

Open racist violence on farm workers

Hidden workplace crime

A white racist group called the Noord Wes Plaaslike Veiligheid has emerged recently wearing AWB regalia and farm workers have become their target. **Katherine Joynt** and **Mariane Tsoeu** examine racist attacks on farm workers and conclude that the justice system is failing them.

Following the murder of the right-wing Afrikaner Weerstandsbeweging (AWB) leader, Eugene Terre'Blanche, by two of his unpaid farm workers, some farmers who support the AWB took their vengeance. Rapes and iron rod beatings on farms were part of their revenge campaign as they actively assaulted black farm workers.

This is just one of the many signs that racism in South Africa remains far from resolved. Indeed Cosatu (Congress of South African Trade

Unions) raises the point that instead of an expected decline, incidents of racism in the workplace are on the rise. This comes despite 16 years of racial reconciliation and redress efforts since the fall of the oppressive apartheid regime in 1994.

One would expect that racism in the workplace under a post-apartheid South Africa would receive special recognition in our justice system. Yet an interview with Solly Phetoe, Cosatu's North West provincial secretary reveals that most victims of racism at the workplace are marginalised by our justice system which is failing to adequately address even the most serious cases of racial abuse.

As William Gumede indicates, after 300 years of colonisation and apartheid, racism is deeply embedded in our society. Apartheid institutionalised and legalised racism leaving post-apartheid South Africa with a legacy of racial violence and inequality divided along racial lines. After 1994 the newly elected African National Congress (ANC) began the difficult task of trying to address the past through the Truth and Reconciliation Commission (TRC)

and institutional transformation.

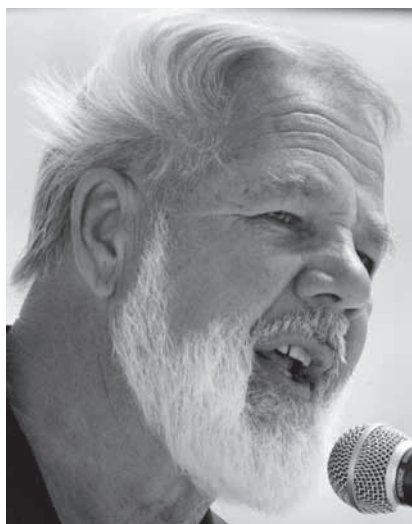
To a large extent the exemplary TRC managed to address many gross human rights violations that occurred during apartheid. However, many argue that the TRC, whose work ended in 2003, was just the beginning of a much needed dialogue about racial reconciliation.

In addition institutional transformation in South Africa still has a long way to go. An illustrative case is the way in which the Department of Justice and the courts deal with cases of racism in the workplace.

VIOLENT FARM RACISM

As Phetoe notes, the justice system is particularly biased in cases of racial abuse on farms where incidents tend to be the most extreme and violent. For example, on 21 July 2009 a racist incident took place when a farmer, Mr Van Wyk killed a farm worker because he apparently mistook him for a guinea fowl. Cosatu had to demand the arrest of this farmer who said that he was in hospital recovering from a stomach operation. When he finally made it to court for bail, the magistrate asked the farmer,

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Eugene Terre'Blanche



'Mr Van Wyk, what can you afford for your bail?' after which Van Wyk was allowed to decide on the price of R2 000 for his own bail.

According to Phetoe, the magistrate and the investigators are white in many of these cases and they show a clear bias towards the perpetrator: 'The farmer was found guilty but the charge changed from murder to culpable homicide. How many African people who have killed white people have had their charges changed from murder to culpable homicide?'

In such cases the farm worker is represented by the state. However, Phetoe comments that the state prosecutor often acts contrary to what s/he is expected to do and fails to represent the victim. Many of the hearings are conducted in Afrikaans, so the farm worker often has no voice and experiences a second act of racial discrimination in the court.

The National Conference on Racism's *Report on Provincial Consultative Process* (2000) indicated that all provinces except for Gauteng reported 'master and slave like relationships' in the farms whereby farmers killed, disabled and violently assaulted their farm workers and the law remained oblivious to these violent acts of racism.

It further reported that in many of these provinces farmers

colluded with members of the South African Police Service (SAPS) and magistrates in order to get away with murders and to prevent investigation into racially motivated cases. Some doctors were bribed by racist farmers to change the cause of death on death certificates.

For example there was a case where it was found that a farmer beheaded one of his workers but the worker's death certificate states that a crocodile ate his head. This indicates that what may appear to be 'isolated' incidents often involve networks trying to disguise racially motivated crimes making them even more difficult to trace and tackle.

Indeed some theorists argue that in reaction to the fall of apartheid white racism against black people has become an organised counter hegemonic subculture in many parts of South Africa. This subculture draws on the system used by the apartheid regime in which race was used as a mechanism of violence against black people in order to maintain the status quo of white supremacy.

There is evidence from farming areas that clearly illustrate how racism as a subculture is reproduced. Kommado Korps in Limpopo is said to be a group that actively instills hatred for blacks in young white people. A young white boy who was kidnapped to take part in its camps confirmed that

they are taught different methods of how to brutally assault black people.

Another example is recorded in a report by the late psychologist and criminologist Irma Labuschagne, on the case of Johan Nel, who opened fire on 12 residents of Skierlik informal settlement in January 2009, killing four people and wounding eight others. The report states that Nel grew up in a racist home which taught him to hate and act violently against black people.

The report shows how some white parents in farming areas continue to teach their children hatred and violence against black people despite racism being criminalised in the early 1990s.

A challenge is that class compounds racial intolerance. The justice system has failed to address the reality that often justice is based on the size of your wallet. Despite Employment Equity measures, class still runs along racial lines with white people owning most of South Africa's wealth and white men and women occupying a total of 73.1% of top management positions.

Not only are poor black South Africans the most likely social group to experience racism in the workplace but they are also the least likely to have access to institutions and the money for a good defence. Given the vast inequalities inherent in our society more measures need to be put in place in our justice system to support poor black South Africans who are victims of racial abuse.

Currently the punishment for racism in the workplace, even in extreme cases where workers are killed, is not effective. Often the perpetrator is not even given a criminal record and is acquitted with a small fine. These unjust outcomes send a message to racist farmers and other employers that they can get away with it.

According to Phetoe, punishment for racism has to be harsh in order to reduce incidents of racism in the

workplace. Phetoe believes that 'racism at work has increased due to the justice system because it deliberately looks away from these cases'.

There are unfair outcomes in many court cases involving racist abuse from verbal abuse to rape. Murder and torture also have a strong impact on victims reporting racist crimes. Underreporting on farms is widespread because victims fear retaliation and illegal foreign farm workers fear deportation. Incidents of racism on farms are so common that they become the norm and therefore go unreported.

JUSTICE SYSTEM AT FAULT

Racism on farms is mostly overt but in many workplaces, such as in the corporate world, racism is more subliminal and less easy to prove. The term 'symbolic racism' refers to a form of racism in which victims are stigmatised and excluded in the workplace in terms of recruitment and promotion and procedural processes without a mention of 'race' as the actual grounds for discrimination. As Commission for Employment Equity chairman, Jimmy Manyi states, institutional racism has now 'assumed sophisticated forms in day-to-day work practices'.

For example, a white albino woman working at a holiday resort

was fired for using the disabled toilet even though her white colleague who used the same toilet was not fired. According to Phetoe, the black female commissioner who decided that the dismissal of the albino woman was fair did not understand the legislation and the constitution. Unfortunately in most cases of symbolic racism in the workplace, individuals choose to leave their job instead of taking on the stress of trying to argue their case at work or in the courts.

Cosatu is playing an important role in creating awareness around racism in the workplace and trying to push for fair outcomes in court cases. On 16 November 2010 Cosatu will march to the National Prosecuting Authority offices to protest against cases which have yet to be resolved. These include an incident which occurred this year at Sun International Hotel, an international holiday destination. White security guards working for Falcon Security Company, acting on a claim that black women workers at the hotel had stolen R40, stripped the innocent women naked and intrusively searched them.

Last year the same guards working were accused of calling black workers at the hotel 'kaffir' (a deeply racist term for blacks from the apartheid days) and 'baboons'.

Part of Cosatu's protest involves the unfair outcome of the case last year and the postponements of the case this year.

According to Phetoe, government must be attacked for failing to intervene to expose the culprits of racist incidents. Phetoe further noted that politicians in power are misguided when it comes to racial politics in the country; '... Terre'Blanche's funeral was attended by politicians but how many funerals of murdered farm workers have politicians attended? A young boy was mauled and eaten by the nine lions on a white farmer's farm. The mother was heartbroken... we only buried a skull and a few bones. No leader from the province was present, no politician came to the funeral, and there was no food at the burial...'

As Phetoe states: 'Apartheid still continues... we have fought to liberate workers from apartheid but here we are in a democratic country and workers cannot enjoy these rights'.

This links to the broader context in post-apartheid South Africa where racism is still deeply ingrained in our society and racial identity is still in transition. Nowhere is this clearer than in the workplace where people from different races and cultures come together.

If people have racist attitudes, they easily find expression in the workplace where class and hierarchy give the power to express it in a racist manner. The workplace exposes the ugly face of racial intolerance. For South Africa to address racist attitudes there needs to be institutional transformation in our justice system in the taking up of racism in the workplace. It is only then that racial reconciliation can really be achieved. ¹⁶

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