that the double class compromise in South Africa is fragile and the growth of flexible labour market practices have undermined the promise of job creation that was an implicit part of this compromise. Trade unions who, as Seekings (2004) recognises, play a strong role in shaping class compromise in South Africa, are working towards resisting flexible labour market practices. Greater regularisation and formalisation demanded by trade

unions in the private security industry would increase the duality of the labour market in which protected legitimatised workers operate alongside unprotected undocumented workers. In practice, the latter group of this duality would form an underclass of the 'super-exploited'. Trimikliniotis (2009: 191) advances the argument that:

repression will mean more marginalisation of the undocumented workers. The employers willing to risk getting caught would require a higher profit margin from their workers, which would therefore result in greater exploitation of those workers, and thus in the long run, the pay of native workers would be undercut.

The consciousness of the working class within the private security sector is divided by privileged access to legal mechanisms and forms of social protection. In such a division, where the more privileged workers are protected by statutory regulations, there is a greater likelihood that the cost is to be borne by the 'unprivileged' workers forced to accept lower pay and worse working conditions (also see Penninx & Roosblad 2000). This analysis could provide a means to understand the trade union position towards undocumented migrant workers in a range of other industries.

In their analysis of the current Southern African economic situation, Arrighi *et al.* (2010: 434) argue that 'unwittingly, ANC policies have reproduced rather than solved the contradiction of a model of capitalist development' – that capitalism creates far larger supplies of fully proletarianised labour than it could absorb. The presence of an undocumented foreign population creates additional divisions within this reserve army of labour. Both citizen and undocumented migrant labour share the capitalist landscape. However Castles & Kosack (1973) argue that it is the privileges conceded to citizen workers and the particularly intensive exploitation of undocumented foreigners that combine to create a barrier between these two labour groups that results in their appearing as distinctly separate stratums in the labour class (see also Delgado 1993; McGovern 2007; Milkman 2011). Consequently, although citizen and undocumented migrant groups share the relationship to the means of production, they do not perceive that they share a common class position and interest as workers. A variety of factors such as cultural and language differences crosscut the bound- aries of their shared identities as workers, thus decreasing the potential for solidarity among these two groups against employers (see Cohen 1989). However, this division is reinforced through more than mere cultural or linguist barriers. Rather it is the 'undocumentedness' of these workers that ensures their division.

The observed division in South Africa between undocumented and citizen workers is reinforced by two forms of discrimination. Castles & Kosack (1973) wrote about these forms of discrimination in Western Europe during the 1960s. Firstly, it is fostered by institutionalised discrimination in the form of legislation that restricts the undocumented foreigners' ability to access labour market rights; and secondly, the division is widened by informal discrimination stemming from xenophobia in post-apartheid society. Any common ground shared by the two groups is overshadowed by these forms of discrimination, which produce conditions of employment and status that serve to divide them. The presence of undocumented foreign workers in the private security industry must be considered alongside the crisis of social reproduction in South Africa (Arrighi *et al.* 2010). Employers in the industry who use such labour do not have to provide for the social reproduction of their labour and have little incentive to make concessions to this group or to support a process of legalisation or documentisation. The state and the trade union movement do not appear willing to meet the cost of social reproduction for undocumented foreign workers.

The pressure of increased competition in labour markets generally prompts insecure indigenous workers to pressure their unions not to seek the inclusion of undocumented migrant workers. Workers in Nasuwu clearly embraced the social imaginary of the 'worker' as a permanent employee engaging in full-time wage employment (discussed for the South African case more generally in Barchiesi 2011). In a similar manner to Bridget Kenny's (2007) study of retail workers, private security workers in the private security industry formulate their identities with reference to a normative notion of regulated permanent employment. These workers seek to claim their inclusion as workplace citizens by campaigning for greater regularisation and formalisation.

Such regularisation threatens the ability of undocumented workers to operate. Consequently, undocumented foreigners become a threat rather than an opportunity for the trade union movement, and they find themselves driven into strike-breaking supplementary work and contingent contract work in order to survive (see also Penninx & Roosblad 2000; McGovern 2007). The result is that undocumented migrant workers are not viewed as brothers in a common struggle against capitalist exploitation despite the rhetoric of worker solidarity that is so popular at South African trade union conferences. According to Castles & Kosack (1973), it results in a decline of class consciousness that is typified by a decline in broad-based worker solidarity, thereby

weakening the labour movement as a whole. This view serves the interests of the capitalist elite as it divides the working class and weakens the labour movement.

CONCLUSION

Leah Haus has argued that 'the emerging transnationalisation of the labour market, defined as rising undocumented and documented migration rates [...] has altered the preferences of unions, leading them to resist restrictionist legislation that impedes organization of foreign-born workers' (cited in Jacobson & Geron 2008: 106). Undocumented migrant workers are located primarily in those industries in which insecure labour relationships are prominent and consequently unions are weak and under-resourced. A series of dramatic labour movement successes in the USA during the 1990s (Milkman 2011) demonstrated the potential of co-opting and organising undocumented workers in industries with low trade union membership.

This study contends that in South Africa the scope for a repeat of such success seems minimal. While organising undocumented workers in the private security industry could potentially strengthen trade unions, these unions may be disinclined to do so considering their goals and the risks involved. It is not surprising, therefore, that when trade unions in South Africa encounter undocumented labour, they generally choose to ignore such workers. The lack of formal recognition and legitimacy that the union affords to these workers has made their problems and interests invisible. Indeed, Standing (2011: 91) called such workers a 'shadow reserve army'. It is this invisibility that allows the trade union movement to retain its silence and circumvent responding to the interests and concerns of the undocumented migrant worker. In turn, it is this invisibility that allows the exploitation and maltreatment of these workers at the hands of unscrupulous employers to continue. It is this invisibility that causes the trade union movement to pursue a path that not only ignores these workers but also actively (be it inadvertently) moves against their interests and increases the vulnerability of undocumented workers.

Given the current migration patterns on the African continent, it seems inevitable that undocumented migration to South Africa will continue and even increase. The outstanding issue that remains is South Africa's immigration policy and the nation's regulation of foreign access to the labour market. Addressing this form of migration into South Africa constitutes an important test for a labour movement that has so

far disregarded such foreigners as social agents capable of participating in the modern working class struggle. But the South African trade union movement has a rich history of success and influence to call upon in meeting this test. Justice and solidarity have always been the foundation of the movement and the building blocks of union identity. The movement is, however, in danger of failing this test if the current situation in terms of the exclusion of undocumented foreign workers continues.

NOTES

1. Normally it would be inaccurate to classify forced migrants (i.e. refugees and asylum-seekers) as labour markets but in South Africa the distinction is somewhat blurred with many undocumented migrants using the asylum application process to gain some measure of legal status. However, the quality of applications for refugee status is difficult to discern as the system is backlogged with the number of applicants (Crush 2012: 17–18). In 2009, for instance, more than 220,000 new applications for refugee status were made.

2. Due to the sensitivity of the issues under discussion, the interviewed respondents coded in this study are not named.

3. FEDUSA is the second largest trade union in South Africa with 515,000 members. The federation advocates independence from political parties and is as committed as COSATU to social issues at a national level.

4. Interview with trade union leaders. Since a census of union members had not been conducted in some time, this figure could not be verified.

REFERENCES

Arrighi, G., N. Aschoff & B. Scully. 2010. 'Accumulation by dispossession and its limits: the southern Africa paradigm revisited', *Studies in Comparative International Development* 45, 4: 410–38.

Baker, B. 2002. 'Living with non-state policing in South Africa: the issues and dilemmas', *Journal of Modern African Studies* 40, 1: 29–53.

Barchiesi, F. 2011. *Precarious Liberation: Workers, the State, and Contested Social Citizenship in Postapartheid South Africa*. Albany, NY: State University of New York.

Buhlungu, S. 2010. *A Paradox of Victory: COSATU and the Democratic Transformation in South Africa*. Pietermaritzburg: University of KwaZulu-Natal Press.

Burawoy, M. 1976. 'The functions and reproduction of migrant labor: comparative material from Southern Africa and the United States', *American Journal of Sociology* 81, 5: 1050–87.

Buur, L., S. Jensen & F. Stepputat (eds) 2007. 'The nationalist imperative: South Africanisation, regional integration and mobile livelihoods', in *The Security-Development Nexus: expressions of sovereignty and securitisation*. Uppsala: Nordiska Afrika Institutet/Cape Town: HSRC Press, 63–84.

Castells, M. 1975. 'Immigrant workers and class struggles in advanced capitalism: the Western European experience', *Politics & Society* 5, 1: 33–66.

Castles, S. & G. Kosack. 1973. *Immigrant workers and class structure in Western Europe*. Oxford: Oxford University Press, for the Institute of Race Relations, London.

Cohen, R. 1989. 'Citizens, denizens and helots: the politics of international migration flows in the post-war world', *Hitotsubashi Journal of Social Studies* 21, 1: 153–65.

Crush, J. (ed.) 2008. *The Perfect Storm: the realities of xenophobia in contemporary South Africa*. Cape Town: Southern African Research Centre.

De Genova, N.P. 2002. 'Migrant "illegality" and deportability in everyday life', *Annual Review of Anthropology* 31, 1: 419–47.

Delgado, H.L. 1993. *New Immigrants, Old Unions: Organizing Undocumented Workers in Los Angeles*. Philadelphia, PA: Temple University Press.

Fitzgerald, I. & J. Hardy. 2010. ' "Thinking Outside the Box"? Trade union organizing strategies and Polish migrant workers in the United Kingdom', *British Journal of Industrial Relations* 48, 1: 131–50.

Gray, K. 2007. 'From human to workers' rights?: the emergence of a migrant workers' union movement in Korea', *Policy* 21, 2: 297–315.

Hlatshwayo, M. 2011. 'Is there room for international solidarity within South African Borders? COSATU's responses to the xenophobic attacks of May 2008', *Politikon* 38, 1: 169–89.

Jacobson, R. & K. Geron. 2008. 'Unions and the politics of immigration', *Socialism and Democracy* 22, 3: 105–22.

Jordhus-Lier, D. 2013. 'The geographies of community-oriented unionism: scales, targets, sites and domains of union renewal in South Africa and beyond', *Transactions of the Institute of British Geographers* 38, 1: 36–49.

Kenny, B. 2007. 'Claiming workplace citizenship: "worker" legacies, collective identities and divided loyalties of South African contingent retail workers', *Qualitative Sociology* 30, 4: 481–500.

Landau, L.B. 2010. 'Loving the alien? Citizenship, law, and the future in South Africa's demonic society', *African Affairs* 109, 435: 213–30.

McGovern, P. 2007. 'Immigration, labour markets and employment relations: problems and prospects', *British Journal of Industrial Relations* 45, 2: 217–35.

McKinley, D. 2006. 'Democracy and social movements in South Africa', in V. Padayachee, ed. *The Development Decade? Economic and social change in South Africa, 1994–2004*. Cape Town: HSRC Press, 413–26.

Milkman, R. 2011. 'Immigrant workers, precarious work, and the US labor movement', *Globalizations* 8, 3: 361–72.

Nattrass, N. & J. Seekings. 2001. 'Democracy and distribution in highly unequal economies: the case of South Africa', *Journal of Modern African Studies* 39, 3: 471–98.

Neocosmos, M. 2006. *From "Foreign Natives" to "Native Foreigners": Explaining xenophobia in post-apartheid South Africa*. Dakar: Council for the Development of Social Science Research in Africa.

Penninx, R. & J. Roosblad. 2000. *Trade Unions, Immigration, and Immigrants in Europe, 1960–1993: a comparative study of the attitudes and actions of trade unions in seven West European countries*. New York: Berghahn Books.

Seekings, J. 2004. 'Trade unions, social policy & class compromise in post-apartheid South Africa', *Review of African Political Economy* 31, 100: 299–312.

Segatti, A. 2011. 'Migration to South Africa: regional challenges versus national instruments and interests', In L. Landau & A. Segatti, eds. *Contemporary Migration to South Africa: A Regional Development Issue*. London: World Bank Publications, 9–27.

Standing, G. 2011. *The Precariat: The New Dangerous Class*. New York: Bloomsbury Academic.

Trimikliniotis, N. 2009. 'The use and abuse of undeclared and unprotected labour: migration, Europeanisation and the role of trade unions', in A. Neergaard, ed. *European Perspectives on Exclusion and Subordination: the political economy of migration*. Maastricht: Shaker, 177–199.

Trimikliniotis, N., S. Gordon & B. Zondo. 2008. 'Globalisation and migrant labour in a "Rainbow Nation": a fortress South Africa?', *Third World Quarterly* 29, 7: 1323–39.

Vigneswaran, D. 2011. 'Migration control, documentation, and state transformation', in L. Landau & A. Segatti, eds. *Contemporary Migration to South Africa: A Regional Development Issue*. London: World Bank Publications, 177–99.

Waterman, P. 1975. 'The "Labour Aristocracy"in Africa: Introduction to a Debate', *Development and Change* 6, 3: 57–74.

Webster, E. & K. Von Holdt. 2005. *Beyond the Apartheid Workplace: studies in transition*. Pietermaritzburg: University of KwaZulu-Natal Press.

Webster, E., R. Lambert & A. Beziudenhout. 2011. *Grounding Globalization: Labour in the age of insecurity*. Chichester: John Wiley & Sons.

Wolpe, H. 1972. 'Capitalism and cheap labour power in South Africa: from segregation to apartheid', *Economy and Society* 1, 4: 425–56.

Newspapers and other sources

Mail & Guardian (Johannesburg).

Official publications

COSATU Submission on the White Paper on International Migration. Presented to the Portfolio Committee on Home Affairs on 19 May 2000.

Congress of South African Trade Unions (COSATU). 2009. Final Draft Consolidated Resolutions to the COSATU 10th National Congress. Congress of South African Trade Unions, Johannesburg.

Interviews

National Security & Unqualified Workers Union (Nasuwu) trade union leader (a) Durban (Nasuwu offices). 10.8.2006.

National Security & Unqualified Workers Union (Nasuwu) trade union leader (b) Durban (Nasuwu offices). 11.8.2006.

National Security & Unqualified Workers Union (Nasuwu) trade union leader (c) Durban (Nasuwu offices). 12.8.2006.

National Security & Unqualified Workers Union (Nasuwu) trade union leader (d) Durban (Nasuwu offices). 13.8.2006.

National Security & Unqualified Workers Union (Nasuwu) shop steward (a) Durban (Nasuwu offices). 10.8.2006.

National Security & Unqualified Workers Union (Nasuwu) shop steward (b) Durban (Nasuwu offices). 14.8.2006.