

## **Slaves without shackles: Life as an African migrant worker in South Africa**

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### **Abstract**

Migration presents people with an opportunity to improve their social and economic circumstances. In Africa, most people seeking to better their financial trajectories choose South Africa as their destination country. This study aimed to describe the experiences of African migrant workers employed in the agriculture, construction domestic, and hospitality labour sectors in South Africa. A qualitative study approach was utilised, with a focus group and individual interviews as data collection methods. The focus group comprised of five participants while four migrants were interviewed individually to solicit their experiences in the labour sector. Data were analysed using thematic analysis. Socio-political factors in the sending regions propel human mobility in search of better economic outcomes. Majority of the migrants find work under unregulated conditions due to their lack of proper documentation. This condition predisposes them to various unfair labour practices by unscrupulous employers who strive to maximise their profits by seeking cheap labour. Migrant workers' human rights need to be respected by employers and protected by the central government.

**Keywords:** African; migrants; labour; exploitation; working conditions.

### **1. Introduction and problem exposition**

Across the African continent, migrants who seek to improve their financial circumstances have for decades chosen South African as their destination country. Once the restrictive movement laws that were applied during the apartheid era were abolished, South Africa saw an increased influx of African migrants especially from the Southern African countries (UNCTAD, 2018). The mining and agricultural sectors have been the biggest employers of migrant labourers (Mbiyozo, 2018) even during the apartheid period, indicating that South Africa has a long history of hosting

people who migrated for economic reasons. Despite attaining independence from their colonisers, many Africans are still faced with economic uncertainties, hostile political environments, and social circumstances that force them to leave their native countries (GMG, 2014). It is these unfavourable conditions that see many people choosing migration as an economic strategy or the only survival strategy available to them (Baggio, 2014), and often going to extra lengths to escape their undesirable living conditions.

The decision to move to a different country is associated with some degree of uncertainty about the migrants' survival in the host country, which is why they seize any opportunity that is presented to them once they arrive in the destination country (Msabah, 2019). Unlike natural citizens, migrants have limited rights and thus are not legible to receive some social assistance that would help ease their financial burden, leaving them with an option of becoming self-reliant or accepting any work opportunity they get (Mothibi et al., 2016; Msabah, 2019). It is important to note that the work opportunities that migrants find are mostly in exploitative labour sectors.

Frouw and Horwood (2017) observed that migrant labourers are concentrated in the agricultural, manufacturing, mining, and construction sectors where they often work for extended periods of time without pay. When the overworked and underpaid workers question their employers about payment for the work done, they are reported to authorities by their employers, and then get deported (Frouw & Horwood, 2017). Exploitative employers eventually disregard wage agreements they entered into with the workers prior to the start of the work (Blaauw, 2012), making workers go for months without being remunerated for the work they did. Other forms of exploitation that migrants are exposed to include forced labour, forced marriage, domestic servitude, and pornography (HRSC, 2010). This is an indication that migrants are exploited in various ways.

Exploitation of migrant labourers is worsened by non-compliance of labour laws by employers who exploit the labourers' legal status in the country. Migrants are not unionised, lack the knowledge or do not have financial resources to pursue their rights as workers (Vettori, 2017; Vanyoro, 2019). These factors present migrant workers with little recourse (Blaauw, 2012) further perpetuating their vulnerability. This study thus sought to describe the experiences of migrant workers in South Africa.

## **2. Adopted methodology**

This paper describes the experiences of migrant labourers in the Republic of South Africa. The study subjects were involved in the agricultural, construction, hospitality and domestic labour sectors. Foreign nationals that took part in this study are Zimbabwean, Lesotho, Mozambican, and Congolese nationals. A qualitative study approach with a descriptive design helped the researchers to gain an understanding of conditions that migrant workers operate under (Babbie, 2007). A non-probability convenient sampling method was used to get migrant workers' experiences in selected labour sectors (Royse, 2011). Four workers were individually interviewed and an additional five participated in a focus group discussion. The Covid-19 regulations were followed during interactions with the participants. The findings of the focus

group and interviews are thematically presented herein.

### 3. Findings

This section describes some of the forms of labour injustices experienced by African migrants working in South Africa. Data from both the focus group and interviews is presented in themes.

#### 3.1 Absence of work contracts

Low-skilled people who migrate for the purpose of finding work, often find it difficult to be absorbed in the labour market, and end up finding job opportunities in labour sectors which do not prioritise decent working conditions. Lack of work contracts was cited as one of the indicators of exploitative labour such as in the following interview extract by a waitress:

*'You don't get to sign anything. In my case, I was recruited by my cousin who was already a waiter in that restaurant. When I got there, the manager just told me to get to work'*

UNICEF (2003) attributes the economic exploitation of workers to the high demand for cheap labour in domestic work, commercial agriculture and hospitality sectors. The absence of a written contract means that key performance areas that are used to gauge performance are not discussed, leaving the migrants exposed to exploitation as employers are at liberty to dictate what workers ought to do on a particular shift. Even if a contract is signed in the beginning, terms of the contract may change to suit the needs of the employer such as hours of work or worker responsibilities. While migrants are happy to be earning some form of income, they are not satisfied with their erratic working hours and undesirable working conditions.

Migrants working in the hospitality sector were concerned about the workload they are assigned by their employers. They indicated that one person can be responsible for undertaking various duties such as cleaning the floors, manning the till, serving, preparing food, and supervising colleagues. It should be however noted that the extra responsibilities do not come with an added remuneration despite the added responsibility. ACMS (2017) states that it is commonplace for employers in the domestic, agriculture and hospitality sectors to not enter into written contracts with their employees. Added to factors such as low remuneration and working overtime, the absence of contracts makes for a hostile working environment.

#### 3.2 Low wages and no overtime payment

Workers are often not informed of their work and pay schedules when they start working. Matters relating to work hours and payment are dictated upon by employers without any discussion with the employees.

*'In that restaurant, we were not paid salaries but relied on the tips we got from patrons and a 2.5% commission from the sales of the tables we served. We were also not allowed to ask for tips from customers who did not give us tips, you can't ask because management is looking at you from the cameras. Customers would say you will get a salary when they do not leave us with any tip ...there was nothing we could*

*do but just go to the bathroom and cry'*

Another said:

*'I was sort of happy to work overtime, not because I would be paid for it, but because I hoped to get some extra money from the possible tips I could get from my customers.....we were not paid any extra money for overtime work'*

When working hours are not clearly outlined at the onset of the working relationship, employers find it easy to manipulate working hours to suit the needs of their businesses. This mostly occurs in the exploitative sectors wherein employers are in contravention of the country's labour laws by not paying their workers for work done outside stipulated hours-what is known as overtime (ACMS, 2017). In Meyer et al. (2019) it was discovered that workers would be forced to work on holidays but not get paid for overtime. Furthermore, Vettori (2017) also found that employers in the hospitality sector do not abide by the regulation of their labour sector in terms of paying the set minimum wage, while Vanyoro (2019) found that a problem of being overworked and underpaid is also a common experience for people working in the domestic sector.

Most migrant workers' status in the country are an important feature of labour exploitation which manifests itself in the form of low wages. These workers are either paid in cash or cardless transactions (Mbiyozo, 2018) which are not easily traced by officials from the Department of Labour for compliance of the minimum wage stipulations

### **3.3 Salary deductions to pay for food**

Employers may, for ease of access to their employees, provide sleeping quarters and food, in case they need to work outside stipulated or agreed upon hours. A 20-year-old man relayed his experience:

*'We were employed by a white man in KwaZulu Natal. Over the three months that I worked for him, our boss would give us only half of our salaries and say the other half was for the rent and food. We all lived in a house that was provided by him. He would bring us maize meal and a few canned food, which was not enough to last a month.'*

A study conducted by Vettori (2017) focusing on the hospitality industry showed that in instances that food is provided for migrant workers, a portion of their salaries would be deducted to pay for the food. Migrants' meagre salaries are not enough to sustain them and to remit back home and migrants cannot therefore afford to have any deductions from it. The phenomenon of providing food and accommodation for workers cuts across labour sectors that migrant workers are concentrated in. IOM (2018) indicated that in the domestic sector there is an over-supply of migrant workers, which leads to low remuneration which is at times offered in the form transportation, food and accommodation instead of cash.

### **3.4 Withholding payment**

Employers do not adhere to the terms of the employment contract when it comes to payment. The migrants indicated that they often get paid less than what was agreed to.

*'Our employer was a sub-contractor. We were hired to cut trees alongside the road.'*

*We only received full payment on the first month.... In the coming months we would get paid R1000 instead of R2000. In some months we would not be paid at all and told that the main contractor has not yet paid the sub-contractor.'*

Similar results were found in ACMS (2017) wherein wage inconsistency in the agricultural sector was recorded. The same study also revealed that workers doing the same amount of work were not paid the same amount of money, with foreign-born nationals earning less than their native colleagues. This indicates another form of discrimination based on birth, contravening section 9 of the Constitution of the Republic of South Africa. Additionally, Mbiyozo (2018) reports that workers can be paid as much as 50 percent less than the set daily minimum wage.

Meyer et al (2019) also observed that migrants would often not get paid on time as they would be taken from pillar to post when they enquired about their money, with the employer telling them that their salaries were paid to the labour broker while the labour broker says they have not received money from the employer.

### **3.5 Verbal abuse and threats of physical harm**

Being verbally abused was cited as one of the injustices faced by migrant employees. This affects staff morale and in the long run affects productivity. Workers feel powerless for fear of losing their jobs because finding 'decent' work is difficult in an economy riddled with a high unemployment rate.

*'We are used to being called with nasty names on the streets and by angry customers. But it is worse when you make a mistake at work. The boss will shout at you and call you all sorts of negative names like stupid, careless, useless, and other derogatory names. Anything negative you can think of really. This is sometimes done in earshot of customers.'*

The abuse experienced is not limited to the use of vulgar language, but includes threats of physical harm by employers which compromises their quality of life. Mothibi et al, (2017) point out that irregular migrant workers live under constant threat of personal safety and therefore experience mental health problems such as depression, anxiety, post-traumatic stress disorder (PTSD) and suicidal ideation.

## **4. Discussion**

Data gathered from migrant labourers' shows that labour exploitation is a problem in South Africa. Phiri (2015) is of the view that migrants who are highly educated, due in part to labour policies, are more likely to be unemployed as compared to their native counterparts. This means that migrants can be exploited regardless of their educational status or qualifications as educated migrants may find themselves doing precarious jobs despite their skills. This is supported by the GMG (2014) assertion that often times migrants are left to participate in dirty, dangerous and degrading jobs that do not take into consideration the educational or training skills they possess. Migrants work long hours without being paid for the extra time they put in. Not having clear job description exposes the migrants to all sorts of exploitation as they are general workers who for instance in a restaurant, do anything from food

preparation, manning the till, washing dishes, serving patrons to mopping the floors. To this end the migrants have no say in how they are treated by their employers given that they are vulnerable. It is this vulnerability that predisposes migrants to labour exploitation by employers whose main agenda is to minimise costs and maximise profits by perpetuating forced overtime, and irregular or erratic salaries (Meyer et al., 2019).

Despite performing all these duties, workers do not receive extra remuneration. There is unfortunately little if anything these workers can do as they did not sign any contract stipulating what their duties are, duration of employment, working hours, and how much they will be paid. These conditions were cited as being characteristics of labour exploitation. Although working conditions are harsh for both natives and migrant workers, (Vetorri, 2017) stresses that foreign born workers receive lesser wages and are exposed to even harsher working conditions. It is thus difficult for these migrant workers to make budgetary plans as they do not know how much and when they will be paid.

The meagre wages that migrants receive are less than what is the government stipulated as a minimum wage. It was also found in the study that some employers deduct money from salaries to pay for the workers' food and accommodation. It is to be noted that this arrangement was not discussed by employers and employees prior to the commencement of the work. In this way, the employer has on-the clock access to the workers to assign tasks as and when it suits them. To some migrants who have just arrived in the country and are without supportive social networks, this is an acceptable temporary relief while they try to find their feet in a foreign country. However, the participants interviewed preferred to receive their full wages as they could alternatively find accommodation with relatives who were instrumental in their move to the country.

Verbal abuse which involves the use of vulgar language and derogatory names by employers was found to be an indicator of labour exploitation. Workers believe that they are verbally abused simply because of their origin as foreign-born nationals. This has the potential to affect how these workers perform their duties. Other dehumanising actions by employers include threatening to physically harm their employees. Walker and Galvin (2018) point to the unsettling fact that employers are not the only people who ill-treat undocumented migrants. Furthermore, the mentioned authors state that government employees, including the police, ill-treat irregular migrants with the knowledge that there is no recourse for the migrants. Migrants feel like there is no recourse for them regarding being exploited at work due to the absence of work contracts, lack of documentation, minimal employment opportunities, and lack of resources to access institutions of help (Vettori, 2017). Additionally, workers who affiliate to any trade union are viewed as being a threat by employers (Vanyoro, 2019) and risk to be fired, detained and even deported.

## 5. Conclusion

African migrant workers experience unfair labour practices despite legislation that has been enacted to protect them. Section 13 of the constitution is against forced

labour and servitude. To protect the migrants' human rights, it is thus imperative that the constitution's provisions be upheld by both government, business owners, and citizens. Migrants reported that their rights as people are trampled upon because they are overworked and underpaid. They believe their employers see them as money making objects and have little regard for their wellbeing. Making profit seems to be the main priority for the employers. Exploitative employers therefore need to be held accountable for their role in impeding the quality of life of the migrants. It is the responsibility of employers to ensure that they comply with labour laws and regulations, those who fail to do so should be held accountable by the relevant bodies. For the degrading job opportunities that citizens look down upon, employers need to give the migrants what is due to them considering that the latter are already receptive of whatever wage is offered to them. Irregular migrants should pursue the routes of being in the country in an authorised manner so that they could also enjoy those labour rights afforded to other foreign-born nationals in the country. The study also proved the absence of labour protection where migrant workers are concerned. The onus thus lies on the workers to document and report the kind of labour abuses that they experience, and in order to do that, they have to be aware of their rights as stipulated in the legislation. This should be coupled with effective labour protection. The Commission for Conciliation, Mediation and Arbitration (CCMA) protects the rights of both regular and irregular migrant workers. Education and awareness are thus critical if migrant workers are to begin to have some recourse when they are unfairly treated at work. They need to be made aware of the rights they have as workers and ways to access institutions that protect their rights as workers.

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