

## DEBBIE COLLIER

Associate Professor, Institute of Development and Labour Law, University of Cape Town, (South Africa).

Research themes: Employment law, Aspects of workplace discrimination and equality law.

Publications:

~ Massie and Collier with Crotty, Executive Salaries in South Africa: Who should have a say on pay?, 2014, Jacana Media Pty Ltd.

~ Fergus and Collier "Race and Gender Equality at Work: The Role of the Judiciary in Promoting Workplace Transformation", 2014, South African Journal on Human Rights, pp. 484 – 507.

# FROM APARTHEID TO AFFIRMATIVE ACTION: AN OVERVIEW OF EQUALITY LAW IN THE SOUTH AFRICAN WORKPLACE



### ABSTRACT

Apartheid in South Africa privileged white people and discriminated against black people. The classification of race determined where a person could live, the quality of one's education and the extent to which a person could participate in the South African economy. Apartheid ended in 1994 and today the Constitution prohibits discrimination on numerous grounds, included race, gender, sex, sexual orientation, disability, culture and religion. Further, the Constitution embraces a substantive notion of equality and it permits the use of affirmative action to advance persons that have been disadvantaged by unfair discrimination.

**KEY WORDS :** *Discrimination, Unfair discrimination, Affirmative action, Apartheid, South Africa.*

### RÉSUMÉ

Le régime de l'Apartheid mis en place en Afrique du Sud avantageait les Sud-Africains blancs aux dépens des Sud-Africains noirs. L'appartenance raciale déterminait l'endroit où chaque personne pouvait vivre, l'éducation qu'elle recevait, et sa participation à l'économie sud-africaine. L'Apartheid a été aboli en 1994 et aujourd'hui la Constitution Sud-Africaine interdit la discrimination sur la base de nombreux motifs, tels que la race, le genre, le sexe, l'orientation sexuelle, le handicap, la culture et la religion. Par ailleurs, la Constitution adopte une notion substantielle de l'égalité et permet la mise en oeuvre de mesures d'action positive afin de favoriser les personnes qui ont été défavorisées par une discrimination injuste.

**MOTS CLÉS :** *Discrimination, Discrimination injuste, Action positive, Apartheid, Afrique du Sud.*