

BUILDING SKILLS:
CROSS-BORDER MIGRANTS
AND THE SOUTH AFRICAN
CONSTRUCTION INDUSTRY

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PROFESSOR C M ROGERSON

EDITORIAL NOTE

The research on which this report is based was commissioned by the Southern African Migration Project (SAMP) as part of its effort to understand the impacts on labour market of cross-border migration in South Africa. The author wishes to extend his grateful thanks to Jayne Rogerson, Talibe Toure and Teresa Dirsuweit for their research assistance, and to Jonathan Crush and David McDonald for their comments on an earlier draft of the report.

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EXECUTIVE SUMMARY

The South African construction industry is a potentially critical actor in post-apartheid reconstruction. The reasons include its linkages with other sectors, its growth-generating characteristics and its potential for adopting labour-intensive techniques for a wide range of products.

The release in 1998 of the South African Government's Green Paper on the construction sector has focused attention on the creation of an enabling environment for the growth of the industry, the organisation and working of the construction economy, and the sector's roles in national reconstruction. The building construction sector is also fundamental to housing delivery in urban reconstruction and in the economic empowerment of historically disadvantaged communities. In many respects, therefore, the construction sector is at the cutting edge of post-apartheid economic and social development.

The Green Paper suggests that the construction sector can play a meaningful role in addressing the current unemployment crisis in South Africa. Overall, the industry employs about 450 000 people, a figure that is currently in decline as a result of economic recession and high interest rates. Some have suggested that its potential as an employment generator is also being undermined by the employment practices of construction companies involved in the industry.

International migrants (many of them undocumented) from neighbouring Southern African Development Community (SADC) states are known to cluster in the construction sector of South Africa's major urban centres. Several questions arise:

- Do South African employers actually prefer foreign workers and, if so, why?
- Who are these migrant workers and where do they come from?
- What are the prevailing trends in irregular employment of foreign workers in the construction sector?
- What are the working conditions and experiences of these workers? In other words, do these migrants work under conditions that contravene basic employment and human rights standards?

This research report for SAMP is the first systematic investigation into the role of foreign migrants in the South African construction sector. The research focused on international migrants on the Witwatersrand, especially Johannesburg. This area has been a magnet for incoming migrant workers over the last decade and the penetration of non-South African labour into the construction sector has proceeded furthest in this area.

Two sets of interviews were conducted during the period November

1997 to March 1998: (a) interviews with representatives of 23 construction companies, including some of the country's largest enterprises as well as a selection of smaller enterprises, many engaged in subcontracting; and (b) interviews with nearly 70 foreign construction workers from three different countries in the SADC.

This publication reports on the growing absorption of non-South African workers into the construction sector. This phenomenon is inseparable from global trends and the changing labour practices of the local construction industry, especially informalisation and the growth of flexible sub-contracted work.

The report covers the following issues:

- The experience of migration into the South African construction industry in the wider global context of foreign labour recruitment in construction.
- The role of the construction sector in post-apartheid South Africa and the changing organisation of work in construction activities.
- The key findings and policy implications of the SAMP survey.

The growing presence of foreign migrant workers in the South African construction sector is part of a longstanding global trend. The international construction industry is characterised by a pattern of segmented labour markets, casual forms of employment and by the extensive use of subcontracted work. All these open the door to migratory workers.

To date, Africa has played only a marginal role in international migrant flows for construction work. Although the South African construction industry is one of the few African examples of such population movement, it clearly mirrors longstanding international patterns of migrant construction labour to many developed countries, and the economies of Asia and the Middle East.

Unpredictability and unevenness in construction demand produces phases of rapid growth and decline. This encourages many firms to adopt more flexible production and labour strategies. Subcontracting now forms an integral part of the construction process in contemporary South Africa. Subcontractors are particularly involved in the employment of foreign migrants.

The degree of incorporation of foreign migrants is clearly uneven across the sector. No cases were found of companies only employing foreign migrants. In more established construction companies, the labour complement falls into two groups.

First, there is a core of skilled construction workers working on a relatively secure and long-term basis. Second, there are groups of casual or temporary labourers hired on short-term contracts, often as general

labourers. The proportion of international migrants is highest among temporary employees.

Foreign labour is particularly important to construction enterprises engaged in large volumes of subcontracted work. In South Africa's larger construction enterprises, there appears to be minimal or limited direct employment of foreign labourers.

The South African construction sector does not attract migrants from as wide a range of source countries as other sectors. Only four countries are the major suppliers: Mozambique, Zimbabwe, Swaziland and Botswana. Of these, Mozambique is clearly dominant. The survey found that:

- The vast majority of migrants are male, young (60% less than 25 years old) and single (58%); formal educational levels are much lower than those found amongst other groups of migrants.
- Migration to the construction sector is not a post-1994 phenomenon; 60% entered South Africa prior to 1994 and a third first worked in South Africa before 1991.
- In the 1980s, Zimbabweans moved into South Africa's construction sector as temporary general labourers; later, they specialised in particular building trades; the later arrival of the Mozambicans on the South African construction labour market — mainly during the 1990s — accounts, in part, for their lower status position as general labourers.
- Reasons stated for migrating to South Africa relate to economic or political hardships in the country of origin and perceived opportunities in South Africa. Job prospects in South Africa were judged as more favourable.
- Johannesburg is the first point of migration for the majority of construction workers; indeed, 60% of the sample had moved directly to Johannesburg from their country of origin; the remainder had initially worked primarily on Mpumalanga farms.
- Nearly half already had members of their family working or living in South Africa when they arrived; about 45% used the contacts of friends or relatives to secure their first construction job; only 50% worked first in construction.
- Most (over 80%) were initially engaged as temporary workers and general labourers (68%); over time, many secured more specialised jobs as painters, tilers, bricklayers and plasterers; only 15% were still working as general labourers.
- Construction work is unstable with many migrants initially getting by on a stream of temporary work contracts; construction workers frequently change employers and experience periods of unemployment or other income-generating activity.

- The majority entered and/or are living in South Africa legally but are working illegally; about 75% of the workers admitted that they did not have a legitimate work permit; some obtained permits through bribery of officials, known as “paying to be quickly served”.
- None of the foreign construction workers interviewed were current or past members of the construction trade union; attitudes towards the union were a mixture of disinterest, fear of being deported, and strong doubts that as, foreigners, the union would accept them.
- Nearly 50% indicated a wish to stay in South Africa on a long-term basis; 54% indicated that they were in South Africa only on a temporary basis and did not wish to remain in the longer term; these may not be representative but what the survey seems to be picking up is a cohort of young single male migrants with few attachments, responsibilities and prospects back home.

The key reasons that employers gave for choosing foreign labourers were productivity, inherent skills and training, and the more disciplined character of foreign workers. Foreign migrants are commonly viewed as more “hard-working,” disciplined and honest than South Africans. Employers claim that there is little or no differential in payment levels between South African and foreign workers, although there are hidden savings through unpaid benefits.

In common with other foreigners working in South Africa, the construction workers were frequent victims of anti-immigrant sentiment and behaviour from South Africans. On site, there were few problems or tension between South African and foreign construction workers. Given that most companies employ a mixed workforce, working relationships at the bottom end of the labour market are reasonably good and so not appear to be a recipe for major conflict and conflagration.

Many were more negative about their treatment by the state. There were tales of repeated arrest and deportation. In one case, this had happened over 10 times. Other workers mentioned problems with the South African police, including theft of their possessions and beatings.

This report draws the following conclusions and policy recommendations:

- The Green Paper on Construction does not address the complex questions that arise around the employment of international migrants in the South African construction sector; this shortcoming should be rectified before the finalisation of the White Paper and the possible introduction of new legislation that might impact upon employment.
- The Green Paper on International Migration makes a strong

case for a skills-based immigration and migration policy in which potential immigrants are valued to the extent that they fill South Africa's skills gap. In the construction industry, the usual notion of "skilled labour" is problematic; as a result of skills gained by many years of on-the-job training many foreigners are now "skilled" builders and many are even multi-skilled construction workers.

- The construction workers' union lacks any clear policies and strategies for addressing the concerns of foreign migrants; securing the conditions for the organisation of these workers places demands on the state; one suggestion is for a "firewall" between the Departments of Labour and Home Affairs so that foreign workers could access support from the Department of Labour without the possibility of deportation.
- There are few opportunities for construction workers to work legally in South Africa; this does not prevent them from doing so or employers, particularly sub-contractors, from employing them. Clearly there is something awry in a system which allows some sectors (mining, agriculture) and not others (construction) to employ foreign migrants simply because the former say that they need the workers. Government therefore needs to clarify its position on the employment of foreign migrants and adopt a policy that is consistent across sectors.
- The existing system of irregular employment in the construction industry permits, if it does not actually foster, abuse of migrants and widespread corruption. There are two alternatives to an unworkable policy of total prohibition; one is a free regional labour market that allows employers to hire whomever they want, and the other is to try to manage migration through limited legalisation, temporary work schemes and industry-specific quotas.
- The position of foreign construction (and other) migrant workers in South Africa can be strengthened by the adoption and enforcement of International Labour Organisation (ILO) standards concerning migrant workers, and by accepting and enforcing the United Nations Convention on migrant workers. The essential message in these conventions is to spell out the core rights and freedoms that all migrant workers (and their families) should be entitled to irrespective of their legal situation.

INTRODUCTION

The South African construction industry is a critical actor in initiatives towards post-apartheid reconstruction.¹ Although it only contributed an estimated 3% to the national Gross Domestic Product in 1998, the industry accounted for about 35% of Gross Domestic Fixed Investment (GDFI). Based on current projections, its share of GDFI could double within the next five to 10 years.² However, the construction sector is highly vulnerable to recession and is currently showing signs of considerable strain. In 1997, it experienced a 4,2% growth rate, but prospects for 1998 are less promising. According to the Building Industries Federation of South Africa (BIFSA), little real growth is anticipated this year.³

Overall, the South African construction industry employs about 450 000 people, a figure that is in decline as a result of economic recession and high interest rates which have stalled a number of projects.⁴ The actual number of formal construction enterprises has also been declining for some time, dropping from 14 000 in 1991 to 11 000 by 1998.⁵ However, parallel to this official decline there has been a statistically hidden growth of unregistered enterprises.⁶

The potential for a vibrant construction industry to address South Africa's unemployment problem is obvious. However, the media has carried several reports which suggest that the employment practices of companies involved in the industry undermine that potential. Temporary workers (many of them undocumented) from neighbouring SADC states are thought to cluster in the construction sector of South Africa's major urban centres. Three questions arise here:

- Do employers prefer foreign to South African workers and, if so, why?
- How many foreign workers are employed legally and illegally in the South African construction sector?
- What are the working conditions and experiences of these workers; do these migrants work under conditions that contravene basic employment and human rights standards?

This research report for SAMP is the first systematic investigation of the role of migrants in the South African construction sector.⁷ More specifically, the report focuses on the growing absorption of non-South African workers into the construction sector, a phenomenon that is inseparable from changing labour practices in the construction industry, especially informalisation and the growth of flexible sub-contracted work.

Although the 1998 Green Paper on the construction industry and

other major recent investigations into the sector are silent on the issue of foreign workers, their burgeoning presence in the local construction industry has become a cause for concern within the union movement.⁸

The main objectives of this report are: (a) to investigate the role played by international migrants working in the construction sector of South Africa generally and in Gauteng province in particular; (b) to examine the attitudes of key interest groups in the construction sector towards the participation of these migrant labourers, the vast majority of whom originate in surrounding SADC countries; and (c) to make policy recommendations on the future of international migrants in the construction industry.

The report covers the following four issues:

- The experience of migration into the South African construction industry in the wider global context of foreign labour recruitment in construction.
- The role of the construction sector in post-apartheid South Africa and the changing organisation of work in construction activities.
- The key findings of a SAMP-funded research project on international migrants in the South African construction industry.
- The policy implications of the SAMP survey.

MIGRANTS IN CONSTRUCTION: THE INTERNATIONAL EXPERIENCE

The growing presence of foreign migrant workers in the South African construction sector is part of a longstanding global trend. A 1986 ILO report observed that “labour migration for construction employment has been going on for many years in very many parts of the world.”⁹

In Western Europe, there is a long tradition of low-level jobs in the construction industry being filled by foreign labour.¹⁰ As far back as the mid-nineteenth century in the United Kingdom, there were concentrations of Irish “navvies” or labourers in the building industry.¹¹ More recently, during the immediate post-World War II period, an estimated 350 000 Irish migrants arrived in Britain, many of whom found work in construction. So too did Irish migrants flooding into New York as part of the informalisation of construction work in the USA.¹² Another example is France, where during the 1970s an estimated 500 000 foreign workers were employed in the building industry.

The 1970s represented something of a watershed in international labour migration for construction work in the developing world. During that decade, there was phenomenal growth in the construction sector of the oil rich countries of the Middle East.¹³ Initially, the employment

needs of the Gulf construction boom were met by labour migrants from other Middle East countries not endowed with oil resources. From the early 1970s, a number of private agencies began to supply construction workers from the countries of South Asia (Bangladesh, India and Pakistan). A further change occurred in the mid-1970s with the development of a large number of construction projects in enclaves removed from the existing population centres. So-called “turnkey contracts” were used in such projects with all labour recruited directly by the contractor to work on particular projects.

The success of many Asian (particularly Korean) firms in securing such contracts led to rapid growth in the longer-distance recruitment of workers from South-East Asia. Essentially, a global construction industry was emerging alongside the rapid development of an international migrant labour market. Indeed, some commentators even refer to the emergence of an Asian “labour train.”¹⁴ Aside from the Middle East, other notable focal points for international construction migrants have been the fast growing Asian economies of Japan, Singapore, Taiwan, Malaysia and Hong Kong and a number of the countries of the European Union, most notably Germany.¹⁵

The ILO identifies a number of features of the construction sector that make it a special magnet for internal (rural-urban) migrant labour and, increasingly, international labour migrants:¹⁶

- Construction work is a labour-intensive activity, and there are definite limits to the replacement of labour by machines; overall, the cost of labour is “a critical factor in international competitiveness” in the construction industry.¹⁷
- Construction projects by their very nature are geographically tied to a particular site. In other sectors (such as manufacturing), fragmentation of the labour process has facilitated the relocation of labour-intensive parts of production to sources of cheap labour overseas, but with construction this cannot happen; indeed, all construction projects situated outside major urban centres have to rely on “migrant” workers, in the sense that labour has to move to the jobs rather than *vice-versa*.
- Basic construction skills are relatively easy to learn and are generally acquired on the job. In many parts of the world, work in construction affords the main point of entry into cities for unskilled migrants coming from rural areas.
- Construction work is often perceived as offering mainly low quality jobs in dirty, dangerous and difficult circumstances. People who have a choice of jobs generally choose not to work in construction; this leaves the door open to migrant labour. Since the construction sector typically attracts a young, male

workforce, the incorporation of a greater proportion of local women or the elderly into the workforce is unlikely to overcome labour shortages.¹⁸

- An important advantage of drawing migrant labour, especially from overseas, to work on particular projects at times of high demand is that it can be easily dismissed when no longer required. Migrant labour thus provides a cushion against fluctuations in demand for construction goods.
- The attractiveness of international construction workers over resident labour is their “vulnerability to political and legal control which renders (them) cheaper in real economic terms.”¹⁹

The construction industry is characterised by a pattern of segmented labour markets, casual forms of employment and by the extensive use of subcontracted work, all of which open the door to migratory workers.

In developing countries, ethnicity and personal contacts commonly play an important role in access to construction employment. Case studies of the construction industry in India, Philippines, Indonesia and Papua New Guinea show that segmentation of the labour market occurs as construction foremen, jobbers or independent contractors generally recruit workers from their home villages or ethnic networks.²⁰

Often, migrant workers on contract return to their rural base once a construction job is completed, returning to the city only when fresh work is available. This process is termed circular migration. The existence of repetitive circulatory migration is seen as a survival strategy that enables construction workers to cope with very difficult and insecure employment prospects in cities.²¹ Overall, the insecurity of construction work is associated with extensive subcontracting and a pattern of labour employment that often seems to have more in common with the informal than the formal economy.²²

Construction workers who live in cities (having already moved from rural to urban areas within their home country) are an important pool of mobile labour from which prospective international migrants are drawn. The ILO argues that ethnicity and personal contacts can be equally important in the international and domestic migrations of construction workers.²³ Irish construction workers entering the USA illegally during the 1980s, for example, relied heavily on first order contacts — generally friends and relatives from home — to gain their initial foothold in the labour market. Labour migrants with skills and contacts found work in well-paid jobs particularly where Irish workers controlled the construction union’s local branch.²⁴

To date, Africa has played only a marginal role in international migrant flows for construction work. Although a number of North African countries have been source areas for labour migrants to the

Gulf and later the European Union, few African countries are important receiving areas of international construction migrants. A recent overview of labour movements for construction work notes that while there is some evidence in Africa of construction-linked migration, this is extremely difficult to document.²⁵

The South African construction industry is one of the few African examples of such population movement, and it clearly mirrors long-standing international patterns of migrant construction labour to many developed countries, and the fast-growing economies of Asia and the Middle East. South Africa is also part of the internationalisation of the construction industry. Some of the country's largest construction enterprises are actually successful players in the global construction market, in terms of securing contracts in the Middle East.²⁶ In addition, globalisation is evident in the proposals of large multinational construction companies (such as Bechtel) to form partnerships with local firms.²⁷

THE MARCH OF INFORMALISATION

The construction industry in South Africa has recently moved into the public spotlight. The role that construction might play in national development and reconstruction is often stressed, particularly its linkages with other sectors, its growth-generating characteristics and its potential for adopting labour-intensive techniques for a wide range of products.²⁸

The release in 1998 of the South African government's Green Paper on the construction sector has focused attention on a number of important issues. They include the creation of an enabling environment for the growth of the industry, the organisation and working of the construction economy, and the sector's roles in national reconstruction.²⁹ The Green Paper sees the construction sector playing an indispensable role in the South African economy by providing "the physical infrastructure which is fundamental to the country's development".³⁰

In many respects, the construction sector is at the cutting edge of post-apartheid economic development, especially in terms of the ambitious set of civil engineering projects linked to the new Spatial Development Initiative (SDI) programmes. Examples include the new toll road to be built between Witbank and Maputo as part of the Maputo Development Corridor and the road projects associated with the Platinum Corridor SDI linking Rustenburg-Pretoria across the Kalahari to Walvis Bay in Namibia.

The building construction sector is also fundamental to housing delivery in urban reconstruction and in the economic empowerment of historically disadvantaged communities (through the introduction of

new public works programmes, and of revised systems for public procurement).³¹ Finally, while the employment picture shows considerable volatility, the Green Paper states that the construction sector may potentially assume “a meaningful role in addressing the current unemployment crisis” in South Africa.³²

To understand the contemporary dynamics of the South African construction industry, it is essential to look at the history of the sector over the previous quarter-century. During the 1970s and 1980s, there was a great deal of volatility in the demand for construction goods in South Africa. This translated into considerable fluidity in employment trends.³³ The cyclical nature of the construction industry was exacerbated further by the apartheid government’s cutbacks on infrastructure spending during periods of recession, which made it difficult for the industry to establish a permanent skilled labour force.³⁴ Employment in the construction industry therefore fluctuated dramatically in both the late 1970s and in the mid- to late-1980s.³⁵

Unpredictability and unevenness in construction demand produced phases of rapid growth and decline. This encouraged many firms to adopt more flexible production and labour strategies. In order to cope with fluctuations in demand, South African construction employers “opted for a flexible form of production based on subcontracting practices which free it from labour-related obligations.”³⁶ The expansion of subcontracting in the South African construction sector during the 1980s is well-illustrated by a detailed research study conducted in the Western Cape.³⁷

Although accurate statistics are unavailable, it is clear that subcontracting now forms an integral part of the construction process in contemporary South Africa.³⁸ The importance of subcontracting by large enterprises is clear from several recent studies.³⁹ Indeed, in part, the drop in recorded employment figures for the South African construction sector is a product of the numbers of subcontractors now categorised as employers rather than employees.⁴⁰

BIFSA investigations show that as the value of construction project work increases, there is a tendency for the main contractors to subcontract an ever-larger proportion of the work. This can amount to as much as 70% or more, with the main contractor assuming more of a supervisory role. Even on small projects, approximately 40% of work may be outsourced to subcontractors.⁴¹

In the wake of depressed demand, declining turnovers and narrow profit margins, employers in the construction industry sought to lower their costs by using more temporary labour. Accordingly, the Green Paper places considerable emphasis on the growing “informalisation” of work practices in the South African construction sector and on the

associated rise of what are termed “labour only sub-contracting (LOSC) firms”.⁴²

LOSC firms are often formed by retrenched employees who become small-scale contractors.⁴³ Essentially, therefore, large enterprises have created a pool of reserve labour by encouraging former employees to become independent contractors. These contractors can be utilised during times of increased demand and shed during periods of economic downturn.⁴⁴ By lowering costs, LOSC has become very prevalent over the past five years in the South African construction industry.⁴⁵

More broadly, the construction sector epitomises an emerging trend in the South African labour market. As the new macro-economy strategy document recognises, the preferred source of labour for many employers is “irregular, sub-contracted, out-sourced or part-time employment on semi-formal contractual terms.”⁴⁶

THE SAMP SURVEY: RESEARCH METHODOLOGY

The research on which this report is based focused on international migrants on the Witwatersrand, especially Johannesburg. This area has been a magnet for incoming migrant workers over the last decade, and one might therefore anticipate that the penetration of non-South African labour into the construction sector has proceeded furthest in this area.⁴⁷

According to the Director of BIFSA, major construction enterprises in the city do engage “lots of migrants”, particularly through the network of subcontracted work. He notes that the Johannesburg construction economy probably contains a higher proportion of immigrant workers than the rest of South Africa because of the opportunities for companies to subcontract and because there were “more opportunities of getting away with” the employment of foreign construction workers.⁴⁸ Whether Johannesburg is typical or exceptional, the findings are sufficiently interesting to warrant expansion of the research to a national scale.

In seeking to understand the position of foreign workers in the construction sector of this region, two sets of research interviews were undertaken:

- Interviews with representatives of some of South Africa’s largest construction enterprises as well as a selection of smaller enterprises, many of which are engaged in subcontracting; in total, 23 construction enterprises were interviewed and provided information on their subcontracting arrangements and/or on the employment of foreign labourers. Among these interviews are responses from two of the largest enterprises that dominate the

South African construction sector. The remaining interviews were with an array of smaller construction firms. The quality of these semi-structured interviews varied considerably as many companies were reluctant to discuss in detail their employment of foreign workers, notwithstanding assurances of confidentiality. Several companies refused to co-operate with this investigation. From the body of collected material, however, a broad sketch can be drawn of employer attitudes towards foreign workers and of their role in the South African construction sector.

- Interviews with foreign construction workers; in total, 67 interviews were completed with non-South African construction workers from three different countries in the Southern African Development Community (SADC).

All the interviews with foreign construction workers were undertaken during the period November 1997-March 1998. Interviews were conducted both at the work place, with the permission of employers, and at two locations in inner-city Johannesburg where unemployed construction workers regularly gather in the hope of being recruited by construction employers. The interview schedule contained a mix of closed and open-ended questions. Key themes in the interviews concerned the history of construction workers' migration, their patterns of recruitment and aspects of their work experience as foreign construction labourers in South Africa.

The findings of the interviews with employers and workers are drawn together in the following sections of the report. Four themes are discussed: (a) the profile of foreign construction migrants; (b) employer attitudes to the employment of migrants in the construction industry; (c) labour recruitment patterns; (d) the experience of construction workers.

CONSTRUCTION MIGRANTS: A PROFILE

Table 1 presents the key demographic characteristics of the surveyed construction workers. The survey and other circumstantial evidence suggest that the South African construction sector does not attract migrants from as wide a range of source countries as other sectors. In the small enterprise economy, for example, another SAMP survey traced migrants in South Africa from 19 different African countries.⁴⁹ In the case of construction, only four countries are the major suppliers. Of these, Mozambique and Zimbabwe are by far the most significant sources.

In the sample, 47 (70%) of the interviewees were from Mozambique, 18 (27%) from Zimbabwe and the remainder from Swaziland. Although

TABLE 1: NATIONALITY, AGE AND MARITAL STATUS OF SAMPLE		
	No.	%
Nationality		
Mozambique	47	70
Zimbabwe	18	27
Swaziland	2	3
Age		
Under 20	6	9
20-30	51	76
31-40	8	12
Over 40	1	2
No response	1	2
Marital Status		
Married	27	40
Single	39	58
No response	1	2

the sample is not necessarily statistically representative, the dominance of Mozambique is confirmed in other work that shows the importance of workers from Mozambique in the Gauteng construction economy.⁵⁰ Further support for the Mozambican emphasis in our sample comes from other SAMP research showing that almost 40% of Mozambican deportees from South Africa claimed to be construction workers (Table 2).⁵¹ Beyond these three countries, the employer interviews disclosed only one other source country for workers; namely Botswana.

Certain features of the profile are consistent with the broader international experience. First, the vast majority of construction workers are male (100% in this sample). Second, the mass of construction workers are young; 85% of the sample was less than 30 years old and 59% was less than 25 years. Third, the bulk of migrant construction labourers are single; in this case, 58% of the sample.

TABLE 2: OCCUPATIONS OF MOZAMBIKAN DEPORTEES	
Occupation	%
Construction	37,9
Domestic work	6,2
Electrician	2,5
Farm work	9,3
Mechanic	9,3
Service industry	8,7
Street trading	9,3
Unemployed	5,0
Other	11,8
Total	100,0

Source: SAMP Database (n=161)

The formal educational levels of construction workers are much lower than those amongst other groups of migrants, notably traders and entrepreneurs (Table 3). The latter are found in the small, medium and micro enterprise (SMME) sector. This finding confirms the international tendency for most important training in the construction sector to be undertaken on-the-job. In this sample, 76% had achieved a maximum of Standard 8, with 37% having only a primary school qualification. None of the interviewed construction workers had any post-matriculation qualification although 9% of the sample had some trade certification, including certificates in painting, welding and bricklaying. In a recent SAMP survey of foreign street traders, by contrast, over 90% had some secondary education.⁵² Nearly 40% had formal qualifications and 10% had university degrees. A similar profile emerges in the SMME sector (Table 3).⁵³

Lastly, with one exception, none of the foreign construction workers interviewed were current or past members of the construction trade union. Overall, their attitudes towards the union were a mixture of disinterest, fear of being deported, and strong doubts that they would be accepted as foreigners in the trade union, given their temporary status and, in many cases, lack of official documentation.

Although the numbers of foreign construction workers may have increased in the 1990s, migration to the construction sector certainly occurred before the end of apartheid. Strikingly, of the group of present-day construction workers, the majority (59%) actually entered South Africa prior to the 1994 democratic transition. A third had first worked in South Africa before 1991.

In the 1980s, Zimbabweans moved into South Africa's construction sector as temporary general labourers. Later, they became more established and specialised in particular building trades. The later arrival of the Mozambicans on the South African construction labour market — mainly during the 1990s — accounts, in part, for their lower status position as general labourers. Since the early 1990s, Mozambicans have been moving into certain temporary job niches in the construction economy which formerly were the domain of Zimbabwean workers.

TABLE 3: COMPARATIVE EDUCATIONAL LEVELS OF MIGRANTS IN CONSTRUCTION AND SMME SECTORS

	Construction	SMME
Primary or less	34,3	21,4
Std 6 to Std 9	37,3	31,4
Matric	22,4	21,4
University degree	0,0	17,1
Postgraduate	0,0	5,7
No response	6,0	3,0

The reasons stated by construction workers for migrating to South Africa replicate answers given in other research.⁵⁴ The key factors relate to economic or political hardships in the country of origin and perceived opportunities in South Africa. Typically, many Zimbabweans and Mozambican construction workers spoke of the “lack of jobs”, “economic problems”, “the war” (in Mozambique), and their desire for a better life and employment opportunities in South Africa.

The attraction of friends and relatives already resident in South Africa was also an important consideration. Within the sample, 48% already had members of their family working or living in South Africa. The majority of these family members were living in Johannesburg, Soweto or the East Rand and were working variously in the construction sector, auto-repairs, street trading, tailoring or as factory workers. A smaller number were farm labourers in Mpumalanga or working on the gold or platinum mines.

The attraction of Johannesburg for migrants was again evident. Key factors in the decision to come to Johannesburg were perceived job opportunities, the existence of family/friendship networks and proximity to home. Overwhelmingly, Johannesburg was the location of choice for construction migrants due to the city’s seemingly boundless opportunities. As one migrant observed: “*It’s the job city in South Africa.*”

Many migrants compared the wage prospects in Johannesburg favourably with that of other South African centres where they had formerly worked. Mozambicans often responded that “there is not enough money” in Mpumalanga.

Overall, the community of migrants working in the construction sector have more constrained horizons than other groups of foreign migrants in South Africa. Whereas many small entrepreneurs had considered several other destinations before settling in South Africa, for the group of construction workers South Africa was the only place they considered when deciding to leave their home country.

Johannesburg is the first point of migration for the majority of construction workers. Indeed, 60% of the sample had moved directly to Johannesburg from their country of origin. For others, the move to Johannesburg was via intermediate stepping-stones, including Pietersburg, Rustenburg or areas in the former homelands of KwaNdebele and Venda. The most common springboard for Mozambicans was Mpumalanga province, particularly the town of Nelspruit and its surrounding agricultural environs (27% of the overall sample and 38% of Mozambicans).

Not all workers went straight into the construction industry (Table 4). Indeed, only just over 50% of the construction workers had started with South African construction-related employment. Nearly a third

	%
<1 month	51,5
1 month-1 year	19,7
1-2 years	16,7
>2 years	11,1
Total	100,0

only took up construction work after a period of residence in South Africa of a year or more. Other prior job activities included taxi-driver, security guard, motor-mechanic, hawker, miner, butcher, restaurant helper, panel-beater and, most importantly, farm worker. A quarter of the sample followed the thread that links Mozambique through the Lowveld farms to the Johannesburg construction economy.

Finally, a substantial number of the workers interviewed are residents of the inner-city of Johannesburg. Of the sample, 55% lived in parts of the inner city. The African townships of Johannesburg and the East Rand — Soweto, Tembisa and Alexandra — were the place of residence for a further 38% of the sample.

EMPLOYER ATTITUDES TO FOREIGN MIGRANTS

In more established construction companies, the labour complement is essentially divided into two sets of workers. First, there is a core of skilled construction workers who are retained on a relatively secure and long-term basis. Second, there are groups of casual or temporary labourers hired on short-term contracts, often as general labourers. Within these two distinct groups of construction workers (insiders and outsiders), the proportion of international migrants is highest among temporary employees. The proportion of cross-border migrants engaged as permanent workers by this sample of South African construction companies ranged from nil to one-third.

The degree of incorporation of foreign migrants is clearly uneven across the sector. No cases were found of companies that only employed foreign migrants. At the other extreme, a number of small enterprises (particularly emerging black contractors), expressed their unwillingness to hire any foreign labourers. One company representative spelled out the problems of hiring such labour:

I am not prepared to take on these foreigners. They are too much trouble. You don't know if they are going to leave any-time. They keep getting arrested and the channels you have to go through to get them legalised are too much.

Another said, "I don't know what foreigners are about. It's better the

devil you know than the devil you don't", while a third did not "*believe in employing foreign workers. They are taking the jobs away from South Africans*". However, many adopt a deliberate strategy of having a mix of foreign as well as South African construction workers. One employer justified the tactic as a measure to "to keep the South Africans on their toes".

Two profiles of medium-sized construction enterprises illustrate this point:

- Company A employs 200 workers of whom 60 are defined as core workers (permanent); of this group 10 are Zimbabweans, the rest are South Africans. All of the company's 140 temporary foreign workers are Mozambicans working as general labourers.
- Company B employs 30 regular employees who are specialist painters, tilers, bricklayers and carpenters. Of this core group of employees, one-third are foreign workers — in this case again mainly Zimbabweans but with a small number of (legal) employees from Mozambique and Botswana. The company engages 15-20 additional temporary workers, all of whom are Mozambicans.

Foreign labour is particularly important to construction enterprises engaged in large volumes of subcontracted work. In South Africa's larger construction enterprises, there appears to be minimal or limited direct employment of foreign labourers. However, the main role of these large enterprises is primarily supervisory or managerial with major volumes of work outsourced to smaller subcontractors. Within the dense web of subcontractors that populate the South African construction landscape, foreign labourers have a notable presence.

A representative of one of South Africa's largest construction companies (with more than 2 500 employees) admitted that although they did not directly employ foreign workers, their subcontractors used labour brokers, who sourced foreign labour. Another established large enterprise (with 350 employees) stated that while their own workers were all South Africans and had to be registered with the Industrial Council: "We don't know whether this is the case with the subcontractors" and added "we don't check". This "turning a blind eye" attitude was further exemplified by a smaller and newer construction company which stated that: "*We don't know who [in terms of nationality] we are actually employing. We leave it up to the team leaders.*"

The key reasons given by employers for choosing foreign labourers were productivity, inherent skills and training, and the more disciplined character of foreign workers. A sample of quotations from the employers is instructive:

- *They [non-South Africans] are excellent workers.*

- *People from north of our [South African] borders are hard-working and more diligent.*
- *They're the best. They don't have a chip on their shoulder. I find them more skilled and well-behaved.*
- *The construction industry generally prefers them. They don't have ties in this country. They work harder and are a lot more disciplined.*
- *Zimbabweans seem to be more open. They are less devious. You know South Africans look at you with those big eyes when something's wrong — it's not productive. Zimbabweans speak to me and say why something has gone wrong. There is a respectful atmosphere here.*
- *Mozambicans are better trained. I suppose that's because of the Portuguese influence there.*

Foreign migrants are commonly viewed as more “hard-working”, disciplined and honest than South Africans. Critics often charge that companies employ foreign migrants because they will accept lower wages than South Africans. The majority of employers claim that there is little or no differential in payment levels between South African and foreign workers. However, employers do make hidden savings on foreign workers through non-payment of Unemployment Insurance Fund costs or benefits such as sickness, holiday or retrenchment payouts.⁵⁵

Although most employers admitted that South African labour was potentially available, they expressed overwhelming preference for foreign workers. Some of those who were open to employing South Africans as general labourers, said they would only take rural migrants or members of the Zionist Christian Church. Overall, several employers confirmed a marked trend in the industry in recent years to hire a progressively higher proportion of foreign workers.

The potential advantages of cheap foreign labourers must be set against the question of the stability of the workforce as a whole. At least one enterprise argued that workforce stability and its capacity to complete contracts on time (and thus without penalty) were threatened by the harassment and arrest of undocumented workers (which would not be unwelcome news to the authorities).

This particular enterprise preferred to pay the higher costs associated with a more permanent workforce than face the charges that might arise from non-completion of a contractual obligation due to reliance upon temporary labourers. Rather than doing without foreign labour altogether, however, the company sought to legalise the status of its preferred foreign workers.

TABLE 5: RECRUITMENT METHODS	
Method	%
Through friend	34,3
Through relative	10,5
On site	17,9
Pick-up point	37,3
Total	100,0

PATTERNS OF RECRUITMENT

The patterns and networks of recruitment of foreign construction workers share common features with the international experience. Of greatest importance is the critical role of ethnic or personal networks in securing construction-related employment. About 45% of the construction workers interviewed used the contacts of friends or relatives to secure their first construction job in South Africa (Table 5). For subsequent jobs, the significance of personal networks is reduced as workers resort to (and gain knowledge of) alternative strategies for finding work.

The importance of ethnic or personal networks for labour recruitment was reiterated by the employers. Often a snowball pattern of recruitment occurs with the arrival of one foreign worker providing the entry channel for the subsequent engagement of others. A manager of a specialist steel construction enterprise recalled that: “[T]he one [foreign] chap came to the door. I tested him for a week and he was fine. Then he got a friend and it snowballed from there. They are all friends and work excellently as a team.”

Several construction enterprises refused to employ labour off the street, preferring instead to alert their existing workers to possible new (albeit often temporary) work opportunities. Word of mouth news of such work opportunities is channeled through the networks of ethnicity or friendship and, as a result, potential new construction recruits “just arrive”. As one subcontractor noted: “They put the word out, tell a few people and the next day there is a big crowd.”

In another interesting case, the building construction company required six additional painters for a particular project. The company’s existing painter, a citizen of Botswana, was alerted to these needs. The very next day a further 26 aspirant painters, all citizens of Botswana, turned up at the company for prospective employment.

The role of legal foreign workers in secure permanent construction work is crucial for the recruitment of new temporary workers. Some employers are even reinforcing the personal contact system of labour recruitment. Several said that a prospective worker seeking work at the

site or in the company's yard would be challenged to indicate which, if any, of the company's existing workers they knew.

The second most important route for securing a first construction job is recruitment either at certain known pick-up points for casuals or at a construction work site. About 18% of the sample had first been hired on site, while as many as 37% were recruited at one of Johannesburg's two major inner-city roadside pick-up points for casual labour. The significance of this work-seeking strategy is increased in subsequent construction jobs. Almost two-thirds of the sample said that they secured their next job waiting at a pick-up point.

Most migrant workers (82%) were initially engaged as temporary workers. Of the sample, 68% began their working careers as general labourers. Over time as a result of on-the-job training, many labourers secure more specialised niches within the construction economy, variously as painters, tilers, bricklayers and plasterers (Table 6). This skilling process was such that at the time of the interviews only 15% of the sample were still working as general labourers. And of these, most were recently arrived migrants.

Several aspects of the survey amplified the irregular and unstable nature of construction work. Irrespective of the method of recruitment, the first construction job was only one of a stream of temporary work contracts for most migrants. For the majority, their first job was a short-term contract that lasted a period of less than one year (69% of the sample). Over half (52%) worked for less than six months and 16% for less than six months.

Construction workers frequently change employers. Only 18% of the sample of workers were still with their first construction employer. Nearly one-third had worked for more than seven different companies since their arrival in South Africa. Sometimes migrants enjoyed more than one period of work with a particular employer. However, periods of unemployment between short-term contracts are common. During these

TABLE 6: OCCUPATIONAL PROFILE OF CONSTRUCTION WORKERS

Occupation	First job (%)	Current job (%)
General labourer	67,2	14,9
Painter	9,0	31,3
Tiler	6,0	17,9
Welder	6,0	6,0
Bricklayer	4,5	11,9
Plasterer	3,0	3,0
Partitions/ceilings	1,5	4,5
Carpenter	1,5	4,5
Plumber	0,0	1,5
Other	1,5	1,5

episodes, migrant workers turned to other income-earning activities. These included street trading, driving, washing cars, gardening, hair-dressing and a cluster of automotive jobs including car repairs, fixing exhausts, panel-beating and general mechanical work. Of these, the two most prevalent are street trading and working in motor-car repair trades. Significantly absent from the Johannesburg experience is a return to the home country in a pattern of voluntary circulatory migration observed, for example, in parts of Asia.

Migrant construction workers on contract in South Africa cannot avail themselves of the formalised temporary work schemes characteristic of the construction industry in other parts of the world. Indeed, such schemes do not yet exist in South Africa. Construction workers could theoretically apply at South African high commissions or embassies in their home countries for South African work permits under the Aliens Control Act of 1991. However, given South Africa's restrictive policies towards the employment of all foreign workers, it is very unlikely that they would receive these permits. Few therefore bother to apply.

South Africa also has longstanding bilateral agreements with Mozambique, Botswana, Lesotho and Swaziland governing the entry of contract workers to South Africa. In practice, these agreements only legitimise migrants recruited in their home countries for work in South African mining and agriculture. In theory, one could recruit migrants in the source countries for construction enterprises. However, the fluid and temporary nature of the construction labour market and the availability of labour on-site provides few incentives to follow this route.

Farmers in several provinces who hire undocumented migrants are permitted by the Department of Home Affairs (DHA) to register and legalise those workers after the fact. Workers are issued Section 41 permits that allow them to remain and work in the country. This is a "special deal" for the more organised and traditionally politically-influential farming lobby. However discriminatory and unconstitutional it may be, there is little likelihood of a similar arrangement for construction companies.

Most of the interviewees were what the ILO calls "lawful entry/unlawful employment irregular workers", ie they entered and/or are living in South Africa legally but are working illegally. Fully three-quarters of the workers admitted that they do not have a legitimate work permit or residence permit for South Africa. However, the majority had entered quite legally on temporary visas.

Several workers mentioned the importance of friends, relatives or employers in securing visa status on arrival in South Africa. Others suggested that the required visa had been obtained through bribery of officials, known as "paying to be quickly served". Legal status does not appear to guarantee better or more permanent construction work; only

one-third of the group of legals claimed that they had managed to secure an improved job as a result of getting a work permit. This may be one reason that the majority of construction workers without work or residence permits (81%) have never bothered even to apply for such permits. Also, legal permits are simply too difficult to obtain or expensive to buy.

Mozambicans, who are particularly vulnerable to arrest and deportation, prefer to remain underground than make themselves known to the authorities through applications for permits.

In the search for work, many Mozambicans “play” at being South African residents. They commonly claim to be from places such as Bushbuckridge, an ethnically diverse area in Mpumalanga close to the Mozambique border where many Mozambican refugees are legally resident.

Finally, the survey sought to probe the attitudes of construction workers towards long-term residence in South Africa. Young unmarried migrants generally said they preferred to remain in South Africa than return to their home country. Of 65 responses to the question, 46% (30 workers) indicated a wish to stay in South Africa on a long-term basis; 54% (35 workers) indicated that they were in South Africa only on a temporary basis and did not wish to remain in the longer term. The finding contrasts sharply with other SAMP surveys that show much lower rates of desire to stay.⁵⁶ What the construction survey seems to be picking up is a cohort of young single male migrants with few attachments, responsibilities and prospects back home. The long-term migration intentions of this cohort has not been properly explored in the research literature to date.

Reasons given for the desire to stay included better economic prospects in South Africa, lack of economic opportunity at home (“*I don’t see any future for my life in Maputo*”) and new family ties in South Africa (“*I am married here and I have got children*”). The wish to return home after a period of income-earning in South Africa was most strongly expressed by married Mozambican construction workers whose families were not living in South Africa. The voices of these workers speak loudly and clearly of their long-term intentions:

- *My family is waiting for me in Maputo.*
- *I don’t enjoy South Africa’s lifestyle.*
- *I came here just to make some money and return back home.*
- *South Africans don’t want Mozambicans to stay here.*
- *I prefer to work for one year and go back at the end of the year.*
- *No matter how long I stay in this country I will always be a foreigner.*
- *I can get a lot of money here but I will never be happy like at home.*

In common with other foreigners working in South Africa, the construction workers were frequent victims of anti-immigrant sentiment and behaviour. A tiler from Swaziland spoke of jealousy as a motivation: *“If some locals see that when you came here you had nothing and now you’ve got more than them, they are angry.”* A Mozambican observed that South Africans *“blame us for every criminal act in the area”*.

Despite the hostility and intolerance, most construction workers saw opportunities for improving their life in South Africa. In particular, job prospects in South Africa were judged as more favourable than those of their country of origin. The vast majority of respondents stressed the income opportunities available in South Africa and a small number were attracted by possibilities for improving their formal education and training qualifications.

THE MIGRANT EXPERIENCE

For employers, there are undoubted advantages to engaging foreign construction migrants, but there are also a number of associated problems. The core problems relate to their illegal work and/or residence status in South Africa, the ever-present threat of arrest and possible deportation, and the frictions between local and foreign construction workers.

The potential disruptions of hiring large numbers of unauthorised Mozambicans were recognised by some employers. Certain parts of the Witwatersrand are viewed as particularly problematic for employers conveying workers on the back of trucks, open to the gaze of the South African police. The owner of one company identified the Alberton area and anywhere close to Soweto as an infamously high risk area for police activity.

If valued construction workers were arrested, however, the best response was often bribery of the police or prison officials. As one noted, *“if a group of guys are in jail I send R1 000 and they’re back in the morning”*. Another problem arises for employers when locals threaten to *“bring the cops in”* to arrest foreigners in the event of a work-related dispute with the employer. Some employers had difficulties managing the tensions between foreigners and local South African construction workers. One subcontracting company explained these tensions in terms of fears by South Africans that foreigners were stealing their jobs.

The construction workers re-iterated these concerns. Many expressed strong opinions on their dealings with the police. Of the sample, 54% stated that their irregular status had brought them into conflict with the authorities. Many recounted tales of repeated arrest and deportation. In one case, this had happened over 10 times. Another spoke of returning

to South Africa three days after deportation to Mozambique. Other workers mentioned problems with the South African police, including theft of their possessions and police beatings. The darker side of the experience of foreign construction workers with the police and immigration officers emerges clearly in these illustrative remarks:

- *In 1996 alone they arrested and deported me three times but now I know how to deal with the police.*
- *Incidents with the police are very frequent. I have been arrested many times. When I pay money they leave me.*
- *I have been beaten once by the police because I refused to give them money when they arrested me. They also deported me once.*
- *The police asked for my ID. I did not have one. They said that I am Mozambican and they took all the money I had in my pocket [R800].*
- *The police arrested me twice but in both cases I gave them money.*

The survey paints a regrettable picture of police bribery and brutality towards vulnerable migrant workers in South Africa, and confirms the findings of other studies about widespread human rights abuse by agents of the state on the ground.⁵⁷

The vulnerability of migrant workers was not merely exploited by the South African Police Service. In one-third of interviews, serious abuse was evident in the power enjoyed by certain construction employers over irregular construction workers. The key complaints included non-payment or short payment of wages, verbal abuse, and threats of deportation. Once again, these themes are best represented through the voices of the construction workers themselves:

- *In 1997 I worked for five days with one employer who paid me only for two days work. When I claimed the rest of the money he said he would call the police to deport me back to my country.*
- *When I came to collect my salary, my employer informed me that there is no job for me again and I must come and collect my money in two months time. When I came back after two months he said that he did not know me.*
- *In 1997 I was detained in Lindela Deportation Centre. When my employer released me he said that I should work for one month without a salary otherwise he would take me back to Lindela.*
- *My boss promised me some amount of money. When I finished the job he refused to pay.*

These incidents of unscrupulous employers operating in the construction sector are confirmed by several press reports that highlight possible collusion between employers, police and Home Affairs officials as workers are arrested timeously on payday thus obviating the need for employers to pay wages.⁵⁸ That said, these practices may be prevalent but are not universal, for 73% of the sample of foreign construction

workers did not recount major problems with employers, past or present.

Finally, the survey probed relationships between foreigners and South Africans on construction sites. Surprisingly perhaps (given media reports of widespread hostility), the study disclosed a lack of major problems or tension between South African and foreign construction workers. Where problems existed, they typically related to accusations of Mozambicans stealing South African jobs or jealousy over higher remuneration. However, 82% of the sample of foreign construction workers indicated that there were no key frictions. Given the fact that most companies employ a mixed workforce, the point is that working relationships at the bottom end of the labour market are reasonably good and certainly not a recipe for major social conflict and conflagration.

POLICY IMPLICATIONS

The engagement of foreign construction workers in South Africa reflects broader international movements of construction workers, particularly in the context of a shift towards a global construction industry. Of critical importance are the structural changes taking place in the South African construction industry, in line with international trends. These include the segmentation of the labour market, a greater use of subcontracting as a means for organising work, and the general tendency towards the informalisation of construction work.

Against the background of these structural shifts of the past two decades, a niche has opened in the South African construction industry and been occupied by international labour migrants. Given the growing integration of the South African construction sector into an international labour market, the evidence from other countries is that an excess supply of workers (from workers waiting in the wings) may result in downward pressure on wages.⁵⁹

The majority of foreign construction workers come to South Africa from a narrower source area than migrants to other sectors. The key trend is for construction work to be the domain of migrants from Mozambique and, to a lesser extent, Zimbabwe. The Mozambicans currently occupy niches in the secondary labour market for forms of temporary short-term and insecure employment. These are growing in demand as flexible sub-contracting expands in the South African construction industry. As yet, the penetration of foreign workers in the area of core permanent construction employment is a more limited feature, albeit still rising in importance.

The bulk of migrant construction workers are young, male, non-unionised and relatively uneducated in terms of formal qualifications.

Because of their predominantly irregular status in South Africa they are highly vulnerable to exploitation by unscrupulous employers and officialdom alike. Although some companies view the skills of these workers, mostly learned on the job, as assets to be retained, for other construction companies foreign workers are seen merely as convenient, cheap and disposable.

Several policy implications and recommendations flow from the findings of this particular investigation:

Unfortunately, the official Green Paper on Construction does not address the complex questions that arise around the employment of international migrants in the South African construction sector. This shortcoming should be rectified before the White Paper is finalised and new legislation that might impact upon employment is introduced.

- The Green Paper on International Migration makes a strong case for a skills-based immigration and migration policy in which potential immigrants are valued to the extent that they fill South Africa's skills gap. Temporary workers would be allowed in if employers can demonstrate that they have skills that South Africans lack. However, the notion of "skilled labour" is problematic in that the definition of "skilled" is inherently biased towards the higher end of the labour market. In the low-paid construction sector, a degree of skills and experience is required for the industry as a whole to achieve the sort of objectives set forth in the Green Paper on Construction. As a result of skills gained by many years of on-the-job training, many foreigners are now "skilled" builders and many even are multi-skilled construction workers, in terms of their capacity to lay bricks, plaster, paint, tile and so forth. Unless a broader or more flexible interpretation is given to the definition of "skilled worker", it is very likely that these workers will continue to be legally excluded from South Africa.
- Third, the construction workers' union might play a critical role in resolving certain of the difficulties and tensions that are emerging around international migrants. Although the Construction and Allied Workers' Union (CAWU) admits that it has foreign members, currently it lacks any "clear policies and strategies for addressing the concerns of workers who were foreign migrants".⁶⁰ There are promising signs that this situation may be changing. CAWU has recently commissioned research which indicates that it should reconsider union attitudes towards foreign migrant workers: "As long as these workers do not feel that they have access to the same minimum conditions and wages of domestic construction workers, without at the

same time opening the possibility of a forced deportation, standards in the industry will continually be undercut.”⁶¹

Nevertheless, securing the conditions for the organisation of these workers places demands on the state. One suggestion is for a “firewall” between the Departments of Labour and Home Affairs, so that foreign workers could access support from the Department of Labour without the possibility of deportation.⁶²

The industrial council has put forward a similar proposal, for it is not the duty of the council to report workers to the police, rather to ensure that there are effective minimum standards across the construction sector.⁶³ These suggestions certainly demand serious consideration and possibly further research.

- At present, migrants from neighbouring states may work legally (under special arrangement and sanction) in only two sectors: mining and agriculture. There are few if any opportunities for construction workers to work legally in South Africa. This does not prevent them from doing so or employers, particularly subcontractors, from employing them. Clearly there is something awry in a system that allows some sectors to employ foreign migrants and not others simply because the former say that they need the workers. Construction companies can make precisely the same argument but are denied access. Government therefore needs to clarify its position on the employment of foreign migrants and to adopt a policy that is consistent across sectors. There is no *a priori* reason why only certain sectors should receive access.
- The existing system of irregular employment in the construction industry permits, if it does not actually foster, abuse of migrants and widespread corruption. Both employers and employees know that what they cannot obtain legally, they can obtain or prevent by greasing the right palms. The traditional police response has been to target work sites and deport migrants. Whether intended or not, this affects employers whose operations are in constant danger of disruption from police raids. More recently, the Department of Home Affairs claims to have adopted what has been cynically called the “mantra of employer sanctions”. It remains to be seen whether one or two high-profile prosecutions will exercise a sufficient demonstration effect on other employers. The international experience suggests that it probably will not.
- There are two alternatives to an unworkable policy of total prohibition. The one strategy, economically rational but politically untenable, is a free regional labour market that allows employers

to hire whomever they want. The other is to try to manage migration through limited legalisation, temporary work schemes and industry-specific quotas. There are numerous international precedents for this and the Green Paper on International Migration recommends that South Africa adopt the model most suited to its needs.

- ILO research on protection of migrant workers in the international construction industry contains a number of ideas with potential relevance to South Africa.⁶⁴ For example, extended mandates might be offered under the bilateral agreements to the labour *attaches* of neighbouring countries to defend the rights of migrant workers and to assist them in settling disputes with employers. The international experience is that labour *attaches* can be a “last line of defence” for migrant workers against maltreatment by employers, labour brokers or the police. Another successful international intervention has been the formation in many countries of migrant workers’ support or lobby groups that can act, alongside possible trade union intervention, as pressure groups to help migrants.
- The position of foreign construction (and other) migrant workers in South Africa can be strengthened by the adoption and enforcement of ILO Standards. These relate to migrant workers and entail acceptance and enforcement of the United Nations Convention on migrant workers. These documents spell out the core rights and freedoms to which all migrant workers (and their families) should be entitled irrespective of their legal situation. Two key articles concern support for basic human rights, such as not to be subjected to cruel or degrading punishment (by employers or enforcers of the law), and the right to be treated no less favourably than national workers in respect of conditions of work and terms of employment. The ILO argues that the “United Nations Convention is the best statement that has been drawn up to date on the basic human and labour rights of migrants”.⁶⁵ The issues raised in this document should assist the development of a guiding framework for policies in South Africa towards the growing number of international labour migrants in the construction sector.

ENDNOTES

- 1 In line with international definitions, the term “construction” is used here to refer to both the building (residential and non-residential) and civil engineering (construction works) sectors. The “construction industry” encompasses all enterprises involved with the provision of construction goods and includes both a set of formally registered enterprises as well as a growing number of informal construction enterprises; see J. Wells, “The Construction Industry in the Context of Development: A New Perspective”, *Habitat International* 8 (1984); The World Bank, *The Construction Industry: Issues and Strategies in Developing Countries* (Washington, D.C., 1984); J. Wells, “The Role of Construction in Economic Growth and Development”, *Habitat International* 9(1) (1985): pp. 55-70; J. Wells, *The Construction Industry in Developing Countries: Alternative Strategies for Development* (London, 1986).
- 2 Republic of South Africa, *Green Paper To Creating an Enabling Environment for Reconstruction, Growth and Development in the Construction Industry* (Department of Public Works, Pretoria, 1998), p. 9 (henceforth referred to as the Green Paper on Construction).
- 3 See H. Raats, “Construction Industry Faces Bleak Prospects”, *Martin Creamer’s Engineering News* (10 July 1998): p. 17 and “Disappointing Year for Building Industry”, *Martin Creamer’s Engineering News* (10 July 1998): p. 22.
- 4 L. Cairns, “High Interest Rates Plague Building Sector”, *Martin Creamer’s Engineering News* (11 September 1998): p. 11.
- 5 See L. Cairns, “SA Construction Industry Faces Shake-Up”, *Martin Creamer’s Engineering News* (31 July 1998): p. 15.
- 6 On the emerging construction sector see R. N. Nkado and G. Falkof, “Joint Ventures in the South African Building Industry: Relationships and Experiences”, *Urban Forum* 8 (1997): pp. 227-246; and R. N. Nkado, “The Use of Managerial Inputs by Small-Scale Construction Enterprises in South Africa”, *Urban Forum* 9 (1998, in press).
- 7 The only previous research that has involved foreign construction workers in South Africa is that reported by M. Reitzes, Z. Tamela and P. Thulare, *Strangers Truer than Fiction: The Social and Economic Impact of Migrants on the Johannesburg Inner City* (Research Report, No. 60, Centre for Policy Studies, Johannesburg, 1997). The sample of workers interviewed was much smaller than in this study.
- 8 For example, one recent analysis for the South African Construction and Allied Workers Union (Cawu) draws attention to the growing use by construction employers of “illegal immigrant workers”; Rob Rees, “Draft Paper on Cawu for the Cawu Commission” (National Labour and Economic Development Institute, Johannesburg, 1997,

- Unpublished report), p. 1.
- 9 International Labour Organisation, *Employment Policy and Job Creation In and Through the Construction Industry* (Report II Sectoral Activities Programme, Civil Engineering and Public Works Committee, Geneva, 1986), p. 98.
 - 10 International Labour Organisation, *Social and Labour Issues Concerning Migrant Workers in the Construction Industry*, (Geneva, 1995), p. 72.
 - 11 See J. Wells, "Labour Migration and International Construction", *Habitat International* 20(2) (1996): pp. 295-306.
 - 12 See M. P. Corcoran, "Informalisation of Metropolitan Labour Forces: The Case of Irish Immigrants in the New York Construction Industry", *Irish Journal of Sociology* 1 (1991): pp. 31-51.
 - 13 Wells, "Labour Migration and International Construction", pp. 297-302.
 - 14 K. Gibson and J. Graham, "Situating Migrants in Theory: The Case of Filipino Migrant Contract Construction Workers", *Capital and Class* 29 Summer (1986): pp. 130-149.
 - 15 See International Labour Organisation, *Employment Policy and Job Creation*, pp. 98-99 and *Social and Labour Issues*, pp. 44-85.
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