



07 APRIL 2026

ATTENTION: COCA-COLA BEVERAGES SOUTH AFRICA
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OXFORD & GLENHOVE ROAD
HOUGHTON ESTATE
JOHANNESBURG
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CC: THE COCA-COLA COMPANY
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BY EMAIL

Dear Sir/Madam

RE: SOLIDARITY // COCA-COLA BEVERAGES SOUTH AFRICA

1. We act and write this letter on behalf of our members, as well as the broader South African public who have a direct interest in these types of discriminatory practices, and specifically the eradication thereof.
2. It must be clear from the outset that this letter is not intended to be exhaustive of all matters, issues or rights of our members, and we reserve the right to address

same at an appropriate time and in an appropriate forum, should it become necessary to do so.

3. **THE OFFENDING CONDUCT**

3.1 It is our instruction that Coca-Cola Beverages South Africa (hereinafter referred to as "Coca-Cola") is currently advertising Fleet Internship posts,¹ wherein the following criteria are listed under the *Skills, Experience & Education* heading:

4. Must be an Employment Equity candidate

5. Must have been unemployed at the time of appointment

3.2 In light of the wording in the advertisement, it is clear that Coca-Cola reserves certain vacancies only for applicants who form part of the "designated group" as defined by the Employment Equity Act (No. 55 of 1998).

3.3 We submit that the labour practice is morally unjustifiable and unlawful for, *inter alia*, the reasons as set out hereunder.

4. **MORAL OBJECTION**

4.1 We must emphasise that Solidarity opposes the arbitrary designation of race to South Africans. We believe that an absolute race-based approach to address poverty and unemployment is morally objectionable and will do little to uplift poverty-stricken South Africans, even within the designated racial groups. We submit that a conscionable approach to addressing unemployment is to adopt a class-based approach rather than a strictly racial approach.

4.2 The effect of the race-based approach of Coca-Cola's labour practice is that unemployed persons who happen to be white are, without qualification, barred from applying for the position. Should such a person attempt to apply for the position, they will encounter an insurmountable absolute barrier.

4.3 In our view, the criteria entrench a false proposition – namely, that only unemployed persons who are black are worthy of the benefit that might secure them a better future. The message that is conveyed to white unemployed persons is, in essence, a

denial of the difficulties they might be facing, solely based on the colour of their skin. Essentially, the assertion, plainly understood, conveys that they are unwanted and not worthy of employment.

- 4.4 We confirm the findings in the South African Human Rights Commission's Equality Report of 2017/2018, in which it is stated:ⁱⁱ

The implementation of special measures in the employment equity sphere is currently misaligned to the constitutional objective of achieving substantive equality, to the extent that implementation may amount to rigid quotas and absolute barriers as opposed to flexible targets. This practice may inadvertently set the foundation for new patterns of future inequality and economic exclusion within and amongst vulnerable population groups.

- 4.5 We furthermore emphasise and wholeheartedly agree with the report's explicit summation that:

Special measures are currently misaligned to constitutional objectives. Where special measures are not instituted on the basis of need, and taking into consideration socio-economic factors, they are incapable of achieving substantive equality.

- 4.6 Whilst it seems to have become the norm for companies adjudging their affirmative action policies and practices to conclude that it is subjectively fair to apply similar strict quota-based criteria in light of our history and the restitutionary effects it ostensibly has, we submit that if objectively assessed, such a policy can only be adjudged as immoral and unlawful.

5. **LEGAL OBJECTION**

- 5.1 Section 39, section 232 and section 233 of the Constitution of the Republic of South Africa state that South Africa is bound by international law.

- 5.2 The International Labour Organisation (hereinafter referred to as the "ILO") sets out conventions that are legally binding international treaties with the purpose of

stipulating basic principles and rights at work. South Africa has, *inter alia*, ratified ILO Convention C111. Article 5(2) of the Convention introduces affirmative action in the form of special measures–

Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination."

5.3 To ensure that special measures are legal and rational, an ILO report, released in 2003, states as follows:ⁱⁱⁱ

197. The expression "affirmative action" refers to: a coherent packet of measures, of a temporary character, aimed specifically at correcting the position of members of a target group in one or more aspects of their social life, in order to obtain effective equality ...

and;

199. A common feature of affirmative action measures is their temporary nature. This presupposes a regular and objective evaluation of affirmative action programmes at ascertaining their effectiveness, redefining regularly their scope and content and determining when to bring them to an end. In some countries, however, they may be discontinued, or their effectiveness reduced as a result of cuts in social spending, economic downturns or economic restructuring.

5.4 Under the guidance of the Committee on the Elimination of Racial Discrimination (hereinafter referred to as "CERD"), the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as "ICERD"), also ratified by South Africa, states in Article 1 paragraphs 1 and 4, read with General Recommendation 32 of 2009, that:^{iv}

Special measures may not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

- 5.5 International best practices, as evidenced by ILO, CERD, the OECD's "*Guidelines for Multinational Enterprises on Responsible Business Conduct*"^v and court cases such as Fair Admissions, Inc.^{vi}, underline that affirmative action should be temporary in nature and should not result in the maintenance of separate rights for different racial groups. In relation to the OECD guidelines, the following is clearly set out:^{vii}

Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices and applicable international labour standards, avoiding any unlawful employment and industrial relations practices, and in line with due diligence expectations described in Chapters II and IV:

(1)(e) Be guided throughout their operations by the principle of equality of opportunity and treatment in employment and not discriminate against their workers...

- 5.6 Lastly, in 2022, Solidarity made representations in terms of Article 24 of the ILO, indicating that the Republic of South Africa is in non-adherence with its international law obligations, more specifically, Convention C111.

- 5.7 Thereupon, Solidarity and the Republic of South Africa entered a mediation process of the ILO, which was facilitated by South Africa's Commission for Conciliation, Mediation and Arbitration (hereinafter referred to as the "CCMA").

- 5.8 Solidarity and the Republic of South Africa settled the dispute on numerous grounds; however, we wish to highlight the following salient clause in the settlement agreement:

Affirmative action is a coherent packet of measures, of a temporary nature in line with the Constitution, aimed specifically at correcting the position of members of a target group as defined in the Employment Equity Act in the workplace, in order to obtain effective equality.

5.9 Although the above-mentioned settlement agreement was made an order of court, we submit that Coca-Cola blatantly disregards the principles as clarified in the international obligations as alluded to above, as well as the settlement agreement, which dictates that affirmative action should be nuanced. The current appointment criteria of Coca-Cola are discriminatory and clearly fall foul of the absolute barrier prohibition as set out in the Employment Equity Act (No. 55 of 1998).

6. **HUMAN RIGHTS VIOLATIONS**

6.1 Human dignity, equality and non-racialism are core values encapsulated in our Constitution, in respect of which all South African citizens are protected. It follows that every person or organisation has a duty to align themselves with these values to give effect to our Constitution.

6.2 Coca-Cola's conduct towards white employment candidates in relation to its affirmative action appointment criteria is diametrically opposed to the Bill of Human Rights as contained in our Constitution, and several international human rights conventions.

6.3 The blatant reservation of vacancies for employment equity candidates amounts to a quota system, which is prohibited in terms of the Constitution's equality principles as espoused in the Employment Equity Act.

7. **DEMAND**

7.1 Considering the abovementioned, we confirm that your practice and/or policy of excluding persons solely based on their race is unlawful.

7.2 We hereby demand from you:

7.2.1 an undertaking that applicants of all races will be considered for any position advertised at Coca-Cola;

7.2.2 an undertaking that Coca-Cola will cancel and/or withdraw any race-based criterion in all its policies and practices;

- 7.2.3 an undertaking that applicants of all races will be considered for the Fleet Internship positions;
- 7.2.4 an undertaking that all advertisements that have a race-based criterion be withdrawn and re-advertised, excluding such a race-based criterion; and
- 7.2.5 an undertaking that the appointment process flowing from a position that has been advertised based on a race-based criterion, will not be subjected to the same race-based criteria.

7.3 In the event you fail to comply with the aforementioned demands on/before 9 April 2026, we will have to proceed with the necessary action, which might include pursuing international recourse.

7.4 We await your urgent response.

Regards,



DIRK HERMANN
CEO: SOLIDARITY

ⁱ The advertisement is attached hereto for your convenience

ⁱⁱ Own emphasis

ⁱⁱⁱ Own emphasis

^{iv} Own emphasis

^v Which your parent company has prescribed to

^{vi} Fair Admissions v. President and Fellows of Harvard College (“SFFA v. Harvard”) and Students for Fair Admissions v. University of North Carolina (“SFFA v. UNC”)

^{vii} Own emphasis