“The farmer doesn’t recognise who makes him rich”: Understanding the labour rights of women working on farms

In 2016, WFP commissioned independent research on the working conditions of women farm workers on commercial farms in the Western Cape and Northern Cape. More than 300 women were interviewed with a survey and in Focus Group Discussions. This Fact Sheet presents the main research Findings and Recommendations from the research; the full research report is also available.

WAGES AND CONTRACTS

Workers who were paid less than the legal minimum wage

43% of workers were paid less than the daily minimum wage
32% were paid less than the weekly minimum wage
75% were paid less than the fortnightly minimum wage
75% were paid less than the monthly minimum wage

This contravenes the Sectoral Determination for Farm Workers which states that ALL workers must receive the legal minimum wage.

Did not receive a copy of the contract

70% did not receive a copy of their contract
84% of workers in the Western Cape did not have a copy
80% of workers on export farms did not receive a copy
83% of seasonal workers did not receive a copy
63% of permanent workers did not receive a copy
40% in the Northern Cape did not receive a contract

This contravenes the Sectoral Determination for Farm Workers which states that ALL workers must have a copy of their contract

“The manager reads the contract and then you have to sign, but you can’t take it home to read through”

Farmworkers who have no UIF deductions from their wages

22% of workers have no UIF deductions made
20% of seasonal workers have no UIF deductions made
24% of workers in the Northern Cape have no UIF deductions
2% of workers in the Western Cape have no UIF deductions

This contravenes the Sectoral Determination for Farm Workers which states that UIF deductions must be made from ALL workers.
Access to toilets and wash facilities in the vineyard

63% of women do not have access to a toilet in the vineyard
72% of seasonal workers do not have access to a toilet
71% of Northern Cape workers do not have a toilet
57% of Western Cape workers do not have a toilet
48% of all workers do not have wash facilities

Women’s human dignity and safety is negatively impacted as 47% are forced to use the bush, and 40% use another part of the vineyard to relieve themselves. This is a greater problem when women are menstruating; then they have to bury or take their used sanitary towels back home in the evening.

“If you work outside in the vineyard, there are no toilets; no privacy. It’s dangerous and humiliating. The men watch the women when they relieve themselves in the bushes.”

“It does not feel nice to use the bush or vineyards to relieve yourself. It is hard for older women who cannot bend down properly.”

This contravenes the Occupational Health and Safety Act.

Farmers withholds daily wage when farm worker goes to clinic

48% of the women do not get paid when they go to the clinic
62% of seasonal workers do not get paid when they go to the clinic
65% of Northern Cape workers do not get paid when they go to the clinic
35% of Western Cape workers do not get paid when they go to the clinic

This contravenes the Basic Conditions of Employment Act and the Sectoral Determination for Farm Workers.
Contact with pesticides within one hour after they are applied

51% of workers come into contact with pesticides within an hour
69% of seasonal workers come into contact
59% of Northern Cape workers come into contact
47% of Western Cape workers come into contact

This contravenes the Occupational Health and Safety Act

“Your health is affected when pesticides are sprayed; you have chest problems, asthma attacks and skin irritations”

“Even people who are at home are affected if the vineyards are close to the homes; pesticides spray gets on the clothes that are on the washing lines.”

Farm workers who are not provided with protective clothes by the farmer

66% of workers are not given protective clothes
74% of Northern Cape workers are not given protective clothes
73% of seasonal workers are not given protective clothes
53% of Western Cape workers are not given protective clothes

This contravenes the law which states

“The women in the vineyards are exposed to pesticides but don’t get protective clothes”

“If you want clothes, you have to pay for it yourself”

This contravenes the Occupational Health and Safety Act.
MONITORING LABOUR RIGHTS

Farmer’s attitudes to trade unions

73% stated that the farmer does not allow unions on the farm
84% of Northern Cape women reported the same
75% of seasonal workers reported this
68% of permanent workers also reported this
54% of all workers stated that the farmer does not allow workers to attend union meetings

This contravenes workers’ constitutional right of association and the Labour Relations Act.

“Trade unions are not allowed on the farm”

“The farmer is scared that people would gain knowledge”

Farmer inspections by the Department of Labour

A total of 69% of workers stated the farm where they work has not been inspected or workers have no knowledge of inspections because inspectors do not talk to workers

“Workers never see the inspectors, although I hear they come to the farm”

“The Department of Labour comes to the farm, but only as far as the farmer; they never speak to the workers”

This contravenes the Labour Relations Act.

Work targets

42% of all workers stated that targets are unachievable
44% of seasonal workers said targets are unachievable
43% of Northern Cape workers said they are unachievable
38% of Western Cape workers said they are unachievable

“The farmer humiliates you if you work slowly. Workers are scared, that’s why they push themselves to work fast”

“Women sometimes cry because of the pressure. Women try to support and help each other to reach the targets.”

This contravenes the Basic Conditions of Employment Act.
RECOMMENDATIONS

Because workers do not know their rights and trade union membership is so low, and because the Department of Labour (through labour inspectors) is not effective on farms, farmers feel emboldened to violate labour legislation.

The existing labour laws must be strengthened and amended to better protect and advance the rights of women farm workers. Farmwomen need to be consulted so that any legislative amendments address their lived experiences on farms. Legislative changes should include:

- There is gender discrimination in job allocation, hours of work, housing, etc. – the Sectoral Determination should include guidelines in line with Employment Equity Act.
- The Sectoral Determination should clarify and specify permissible levels of deductions. Farm workers must be protected from unlawful and gratuitous deductions by farmers.
- The Department of Labour needs to regulate the rates that farmers charge workers for electricity.
- Develop amendments to the LRA as the new amendment that gives permanent status to temporary workers who work for continuously for three months or more, is not applied to farmworkers due to the seasonality of the work.
- The Sectoral Determination must clearly define the use of targets. Farmers unilaterally define and change targets, often to the detriment of women workers.
- The Sectoral Determination should state that workers must be paid a full day’s wage when work stops due to rain.
- ESTA should explicitly prohibit farmers from charging extra rent for children over the age of 18.
- Legislative amendments must explicitly address migrant workers so that they are better protected.

The Department of Labour must make a commitment to enforce existing laws more effectively by increasing the number of labour inspectors specifically specialised in farm inspections, by increasing farm inspections, by meeting separately with farm workers when inspecting farms, by reducing their response time to cases of non-compliance, etc. Labour inspections must be transparent and aimed at placing workers at the centre. Workers must be informed about the investigation and outcome of inspections.

The Department of Labour and CCMA must establish more mobile satellite offices that are accessible to farm worker communities.

A multi-departmental approach is necessary to assist migrant workers in obtaining and renewing their status documentation; the costs and time off work when applying for documentation also needs to be minimised.

During the farm workers’ uprising, workers called for an end to labour brokering. The compliance by labour brokers must be closely and consistently monitored by the Department of Labour.

Trade unions must better understand and reflect the labour conditions of women farm workers, especially seasonal and migrant workers. They need to also confront workers’ mistrust and scepticism of trade unions by many women farm workers. Given the changing environment, including the growing installation of security gates on farms, and growing casualisation of labour, unions need to develop alternative ways of organising and representing farm workers.

A multi-ministerial approach is needed to develop a sustainable income and livelihood plan for seasonal farm workers.

On a related issue, the Department of Labour must consider the establishment of a Provident Fund for all farm workers.

Farmer-subsidised child-care centres must be available in all farming communities.
The opinions of authors or participants in this document do not necessarily reflect those of OXFAM, its staff or the BMZ.