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## The Role of TNCs in super-exploitation and reproducing precariousness and a low wage regime

## Introduction

Over the past few years there has been a significant increase in Foreign Direct Investment (FDI) inflows by MNEs. In 2015 Global FDI flows amounted to US$1.8 trillion. Only 40% of these were Greenfield Investments, rather than Mergers or Acquisitions. 55% of flows were in the developed world (or China) and were dominated by services (including telecoms and infrastructure), rather than manufacturing (UNCTAD, 2016). At a theoretical level, inward foreign direct investment has enormous potential to accelerate sustainable development, particularly in countries with limited access to capital in domestic markets. Foreign investment can facilitate job creation and skills development. It can also accelerate technology transfer and managerial capacity through increased backward and forward linkages between multinational enterprises (MNEs) and local enterprises, especially small and medium-sized enterprises (SMEs). However, at a practical level FDI has not lived up to this potential.

Host countries have come up with a number of incentives to attract greater investment inflows from MNEs igniting a race to the bottom. Notwithstanding, the rise in these investments by MNEs they have had a limited impact on development in the host countries. In most cases these investments have been associated with the development of 'enclave' economies as they have been concentrated largely in the extractive sectors with weak linkages with the rest of the economy. In other cases such investments by MNEs have also been associated with changes in the labour markets (labour force composition, employment patterns and levels, productivity, wage levels and inequality) in both the home and host economies. Employment data needs to look beyond the number of jobs created to allow for skill levels; training; health care; wages; work conditions; and job security.

Mining TNCs are using global trends in flexible labour to implement labour flexibility. They do this in order to save on the costs of employing permanent workers. Flexibility in the workplace and outsourcing has affected trade union membership and representation and collective bargaining. Precarious employment has risen as a prominent form of employment also within industrialized countries. The normalization of these new forms of employment relationships has led Guy Standing to suggest a new globalizing class structure in which a "precariat" is emerging as a potential new mass class (Standing, 2014). We have witnessed an abdication by Governments of their responsibility to protect workers through a return to the neoliberal idea and the adoption of a 'flexible labour' regime.

The ILO has therefore come up with a Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO MNE Declaration, 2017) calling on Governments of host countries to promote good social practice in accordance with this Declaration among MNEs operating in their territories; and Governments of home countries to promote good social practice. The OECD Guidelines for Multinational Enterprises also provides a useful way for governments to encourage responsible business conduct, including in the area of employment relations. Effective and proactive government policies are needed which create an institutional framework that promotes more responsible behaviour and conduct by MNEs especially in the area of employment relations.

## Trends and Patterns in Foreign Direct Investment (FDI) in Southern Africa

There has been a significant increase in foreign direct investment (FDI) inflows on the African continent.FDI flows into the Southern Africa Development Community (SADC) increased from US$26.2 billion in 2010 to US$38.3 billion in 2013 before slowing down markedly to US$24.9 billion in 2016 largely owing to low commodity prices. In spite of very generous concessions and incentives to attract FDI inflows SADC accounts for a miniscule proportion of total world FDI flows. For instance, out of the US$1.7 trillion FDI inflows in the world in 2016, only US$24.9 billion was destined for SADC representing 1.4 per cent of global total. South Africa attracted FDI flows valued at US$2.3 billion in 2016 which translates to about 9.2 per cent of SADC total. The 2016 figure represents a 31 per cent improvement from the 2015 figure. Notwithstanding, Beijing Automotive International Corporation a Chinese state-owned enterprise agreed to invest in a US$759 million automotive plant in South Africa which is the biggest vehicle production plant in the country in four decades (UNCTAD, 2017).

**Table 2.1: FDI in SADC, 2010-2016**

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
|---|---|---|---|---|---|---|---|
| **FDI inflows (US$ millions)** | 26,202 | 30,650 | 36,150 | 38,334 | 35,498 | 30,161 | 24,863 |
| **FDI stock (US$ millions)** | 278,704 | 260,135 | 271,170 | 267,093 | 266,768 | 270,848 | 304,011 |
| **FDI inflows (% of World Total)** | 1.894 | 1.926 | 2.270 | 2.656 | 2.681 | 1.700 | 1.426 |
| **FDI inflows (% of GDP)** | 4.30 | 4.37 | 5.09 | 5.45 | 5.02 | 4.80 | 4.12 |
| **FDI inflows (% of GFCF)** | 20.03 | 20.54 | 23.34 | 23.60 | 21.08 | 21.96 | - |

**Source:** UNCTADstat

According to the Africa Investment Report 2016[1], Western Europe was by far the top source region for capital investment in Africa with US$30.1 billion invested in 2015 with a 45 per cent share. The Middle East was the second top source region for capital investments in Africa with a market share of 17 per cent and capital expenditure valued at US$11 billion while Africa was the third top source region for capital investment in Africa with 16 per cent of the market share and capital expenditure valued at US$10.7 billion (see Table 2.2). In terms of the number of projects that were recorded South Africa dominated with 118 projects out of the 705 total projects recorded in 2015. Table 2.3 shows the top investing regions in Africa by project numbers as at 2015. Western Europe also dominates with 282 projects followed in second place by Africa with 129 and the Asia-Pacific region comes third with 109 projects.

**Table 2.2: Top Investing Regions in Africa by Capital Investment, 2015**

| Region | % Market Share | Capex (US$ bn) |
|---|---|---|
| Western Europe | 45 | 30.1 |
| Middle East | 17 | 11 |
| Africa | 16 | 10.7 |
| North America | 12 | 8 |

[1] https://www.camara.es/sites/default/files/publicaciones/the-africa-investment-report-2016.pdf

| | | |
|---|---|---|
| Asia-Pacific | 9 | 6 |
| Latin America & Caribbean | 1 | 0.41 |
| Emerging Europe | 1 | 0.35 |

**Source: FDi** Markets

**Table 2.3: Top Investing Regions in Africa by Project Numbers, 2015**

| **Region** | **Projects** |
|---|---|
| Western Europe | 282 |
| Africa | 129 |
| Asia-Pacific | 109 |
| North America | 105 |
| Middle East | 61 |
| Emerging Europe | 11 |
| Latin America & Caribbean | 8 |
| Total | 705 |

**Source: FD**i Markets

Chinese investment in general on the African continent has also been on the rise. According to Ernst and Young's 2016 Africa Competitiveness Report China was the single largest contributor of FDI capital and jobs in 2016. The report states that China has invested in 293 FDI projects in Africa since 2005, totalling an investment outlay of US$66.4 billion. The report highlights that Chinese FDI into Africa is fairly diversified spanning resourced-oriented sectors as well as services and manufacturing. Chinese companies and state-owned enterprises have financed and constructed a number of key infrastructure projects across the African continent that include: roads, airports, ports, railways, dams, telecommunication networks and power stations.

South Africa is the major source of FDI inflows on the African continent. Table 2.4 puts investment by South African corporations into perspective by showing the major investors into Africa over the period 2003-2015. The top investors in Africa in order of importance are: the EU, USA, China, India and South Africa. The EU is by far the largest investor in Africa followed distantly by the USA. Important gains brought about through investments by South African MNEs on the African continent include: employment creation; contribution to tax revenues; investments in infrastructure; technology transfer through human resource development (McGregor, 2004); increased tax revenues; increased consumer choice; and boosting general investor confidence in host countries (Games 2003; Grobbelaar, 2004). With respect to employment creation, 24,355 jobs are said to have been created in Mozambique by South African MNEs from 1998–2002 (Grobbelaar, 2004). Similarly, in a survey of 40 top South African companies invested on the continent, McGregor (2004) found that a total of 71,874 people were employed across 232 investments outside of South Africa. Furthermore, UNIDO (2006) found that South African investors pay the highest wages, on average, of all foreign direct investors in Africa. This is partly due to the skill-intensive nature of South

African subsidiaries. On the downside however, South African investors often find it advantageous to retain suppliers from South Africa rather than procure locally and therefore systematic approaches are needed to support local producers to become more competitive to enter these MNEs' supply chains.

**Table 2.4: Major investors into Africa, 2003-2015 (Billion Rand)**

| | Number of Projects | Capex | Jobs Created | Number of Companies |
|---|---|---|---|---|
| **EU** | 3,361 | 3,826 | 605,198 | 1,886 |
| **USA** | 1,003 | 1,126 | 150,071 | 601 |
| **China** | 237 | 425 | 94,234 | 146 |
| **India** | 416 | 559 | 99,705 | 212 |
| **South Africa** | 441 | 415 | 58748 | 206 |

**Source:** Fdi Markets 2016

South African outward investments to the region are more diversified than that traditionally sourced from developed countries involving mining, energy, retail, services, hospitality, manufacturing and construction. Table 2.10 shows the sectoral composition of FDI from South Africa into the rest of Africa. The bulk of the investment has targeted the natural resource sectors (in particular mining). However, most of the investment in the mining sector has not resulted in the creation of many jobs owing to the capital intensity of the sector as well as the relatively weak linkages between mining and the rest of the sectors. Importantly, the bulk of the investments have been acquisitions (brownfield) rather than new production (greenfield). While some acquisitions may simply eliminate competition (negative impact) or keep an investment at the same level as under the previous owner (neutral); other acquisitions may save a company that would otherwise go bankrupt or bring new technology or upgrading of processes or products, with development benefits. South African outward FDI in the region has also targeted the real estate, communications, finance and food and beverage sectors, as shown in Table 2.5.

**Table 2.5: Sectoral Composition of FDI from SA into Africa**

| Sector | Capex(ZAR m) | Jobs Created |
|---|---|---|
| Coal, Oil and Natural Gas | 141,191.7 | 2,693 |
| Real Estate | 80,737.5 | 10,156 |
| Communications | 67,451.6 | 6,245 |
| Metals | 39,588.4 | 11,261 |
| Financial Services | 13,754.7 | 2,629 |
| Building & Construction Materials | 13,004.8 | 2,182 |
| Food & Tobacco | 12,318.1 | 8,780 |
| Chemicals | 10,449.3 | 970 |
| Hotels & Tourism | 9,507.2 | 1,553 |
| Consumer Products | 7,057.2 | 2,925 |
| Minerals | 6,294.4 | 3,510 |

| | | |
|---|---|---|
| Beverages | 3,496.4 | 1,127 |
| Business Services | 3,286.6 | 824 |
| Transportation | 2,066.9 | 140 |
| Textiles | 1,779.8 | 1,061 |
| Industrial Machinery, Equipment & Tools | 1,431.8 | 984 |
| Software & IT Services | 1,249 | 298 |
| Non-Automotive Transport OEM | 1,079.1 | 590 |

**Source:** Fdi Markets 2016

As shown in Table 2.6, between 2003 and 2015 about R417 billion worth of capital investment, resulting in the creation approximately 60 thousand jobs, has been invested in Africa by South African MNEs. Most of the investment took place between 2009 and 2014 with 2013 recording the largest investment in a single year.

**Table 2.6: FDI inflows from SA to Africa**

| | **Capex (ZAR m)** | **Jobs** |
|---|---|---|
| **2015** | 17,456.1 | 2,019 |
| **2014** | 56,243.2 | 8,026 |
| **2013** | 65,674.9 | 9,588 |
| **2012** | 15,223.6 | 3,613 |
| **2011** | 54,689.8 | 6,737 |
| **2010** | 40,071.5 | 4,749 |
| **2009** | 79,369.6 | 2,940 |
| **2008** | 20,250.4 | 5,514 |
| **2007** | 10,866.2 | 2,174 |
| **2006** | 12,083 | 4,642 |
| **2005** | 3,692 | 2,432 |
| **2004** | 20,565.8 | 2,193 |
| **2003** | 21,243 | 4,481 |
| **Total** | **417,429** | **59,108** |

**Source:** Fdi Markets 2016

The mining sector in Southern Africa has played and continues to play an important role in terms of attracting FDI inflows into the sub region. The mining sector is of strategic importance to the sub region. Southern Africa is endowed with approximately half of the world's platinum, vanadium and diamonds as well as about 36 per cent of the gold reserves and 20 per cent of the cobalt reserves (World Bank, 2015; WEF, 2014). The mining sector in Southern Africa is also dominated by South African MNEs. For instance, the Impala Platinum Holdings Limited (IMPLATS) is one of the world's biggest producers of platinum and associated platinum group metals (PGMs). IMPLATS was founded in 1973 and it is listed on the Johannesburg Stock Exchange (JSE). IMPLATS employs 52,012 employees including contractors, produced 1,529,800 ounces of platinum in 2017 and a revenue base of R36.8 billion in 2017. IMPLATS has 5 operations namely; Impala, Zimbabwe Platinum Mines Limited (ZIMPLATS), Marula, Mimosa and Two Rivers. ZIMPLATS is 87 per cent owned by IMPLATS and it is situated on the Zimbabwean Great Dyke south-west of Harare. Mimosa is jointly held by IMPLATS and Sibanye. It is located on the Wedza Geological Complex on the Zimbabwean Great Dyke, 150 kilometres east of Bulawayo. Anglo American Platinum Limited (AMPLATS) is also one of the leading producers of Platinum Group Metals (PGMs). It is listed on JSE and employs around 30,000 employees. AMPLATS wholly owns Unki Platinum Mine near Shurugwi in Zimbabwe.

**Problems associated with MNEs Operations**

Secure employment with good pay and conditions of work is under attack all over the globe. Global economic integration and changes in production, business organization and technology are undermining full-time jobs with good social benefits and protection against dismissals (IndustriALL, 2014). IndustriALL (2014) observes that as demands for flexible labour markets increase, companies are resorting to outsourcing and subcontracting with precarious work exploding beyond legitimate needs.

The International Labour Organisation, in a study of 180 countries, estimates that in 2015, stable, full-time employment represents fewer than one in four jobs. In South Africa, between 25% and 50% of workers are estimated not to have permanent contracts. According to the International Trade Union Confederation's (ITUC) 2015 Global Rights Index, South Africa, famed for its protection of workers' rights, is slipping on that score. This year, South Africa was rated with Angola, Lesotho and Brazil, where there had been repeated workers' rights violations. ITUC estimates nine in 10 workers in Africa have informal work. But the trend is global. About 90% of Chinese workers do not have permanent contracts. Advanced economies, such as the United States and those in Europe, are showing the same trend – standard employment is less likely to be found.

Collective bargaining, which trade unions have used to guarantee trade union representation, job security, better wages, training and development opportunities, occupational safety and health protection, standard hours of work, social security and social protection coverage, mobility towards better-quality jobs or positions, among others is threatened by growing precarious work.

IndustriALL (2014) says precarious work is often deliberately used as a way to undermine union organization and collective bargaining as trade unions universally face difficulties to organize and represent precarious workers whose association with a single workplace maybe weak and short. In several countries, agency and outsourced jobs are reclassified in a way that legally prevents these workers from being eligible for membership in the union where they work. Unions are as such prevented by law from representing and bargaining for outsourced or agency workers in their industrial sector (IndustriALL, 2014:5).

The trend toward more contract labour, and towards using contractors for mining labour, has been linked to the mines' drive for higher productivity, flexibility and cost cutting. The argument is that TNCs have to adapt to market demands ranging from increased international competition requiring firms to produce more efficiently, pressures to reduce operational costs in the form of salaries and benefits for permanent workers and the general desire of employers to generate as much profit as possible. Among the reasons for the trends are that contract workers are typically not unionised and do not receive wages negotiated between the unions and mining companies. Contractors have tended to discourage their workers from joining unions. Employees of contractors are generally not covered by death and funeral benefit schemes negotiated by unions with mining companies. Whereas regular mineworkers earn little in bonuses, contract labourers often have their earnings entirely bonus-related, being paid for measured output (Standing et al., 1996:302). Standing (2011) calls it the process of labour recommodification, making the labour relationship more responsive to demand and supply, as measured by its price, the wage resulting in eroding all forms of labour security.

These mine workers get hired and fired on a whim; continue to endure poor working conditions, limited benefits and less pay than permanent workers. Standing (2011) says that not only has the level of income received by most workers gone down but their income insecurity has gone up and wage differentials have widened enormously, including differential between regularly employees and those near the precariat. Standing (2011) argues that while those in permanent employment had retained and continue to gain an array of enterprise benefits and privileges, with bonuses, paid medical leave, medical insurance, paid holidays, crèches, subsidised transport, subsidised housing and much else, the precariat have been deprived of them altogether

In an effort to achieve increased levels of casualisation in the workplace, mining TNCs have outsourced their so-called ‘non-core’ functions to external companies. However, Fraser and Lungu (2007) state that core functions such as ‘development’ (digging new seams) have been passed on to sub-contracting firms. This has meant that many ex-miners have been hired to work the same site they previously worked, but this time indirectly employed via sub-contracting firms (Fraser and Lungu, 2007:22). Casualised mine workers are doing the same development or mining jobs but on short term contracts-three months, without union representation, on low wages, no medical cover and other fringe benefits (Fraser and Lungu, 2007). The rise of outsourcing is a method that mining TNCs are using to minimise costs. We have also seen fewer environmental protections.

Information obtained through interviews with unions in these countries have revealed the following common trends among Chinese investments: hostile attitudes by Chinese employers towards trade unions, violations of workers’ rights, poor working conditions and unfair labour practices. There is a virtual absence of employment contracts and the Chinese employers unilaterally determine wages and benefits. African workers are often employed as ‘casual workers’, depriving them of benefits that they are legally entitled to. Wages above the national average were only found at those Chinese companies with a strong trade union presence. Chinese staff members enjoy significantly higher wages and more benefits than their African counterparts (Baah et al, 2009).

In some cases it has also been observed that Chinese companies prefer to bring a large number of Chinese workers to Africa and are unwilling to hire local workers. For instance, Schiller (2005) reported that tens of thousands of Chinese labourers and engineers were imported to build infrastructure projects in Ethiopia, Sudan and other African countries. This exacerbates the problem of unemployment in African countries (Slabbert, 2012). According to China’s Ministry of Commerce (MOFCOM)’s registration database there were more than 3,000 Chinese enterprises operating in Africa as of January 2015. According to the Chinese Ministry of Commerce’s (MOFCOM) statistics around 12,000 Chinese expatriates worked in Africa in 1990, this number grew to more than 40,000 in 1999 then 114,166 in 2007, and 195,584 at the end of 2010. However, these numbers only included the companies and projects which were formally registered with MOFCOM.

The International Trade Union Confederation’s Hong Kong Liaison Office (IHLO) suggested that Chinese companies’ wage is among the lowest in many African countries and they usually pay less than other foreign investors (IHLO, 2006). Another criticism is that working conditions in Chinese enterprises are problematic, often involving health and safety hazards and long working hours. For example, an explosion accident at the Beijing General Research Institute of Mining and Metallurgy (BGRIMM) in 2005 killed 52 Zambian employees and provoked fierce resentment from the local community against the Chinese investors. There are also concerns on Chinese companies' contribution to the development of the human capital (IRIN, 2006). A World Bank research paper by Zahar (2007) states: 'Chinese firms tend to rely on their own low-cost labour and do not invest heavily in the training and education of African workers.' Southern Africa Resource Watch (2011) also stated that 'technology transfer to local people is not a feature of most Chinese investment.' Morrisey (2010) in an analysis of Chinese and Indian investments in African countries finds that Chinese FDI play a marginal role in the development of local suppliers and domestic labour demand through linkages.

An analysis by UNIDO (2011) on the employment patterns and linkages of Chinese manufacturing enterprises revealed the following:

- The proportion of foreign employees in Chinese manufacturing firms was relatively high compared to firms from the North. With the concentration of Chinese manufacturers in the garments and textile sector, Chinese firms employed a higher proportion of women and paid, on average, lower wages than median European ones.
- More than a quarter of manufacturing enterprises had no domestic suppliers of raw materials or intermediate goods. Two-thirds by value of manufacturing inputs of the 80 firms in the survey came directly from China. The number of new local suppliers taken on during the past three years was significantly lower than those taken on by manufacturing firms from the North. According to the firms surveyed, the main reasons for not entering into local procurement contracts, were uncompetitive local prices or unsatisfactory product or service quality. Where local suppliers were used, the reasons cited included better access to local raw materials, easier logistics and reduced inventory

Aryeetey et al (2008) find that Ghanaian MNEs create 400 jobs on average. However, a quarter of these are non-permanent and nearly half of senior positions are occupied by expatriates. Likewise in South Africa, MNE investments has deepened labour market segmentation through a focus on skilled, rather than unskilled job creation (Gelb & Black, 2004).

The Africa Progress Panel has identified cross-border transactions between related parties for instance through transfer pricing as a major threat to the erosion of the tax base of African countries (Africa Progress Panel, 2013). According to the United Nations Economic Commission for Africa (UNECA), trade misinvoicing by MNEs in Africa represents a large proportion of the approximately USD 50 billion per year of illicit financial flows that evade any type of taxation (UNECA and AUC, 2014). The already narrow tax base in many African economies is further eroded by excessive granting of tax incentives, inefficient taxation of most extractive activities and the inability to fight the excesses and abuses of transfer pricing my MNEs (AfDB, 2010). In many countries in the sub region transfer pricing legislation is often weak and in some cases non-existent.

Centralisation of procurement by MNEs can be a serious concern in that this practice negatively affects local economic development and exacerbates the unemployment problem. Local suppliers are ignored in favour imported goods – this could be a source for de-industrialisation and erosion of productive capacities. Most South African retailers operating in the region use their own centralised distribution centres based in South Africa to distribute and supply products to stores (see Table 2.8). Proximity to neighbouring markets (particularly Zambia and Zimbabwe) mean minimal reduced transport and logistics costs; combined with lower operating costs in South Africa, it is economically feasible to import, and gives these big retailers greater leverage with supplies. For example Shoprite uses Freshmark (its fresh produce distribution arm), which has a number of distribution centres in a number of Southern African countries as its centralised procurement and distribution entity for fruit and vegetables in the rest of Africa. In this regard, prices of products could be significantly higher due to higher tariffs as well as high transportation and handling costs. It is thus suggested that MNEs commit to empowering local producers and suppliers by equipping them with skills and knowledge for manufacturing or producing high quality products that meet international requirements, i.e. health and safety, hygiene, packaging and storage. This form of backward integration could stimulate economic development and create sustainable jobs.

Monopolies like Multichoice have not been generally good for economies across the continent – it has been proven that subscriptions contribute to the depletion of foreign currency in many countries.

Agricultural sector and related industries could be linked to issues of food security of countries. Africa has amongst the highest number of people who go to bed hungry. The presence of large food producers crowds out subsistence farmers and kills local markets as well as makes it impossible for locals to generate income and jobs.

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