<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title</th>
<th>Title Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abu-Laban &amp; Gabriel</td>
<td>Selling Diversity</td>
<td>Abu-Laban Yasmeen &amp; Gabriel Christina Selling Diversity (2002)</td>
</tr>
</tbody>
</table>
Bibliography

Baehr & Gordenker *The United Nations*  
*The United Nations in the 1990's* Baehr Peter R & Gordenker Leon (eds) 2ed (1994)

Bakan et al *Canadian Constitutional Law*  

Banton *Discrimination*  
Banton Michael *Discrimination* (1994)

Barker *Civil Liberties*  

Barnard & Hepple 'Substantive Equality'  

*Bastarache ‘Affirmative Action’*  

*Beck History of South Africa*  
Beck Roger B *The History of South Africa* (2000)

*Beeld*  
Beeld ‘Solidariteit belig invloed op Jonges van Regstel-aksie’ 21 December 2004

*Beeld*  

*Bekink South African Constitutional Law*  

*Bennett-Alexander & Pincus Employment Law*  

*Benoit ‘Color Blind’*  
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

Bernhardt 'Affirmative Action'


Bevan 'Employment Equity'


Bhoola 'Commentary'


Bickel 'The Segregation Decision'


Blanpain International Encyclopedia


Block & Roberts 'Comparison of Labour Standards'


Botha Wetsuitleg

Botha Christo Wetsuitleg 'n Inleiding vir Studente 2ed (1998)

Boxill 'Dignity and Slavery'


Brassey 1


Brassey 2


Brest and Oshige 'Affirmative Action'


Breton 'Intergroup Competition'


Brodsky ‘Constitutional Equality Rights’

Business Day 'Contrary to what Lekota says, Change Dare Not Stop' 11 June 2004

Business Day 'Skills Crisis’ 1 March 2004

Business Day 'Lekota Takes on Race Labels' 2 June 2004

Business Day 'Seeing Ourselves as Others See Us’ 18 May 2004


Cockram Constitutional Law Cockram GM Constitutional Law in the Republic of South Africa (1975)


The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

<table>
<thead>
<tr>
<th>Reference</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dannenmaier ‘Affirmative Action’</td>
<td>Dannenmaier William D ‘Affirmative Action was not meant for Immigrants’ (1995) 7(9) National Minority Politics 26-8</td>
</tr>
<tr>
<td>Davis 2</td>
<td>Davis Michael ‘Race as Merit’ (1983) XCI Mind 347-67</td>
</tr>
<tr>
<td>Davis et al Fundamental Rights</td>
<td>Davis Dennis, Cheadle Halton and Haysom Nicholas Fundamental Rights in the Constitution: Commentary and Cases (1997)</td>
</tr>
<tr>
<td>Devenish Interpretation of Statutes</td>
<td>Devenish GE Interpretation of Statutes (1992)</td>
</tr>
</tbody>
</table>
Dlamini ‘Equality or Justice’
Dlamini CRM ‘Equality or Justice? Section 9 of the Constitution Revisited – Part II’ (2002) 27 (2)
*Journal for Juridical Science* 15-32

Drumbl & Craig ‘Affirmative Action’
*Review of Constitutional Studies* 80-123

Du Plessis & Corder *Transitional Bill of Rights*
Du Plessis Lourens & Corder Hugh
*Understanding South Africa’s Transitional Bill of Rights* (1994)

Du Toit et al *Labour Relations Law*
Du Toit D et al

Du Plessis Re-interpretation of Statutes
Du Plessis Lourens

Du Toit ‘When does Affirmative Action Become Unfair Discrimination’
Du Toit ‘When does Affirmative Action in Favour of Certain Employees Become Unfair Discrimination Against Others?’, paper presented at a conference on Equality – Theory and Practice in South Africa and Elsewhere, at the University of Cape Town 1-14 (January 2001)

Dupper 1

Dupper 2
Dupper Ockert C

Dupper & Garbers ‘Employment Discrimination’
Dupper Ockert & Garbers Christoph
*Employment Discrimination* in Clive Thompson & Paul Benjamin
*South African Labour Law* (looseleaf)

Dworkin 2
Dworkin Ronald

Dworkin 1
Dworkin Ronald
*Taking Rights Seriously* (1978)

Eastland ‘Affirmative Action’
Eastland Terry ‘The Case against Affirmative Action’ (1992) 34
*William and Mary Law Review* 33-51
The application of affirmative action in employment law with specific reference to the beneficiaries:
A comparative study

Echevarria & Huq ‘Redesigning Employment Equity’
Echevarria Cristina & Huq Mobinul ‘Redesigning Employment Equity in Canada: The Need to Include Men’ Canadian Public Policy (2001) XXVII (1) 53-64

England Individual Employment Law

England, Christie & Christie Employment Law in Canada
England Geoffrey, Christie Innis & Christie Merran Employment Law in Canada (looseleaf)

Fagan ‘Dignity and Unfair Discrimination’

Fallon 1

Fallon 2

Farber ‘Affirmative Action’
Farber Nina ‘Justifying Affirmative Action after City of Richmond v JA Croson: the Court needs a Standard for Proving Past Discrimination’ (1990) 56 Brooklyn Law Review 975-1012

Farley ‘Multicultural America’

Faundez Affirmative Action
Faundez J Affirmative Action International Perspectives (1994)

Financial Mail
Financial Mail ‘Skills the Real Issue’ 25 March 2005

Fiss ‘Theory of Fair Employment Laws’

Fleras & Elliot Engaging Diversity

Fowler’s Dictionary

Fredman 1
Fredman 2  Fredman Sandra *Women and the Law* (1997)


Garbers ‘Right to Affirmative Action?’  Garbers Christoph ‘Is there a Right to Affirmative Action Appointment? (Dudley v City of Cape Town and Another)’ 2004 13(7) *Contemporary Labour Law* 61-6


The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title</th>
<th>Publication Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graham 2</td>
<td>Collision Course The Strange Convergence of Affirmative Action and Immigration Policy in America</td>
<td>Hugh Davis (2002)</td>
</tr>
<tr>
<td>Hahlo &amp; Kahn</td>
<td>Union of South Africa</td>
<td>JR &amp; Kahn Ellison <em>The Union of South Africa The Development of its Laws and Constitution</em> (1960)</td>
</tr>
<tr>
<td>Henry &amp; Tator</td>
<td>‘Multiculturalism, the Charter and Employment Equity’</td>
<td>Frances &amp; Tator Carol ‘State Policy and Practices as Racialized Discourse: Multiculturalism, the Charter, and Employment Equity’ in Li Peter S <em>Race and Ethnic Relations in Canada</em> 2ed (1999)</td>
</tr>
</tbody>
</table>
Hernandez ‘Multiracial Matrix’


Heureux-Dubé ‘The Pursuit of Equality’


Higginbotham ‘Affirmative Action’


Hodges Aeberhard ‘Affirmative Action’

Hodges Aeberhard Jane ‘Affirmative Action in Employment: Recent Court Approaches to a Difficult Concept’ in Loutfi Martha Fetherolf (ed) Women, Gender, and Work What is Equality and How Do We Get There? (2001) 441-68

Hogg 1

Hogg Peter W Constitutional Law of Canada 3ed (1992)

Hogg 2


Hucker 1


Hucker 2


Jacobs Environment, Power and Injustice


Jain 1

Jain Harish C ‘Racial Minorities and Affirmative Action/Employment Equity Legislation in Canada’ (1989) 44(3) Relations Industrielles Industrial Relations 593-613

Jain 2


Jain 3

The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

<p>| Jones Kant’s Principle of Personality | Jones B Kant’s Principle of Personality (1971) |
| Kant Moral Law | Kant The Moral Law: Kant’s Groundwork of the Metaphysic of Morals (translated and analysed by HJ Paton 1948) |</p>
<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title and Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labour and Employment Law</td>
<td>Labour and Employment Law Cases, Materials and Commentary compiled by a group of teachers of Labour and Employment Law known as The Labour Law Casebook Group 6ed (1998)</td>
</tr>
<tr>
<td>Landman, Le Roux &amp; Piron</td>
<td>&quot;Discrimination in Employment&quot;</td>
</tr>
<tr>
<td>Laubscher</td>
<td>&quot;Employment Law Update&quot;</td>
</tr>
<tr>
<td>Le Roux &amp; Van Niekerk</td>
<td>The South African Law of Unfair Dismissal</td>
</tr>
<tr>
<td>Leibowitz &amp; Spitz</td>
<td>&quot;Human Dignity&quot;</td>
</tr>
<tr>
<td>Lepofsky</td>
<td>&quot;Understanding the concept of Employment Equity: Myths and Mis-conceptions&quot;</td>
</tr>
<tr>
<td>Liddle</td>
<td>&quot;Affirmative Action for certain Non-black Minorities and Recent Immigrants – “Mend It or End It”?&quot; (1997) 11 Georgetown Immigration Law Journal 835-57</td>
</tr>
<tr>
<td>Little</td>
<td>&quot;Affirmative Action: Legal Bases and Risks in the United States and South Africa&quot;</td>
</tr>
<tr>
<td>Locke</td>
<td>&quot;An Essay concerning the True Original, Extent and End of Civil Government&quot;</td>
</tr>
<tr>
<td>Makielski</td>
<td>&quot;America's Minorities&quot;</td>
</tr>
<tr>
<td>Mason, Geddie &amp; Nowakowska</td>
<td>Canadian Labour Guide</td>
</tr>
<tr>
<td></td>
<td>Canadian Master Labour Guide</td>
</tr>
</tbody>
</table>
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study


McWhirter End of Affirmative Action McWhirter Darien A The End of Affirmative Action Where Do We Go From Here? (1996)


<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montesquieu</td>
<td>Spirit of the Laws</td>
<td>Montesquieu The Honourable Spirit of the Laws (1949)</td>
</tr>
<tr>
<td>Murray</td>
<td>Yxta Maya ‘Merit-Teaching’</td>
<td>Murray Yxta Maya ‘Merit-Teaching’ (1996) 23 Hastings Constitutional Law Quarterly 1073-113</td>
</tr>
<tr>
<td>Orton</td>
<td>‘Section 15 and Benefits Programs’</td>
<td>Orton Helena ‘Section 15, Benefits Programs and Other Benefits at Law: the Interpretation of Section 15 of the Charter since Andrews’ (1990) 19 Manitoba Law Journal 288-302</td>
</tr>
</tbody>
</table>
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

<table>
<thead>
<tr>
<th>Reference</th>
<th>Title</th>
<th>Author(s)</th>
<th>Year</th>
<th>Journal/Publisher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perry 'Apartheid: A History'</td>
<td></td>
<td>Perry Cassandra</td>
<td>1992</td>
<td></td>
</tr>
<tr>
<td>Pillay 'Workplace Equity'</td>
<td>Giving Meaning to Workplace Equity: The Role of the Courts</td>
<td>Pillay Dhaya</td>
<td>2003</td>
<td>Industrial Law Journal, 55-67 (South African journal)</td>
</tr>
<tr>
<td>Poole &amp; Rebick 'Not Another Hundred Years'</td>
<td>Not Another Hundred Years: The Failure of the Federal Employment Equity Act</td>
<td>Poole Phebe-Jane &amp; Rebick Judy</td>
<td>1993</td>
<td>Canadian Labour Law Journal, 341-67</td>
</tr>
<tr>
<td>Rapport</td>
<td>Afrikaanse Aksie teen Regstel-aksie</td>
<td></td>
<td>2004</td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Los Jonges uit Regstel-aksie</td>
<td></td>
<td>2004</td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Miljoene Rande vir Opleiding Help Nie</td>
<td></td>
<td>2005</td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Beskerming gevra vir Wit Werknemers</td>
<td></td>
<td>2003</td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Uitdagings van Regstelling en Versoening</td>
<td></td>
<td>2004</td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Waarheen Gaan Lekota se Debat?</td>
<td></td>
<td>2004</td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Die Een se Reg, die Ander se Onreg</td>
<td></td>
<td>2004</td>
<td></td>
</tr>
<tr>
<td>Author(s)</td>
<td>Title</td>
<td>Edition/Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>--------</td>
<td>--------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Rapport ‘Lekota het Moed’</td>
<td>6 June 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rapport</td>
<td>Rapport ‘Wen-wen-ooreenkomste is moontlik vir Uitdagings’</td>
<td>2 February 2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rautenbach &amp; Malherbe</td>
<td>Staatsreg</td>
<td>3ed (1999)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rautenbach</td>
<td>‘Rights Protected in the Bill of Rights’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reynolds &amp; Flores</td>
<td>Foreign Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roberts</td>
<td>South Africa 1948-94</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roithmayr</td>
<td>‘Deconstructing the Distinction Between Bias and Merit’</td>
<td>(1997) 85 California Law Review 1449-507</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Romero</td>
<td>‘Congruence Principle’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rousseau</td>
<td>‘Social Contract Book’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rycroft</td>
<td>‘Obstacles to Employment Equity’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sachs</td>
<td>‘Equality Jurisprudence’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schuck 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schuck 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

| Schuck & Smith *Citizenship* | Schuck Peter H & Smith Rogers M *Citizenship without Consent* (1985) |
| Simpkins *Canada* | Simpkins Mary Ann *Canada* (1994) |
| Starke *International Law* | Starke JG *An Introduction to International Law* 6ed (1967) |
| Sterling *‘Lovelace v Ontario’* | Sterling Lori *The Impact of Lovelace v Ontario on Section 15 of the Charter* (2001) 14 2(d) *Supreme Court Law Review* 53-65 |
Bibliography


The ILO


Thomas ‘Employment Equity’


Thompson 1


Thompson 2

Thompson Leonard *A History of South Africa* 3 ed (2001)

Tribe *Constitutional Law*


Troper ‘Immigrant City’


Ujimoto ‘Ethnic Identity and Citizenship’


Van Niekerk ‘Affirmative Action’


Van Wyk Thesis


Van Zyl *Regsvergelyking*

Van Zyl DH *Beginsels van regsvergelyking* (1981)

Van Jaarsveld *Van Riebeeck tot Vorster*


Vizkelety 1

<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wiechers</td>
<td>Wiechers M Verloren van Themaat <em>Staatsreg</em> 2ed (1967)</td>
</tr>
<tr>
<td>Winks</td>
<td>Winks Robin <em>The Blacks in Canada</em> (1971)</td>
</tr>
<tr>
<td>Woo ‘Reaffirming Merit’</td>
<td>Woo Yxta Maya ‘Reaffirming Merit in Affirmative Action’ (1997) 47(4) <em>Journal of Legal Education</em> 513-23</td>
</tr>
</tbody>
</table>
Young Iris Marion Justice and the Politics of Difference (1990)

* South African publication
^ international publication

LISTS OF CHARTERS AND DECLARATIONS

International Labour Organisation

Declaration of Philadelphia of 1944
Declaration on Fundamental Principles at Work of 1998

United Nations

Declaration on Rights of Disabled Persons of 1975
Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

United Nations Charter of 1945
Universal Declaration of Human Rights of 1948

United States

The Declaration of Independence of 1776

LISTS OF INTERNATIONAL INSTRUMENTS

International Labour Organisation Conventions

Abolition of Forced Labour Convention No 105 of 1957
Discrimination (Employment and Occupation) Convention No 111 of 1958
Equal Remuneration Convention No 100 of 1951
Equality of Treatment (Social Security) Convention No 118 of 1962
Forced Labour Convention No 29 of 1930
Freedom of Association and Protection of the Right to Organize Convention No 87 of 1948
Maintenance of Migrants’ Pension Rights Convention No 48 of 1935
Maintenance of Social Security Rights Convention No 157 of 1982
Migration for Employment Convention No 66 of 1939
Migration for Employment Convention (Revised) No 97 of 1949
Migrant Workers Convention (Supplementary Provisions) No 143 of 1957
Minimum Age Convention No 138 of 1973
Right to Organize and Collective Bargaining Convention No 98 of 1949
Worst Forms of Child Labour Convention No 182 of 1999

International Labour Organisation Recommendations

Migration for Employment Recommendation No 61 of 1939
Migration for Employment Recommendation (Revised) No 86 of 1949
Migration Statistics Recommendation No 19 of 1922
Protection of Migrant Workers (Underdeveloped Countries) Recommendation No 100 of 1955
Recommendation No 111 of 1958

United Nations Covenants

International Covenant on Civil and Political Rights of 1966
International Covenant on Economic, Social and Cultural Rights of 1966

United Nations Conventions

International Convention on the Elimination of All Forms of Discrimination against Women of 1979
International Convention on the Elimination of All Forms of Racial Discrimination of 1965
LISTS OF REPORTS, SURVEYS AND OTHER

Canada

Abella Report

Health and Activity Limitation Survey of 1986
Health and Activity Limitation Survey Human Resources Development (1986)

Health and Activity Limitation Survey of 1991

Report Equality Now

Participation and Activity Limitation Survey of 2001
Participation and Activity Limitation Survey Human Resources Development (2001)

Report A Matter of Fairness
Special Committee on the Review of the Employment Equity Act, A Matter of Fairness for a Task Force on Barriers to Women in Public Service Treasury Board (1992)


Report Royal Commission on the Status of Women

Report Standing Committee

Report under International Covenant on Civil and Political Rights

Submissions Bill C-25 Canadian Human Rights Act
Submissions on Bill C-25 Canadian Human Rights Act to Justice and Legal Affairs Committee of the House of Commons Canadian Labour Congress (29 March 1977)

South Africa


Final Report on Group and Human Rights

Interim Report on Group and Human Rights
The application of affirmative action in employment law with specific reference to the beneficiaries:
A comparative study

Labour Market Report

Letter Chinese Association of South Africa to the Parliamentary Portfolio Committee on Labour
Letter Chinese Association of South Africa to the Parliamentary Portfolio Committee on Labour (undated)

Letter Parliamentary Portfolio Committee on Labour to Department of Labour
Letter Parliamentary Portfolio Committee on Labour to Department of Labour (19 May 2004)

National Skills Development Strategy 2005-2010

Report Parliamentary Portfolio Committee
Report Parliamentary Portfolio Committee on Labour on public hearings on employment equity held during May 2003 (undated)

Submissions by Business South Africa to the Parliamentary Portfolio Committee

Wiehahn Report
The Complete Wiehahn Report Parts 1-6 and the White Paper on each Part With Notes by Professor NE Wiehahn chaired by Professor NE Wiehahn (1982)

Working Paper 25

International Labour Organisation

ILO Report Affirmative Action

ILO Report Committee of Experts (1963)

ILO Report Migrant Workers

ILO Report Time for Equality at Work

ILO Report Outlawing Discrimination
Bibliography

ILO Report Equal Opportunity for Women
   Equal Opportunity for Women Affirmative Action: A Canadian Perspective Carl Raskin
   International Labour Office (October 1992)

   International Labour Conference 75th Session Equality in Employment and Occupation
   General Survey of the Reports on the Discrimination (Employment and Occupation)
   Convention (No 111) and Recommendation (No 111), 1958 Report of the Committee of
   Experts on the Application of Conventions and Recommendations (Articles 19, 22 and

ILO Survey Equality in Employment and Occupation (1996)
   International Labour Conference 83rd Session 1996 Equality in Employment and
   Occupation International Labour Organisation (1996)

ILO Special Report on Apartheid (1987)
   International Labour Conference 73rd Session 1987 Special Report of the Director-
   General on the Application of the Declaration concerning Action against Apartheid in
   South Africa International Labour Organisation (1987)

ILO Special Report on Apartheid (1990)
   International Labour Conference 77th Session 1990 Special Report of the Director-
   General on the Application of the Declaration concerning Action against Apartheid in
   South Africa and Namibia International Labour Organisation (1990)

ILO Special Report on Apartheid (1992)
   International Labour Conference 79th Session 1992 Special Report of the Director-
   General on the Application of the Declaration concerning Action against Apartheid in
   South Africa International Labour Organisation (1992)

ILO Working Paper International Migration
   Working Paper International Migration World Employment Programme Research
   Working Paper International Migration for Employment De Facto Discrimination,
   Immigrant Workers and Ethnic Minorities: A Canadian Overview Carl Raskin International
   Labour Office (February 1993)

United Nations

UNESC Final Report Prevention of Discrimination
   UNESC Prevention of Discrimination The Concept and Practice of Affirmative Action
   Final Report submitted by Mr Marc Bossuyt, Special Rapporteur, in accordance with
   Sub-Commission Resolution 1998/5 17 June 2002

UNESC Preliminary Report Prevention of Discrimination
   UNESC Comprehensive Examination of Thematic Issues relating to Racial
   Discrimination The Concept and Practice of Affirmative Action Preliminary Report
   submitted by Mr Marc Bossuyt, Special Rapporteur, in accordance with Sub-
   Commission Resolution 1998/5 19 June 2000

UNESC Progress Report
   UNESC Prevention of Discrimination and Protection of Indigenous Peoples and
   Minorities Progress Report submitted by Mr Marc Bossuyt, Special Rapporteur, in
   accordance with Sub-Commission resolution 1998/5 26 June 2001
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

**United States**

EEOC Standard Form 100
Equal Employment Opportunity Commission Standard Form 100 Rev. 4-92, Employer Information Report EEO-1, 100-117, Instruction Booklet
Interpretative Memorandum Department of Justice (28 June 1995)

**TABLE OF CASES**

**Canada**

*Action Travail des Femmes v Canadian National Railway Company* revg [1985] 1 FC 96 (CA), affg (1984), 5 CHRR D/2327 (Can HR Trib)

*Action Travail des Femmes v Canadian National Railway Company* [1987] 1 SCR 1114, 40 DLR (4th) 193, 8 CHRR D/4210 (SCC)

*Andrews v Law Society of British Columbia* (1989) 1 SCR 143, 56 DLR (4th) 1

*Apsit v Manitoba Human Rights Commission* [1988] 1 WAR 629 (Man QB)

*Athabasca Tribal Council v Amoco Canada Petroleum Co Ltd* (1981) 124 DLR (3rd) 1 (SCC)

*Bliss v Canada (AG)* [1979] 1 SCR 183, 92 DLR (3d) 417

*Canada (AG) v Lavell* [1974] SCR 1349, 38 DLR (3d) 481

*Conway v R* [1993] 2 SCR 872, 105 DLR (4th) 210

*Corbiere v Canada* [1999] 2 SCR 203, 173 DLR (4th) 2 SCR 254

*Cunningham v Toey Houma* [1903] AC 151

*Egan v Canada* [1995] 2 SCR 513, 124 DLR (4th) 609

*Hebert v M & G Millwright Ltd* (1993), 23 CHRR D/63 (Ont Bd Inq)

*Hunter v Southam* [1984] 2 SCR 145, 11 DLR (4th) 641


*Law Society of Upper Canada v Shapinker* [1984] 1 SCR 357, 9 DLR (4th) 161

*Lovelace v Ontario* [2000] 1 SCR 950; 188 DLR (4th) 193

*Manitoba (AG) v Metropolitan Stores (MTS) Ltd* [1987] 1 SCR 110, 38 DLR (4th) 321

*Manitoba Rice Farmers Assoc v Human Rights Commission* (Man) (1985), 37 Man R (2d) 50

*Mckinney v University of Guelph* (1991) 76 DLR (4th) 545

*Miron v Trudel* [1995] 2 SCR 418, 124 DLR (4th) 693

*National Capital Alliance on Race Relations v The Queen* (1997) 97 CLLC 230-015 (Can HRT)

*Knuff v Hi-Lo Motor Inn Ltd* (1993), 19 CHRR D/379 (Sask Bd Inq)

*Ontario Human Rights Commission v Ontario* (1994), 117 DLR (4th) 297(Ont CA)

*Ontario (Human Rights Commission) v Ontario Teachers Federation* (no 4) (1994), 20 CHRR D/257 (Ont Bd Inq)

*Quong-Wing v R* (1914), 49 SCR 440

*R v Big M Drug Mart* [1985] 1 SCR 295, 18 DLR (4th) 321

*R v Hess* [1990] 2 SCR 906, 59 CCC (3d) 161

*R v Oakes* [1986] 1 SCR 103

*R v Swain* [1991] 1 SCR 933, 3 CAR (2d) 1

*R v Turpin* [1989] 1 SCR 1296, 48 CCC (3d) 8

*R v Willocks* (1995), 22 OR (3d) 552 (Gen Div)


*Simpsons-Sears v Ontario (Human Rights Commission)* (1985), 2 SCR 536, 23 DLR (4th) 321
(SCC)
Slaight Communications Inc v Davidson [1989] 1 SCR 1038, 59 DLR (4th) 416
Thibaudeau v Canada [1995] 2 SCR 627, 124 DLR (4th) 449
Union Colliery Co of Columbia Ltd v Bryden [1899] AC 580, 68 LJPC

South Africa

Association of Professional Teachers v Minister of Education (1995) 16 ILJ 1048 (IC)
Auf der Heyde v University of Cape Town (2000) BLLR 877 (LC)
August v Electoral Commission 1999 (3) SA 1 (CC)
Brink v Kitshoff 1996 (4) SA 197 (CC)
Captain MA Nontshe & SAPS (2003) 12 SSSBC 6.9.17 (unreported)
Chamber of Mines v Mineworkers Union (1989) 10 ILJ 133 (IC)
Chamber of Mines of SA v Council of Mining Unions (1990) 11 ILJ 52 (IC)
City Council of Pretoria v Walker 1998 (3) BCLR 257 (CC)
Coetzer & others v Minister of Safety & Security & another (2003) 23 ILJ 163 (LC)
Communications Workers Union and Langa & others & South African Post Office (2004) 13 CCMA 6.9.4 case no GA 26669-03 (unreported)
Crotz v Worcester Transitional Local Council (2000) 22 ILJ 750 (CCMA)
Department of Justice v CCMA & others (2001) 22 ILJ 2439 (LC)
DJGS Coetzee & SAPS (2004) 13 SSSBC 6.9.5 (unreported)
Dudley v City of Cape Town (2004) 25 ILJ 305 (LC)
Du Plessis v de Klerk 1996 5 BCLR 658 (CC)
Durban City Council (Electricity Department) v SAMWU (Durban City Council) (1995) 4 ARB 6.9.23 (unreported)
Ferreira v Levin NO 1996 (1) SA 984 (CC)
Fourie v Provincial Commissioner of the SA Police Service (North West Province) & another (2004) 25 ILJ 17716 (LC)
George v Liberty Life Association of Africa Ltd (1996) 17 ILJ 571 (IC)
Germishuys v Upington Municipality (2000) 21 ILJ 2439 (LC)
Gqozo (2) 1994 (1) BCLR 10 (CK)
Harksen v Lane NO 1997 (11) BCLR 1489 (CC)
Harmse v City of Cape Town (2003) 24 ILJ 1130 (LC)
Hlekia v Johannesburg City Council 1949 1 SA 842 (A)
IMATU obo Gounden & eThekweni Municipality: Metro Electricity(2003) 12 SALGBC 6.9.8 case no EMD 050314 (unreported)
Government of the Republic of South Africa v Sunday Times Newspaper 1995 (2) SA 221 (T)
IMAWU v Greater Louis Trichardt Transitional Local Council (2000) 21 ILJ 1119 (LC)
J v M 1989 10 ILJ 755 (IC)
Jaga v Dönges; Bhana v Dönges 1950 4 SA 653 (A)
Khala v Minister of Safety & Security 1994 (2) BCLR 89 (W)
Kruger and SA Police Service (2003) 24 ILJ 477 (BCA)
Larbi-Odam v MEC for Education (North-West Province) 1998 (1) SA 745 (CC)
Lotus River, Ottery, Grassy Park Residents Association v South Peninsula Municipality 1999 (2) SA 817 (CC)
Louw v Golden Arrow Bus Services (Pty) Ltd (2000) 21 ILJ 188 (LC)
Masono v Crossway (1998) 19 ILJ 171 (CCMA)
Matiso v Commanding Officer, Port Elizabeth Prison 1995 10 BCLR 1382 (CC)
McInnes v Technikon Natal (2000) 21 ILJ 1138 (LC)
Minister of Finance & another v Van Heerden 2004 (6) SA 121 (CC)
Minister of Posts and Telegraphs v Rasool 1934 AD 167
Moller v Keimoes School Committee 1911 AD 635
Motala & another v University of Natal (1995) 3 BCLR 374 (D)
MWU v ESKOM (1999) 9 BLLR 1089 (IMSSA)
National Coalition for Gay & Lesbian Equality & another v Minister of Justice & others 1999 (1) SA 6 (CC)
National Coalition for Gay and Lesbian Equality & others v Minister of Home Affairs & others 1999 (3) SA 173 (CC)
NEHAWU obo Thomas v Department of Justice (Thomas) (2001) 22 ILJ 306 (BCA)
Ntai & others v SA Breweries Ltd (2001) 22 ILJ 214 (LC)
President of the Republic of South Africa & another v Hugo 1997 (4) SA 1 (CC)
Prinsloo v Van der Linde 1997 (3) SA 1012 (CC)
Public Servants Association v Department of Correctional Services & others (1998) 19 ILJ 1655 (CCMA)
Public Servants Association v Minister of Correctional Services & others LC 25 July 1997 case no J174/97 (unreported)
Public Servants Association v Minister of Justice & others (1997) 18 ILJ 241 (T)
Qozeleni v Minister of Law and Order 1994 1 BCLR 75 (E)
Randall v Progress Knitting Textiles Ltd (1992) 13 ILJ 200 (IC)
S v Makwanyane 1995 (3) SA 391 (CC)
SACWU v Sentrachem (1988) ILJ 410 (IC)
SALSTAFF obo Strydom and SPOORNET (2002) 23 ILJ 1125 (ARB)
Samuels & SA Police Service (2003) 24 ILJ 1189 (BCA)
SA National Defence Union v Minister of Defence 1999 6 BCLR 615 (CC)
SAPU obo Siegelaar & others v SAPS (2002) 11(CCMA) 6.15.1 (unreported)
SA Transport & Allied Workers Union and Metrorail Services (2002) 23 ILJ 2389 (ARB)
Sebolana Employee Benefits Organisation v Haslam 2000 2 SA 415 (SCA)
Soobramoney v Minister of Health, KwaZulu-Natal 1997 12 BCLR 1696 (CC)
Standard Bank Investment Corporation Ltd v Competition Commission Liberty Life Association of Africa Ltd v Competition Commission 2000 2 SA 797 (SCA)
Stolterfoht and SA Police Service (2002) 23 ILJ 2160 (BCA)
Stoman v Minister of Safety & Security & others 2002) 23 ILJ 1020 (T)
Swanepoel v Western Region District Council & another (1998) 19 ILJ 1418 (SE)
University of Cape Town v Auf der Heyde (2001) 22 ILJ 2647 (LAC)
Van Zyl v Department of Labour (1998) 7 CCMA 5.3.1 (unreported)
Walters v Transitional Local Council of Port Elizabeth & another (2000) 21 ILJ 2723 (LC)
West Rand Estates v New Zealand Insurance Co Ltd 1925 AD 245

United States
Adarand Constructors v Pena 115 S Ct 2097 (1995)
Ambach v Norwick 441 US 68 (1979)
Barbara Grutter v Lee Bollinger 123 S Ct 2325 (2003)
Blythe v Hinkley 180 US 333 21 S Ct 390 (1901)
Brown v Board of Education of Topeka, Kansas 347 US 483 (1954)
Brown v Board of Education of Topeka, Kansas 349 US 294 (1955)
City of Richmond v Croson 488 US 469 (1989)
Crane v New York 239 US 195 (1915)
Dred Scott v Sandford 60 US 393 (1857)
Firefighters Local Union No 1784 v Stotts 104 S Ct 2576 (1984)
Foley v Connellie 435 US 291 (1978)
Fullilove v Klutznick 488 US 448 (1980)
Graham v Richardson 91 S Ct 1848 (1971)
Hauzenstein v Lynham 100 US 483 L Ed 628 (1880)
Hernandez v Texas 74 S Ct 667 (1954)
Hills v Gautreaux 96 S Ct 1538 (1976)
Hirabayashi v United States 63 S Ct 1375 (1943)
Johnson v Transportation Agency Santa Clara County 480 US 616 (1987)
Korematsu v United States 65 S Ct 193 (1944)
Local 28 of Sheet Metal Workers v EEOC 106 S Ct 3019 (1986)
Local No 93 of International Association of Firefighters v City of Cleveland 106 S Ct 3036 (1986)
Loving v Virginia 87 S Ct 1817 (1967)
Matthews v Diaz 426 US 67 (1976)
McCabe v Atchison, T.& S. F. R. Co. 35 S Ct 69 (1914)
McCreary v Virginia 94 US 391 (1877)
Meyer v Nebraska 262 US 390, 435 S Ct 1678 (1965)
Patsone v Pennsylvania 232 US 138 (1914)
Plessy v Ferguson 163 US 537 (1896)
Regents of the University of California v Bakke 98 S Ct 2733 (1978)
Runyon v McCrory 96 S Ct 2586 (1976)
Shelley v Kraemer 68 S Ct 836 (1948)
Slaughter House Cases 16 Wall 21 Ed 394 (1873)
State of Missouri ex rel. Gaines v Canada et al 59 S Ct 232 (1938)
Strauder v West Virginia 25 L Ed 664 (1880)
Takahashi v Fish & Game Comm’n 334 US 410 (1948)
Teamsters v United States 431 US 324 (1977)
The Chinese Exclusion case 130 US 603 (1889)
Taux v Raich 36 S Ct 7 (1915)
Unites States v Carolene Products Co 304 US 144 (1938)
United States v Paradise 480 US 149 (1987)
Unites States Steelworkers v Weber 99 S Ct 2721 (1979)
Wygant v Jackson Board of Education 106 S Ct 1842 (1986)
Yick Wo v Hopkins 6 S Ct 1064 (1886)
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

---

### TABLE OF REGULATIONS, GUIDELINES AND CODES OF GOOD PRACTICE

<table>
<thead>
<tr>
<th>Region</th>
<th>Regulations/Code</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canada</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Immigration Regulations</strong></td>
</tr>
<tr>
<td></td>
<td>SOR 78-172</td>
</tr>
<tr>
<td></td>
<td><strong>Immigration and Refugee Protection Regulations</strong></td>
</tr>
<tr>
<td></td>
<td>SOR/2002-227 PC 2002-997 11</td>
</tr>
<tr>
<td></td>
<td>June 2002</td>
</tr>
<tr>
<td></td>
<td><strong>Employment Equity Regulations</strong></td>
</tr>
<tr>
<td></td>
<td>SOR/96-470 23 October 1996</td>
</tr>
<tr>
<td><strong>South Africa</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Code of Good Practice: Preparation and Implementation of Employment Equity Plans</td>
</tr>
<tr>
<td></td>
<td>Code of Good Practice: Preparation, Implementation and Monitoring of Employment</td>
</tr>
<tr>
<td></td>
<td>Equity Plans GN R1394 GG 20626 of 23 November 1999 <em>(Reg Gaz 6674)</em></td>
</tr>
<tr>
<td></td>
<td>Employment Equity Act Regulations</td>
</tr>
<tr>
<td></td>
<td>Regulations to the Employment Equity Act GN R 1360 GG 20626 of 23 November 1999</td>
</tr>
<tr>
<td></td>
<td><em>(Reg Gaz 6674)</em></td>
</tr>
<tr>
<td><strong>United States</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Economic Development Administration Guidelines</td>
</tr>
<tr>
<td></td>
<td>Economic Development Administration Guidelines Local Public Works Programme,</td>
</tr>
<tr>
<td></td>
<td>Round II, Guidelines for 10% Minority Business Participation in LAW Grants (1977)</td>
</tr>
<tr>
<td></td>
<td>29 CFR 1608</td>
</tr>
<tr>
<td></td>
<td>Affirmative Action appropriate under Title VII 29 CFR 1608</td>
</tr>
<tr>
<td></td>
<td>Construction Contractors Affirmative Action Requirements 41 CFR 60-4</td>
</tr>
<tr>
<td></td>
<td>Government Contractors Affirmative Action Requirements 41 CFR 60-1, 60-2</td>
</tr>
</tbody>
</table>

### TABLE OF STATUTES

<table>
<thead>
<tr>
<th>Region</th>
<th>Statutes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Canada</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Canadian Bill of Rights of 1960</strong></td>
</tr>
<tr>
<td></td>
<td>RSC 1985 App III</td>
</tr>
<tr>
<td></td>
<td><strong>Canadian Charter of Rights and Freedoms of 1982</strong></td>
</tr>
<tr>
<td></td>
<td>(enacted as Part I of the Constitution Act of 1982)</td>
</tr>
<tr>
<td></td>
<td>RSC 1985 App III</td>
</tr>
<tr>
<td></td>
<td><strong>Canadian Human Rights Act of 1978</strong></td>
</tr>
<tr>
<td></td>
<td>RSC 1985 c H-6</td>
</tr>
<tr>
<td></td>
<td><strong>Citizenship Act of 1947</strong> (repealed)</td>
</tr>
<tr>
<td></td>
<td>CSR Chapter c-29</td>
</tr>
<tr>
<td></td>
<td><strong>Citizenship Act of 1985</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Constitutional Act of 1791 (repealed)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Constitution Act of 1867 (repealed)</strong></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Constitution Act of 1792</strong></td>
</tr>
<tr>
<td></td>
<td>(enacted by the Canada Act, 1982(UK), c 11)</td>
</tr>
<tr>
<td></td>
<td><strong>Employment Equity Act 195</strong></td>
</tr>
<tr>
<td></td>
<td>CSR c 44</td>
</tr>
<tr>
<td></td>
<td><strong>Employment Equity Act o 1985</strong></td>
</tr>
<tr>
<td></td>
<td>CSR c 44</td>
</tr>
<tr>
<td></td>
<td><strong>Immigration and Refugee Protection Act of 2001</strong></td>
</tr>
<tr>
<td></td>
<td>CSR c 27 49-50 EL 12.11 vol II</td>
</tr>
</tbody>
</table>
Indian Act of 1985  
Multiculturalism Act of 1988  
Ontario Human Rights Code  
Public Service Employment Act of 1985  
Quebec Act of 1774 (repealed)

**England**

Act of the Union of 1841 (repealed)  
Act on the Abolition of Slavery of 1833  
Bill of Rights of 1688  
British North America Act of 1867 (repealed)  
Colonial Laws Validity Act of 1865  
Emancipation Act of 1833  
Magna Carta of 1215

**South Africa**

Basic Conditions of Employment Act 9 of 1982 (repealed)  
Births and Deaths Registration Act 51 of 1992  
Black Economic Empowerment Act 53 of 2003  
Black Labour Relations Regulation Act 48 of 1953 (repealed)  
Citizenship Act 88 of 1995  
Constitution of Bantu Homelands Act 21 of 1971 (repealed)  
Constitution of South Africa Act 32 of 1961, later 110 of 1983 (repealed)  
Constitution of South Africa Act 200 of 1993 (repealed)  
Constitution of South Africa Act 108 of 1996  
Employment Equity Act 55 of 1998  
Employment Equity Bill GG 1 December 1997  
Green Paper on Employment and Occupational Equity GG 1 July 1996  
Group Areas Act 41 of 1950, later 77 of 1957 (repealed)  
Immigration Act 13 of 2002  
Immorality Act 23 of 1957 (repealed)  
Industrial Conciliation Act 11 of 1924; later 36 of 1937; still later 28 of 1956, and eventually 94 of 1979 (repealed)  
Industrial Conciliation Amendment Act 94 of 1979  
Industrial Conciliation Amendment Act 95 of 1980  
Labour Relations Amendment Act 51 of 1982  
Labour Relations Amendment Act 83 of 1988  
Labour Relations Amendment Act 9 of 1991  
Labour Relations Act 28 of 1956  
Labour Relations Act 66 of 1995  
Mines and Works Act 12 of 1911, later, 27 of 1956 (repealed)  
National States Citizenship Act 26 1970 (repealed)  
Native Labour Regulation Act 15 of 1911 (repealed)  
Native Labour (Settlement and Disputes) Act 48 of 1953 (repealed)  
Public Service Act 54 of 1957, later 111 of 1984
The application of affirmative action in employment law with specific reference to the beneficiaries: A comparative study

Natives Land Act 27 of 1913 (repealed)
Native Trust and Land Act 18 of 1936 (repealed)
Natives (Urban Areas) Act 21 of 1923 (repealed)
Natives (Urban Areas) Consolidation Act 25 of 1945 (repealed)
Population Registration Act 30 of 1950 (repealed)
Promotion of Mixed Marriages Act 55 of 1949 (repealed)
Promotion of Bantustan Self-government Act 46 of 1959 (repealed)
Reservation of Separate Amenities Act 49 of 1953 (repealed)
Restoration and Extension of the South African Citizenship Act 196 of 1993
South Africa Act 1909 9 Edw 7, c 9 (repealed)
South African Law Commission Act 19 of 1973
Status of Bophuthatswana Act 89 of 1977 (repealed)
Status of Ciskei Act 110 of 1981 (repealed)
Status of the Transkei Act 100 of 1976 (repealed)
Status of the Union Act 69 of 1934 (repealed)
Status of Venda Act 107 of 1977 (repealed)
Unemployment Insurance Act 53 of 1946, later 30 of 1966
Wage Act 27 of 1925, later 44 of 1937, still later 5 of 1957 (repealed)

**United States**

Age Discrimination in Employment Act of 1967 29 USC 631
Americans with Disabilities Act of 1990 42 USC 12101
Constitution of California
Civil Rights Act of 1964 42 USC 2000e
Civil Rights Act of 1972 42 USC 2000e
Civil Rights Act of 1991 42 USC 1981A
Emancipation Proclamation of 1863
Equal Employment Opportunity Act of 1972 42 USC 2000e(a)
Equal Pay Act of 1963 29 USC 206(d)
Executive Order No 10925 of 1961 42 USC 2000e
Executive Order No 11114 of 1963 42 USC 2000-e4
Executive Order No 11246 of 1965 (reprinted from 3 CFR 167) 42 USC 2000e
Executive Order No 11375 of 1967 42 USC 2000-e4
Fair Labor Standards Act of 1938 29 USC 204(f)
Immigration Reform and Control Act of 1986 (repealed)
New York State Law against Discrimination of 1945
Public Works Employment Act of 1977 42 USC s 6701 et seq
Rehabilitation Act of 1973 29 USC 701
Reorganisation Plan 1 of 1978  
(reprinted from 3 CFR 321)  
Small Business Act of 1953  
42 USC 2000-e4  
The United States Constitution of 1787 as amended by the  
First to the Twenty Seventh Amendments  
USCA Const  
Vietnam Era Veterans’ Readjustment Assistance  
Act of 1974  
38 USC 2011  
Voting Rights Act  
Chapter 31 14 Stat 42 USC s 1973(c)(1)

WEBSITES

http://www.dol.gov/eh_Afra/ofccp/ofwedo.htm

http://www.leginfo.ca.gov/const-toc.html

http://www.nytimes.com/2003/02/18/education/1SAFFi.html


http://www.statcan.ca/english/ads/11-008-XIE/vismin.html

http://www.international.metropolis.net/events/rotterdam/papers/20_Nieuwboer.htm
‘Anti-discrimination legislation in the USA, Canada and the Netherlands’ Jacky WNieuwboeravailable at http://www.international.metropolis.net/events/rotterdam/papers/20_Nieuwboer.htm visited on 20 July 2004