This booklet accompanies The Bottom Line, an investigative report by Open Secrets.

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LOOK BEYOND THE BOTTOM LINE

“You have taken the bottom line as your guiding beacon and the low road as your route, but you are the corporate conscience: please in the name of humanity, lift your eyes above the bottom line.”

This booklet accompanies The Bottom Line, an investigative report by Open Secrets. This report details Open Secrets’ findings after a year-long investigation into the South African pension fund industry, unpaid benefits, and the unlawful cancellation of hundreds of pension funds. The Bottom Line shows how private companies that administer pension funds have consistently prioritised profits and their own bottom lines, often at the expense of social justice and equality. Moreover, state regulators have often failed in their most basic duty to defend the public interest.

As part of this investigation into corporate greed and regulatory failure, Open Secrets spoke with members of an ex-mineworkers association in Khayelitsha, Cape Town, and the Ekurhuleni branch of the Unpaid Benefits Campaign (UBC) in KwaThema, Springs. They are all engaged in long, ongoing struggles to access their pension benefits, and we wanted to hear their stories and gain insight into how they intersected with the broader trends in unpaid benefits.

Their stories emphasise the need to impose human rights obligations on corporate actors, particularly those who can have a detrimental impact on the constitutionally enshrined rights of South Africans to social security and related rights.

Most of the individuals we spoke to worked for decades in low-wage and sometimes dangerous employment. Despite having money deducted from their salaries throughout their working lives, many have not yet been paid.
Others are trying to claim the money owed to them as dependents of individuals who passed away before being paid.

One of the challenges Open Secrets faced in their investigation into the pensions industry is that while over four million South Africans are owed more than R42 billion in unpaid benefits, individual stories of beneficiaries are often obscured. Thus we felt that it was important to include the stories of the individual pensioners we spoke to. Their lives reveal the precarious situation in which our increasingly financialised economy has left poor people.

This booklet looks beyond the bottom line. It aims to focus on and centre the stories of the most vulnerable members of our society, those who have been systematically and structurally precluded from enjoying civil and human rights throughout South Africa’s history. The ex-mineworkers and UBC members represent the stories of many of South Africa’s poor, whose lives reflect the continuities between the racialised socio-economic exclusion of Black people under apartheid era and today.

The stories in this booklet reflect the perspectives of the people we spoke to. The corporate entities named in this publication have not been formally implicated in any wrongdoing, and have not been the subject of a detailed investigation by Open Secrets. The perspectives given here are representations of systemic neglect by the powerful in our society, and they demand the attention of pension-fund regulators.

The enduring symbol of these continuities is the passbook, colloquially and pejoratively referred to as a dompas. A striking recurrence in the interviews we conducted, particularly in the cases of the ex-mineworkers in Cape Town, was that many people did not have payslips or other documentation related to where they worked or what their pension benefits were. This is not unusual, as many employers and fund administrators do not keep members updated about the status of their pension funds.

Instead, many of the people we spoke to referenced their dompas books as documentary proof of their employment history. In
the passbooks shown to us, we found stamps from where the owners had worked, racial identifications, details of ‘homeland’ or urban areas where that person had resided, and sometimes employment history. In this prevailing symbol of an oppressive regime, we could trace the movement and life history of the people sitting in front of us.

There was a cruel irony to this. Even in post-apartheid South Africa, this book presented sometimes the only route to accessing the rights that many believed would be afforded them in a democratic South Africa.

Passbooks have a long history in South Africa. In 1709, slaves in the Cape Colony were forced to carry passes. After their land dispossession, Khoikhoi people had to carry permission documents from their ‘employers’ to allow them to leave the farms where they were forced to work. The various iterations of the passbook in South Africa’s history functioned to control and restrict the movement of Black people and register their labour with their employer or tie them to their place of residence.

The most draconian version of the passbook came into being with the passing of the Natives Abolition of Passes & Coordination of Documents Act No 67 of 1952. This passbook built on the segregation that was introduced by the Group Areas Act and the Population Registration Act, both introduced in 1950. The former enacted spatial segregation and the latter regulated the issuing of identity books based on contestable notions of race. Classifications included ‘Native’, ‘White’ and ‘Coloured’ (Indian people were classified as Coloured).

As a result, black people had two documents. One identity document as per the Population Registration Act and a second, the passbook, which contained the ‘personal history and movements’ of every black worker, and then a list of official permissions, including official permission to ‘enter an urban area, permission to seek work, records of required medical examinations and any particular medical history, the names and addresses of employers,
and, most importantly, receipts for tax payments’. 9

This history of the dompas and its contemporary symbolism as a marker of an exclusionary socio-economic system are why we have chosen the dompas as the cover of this publication.

We position this booklet as a provocation to corporations and enabling state regulators to look beyond the bottom line.

INTERVIEW METHODS

The interviews in this booklet were conducted in two stages. First, members of an ex-mineworkers forum in Khayelitsha, Cape Town, were interviewed. Next, members of the Unpaid Benefits Campaign in KwaThema, Springs, were interviewed. These were undertaken by the Open Secrets team, consisting of Michael Merchant, Mamello Mosiana and Zen Mathe.

Open Secrets considers itself an ally and partner of the UBC in Gauteng. This relationship has included knowledge-sharing, along with combined efforts to pressure pension-fund administrators and regulators to reinstate cancelled pension funds. These efforts have included sending letters, protesting and engaging in advocacy, all informed by investigative and legal research. Open Secrets is fostering a similar partnership with the ex-mineworkers association in Cape Town. This process began in 2018, and our interviews in Khayelitsha were part of deepening this relationship via knowledge-sharing, advocacy and the attendance of meetings.

It is due to the comradely and personal nature of our engagement that, throughout this publication as well as the investigative report, The Bottom Line, the members of the ex-mineworkers association and the UBC are sometimes referred to by their first names. This method of sustained alliance-building, knowledge production and sharing was likewise adopted when interviewing whistle-blowers Rosemary Hunter and Michelle Mitchley. Their stories are relayed in The Bottom Line.
In KwaThema, Michael Marchant and Mamello Mosiana met more than fifteen members of UBC. Before individual interviews began, there was a broader discussion with all UBC members present. This session was chaired by Thomas Malokotsa with the participation of the Open Secrets interviewers. It was during this session that some of the people interviewed below volunteered for individual interviews. UBC wanted individuals from different industries and experiences to get a chance to take part in the interviews so as to present a broad view of the challenges the organisation faces.

In Cape Town, the interviews were held at the offices of Workers’ World Media Productions (WWMP) at Isivivana Centre, Khayelitsha. The WWMP acts as a convening space for the ex-mineworkers’ forum. They hold a group meeting there every Friday. Open Secrets met with the miners on three separate occasions. The first meeting was an introductory session, in which the ex-miners and Open Secrets introduced themselves and discussed their respective goals and mandates. With Zen Mathe acting as translator, six interviews were conducted over the next two weeks.

As part of the introductory meetings with both organisations, Open Secrets explained the purpose of our research, our ongoing advocacy on the issues involved, and the nature and purpose of the publication of The Bottom Line. We then provided an opportunity for questions about the work and the publication. At the beginning of each interview, we confirmed that the participant consented to their stories being told in a public report of this nature.

At both sessions, Open Secrets had a set of fixed questions to explore regarding each participant’s personal history, employment history, and the benefits they believed they were owed. However, each participant was given an opportunity to tell other aspects of their story that they felt were important, and the interviews proceeded in a mostly conversational manner. The length and precise focus of each interview thus varied considerably, and so do the stories below.
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PROFILES
PERSONAL PARTICULARS
PERSOONLIKE BESONDERHEDEN

FIRST NAMES
VOORNAME

MARTA

SURNAME
VAN

MASHIAME

GROUP
GROEP

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

10

ZULU 02002WTWR

FEMALE
VROULIK

DIRECTOR,
DIREKTEUR,
BANTU
REFERENCE
BUREAU
BANTOE-
BEWYSBUREO

GROUP
GROEP

NO.

REGISTRED AS A WORKER IN THE
BANTU BUREAU UNTIL
EMERGENCE 1960

COMMISSIONER
CARLETONVILLE

1982-05-27

KLIPPENSTEIN

DISTRICT EMPLOYMENT OFFICER

24-10-50
Maria Mashiane is 78 years old, and was born on a farm named Welgedacht in Springs in 1941. Like many of the black residents in Springs, Maria’s family was displaced from Welgedacht in 1952 following a tornado which Maria referred to as a ‘strong wind’. This strong wind/tornado led to a large exodus of people to KwaThema. KwaThema had been demarcated as a township only the year before, in 1951, and construction of homes began in 1952.

Black people were systematically moved from Payneville (another suburb of Springs) to KwaThema over the next decade. Beyond the oral retelling of the tornado by the people of KwaThema, the only record we could find of the event was a digital entry on the website for South Africa’s genealogical society (the eGGSA) for a gravestone in Payneville commemorating the eleven victims who died as a result of the tornado. To this day there is an area referred to as Tornado in KwaThema, where the people who were displaced by this wind continue to live.

Though Maria was young when her family relocated to KwaThema, she was already married. She, like many people in KwaThema, would go on to work in the industrial areas that surrounded Springs. For seven and a half years, Maria worked as a cleaner and carer at Impala Platinum’s Chief Technology Officer (CTO) department.

In the CTO training department, Maria used to clean the offices and make tea for the staff and students. She says that whenever she was not working and had the chance, she would make an effort to sit in on the classes. Though she does not remember the exact years that she worked here, she was sure that it was during the time that President Cyril Ramaphosa was the secretary of the National Union of Mineworkers (NUM), in the 1980s. Maria would eventually leave Impala Platinum and go on to work as a domestic worker for seven years. She says that during this time she was not sure whether she was contributing to some sort of pension (or if
her employer did so on her behalf).

Maria says that the primary reason she joined the UBC is to claim her pension dating from the time she worked at Impala Platinum. She has no documentation proving contributions to a pension or provident fund; however, she is still in possession of her ‘Blue Card’\textsuperscript{14} from the mine which she uses as proof of her service there.\textsuperscript{15}

Maria is the mother of four children and six grandchildren, many of whom she is supporting on scant state grants. This includes the children of a son who passed away, and for whose children she is now the primary caregiver. Asked what she would do if she received the pension benefits earned from her years of work, Maria says that her number-one priority would be to fix her house so that she can live a better life.

Should she receive her pension benefits, Maria says she would like to use the money to make sure her grandchildren complete high school and are able to attend university.
FIRST NAMES
VOORNAME

ZODWA

SURNAME
VA N

MABENA

REPUBLIC OF SOUTH AFRICA

REPUBLIC VAN SUID-AFRIKA

PERSONAL PARTICULARS
PERSOONLIKE BESONDERHEDE

GROUP
GROEP

NO.

359385565

DIRECTOR,
DIREKTEUR,
BANTU
REFERENCE
BUREAU
BANTOEBEWYSBURO

FEMALE
VROULIK
Zodwa Mabena is 51 years old, making her part of a younger generation of members of UBC. Her family is originally from Bronkhorstspruit at the border of Gauteng and Mpumalanga. However, Zodwa, the last of ten children, was born and raised in KwaThema. After completing high school, she went on to qualify as a nurse. Though she had initially enrolled to study teaching, she became a nurse because of what she calls her ‘big heart for elderly people’. She works as a nurse for elders in Boksburg, and says she is ‘100%’ happy with the work that she does.

Zodwa is one of many South Africans trying to claim pension benefits owed to her as a dependant of a main beneficiary. Specifically, she is seeking her father’s benefits deriving from the 30 years he spent working in the metals industry at the Fagersta Steels plant in Springs. Fagersta is a Swedish company that made drill bits for mines through its local subsidiary. Her father, Jeremiah Mabena passed away in 1981. Her mother passed away in 2014, but before then, she and Zodwa had been trying to track and claim Jeremiah Mabena’s pension benefits since his death decades ago.

Despite their best efforts, Zodwa is still not sure precisely which fund her father belonged to, nor which administrator manages the fund today. The administrator of a pension fund can change regularly, and the industry does little to assist those trying to track their benefits to follow the trail.

Zodwa says that her experience is of a secretive system that has sent her from ‘pillar to post’, and she has not been able to get any helpful details.

The mystery surrounding Zodwa’s father’s pension increased in 2013. Her family received an invitation for her father to attend an event at which he would receive a long-service award for his time at Fagersta Steels (even though the company has since changed names and identity). This struck her as strange given that the com-
pany should have had records of his death in 1981. Zodwa decided to use this opportunity to go to the company to ask questions about her father’s unpaid pension benefits. She says that she and her mother were not given any answers; instead were told that they had to contact the Metal Industries Benefit Funds Administrators (MIBFA), which provides administration services for various funds in the metals industry.

Zodwa and her mother were sceptical, but went to visit the administrator on Anderson Street in downtown Johannesburg. Zodwa says that they were able to confirm her father’s record of work and long service. However, they were told that he had been paid out a ‘long time ago’. Zodwa pushed them for details, but she says that they would not specify a date or an amount.

To add to the family’s frustration, the Engineering and Allied Workers Union of South Africa wrote to Zodwa’s family to indicate that they could not claim her father’s union-related benefit of R75 000 because for a few months between November 1977 and March 1978 he had not paid his membership fee. According to a strict interpretation of the constitution of the Engineering and Allied Workers Union of South Africa, the lack of payment for three months made him ineligible for other benefits.

Zodwa has two children who are now adults. Both are married and no longer live with her. Nevertheless, she remains the sole breadwinner for nine people. She provides for her three brothers, who are unemployed, partly because of mental health issues. Zodwa says that this is linked to drug addiction, in at least one of her brothers. She is also the primary caregiver for her brothers’ children, including one niece who is disabled. She relies on the state child grant for three of the children, but no social support is forthcoming for the other three children, for whom she does not have birth certificates.

Zodwa says that if her father’s benefits were paid out, it would ‘mean a lot’ to her. She would be able to provide for her family and it would relieve some of the stress of having to support so many people. Zodwa summed up her situation simply: ‘being a breadwinner is not easy’. 
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<th><strong>SURNAME</strong></th>
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<td>TSHIDISO</td>
<td>MATEBEBESE</td>
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**MALE**

**GROUP**

**NO.**

**SESOTHO**

**DIRECTOR, BANTU REFERENCE BUREAU BANTOE-BEWYSBURO**

**REPUBLIC OF SOUTH AFRICA**
TSHIDISO MATEBESE AND PULENG MATEBESE

Tshidiso Matebese (36) and his aunt Puleng Matebese (54) chose to be interviewed together. This was in part because they are both seeking more information about the benefits owing to Tshidiso’s grandmother. Puleng also suffers from a speech impediment and so Tshidiso spoke for most of the interview. They, together with Tshidiso’s mother, joined UBC to try to get more information about the pension benefits they believe may have been owed to his grandmother, Anastasia Malitlare Kganyago.

Anastasia Kganyago was originally from Lesotho. Tshidiso says that he is unsure of when exactly the family came to South Africa, but he does know that his grandmother had three siblings. Though his grandmother’s ID said that she was born in 1930, Tshidiso says she was actually born in 1921. His family, like many others in KwaThema, was relocated from Payneville in 1965 by the apartheid state.

Previously a domestic worker, Anastasia became a cleaner at the Telephone Manufacturers of South Africa (TEMSA) where she worked for 20 years. After her retirement in 1989, she received a certificate from the company, acknowledging her long service to the firm. This certificate, along with her ID, are the only documents that Tshidiso’s family has to verify his grandmother’s work at the firm. They do not have any pay slips or member statements from a pension fund.

TEMSA was subsequently sold to the international firm Marconi Communications and, as with so many members of UBC, the Matebese family has struggled to find or access Anastasia Kganyago’s work record. Anastasia passed away in 2007. However, while she was still alive, she was not aware of any benefits, and Tshidiso says that she did not understand how the pensions system worked.

Puleng, Tshidiso, and his mother think that Anastasia may have been owed a pension. This is largely because in 2012, other people in KwaThema started talking about ‘surplus money’ that ex-em-
ployees from TEMSA were getting. Surplus assets are the difference between what a fund owes its members (its ‘actuarial liability’) and the market value of the assets it holds. This surplus can, on occasion, be paid to the fund members. Tshidiso’s family went to enquire about this at the MIBFA offices. They were told that his grandmother did not qualify because the surplus apportionment date (when the money became due and payable to members) was in 2008, and she passed away the year before in 2007.

Tshidiso says that this was particularly painful for his family as many of the other people who worked with his grandmother received their benefits because they were still alive. According to Tshidiso, the family does not know exactly the amount of pension monies owing to his grandmother. However, he has been told that one of his grandmother’s former colleagues who worked the same amount of time at the company received R220 000, and also receives a monthly pension pay-out.

Tshidiso says that **he does not trust the companies and administrators involved to give accurate information, and so he relies solely on UBC to try to access his grandmother’s benefits.**

Because the family did not have enough money, Tshidiso was unable to finish his degree at the University of Johannesburg. Since then, he has struggled to find work. Although he is actively looking for work, he says that this means he has to ‘hustle’ around the township to make ends meet. His five-year-old son is supported by the state grant his mother receives for him. Tshidiso’s mother has suffered from two strokes and receives a disability grant. His aunt Puleng struggles to work because her speech impediment makes it hard for her to talk.

Tshidiso says that if his family received any benefits as dependants of his grandmother, it would make a huge difference for his family. Both Puleng and Tshidiso’s mother would be able to access better treatment and care, and they could improve their home. It would also enable Tshidiso to finish his final year at university.
FIRST NAMES
VOORNAME
ANNA
POPPY

SURNAME
VAN
MOKWAYI

GROUP
GROEP
PEDEI

NO.
3357844

FEMALE
VROULIK

GROUP
GROEP

REPUBLIC OF SOUTH AFRICA
REPUBLIC VAN SUID-AFRIKA

DIRECTOR,
DIREKTEUR,
BANTU
REFERENCE
BUREAU
BANTOE-
BEWYSBURO

PERSONAL PARTICULARS
PERSOONLIKE BESONDERHEDEN

19
Anna Mokwayi was born in Payneville in 1943. Her parents, Sara and Amos, raised her and her four siblings in Payneville until 1953, when her family moved to KwaThema.

Anna is now 76 years old and lives alone. She has been engaged in a long struggle to access benefits owed to her as the widow of her husband Amos Sipho Mokwayi. Anna says that Amos had worked in the metals industry for ten years when he passed away. Together they had five children, but two of her children have since passed away. When her husband was alive, Anna did ‘piece-jobs’ at the firm where he worked. However, Amos was ‘very strict’, and Anna intimates that he was controlling and jealous, preventing her from working while he was still alive. This was largely because he claimed she might become involved with other men if she worked.

Anna says that after Amos passed away, she went ‘into his space’ and started working at the metals firm because her children were young, and she was left with no choice but ‘to get food for them’. She says that her time working in these factories was awful:

I used to suffer, we worked so hard when it was hot and when it was cold, we had to hold the metal/steel bars with our hands, we suffered, we worked from seven to seven and they only paid us R500 a week.

When we asked about her living situation at present, Anna told us she never had a real house until 1982, when she got a small and ‘very dirty house’ which she had to clean for days to make it habitable. Her current house (in which she still lives today) has only three rooms.

A point Anna made repeatedly is that if she does finally get her husband’s pension, she would really like to repair her house. The only benefit Anna ever received was R5 000 in death benefits for Amos. She says she used this money to fix what she could of
her home. Still, when it rains, water leaks into her nearly seventy-year-old house, which has never been renovated.

Anna believes that Amos had been contributing to a provident fund, and that she qualifies to receive both that pay-out and any surplus apportionment that is owing. However, Anna stresses that trying to get more information in this regard is prohibitively expensive because she has to travel back and forth from Springs to downtown Johannesburg where MIBFA is based.

Anna says she has made this journey on countless occasions. On one of these occasions, she says that a sympathetic person at the office showed her a computer screen that showed she was owed R45 000. Despite this, Anna has still not received payment, and continues to travel to the offices to try and finalise the matter. UBC marched to MIBFA in July 2019 to demand swifter action in cases like Anna’s.

In the meantime, Anna relies solely on her meagre state pension of R1 800 per month as income. With this, she has to pay rent, leaving very little money for food. All she has to eat is soft pap and porridge, because that is what she can afford. She also has another challenge in this regard. At the beginning of our interview Anna jokingly said she ‘wants them to bring her money so that she can put “the false” [false teeth]’. ‘I need to eat,’ says Anna. Unfortunately, her children cannot help much because they have their own family expenses.

Anna also laments that her children did not get to finish school because the family did not have enough money. Towards the end of the interview, Anna got increasingly distraught and angry. She says that she wonders how ‘these people’ [pension fund administrators] could do this [make people suffer]. She finished by saying that we [Open Secrets] should ‘cry for us’, so that the pension fund administrators will listen to them.
PERSONAL PARTICULARS
PERSOONLIKE BESONDERHEDE

FIRST NAMES
VOORNAME

SIMON

SURNAME
VAN

MAHLANGU

GROUP
GROEP

ZULU

MALE
MANLIK

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

22

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA
Simon (61) and Johannes (62) Mahlangu are brothers. They have been trying to claim benefits they believe were owed to their father, Isaac Masango. Even though Simon is the younger, he did most of the talking in the interview. Simon and Johannes are two of ten children, of whom seven are still alive. The brothers were both born on a farm in Heidelberg, south of Johannesburg, where their family lived at the time. The family moved to KwaThema in 1964.

Simon spoke animatedly about their mother, who was self-employed. Both described her as entrepreneurial and a brilliant dressmaker, who could make anything from wedding dresses to traditional clothes. She was also known for baking and selling cakes in KwaThema.

Their father, Isaac, worked in factories in and around Springs for different companies, both in the metals industry and telephone manufacturing, for 25 years. He then worked for a glass manufacturing firm for more than ten years before taking early retirement. Isaac may have received a third of his pension as a lump sum while he was still alive, but Simon and Johannes are not clear on whether this happened. They describe their father as ‘very secretive’, and they suggest that he may well have hidden some of the money he received from his wife and children.

Isaac passed away in 1990. Simon and Johannes are certain that their father and, after his death, his wife, was supposed to receive monthly payments related to the two-thirds of his retirement benefits still owed to him. This never happened.

They have looked into their father’s pension benefits, but were told by the fund administrator that all of it was paid out by 1990. Simon and Johannes are sceptical about this, and do not believe that all the money could have been paid out by then without them knowing about it.
Simon told us that he is in a separate process to receive his own pension money owing from working at paper manufacturer SAPPI.

We asked Simon and Johannes what receiving their father’s benefits might mean to their family. They say that they are ‘a big happy family’ but that compensation would change their lives substantially. The most important outcome would be ensuring their children could complete school. They say that perhaps even they could have gone to school and furthered their studies, had their parents received all of their benefits on time.
FIRST NAMES: BENJAMIN
PERSONAL PARTICULARS:
SURNAME: SHONGWE
GROUP: ZULU
NO.: 603847484
Benjamin Shongwe is 68 and an only child. Like many of the UBC members we spoke to, he was born in Payneville. Both his parents have passed away, his father in 2013, and his mother a year later in 2014.

Benjamin worked for several companies with factories in Springs. His first major job was working for Raleigh Cycles in 1969, but he was retrenched in 1985. Benjamin would go on to work at two other local companies: first at Boart International, where he worked for five years as a cleaner, and later at Broseal Ventilation, where he worked for another two years. Benjamin faced retrenchment at these firms as well.

In all three instances, he left without receiving his benefits. He says that he only ever received back pay and a retrenchment payout from Raleigh. However, Benjamin says that he knows he was paying into a pension fund when he was working at Raleigh. He has never received any of these benefits, despite sixteen years of service. As a pension fund is independent of the employer, its assets should not be affected if the employer closes shop.

Benjamin faces the added frustration that he does not know who administers his pension. This is another common problem faced by many pensioners, as fund administration often changes between different companies over the lifetime of a fund, and members often do not know who to approach once time has passed.

Benjamin and his wife have five children and four grandchildren. All of them live with him and his wife in their four-room house in KwaThema. Benjamin says that because none of his children were able to finish university, and some did not finish high school, they have struggled to find work. This is why all eleven members of the family have to stay in their small home, and all are dependent on social grants.

Benjamin says that if he gets his pension benefits, he wants to extend his home so that he and his family can live in greater comfort.
Sphiwo William Casiwe is 57 years old and a member of the leadership of the ex-mineworkers’ forum in Cape Town. Sphiwo was born in Xesi, near Alice in the Eastern Cape. He is the eleventh of fourteen children, three of whom are boys and the rest girls. Though Sphiwo went to high school, he says that he had no choice but to leave early in 1978 due to his family struggling to make ends meet. However, after making the decision, he struggled to acquire a dompas until 1980.

Then in 1981, dompas in hand, Sphiwo left Xesi to search for work in the mines. TEBA first placed him at a gold mine in Stilfontein. There he stayed in a hostel where twelve people shared a room. The ex-mineworkers forum and UBC maintains that their struggle for pensions includes the migrant mineworkers from other Southern African countries. However, Sphiwo also recalls there being tensions with foreign mineworkers due to their perceived ‘obedience’ to white supervisors. He felt that this made things difficult for black South African miners, who questioned the authority of the supervisors and demanded better treatment.

While working at Stilfontein, Sphiwo sustained an injury when rocks fell on him. He says that instead of being taken to hospital, mining personnel just bandaged him rudimentarily. He says that this treatment, or lack thereof, was due to the fact that he had no authorisation to be working in that part of the mine. Like many other workers, Sphiwo was often moved around the mine and placed wherever supervisors pleased. The day he sustained the injury he was not at his station, and he says this is the reason the mine did not want to acknowledge his injury, nor compensate him.

Sphiwo describes his time working in the mines as ‘slavery’. He says that the miners were never given adequate information about their employment or benefits, and were often asked to sign documents without explanation as to what they were. At the last mine where he worked, Gold Fields’ Kloof Mine near Carleton-
ville, he left without final payment and says that he was retrenched without explanation.

It was at this point that Sphiwo began the process of trying to access his retirement benefits from his work in the mining sector. Later, in 2003, he joined a group of ex-mineworkers who were organising around this issue. This group now forms part of the group we interviewed in Khayelitsha.

After his time in the mines, Sphiwo moved to the Western Cape. He did odd-jobs until finding employment at Augustyne’s Spring Works in Brackenfell, Cape Town, in 1998. He worked there for sixteen years. Sphiwo describes his experiences there as being a throwback to the apartheid era. He says that there was a strict hierarchy of positions and seniority predominantly based on race, and salaries reflected this too. Sphiwo says that he and other black workers earned R4 800 per month while many of the white employees earned R15 000 per month. Sphiwo says that this was because the firm made sure that black people never performed roles other than hard labour.

Sphiwo’s protest at the persisting wage differentials led to himself and several colleagues being dismissed in 2014. They approached the Bargaining Counsel alleging unfair dismissal and won their case. Sphiwo says that while they received the first part of their payments, he still has R28 950 outstanding. He is seeking legal advice in this regard.

Sphiwo expressed deep concern about the thousands of people who die without ever having received their benefits. He says that he fears he might become one of them.

His family currently depends on his wife’s salary, but she has only been able to find work for two days a week, and he is unfit to work due to the toll that years of hard labour have taken on his body, and he suffers from several serious chronic medical conditions. He feels that receiving his benefits would greatly improve his quality of life and allow him to access better care.
PERSONAL PARTICULARS
PERSOONLIKE BESONDERHEDE

FIRST NAMES
VOORNAME

BENNET

SURNAME
VAVI

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

REQUIRED TO PROCEED TO
STILL FONTAINE

GROUP
GROEP

XHOSA

30

MALE
MANLIK

12 JAN 1981

482345363

DIRECTOR,
DIREKTEUR,
BANTU
REFERENCE
BUREAU
BANTOE-
BEWYSBURO
Bennet Vavi was born in 1957 on a farm in Queenstown in the Eastern Cape. He, along with Sphiwo, is a leader of the ex-mine-workers in the Western Cape.

During his early childhood, Bennet lived with his grandmother. Both Bennet’s parents worked in Johannesburg and though they would send money home regularly, the family also relied on his grandmother’s pension.

Bennet did not finish school. In Grade 4, he decided that he ‘wanted to be a man’ and have his own farm. To do this, he needed to start working so as to save money. This led him to move around a lot when he was younger, including moving to the Western Cape. When he was eighteen, he started working on an apple farm in Grabouw, where he earned R10 a week as a machine operator. A year later, in 1976, he left and found work for a brick-making company in Strand.

It was at this point that Bennet recalls his friends who had already been working in the mining industry telling him to go work on the mines to get higher wages. They told him that if he wanted to get enough capital to buy cattle and to farm, the mining sector was the place to be.

His first mining job was on a gold mine close to the border of South Africa and eSwatini but Bennet only worked there for nine months. Then between 1978 and 1980 Bennet worked on a gold mine in Venterspost on the West Rand.

Bennet says during this time he sent money home regularly to his family. In addition, he says that there were deductions from his pay. These deductions were for a pension, but there was also a certain amount deducted and paid to the chief of his village in Queenstown. All of this was indicated on his payslip. Bennet has only recently come to understand these deductions. He says that he did not understand what they were at the time, and his employer never explained them. He maintains he has never received any
pension pay-out for his time working at these mines.

Like many of the ex-mineworkers we spoke to, Bennet also sustained a leg injury working underground. Though he was due compensation for this injury, he claims this was never paid. In 2018, the ex-mineworkers engaged with a parliamentary committee that considered the issue of unpaid benefits to ex-mineworkers. From this, the committee confirmed some of the entities that were holding various unpaid benefits. On the strength of this, Bennet contacted Rand Mutual to claim his compensation from the leg injury. However, though Bennet says that Rand Mutual did confirm having his records from 1980, they told him that he would have to get a case number before he could claim. Unfortunately, Bennet lost the phone he was using at the time for the correspondence, and has been struggling to complete this process.

When Bennet left the mines in 1980, partly because of his injury, he struggled to find work. Back in Cape Town, he eventually found work in the industrial hub of Epping, including at Premquip Manufacturers, where he was elected as a shop steward.

For this last job, Bennet was paid out from his provident fund to the amount of R52 000. However, his experience as a shop steward left him well versed on the intricacies of pension law. This alerted him to the fact that he might well be entitled to part of the surplus in the fund. He continues to fight to receive this.

Bennet says that he has tried to use a call centre to get this money, but has been unsuccessful so far. He also bemoans the fact that most workers are unaware of these kinds of details, preventing them from accessing benefits that they may be owed.
Lungisile Mene was born in 1957 and was one of eleven children. Both of his parents passed away when he was a child. His mother died in 1962 and ten years later, in 1972, his father passed away too.

His father’s death left his family in dire straits as the family had been dependent on his wages. Consequently, Lungisile had to find work, and in 1974 he started working on a farm in Welkom milling nuts and farming corn and potatoes.

At the beginning of 1976, Lungisile got a contract to work as part of the team completing the 861 km Sishen-Saldanha railway line that transfers ore across South Africa to the port at Saldanha for export. After the line was opened in 1976, Lungisile went through the TEBA system and went on to work at a gold mine in Carletonville. He worked at this first mine for only six months and then returned home in January 1977.

TEBA was established as a labour-recruitment agency in 1902, after the South African War, to “support mines in meeting one of our countries’ key national priorities: to expand mineral production”. Initially TEBA focused on the recruitment of mining personnel, but by the 1970s its mission was to “stabilise a workforce for the mining industry”. Ensuring a steady flow of black labour to the mines, TEBA was a linchpin of the apartheid migrant labour system. Many ex-mineworkers we spoke to referenced the brutal selection process that they went through before TEBA assigned them to mines and specific roles.
Lungisile would return to the mines later in 1977, working at what was then Western Areas Gold Mine as a “cheesa boy” – someone who had the dangerous job of lighting the fuses of explosives during mining operations. In this role he suffered an injury to his finger that still plagues him. Lungisile says that the bosses at the mine would not allow him to stop working after this injury, resulting in the long-term damage to his finger.

When he suffered an additional injury to his leg and could no longer work, he says that he was fired rather than being offered medical care. Lungisile attributes this harsh treatment to the attitude of the apartheid regime to black people. Despite this, because of the need to make money, Lungisile once again found work in the gold mines in Carletonville, and stayed on for another three years. This would be his last stint in the mines.

In 1981, Lungisile moved to Cape Town to work for a railway company. He makes light of his self-described itinerancy, as he explained how he moved from job to job from 1982 to 1996. In addition to his experience in the mines, Lungisile had jobs as a builder, construction worker, and, in his last job at a foundry, a steel worker making car parts. This experience gave him great insight into where the minerals he had long helped extract ended up. He speaks with great pride about being able to understand how to make a car – from the mining phase to the point at which it is a complete vehicle.

In 1996, the workers at the foundry were retrenched. At this point Lungisile explained to us that R110 000 in provident fund benefits were due to him. He says that he received R68 000 of this money, as well as R2000 for UIF and then R1500 in installments for five months. He says that he has never received the rest of the money owed to him. He has been engaging with the MIBFA to claim surplus payment that might be due to him, but is yet to receive this payment.

Lungisile used the R68 000 pay-out from the provident fund to purchase a bakkie that he used for odd jobs. This was an import-
ant income earner for him in the absence of formal employment. However, in 2016, the bakkie broke down and, owing to several problems in his personal life, he could not afford to get it repaired. The income Lungisile was able to earn from the use of his bakkie had been a great relief to him and his family, and he says that he would use the balance of the benefits owed to him in order to fix his bakkie and make sure he can continue to earn a living for his family.

At the end of the interview, Lungisile lamented that his situation, and that of other mineworkers, is particularly painful because of their role in ‘building this country’. This was a sentiment shared by many at the meeting. He feels that their vast contribution to a sector that has contributed so much wealth to South Africa entitles mineworkers to be ‘shareholders in South Africa’s economy’ and to benefit in return. This much, he says, is owed to them.

It is in this context that Lungisile says that he deeply resents the post-apartheid administration for leaving mineworkers out of the economy. He says that he can see little difference in the lives they have now to the ones they lived under the apartheid government.
CONCLUSION

The stories of the ex-mineworkers and of the members of the UBC reveal a historic and institutionalised neglect of worker’s rights and human rights. These abusive patterns of labour have laid the groundwork for the systemic socio-economic exclusion of many of South Africa’s poor. This is at odds with the reality that these workers, especially ex-mineworkers, have been an integral part of growing the South African economy that has generated wealth for a few. The minerals-energy complex thrived by maintaining and sustaining first the colonial and then the apartheid regimes, and their associated labour regimes.

The Truth and Reconciliation Commission’s Business and Labour hearings found that the mining industry was deeply complicit in the crime of apartheid, holding that its

direct involvement with the state in the formulation of oppressive policies or practices that resulted in low labour costs (or otherwise boosted profits) can be described as first-order involvement [in apartheid]…. The shameful history of subhuman compound [hostel] conditions, brutal suppression of striking workers, racist practices and meagre wages is central to understanding the origins and nature of apartheid.\textsuperscript{18}

These patterns of treatment were not unique to the mining sector. As evidenced by the profiles in this publication, the systemic mistreatment and underpaying of workers transcended industries. Many of the pensioners in this publication worked in other sectors where they faced similar abuse. Their experiences have not only transcended sectors, but time.

After our last interviews with the ex-mineworkers, they made an interesting observation about their lack of compensation for their suffering in the apartheid era. Lungisile remarked, ‘We are the veterans of the South African economy, we built this country with our hands, all these buildings … with our hands.’ The
ex-mineworkers queried why they had not been compensated like the veterans of the anti-apartheid military struggle.

This statement by the mineworkers reflects some of the preponderant critiques of South Africa’s transitional justice processes, in particular the way in which direct violence was prioritised over structural violence. Structural violence includes the sustained abuse by either a social structure or institution that prevents people from meeting their basic needs. It includes corruption, scorched-earth tactics, and the plundering of natural resources.

South Africa’s transition has failed to grapple with the legacy of structural violence and the corporations and individuals that profited from the colonial and apartheid regimes. Their complicity has been erased from many popular narratives about South Africa’s history of violence.

The Open Secrets publication, The Bottom Line, reveals that powerful corporations have not been held to account for their role in the failures of the pensions sector. It details an industry that has seen systematically poor conduct by private corporations, and a state regulator unwilling to hold those corporations to account. It also reveals an industry beset by perverse incentives. While millions of people seek their benefits, including the people profiled in this publication, many fund administrators and asset managers are able to profit from access to billions of rands in assets to manage.

It is iniquitous that poor and vulnerable people should have money deducted from their wages for decades, and then not receive their pensions when they retire, move, or lose their jobs. It is also unacceptable that large corporations profit from the systems that are failing to protect these people.
This booklet provides a window into the structural failings of the pensions industry in an effort to provide justice for the people affected by a failure to trace and pay pensioners what they are owed. These people’s struggles are a direct result of insufficient accountability in an industry where fund administrators and their employees have not kept good records, and not done enough to trace and pay pensioners and fund members.

The stories in this report also make stark the fact that economic exploitation intersects with so many social issues. Many individuals we spoke to had grown up in homes that were broken apart by the migrant labour system, and their own families reproduced this dynamic. Today, these pensioners are struggling to raise their grandchildren on meagre state pensions and social grants.

Without radically reimagining and transforming South Africa’s economy, it is a sad reality that their grandchildren, like their children, will be excluded from that economy. It is thus not surprising that so many of the pensioners who spoke to us said that they would like to claim their benefits in order to send their children and grandchildren to school. They are intimately aware of how a lack of education and its restrictions on economic opportunity reproduces poverty.

It is unacceptable that the democratic state has not done more to ensure that the millions of people owed unpaid benefits are paid. After all, over R42 billion in benefits is owed to over four million pensioners and pension fund members.

The stories of the pensioners in this booklet illustrate how the unpaid benefits problem is a manifestation of the long-term toxic relationship between state and capital that has institutionalised the prioritisation of profitability over humanity. It continues to be necessary for civil society, pensioners, and whistle-blowers to force regulators and pension-fund administrators to lift their eyes above the bottom-line.
NOTES / NOTAS

1: Judge Miles Lord, quoted in *A Concerned Citizen*, ‘The Contraceptive: Dalkon Shield/Nelson Pill Hearings’, Season 1, Episode 6, *Swindled*, URL: http://swindledpodcast.com/podcasts/season-1/episode-06-the-contraceptive/ [Accessed: 23 August 2019]. This quote is from a judgment against A. H. Robins Company, the American manufacturers of the Dalkon Shield. The Dalkon Shield was an intrauterine device (IUD), that caused an array of severe injuries including pelvic infection, unintended pregnancy, infertility, and in some cases death. Despite their knowledge of its defects, A. H. Robins continued to produce it.


3: Benefits owed by pension funds to their members, but which have not been paid.

4: ‘Black’ (capitalised) refers to all previously disadvantaged groups, including: black African people, Coloured people and Indian people; ‘black’ (not capitalised) refers to black African people.

5: Meaning ‘stupid pass’, this was the name given to the document by black Africans.


8: *Population Registration Act no. 30 of 1950*, Republic of South Africa.


10: A member of the steering committee of the UBC.

11: In Cape Town, Michael led as interviewer, while Zen acted as Xhosa/English translator and Mamello acted as rapporteur. In Johannesburg, Michael interviewed participants while Mamello acted as Sesotho/Sepedi/Setswana/English translator and Peter Maleka of the UBC Steering Committee acted as Zulu/English translator. All interviews were recorded, with the consent of the participants.

12: Note: can also be spelled ‘Welgedag’.

13: For more on this history, see Nieftagodien N, ‘The Making of Apartheid in Springs During the Sixties: Group areas, urban restructuring and resistance’, Wits Institute for Advanced Social Research, Seminar Paper, April 1996.

14: The blue card was used to record people’s employment details for the purpose of unemployment insurance.
15: Peter from UBC stressed that it should still be possible for the pensions regulator and fund administrator to track the benefits of people like Maria, even if she is not in possession of some of the documents related to her employment.

16: Directly translated from the Sepedi/Sesotho word: ‘kgôpô. There is no direct English equivalent that fully explains this word.

17: Then Swaziland.


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| EARNINGS   | 1949,04 |
| TOTAL DEDUCTIONS |        |
| NET PAY     | 1886,18 |

Signatures:
- Dept of Labour.
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