

30 May 2023

Dear Employer

You are more than likely aware of the government's new race law and regulations.

It gives draconian powers to the Minister of Employment and Labour to dictate to you who you may employ.

Now South African society can be planned and manipulated from a central point according to race.

It deprives employers of the right to do business and it deprives employees of the right to be employed.

Providing more job opportunities for black people is a legitimate goal (which is true for all people), but this Act is going about it in the wrong way. It does not create jobs; it simply redistributes it and will lead to poorer service delivery and less job opportunities. Acts are measured by their outcomes instead of by their intentions. After decades it shows that a racial dispensation is incompatible with a constitutional democracy, a working state and a growing economy.

In this case race is unfortunately the only criterion for the quotas that will be imposed on you. The focus is not on redress or employment, but it is on race – even if it is at the cost of jobs.

The minister published 60 pages of draft regulations, prescribing in great detail what a sector should look like per job level. This is going to tie the hands of businesses.

Included is a brief summary of what the Act and the regulations mean in practice.

These regulations put employers in an impossible position. They are unimplementable, yet they will become law.



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If these regulations are not implemented, you are heading for fines and the termination of government contracts.

These regulations make South Africa the most racially regulated country in the world.

These racial laws go way beyond “redress” or “equity”. They may be written in a law, but it is not “just” to target competent, hard-working and loyal employees based on the colour of their skin.

Two injustices are at stake here. The first is the injustice done to white, coloured and Indian persons, relegating them to second-class citizenship.

The second injustice is that there are still many companies in the country that accept this injustice as “just” and normal.

The Jewish intellectual, Hannah Arendt, made an important statement in this regard with reference to the Italians’ obedience to Mussolini’s oppressive racial laws at the time. She said that no one has the right to obey injustice.

Companies that obey this latest injustice willingly are not only complicit in injustice but also in the deepening crisis in the country.

Flip Buys, chairperson of the Solidarity Movement, points out that these new racial laws should not be seen in isolation from the broader disasters the government has wrought upon the country. It is the very same ideology that has led to the country’s decay, the impunity of corruption, the crime crisis and the economic collapse. Companies that support these racial laws should not complain about the energy crisis, municipal decay or about the risks of the US kicking us out of the AGOA agreement. This is just another piece of the same puzzle.

That is why company bosses should know – you do not have the right to obey injustice.

The onus to stop the Act and the regulations rests largely on companies.

In light of this, we kindly request you to:



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- Not implement this Act and the regulations as the implementation thereof will condone it;
- Put pressure on the government to withdraw the Act and the regulations;
- Bring an application against the Act yourself, or be admitted to the litigation as a friend of the court; and to
- Make a contribution towards Solidarity's litigation if you cannot bring an application yourself.

This is going to be an epic and expensive court battle for the benefit of everyone across traditional boundaries. The account number of Solidarity's Legal Fund is:

Solidariteit Regsfonds

FNB

Branch Code: 250655

Account number: 6281 859 8312

Now is not the time for blind obedience but for positive protest. This will be for the good of everyone in South Africa.

Let's bury the hatchet about the past and let's stand together across boundaries in this battle.

It is the right thing to do.

Kind regards

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