

A bitter harvest: migrant workers in the commercial agricultural sector in South Africa

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Prepared by:

Janet Munakamwe and Zaheera Jinnah

for the African Centre for Migration & Society, University of the Witwatersrand.

Copy-editor:

Becca Hartman-Pickerill



The Migrating for Work Research Consortium

Building on over a decade of research experience in migration studies, the African Centre for Migration & Society (ACMS) at Wits University has embarked on a partnership with a range of academic (GovINN, UP; UNU-CRIS; UNESCO Chair on Free Movement), government (Department of Labour; South African Local Government Association; Statistics South Africa), and international (ILO; IOM) partners. This partnership is expressed through the Migrating for Work Research Consortium (MiWORC).

MiWORC is based on a matching fund principle. The European Union, in the framework of the EU-South Africa Dialogue Facility (EuropeAid/132200/L/ACT/ZA), funds 50 per cent of the consortium. Beyond an ambitious scholarly agenda, one of MiWORC's objectives is to avail empirically based evidence to the EU-SA Dialogue Facility, a bilateral on-going strategic partnership between the European Union and South Africa, as well as to a range of key stakeholders in government, organised labour, business, and the NGO sector.

Work Package 3: Sectors

WP3 explores the impact of low and high skilled migration in key sectors of the South African economy: construction and mining, commercial agriculture, hospitality, domestic work, and public health.

The first component of the WP seeks to understand why and how the South African economy is structurally dependent on low skilled foreign labour by examining existing legal frameworks, recruitment strategies, conditions of employment, and mobilization in the domestic work, hospitality, mining and commercial agriculture sectors.

The component on highly skilled labour explores the link between skilled migration and South Africa's state and economic development, with an emphasis on skills issues in the public health care and mining sectors. Specific questions relating to this study include: Why do skilled migrants come to South Africa? What informs their recruitment and are their conditions of employment similar to those of South Africans? Do they fill long term structural or temporary skills shortages?

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Abbreviations and acronyms

ACMS	African Centre for Migration & Society
AgriBEE	Agricultural Broad Economic Empowerment
BEE	Broad based black economic empowerment
BFAP	Bureau for Food and Agricultural Policy
DAFF	Department of Agriculture, Forestry and Fisheries
DHA	Department of Home Affairs
DOL	Department of Labour
DSD	Department of Social Development
FAWU	Food & Allied Workers Union
FGD	focus group discussions
GAPWUZ	General, Agriculture, Plantation, Workers' Union of Zimbabwe
GEAR	Growth, Employment and Redistribution
IPAP2	Industrial Policy Action Plan 2
LRA	Labour Relations Act
MiWORC	Migrating for Work Research Consortium
NDP	National Development Plan
NGP	New Growth Path
SADC	Southern African Development Community
TRPs	Temporary Residence Permits
TAU-SA	Transvaal Agricultural Union
UIF	Unemployment Insurance Fund
ZDP	Zimbabwean Dispensation Project



Draft outline of the executive summary

1. Lack of labour migration policy worsens conditions for workers and employers in the sector: for employers the need to regulate workforce leads to administrative burdens and delays, and loss of production which increase costs in a competitive market; the alternate is to employ under the radar leading to poorer working conditions.
2. DoL and DHA have little coordination in terms of regulating labour migration for benefit of economy and for protection of rights of workers.
3. Two systems of labour migration in commercial agriculture: historically entrenched with formal-informal systems in border-lying provinces, represented for instance by the sample in Mpumalanga, and a more evolving organic system as a result of contemporary political and economic dynamics, mobility and labour in the region as was articulated by respondents who are working in the Western Cape, but also to a lesser extent by casual workers in Mpumalanga, and which indeed is not unique to sector. Whilst the first system is more formalised through bilateral agreements, than the other, both are exploitative.
4. Employers play a very powerful role on farms, which is not matched by the state's governance mechanisms. This explains both variances amongst various employers and poor impact of labour law in bringing about change in the absence of stronger enforcement measures.
5. Labour is becoming increasingly casualised and poorly regulated leading to more exploitative practices and eroding the protection offered by legislation or unionisation. There is systematic erosion of rights and moves toward greater precarity despite improved labour legislation and more rigorous immigration legislation. Contributing factors that are noted: location and isolation of farms, lack of awareness of rights, poor inspectorate capacity, broader political and economic policy agenda.
6. There is a strong shared identity amongst workers in Mpumalanga drawing on working class, historicity of commercial agriculture regime and shared linguistic and tribal identities.
7. Poor organising in the sector is somewhat explained by broader structural reasons (low unionisation capacity, farm workers' reluctance to engage in mobilisation for fear of reprisals/lack of faith, problems with access to farms).

Chapter 1: Introduction

This report examines the role played by foreign labour in South Africa's commercial agricultural sector with a focus on policy, labour conditions, mobilisation, and workplace relationships between foreign and local workers, and employers.

This report is part of the broader collaborative research and policy influencing project, Migrating for Work Research Consortium (MiWORC), coordinated by the African Centre for Migration and Society (ACMS). It is specifically located within Work Package 3, which explores the impact of low and highly skilled migration in key sectors of the South African economy. The overall aim of this strand of WP 3 is to understand why and how the South African economy is structurally dependent on low skilled foreign labour by examining existing legal frameworks, recruitment strategies, conditions of employment and mobilisation (Segatti & Jinnah, 2013).

The structure of the report is as follows: Chapter 1 presents the conceptual framework, research aims, objectives and the research questions of the study; and an overview of the methodology and research sites; Chapter 2 provides a review of existing literature, an analysis of existing policy frameworks, and key statistical data pertaining to the sector; Chapters 3-5 present the main findings of the research pertaining to a profile of respondents' migration journeys, working conditions, and identity and mobilisation. Finally, in Chapter 6, the report provides recommendations and conclusions to the study.

Conceptual Framework

Conceptually this study is located within three areas: first, the role of **commercial agriculture as a source of food security, rural employment and export revenue** in South Africa; second, the **increased precarity of farm workers as a result of broader structural transformation in the sector, and limited mobilisation of farm workers and migrant workers in South Africa**; and lastly, the relationship between the **spatiality of commercial farms and the labour outcomes of farm workers**, in particular if and how farms' locations as private and isolated spaces and their geographic locality on or near borders determines the modes of labour conditions.

Main research objectives

The main research objectives of the report are as follows:

- a) To conduct a comprehensive policy review, both state and non-state, of existing legislation, policies, arrangements, and practices relating to the procurement, retention and regulation of low waged migrant farm workers in South Africa;
- b) To undertake an updated analysis of the relationship between the transformation of the South African economy and its structural need for low waged migrant farm labour; and
- c) To document actual practices relating to the management of migrant farm labour (including working conditions) on the ground through an examination of the role of labour inspectorates and unions.



Research questions

Given the myriad policy, practice and political contexts of low skilled farm migrant labour in South Africa, this WP is animated by the following research questions:

- To what extent are South Africa's labour and immigration policy frameworks aligned with the increasing regional economic integration and globalized labour market? What are the current bilateral and multilateral agreements to which South Africa is party? To what extent are these agreements reflected in South Africa's current broader economic and labour policies?
- What is the level of interaction and policy harmonization between various government institutions (e.g., Department of Labour (DoL), Department of Home Affairs (DHA)) toward protecting the labour rights of workers regardless of their immigration status? What are the policy options available?
- What is the relationship between low skilled migrant farm labour, the South African economy and the labour market?
- To what extent do actual labour practices vis-a-vis migrants reflect the policies governing the management of migrant labour?

Methodology

This study relied on two principal methodologies: desktop analysis and qualitative empirical work. First, the research team gathered and collected information pertaining to policy, data and existing literature on commercial agriculture in South Africa. This was used to generate possible sites for fieldwork and a list of potential key informants in the sector. Thereafter, a qualitative research design consisting of interviews, focus group discussions (FGD), in depth key informant interviews, and pilot field site visits was used to collect empirical data.

These methods allowed the team to gather data that was coherent with the research objectives of the study. A qualitative study was favoured due to the nature and depth of information pursued. This method allows for an "an extra layer of interpretation which transcends pure statistical analysis, and seeks to examine the covert content within the data" (Mayring, 2000; Kriel, 2010).

Ten key informant interviews were conducted with representatives from government, trade unions, labour brokers and civil society groups. A list of stakeholders appears in the appendices. A questionnaire was developed and used to guide interviews for each category of respondents (appendix A).

Qualitative interviews with 77 farmworkers were conducted in Mpumalanga and Johannesburg. In Mpumalanga, based on the desktop study and an preparatory trip, three commercial farms were selected as field sites to recruit and interview 63 respondents. Details of the selection of respondents appear below. At each site in depth interviews with farm workers were conducted; at least one focus group (between 4-8 workers) and two farm management interviews were also conducted. Of the 77 respondents, 63 were interviewed in Mpumalanga (51 individual interviews and 2 FGDs with 12 workers) and 14 interviews were done in Johannesburg with respondents who were seasonal farm workers in the Western

Cape (10 individuals and 1 FGD with 4 participants). The sample in Mpumalanga included 8 interviews with independent or casual farmworkers in the province who were identified through informal labour brokers in the area; an additional 2 respondents were interviewed in their homes after being recruited from the community in the Mpumalanga tribal lands. 'Independent farm workers' refer to casual workers who are not employed on a permanent or fixed term basis at a farm.

In Johannesburg, drawing on existing networks and knowledge and desktop research, 10 in-depth individual interviews and 1 FGD were conducted with migrants who were based in Johannesburg and who worked on commercial farms in the Western Cape on a seasonal basis. Although the sample was small we ensured the diversity and general credibility of the sample by not interviewing more than 2 workers who worked together on the same farm; we did not use snowballing to recruit additional respondents.

The aim of the focus groups was to discuss some of the issues raised in individual interviews at a group level, and to triangulate the sources of data to improve the rigour of the research.

Sampling

In Mpumalanga, a cross-sectional workplace study was adopted and a combination of cluster, convenience and purposive sampling was used to recruit respondents.

Two categories of respondents were selected for sampling: foreign born and South African born. Foreign workers were interviewed regardless of their country of origin. Of the 61 workers interviewed, 35 were foreigners and 26 were South African nationals. Sampling was done at three levels: at the workplace for the Mpumalanga study, through labour brokers for seasonal workers in Mpumalanga and Western Cape, and at community level in the case of Johannesburg-based workers. To avoid a bias of responses, participants were drawn from the various departments within a farm, e.g., fieldworkers, packers, drivers or administrators (see SWOP, 2009).

Due to the small size of the overall sample, though, results are not representative of either the worksite or the sector. For instance, though Farm C employed the largest number of farm workers compared to the other two, because of limited access and working time constraints, Farm C has the least number of respondents in the study.

While we had a systematic sampling technique in place, it proved difficult to stick to the sampling framework at worksites due to problems in obtaining access from farm management. At Farm B, for instance, management agreed to participate in the research but pre-selected a pool of workers according to the set of criteria that was provided. Potential bias was mediated by conducting interviews in privacy where workers spoke openly about the challenges and problems they had, including issues that extended to farm management. At other times, the research team had to negotiate with farm owners and management to release workers as they completed their daily (*gwaza*) target based tasks, which resulted to some degree in a larger numbers of casual or temporary workers in the sample from that farm. At the remaining two farms, though, the sample included permanent workers. Interviews at these farms were conducted during their working hours.



In Johannesburg, based on an initial key informant contact and existing knowledge of community structures, we identified ten respondents, all of whom worked as seasonal farm labourers on commercial farms in the Western Cape Province. Two of the participants were women while the rest were men.

Analysis

Using thematic content analysis, the study identified specific content analytic units (in the form of quotations) that could be used to facilitate a deeper discussion of the function of foreign labour in the political economy of South Africa. The group generated themes using the research questions as a starting point, although theoretical considerations were used to define the various aspects of analysis. Analysis involved both deductive and inductive methods to generate themes (see Guba & Lincoln, 1989). Inductive category development essentially involves allowing the thematic categories emerge from the text. Deductive category, which is more common with qualitative research, involves using pre-defined themes for analysis based on theoretical element of that which would be expected to be found in a particular corpus of text (Mayring, 2000). Thematic content analysis involves a process of sifting data according to its relevance to the question at hand. While it is time consuming as it involves elimination, subsuming, or collapsing of themes under other themes, this method of data analysis was deemed to be the most convenient, reliable and useful way of defining the data set (see Kriel, 2010; Mayring, 2000). The final data set's themes or quotes contained implied or explicit data that spoke to the role of low skilled foreign labour in the political economy of the South African labour market. Themes were constantly revised to ensure appropriateness and validity during and after the analysis (see Mayring, 2000).

A brief note on Mpumalanga Province

Mpumalanga province was selected as a site for fieldwork given its geographic, economic and historic contexts. Research was conducted in the Kamhlushwa and Komatipoort areas of Mpumalanga in the Ehlanzeni District Municipality.

Mpumalanga province lies in eastern South Africa, and constitutes 6,5 per cent of South Africa's land area. It shares international borders with Swaziland and Mozambique (Gaza and Maputo Provinces in Mozambique as well as Lubombo, Hhohho, Manzini, Shiselweni Districts in Swaziland). Nationally, it borders the provinces of Limpopo in the north, Gauteng to the west, Free State in the southwest and KwaZulu-Natal to the south.

The provincial capital is Mbombela. Mpumalanga has three District Municipalities, namely Ehlanzeni, Gert Sibande and Nkangala. These are constituted by a total of 18 Local Municipalities.

Mpumalanga is one of the poorest provinces in the country. With a population of 4,04 million people (StatsSA, 2011), about 7,8 per cent of South Africa's general population (ibid), it has an unemployment rate of 30,8 per cent (Stats SA, 2013) compared to the national average of 26 per cent. The majority of residents live in rural areas (Pauw et. al., 2005) and about 70 per cent of arable land is under claim (Mpumalanga Economic Growth and Development Path Report, 2011). 68 per cent of the land in the province is utilised for agriculture (ibid) and it is an important source of food security, livelihoods and employment in the province. Mpumalanga contributes 33,7 per cent of the national GDP.

Agriculture is critical to the economy and livelihoods of the province. While it constitutes less than 10 per cent of the provincial GDP, compared to mining's 21 per cent and manufacturing's 26 per cent, the agriculture sector is the principal source of employment in the province (Van Dyk, 2009). The statistical employment data for January through March, 2014 shows that 1 127 000 are employed in the province (StatSA, 2014) and of these, 70 000 are agriculture workers (StatsSA, 2013). The province's strategic objectives are to increase sustainable employment in the agricultural sector to 20 per cent by the end of 2015. Forestry is the major agricultural activity, covering 38,3 per cent of the province's land. Other crops grown include maize, wheat, sorghum, barley, soybeans, groundnuts, sugar cane, vegetables, cotton, tobacco, citrus, subtropical and deciduous fruit.

An advance team of researchers both mapped the farms in Mpumalanga and negotiated access with farm management. The section below provides a brief background of the three farms based on data gathered in the mapping exercise. Two of the farms are owned by Portuguese farmers who employ predominantly Mozambican workers. A similar case exists in the Western Cape, pointing to the prevalence of historical, linguistic and geographical ties in recruitment patterns.

Farm A employs approximately 140 workers but used to hire as many as 700 workers between 2000-2008. The majority of the workers are foreign born, and the majority of foreign born workers are Mozambican, followed by Swati, Malawian, Zimbabwean and some workers from Burundi. The farm is 650 acres in total, of which 300 are farmed. The land was bought and ploughed by the current farm owner's father who came to South Africa from England. The farm is family owned. It produces vegetable, sugarcane and fruit crops and supplies most of its products to leading supermarkets in the country. Some of the fruit is exported to the United Kingdom.

Farm B is a member to the Agriculture Farming Group and employs around 360 farm workers. The farm has more female workers than male workers and more than half of the workers are foreign. The bulk of foreign labour comes from Mozambique. The farm produces fruit and vegetable crops which are supplied to the local market.

Farm C is predominantly a banana farm. In 2009 it employed 3 000 farm workers but in 2013 had downsized its workforce to 1 200 employees due to the introduction of machinery.

Western Cape farms

No site visits to the Western Cape farms were undertaken so the descriptions here are based on the views and recollections of workers interviewed in Johannesburg.

The demographics of workers in the Western Cape, according to respondents, include a diverse mix of local and foreign workers including Ghanaians, Zimbabweans, Shangaan, Malawians, Basotho, South African Sotho and Cape 'coloureds'¹. According to the respondents, there are between 300 and 1 000 workers depending on the size of the farm and the type of crops, as some are more labour intensive than others.

¹ Interview with Eli. 27.06.2013. ACMS Offices.



Agriculture: a weak root of the SA economy?

Although its share of the GDP is modest and declining (from 5 per cent in 1990 to 2,2 per cent in 2013 (StatsSA), commercial agriculture has long been regarded as a critical component of the South African economy for four main reasons: the maintenance of food security for the country's increasing population (McIntosh & Vaughan, 1996); the reduction of poverty through rural employment (Machethe, Reardon & Mead, 1997); the forward and backward linkages it provides to other components of the economy (Mather & Greenberg, 2003); and the revenue obtained from food imports (Eicher & Rukuni, 1996). During apartheid the failure of the sector to reduce poverty and malnutrition amongst the poor in the country was blamed on policies that restricted black urbanisation and mobility, and which were geared toward serving the interests of capital and the government rather than the population (Wilson & Ramphela, 1989).

In the post apartheid period the sector underwent a series of liberalization reforms implemented under the GEAR macro economic policy agenda (Carter, & May, J, 2001), that instead further entrenched poverty and inequality (Mather & Adelzadeh, A, 1997) The reforms also resulted in the sector moving away from a heavily protected position, which had mixed results for producers, workers and the economy (Mather & Greenberg, 2003). Whilst a freer market has led to more foreign direct investment and a more competitive sector, labour has impacted in serious and negative ways. Two particularly damaging outcomes of GEAR are: job losses, and a restructuring of the labour market. Mather and Greenberg (2003:395) estimate that between 1985 and 1996 as many as 200 000 permanent – and a further 200 000 seasonal – farm workers lost their jobs”; they also found that as a result of the broader changes in the sector many farmers changed their workforce from a core group of permanent workers to a “to a smaller settled workforce, some of whom are beneficiaries of equity schemes... and the remainder of the workforce hired on a temporary or seasonal basis according to the work rhythms” (412).

Precarity of workers post 1994

The effects of GEAR on low skilled, low waged workers has been well documented (Hart, 2002; Borat, 2004), and shows the increased unemployment, informality and precarity of workers during this period, as well as the retreat of organised labour (Pillay, 2008). At the same time there was an increase in immigration to South Africa and the development of an exclusionary discourse based on nationality (Peberdy, 2001; Landau, 2008). This helped create a new working supply of labour consisting of foreign workers who faced a double precarity: from the work they engaged in, often in low-waged, poorly protected industries such as security, farm work and domestic work; and from the status they held as non nationals (Jinnah & Segatti, 2013; Jinnah & Munakamwe, forthcoming).

The role of organised labour here deserves particular attention. Globally, labour has been one method for mobilisation amongst migrants, as it introduces a common objective - better labour practices - for workers of different ethnic and national backgrounds to work toward. Organised, formal structures such as trade unions often assist in facilitating access to and communication with workers. Odmalm (2004) identifies four factors that affect limited mobilisation amongst migrant workers: resources; national and institutional opportunities; modes of incorporation by institutions; and migrants' socio-economic class. Farmworkers in general and migrant farm workers in particular are typically on the low end of each of these factors, which

makes the relatively low levels of organising and unionisation in this sector quite understandable (Jinnah & Holaday, 2010; Polzer-Ngwato & Jinnah, 2013). The particular location of farms is also an important consideration that shapes conditions and mobilisation of workers.

Farms as isolated spaces

Commercial farms are private property which Rutherford (2008) calls “zones of localised sovereign power”, where legal frameworks and policy hold less sway than informally entrenched modes of operation and authority. This power may not always be exercised by the farm owner, but perhaps instead by the farm manager who is acting on behalf of the farm owner². Migrant workers on commercial farms present a different context and, in turn, pose new challenges for mobilising. Some of these challenges emanate from the fact that farms are private property and are not accessible for monitoring conditions or for mobilising workers. Workers are isolated as they live and work on the farms which are located a distance from commercial and other service centres. Whilst this gives employers and workers the invisibility they desire, each for different reasons, it also means that enforcement and organising are particularly difficult to accomplish.

² It is not always the case that the farm managers act on behalf of the farm owner, as certain studies have shown that farm managers at times abuse these positions of power to their advantage.



Chapter 2: Sectoral Overview

This section provides an overview of the policy framework and relevant data pertaining to commercial agricultural in South Africa. Although the sector has historically drawn a regional workforce, and continues to do so albeit under different and more precarious conditions, regulating labour migration is largely done within a series of narrowly defined capital driven bilateral agreements which pay scant attention to the broader developmental and rights context of the region. At the same time, the lack of inter-governmental coordination between various ministries unilaterally and bilaterally has resulted in the regulation of labour migration to be undertaken by two parallel systems of authority: the Department of Labour in matters pertaining to labour and the Department of Home Affairs regarding immigration and permitting. Strictly speaking this is not problematic. However, that many countries conflate the two issues -the lack of cooperation between the two at best and the hostility and competition at worse- does result in an ineffective labour migration regime that neither responds to the economic and labour needs of the region, nor allows for a labour enforcement system that protects against the exploitation of migrant workers by employers.

Policy Framework

This chapter examines the policy frameworks and state of data in the sector.

Regulations governing production and labour in the commercial agricultural sector in South Africa are governed by three departments: the Department of Agriculture, Forestry and Fisheries (DAFF), the Department of Labour (DoL), and the Department of Home Affairs (DHA). The policy frameworks suggest:

- a) There is an absence of a labour migration policy framework that facilitates the mobility of labour migrants in the region, and a regime that is historically entrenched in the region. In light of this, foreign workers face a number of risky and precarious conditions entering and regularising their stay, and finding work, which contributes to increased exploitation in a sector already notorious in terms of poor working conditions and decent work deficits; workers are also vulnerable to an overburdened asylum system which migrants are forced to use to enter and remain in the country.
- b) There is limited data on labour, although the DAFF collects comprehensive and timely data on the economic production side of commercial agriculture, data on labour is sketchy.
- c) There is little coordination between the departments in terms of regulating migrant labour (which remains the prerogative of DHA) and little convergence of policy frameworks. In particular, the continued bilateral agreements which govern labour migration in the region operate in parallel to labour and migration frameworks.

The DAFF is responsible for the regulation of production in the sector, but not for the labour of farm workers, which falls within the mandate of the DoL and is discussed in the next section.

The Department of Agriculture, Forestry and Fisheries' (DAFFs') legislative mandate covers the agriculture, forestry and fisheries value chains from inputs, production and value adding to retailing, and is derived

from section 27(1)(b) of the Constitution. The department is primarily responsible for Acts related to agriculture, forestry and fisheries (DAFF AG Report, 2012-3p).

Government policy frameworks that govern the DAFF include the:

- Industrial Policy Action Plan 2 (IPAP2);
- New Growth Path (NGP); and
- National Development Plan (NDP).

DAFF consists of 14 directorates which include:

- Directorate: Infrastructure Support
- Directorate: Inspection Services
- Directorate: International Trade
- Directorate: Land Use and Soil Management
- Directorate: Plant Health
- Directorate: Plant Production
- Directorate: Policy Research Support
- Directorate: Provincial and SOEs Performance Monitoring
- Directorate: Supply Chain Management
- Directorate: Subsistence Farming
- Directorate: Strategic Planning
- Directorate: Small Holder Development
- Directorate: Sector Transformation and Gender Mainstreaming
- Directorate: Water Use and Irrigation Development

The agricultural sector has seen a series of deregulation, unbundling and restructuring since the end of apartheid. In particular the land reform process, the disbanding or weakening of control boards on various agricultural products and the implementation of agricultural broad based black economic empowerment (BEE) in 2003, which sought to increase black participation in the industry through low interest loans, training, and technical support, have significantly restructured the sector and affected labour patterns and conditions. The main pieces of policy and legislation that directly affected the sector in the post-apartheid period are:

- Trade reforms and liberalisation in the 1990s that led to the decrease of protection and subsidies in the sector. Six of the 15 control boards which regulated pricing and marketing were abolished;
- Agricultural Broad Economic Empowerment (AgriBEE) Sector Code, finalised on 28 December 2012, in terms of section 9(1) of the Broad-Based Black Economic Empowerment Act, (Act No. 53 of 2003);
- The establishment of a minimum floor of working standards contained in the Basic Conditions of Employment Act of 1996;
- The Sectoral Determination for farm workers No. 13 introduced in March 2013 and plans to cancel it in November of the same year (add reference);



- Discussion of a minimum wage for farm workers in 2002 its implementation in 2003, (which increased farm wages by 65 per cent between 2001-05) (Hlekiso & Mahlo, 2006), and subsequent annual increases; and
- Land Reform policy.

These policy interventions resulted in a shift from a highly regulated sector with strong state support to a free market in which commercial farmers received little or no support and where competition to remain productive and profitable is stiff.

The labour market also felt some impact. In the initial period following the introduction of the BCEA wages increased, yet the long terms effects and reactions to this hint at increasing disparities in wages across the provinces (Stanwix 2013). At the same time, the trends in this sector are marked by its historical dynamics, which include a low baseline wage scale, seasonal work, and irregular labour contracting; these trends create conditions of exploitative and precarious labour (Maher, 2000).

Labour

The Department of Labour is responsible for the regulation of labour. In addition to the general labour legislation contained in the Labour Relations Act and the BCEA Act, there are sector specific regulations for farmworkers. The Employment Condition Commission Report on Farm worker sectoral determination is a critical source of policy. The current sectoral determination for the farm worker sector was last reviewed in 2012 when farm workers in the Western Cape went on strike demanding R150 per day as the minimum wage. An economic analysis of the sector was undertaken to determine the viability and sustainability of the proposed wage level; the Bureau for Food and Agricultural Policy was responsible for producing this report. BFAP applied their economic modelling tools to simulate the impact of the proposed agriculture wage hike on the total wage bill. They found that the total impact of an increase in minimum wage to R150 per day would amount to an increase of R3,5 billion in the cost of labour for the top ten agricultural industries ranked in terms of total employment. The agriculture compensation bill would increase from R13,6 billion to R20, 8 billion annually. From the farm level analyses, BFAP determined that the labour intensive farms would not be able to pay the proposed increased minimum wage.

The report further argued that the gap between what farmers can pay and what workers require to make a basic living is large, and a creative policy framework together with extremely efficient management on farms is required to avoid shedding of jobs in agriculture.

The BFAP report argues that the average base wage for farm workers is R84,90 per day and according to the current sectoral determination, the base would have been increased as from 1 March 2013 with the CPI, lowest quintile plus 1,5%. The report further argues that if the current base were to be increased by R20 per day, the impact on job retention would be minimal, which would not be true of a R70 to R150 increase per day. The Department of Labour also supports the report in arguing that if wages were to be pegged at R150 per day, the impact would be immense, because the increase is equivalent to more than 100 per cent increase and would result in job losses.

The Department therefore recommended that in dealing with the new level of the minimum wage, the increase, starting 1 March 2013 would be determined by CPI (using December quintile one), equivalent to a 8,6 per cent (7,1 plus 1,5) increase. The new wage would be R75,35 per day. Considering the workers'

inputs (demanded R150 per day) received during the public hearings and the result of the BFAP report which argues that the average wage base currently paid by farmers is R84,90 per day and further that if wages were to be increased to more than R105. 00 per day, there will be negative implications on the employment levels and the sustainability of the sector, the Department recommends that the new minimum wage as from 1 March 2013 be pegged at R105. 00 per day. As of the writing of this report, the Department of Labour is also looking into introducing a statutory provident fund for farm workers, which could also have an influence on the wage bill and on the farm cost structure.

Foreign labour

For migrant workers, conditions governing entry and permits are regulated by the Immigration Act and the Refugees Act. Permits for work and entry are processed by the DHA. Through these pieces of legislation, workers can obtain documentation to work through several channels:

- Work permit;
- Corporate permit;
- Special documentation programmes; and
- Bilateral agreements.

Aside from permit related issues, which are dealt with by the DHA, all other aspects of foreign labour, including working conditions, wages, etc. are overseen by the DoL. A particular point of interest here is the lack of any inter-governmental structures or working processes that facilitate the regulation of foreign labour. A number of government departments, including the DoL, DSD and DAFF, expressed frustration in working with the DHA due to their lack of responsiveness at meetings, to data sharing requests or to collaboration. Aside from the bilateral agreements to which South Africa is party, and recent developments at the SADC level to draft a labour migration policy for the region, low skilled foreign labour is seen largely within the overall ambit of immigration which has increasingly become characterized by a trend toward securitisation, often at the expense of a broader regional economic, developmental or rights framework.

Bilateral agreements

While South Africa lacks a clear policy on foreign labour, it does rely on a series of bilateral agreements with SADC countries. It currently holds bilateral agreements with labour supplying countries in the region, which include Mozambique, Botswana, Lesotho, Swaziland and Malawi (see Nshimbi & Fioramonti, 2013; Budlender, 2013). South Africa does not have any formal bilateral agreement with Zimbabwe, and no longer has bilateral agreements with Malawi. Designed as part of the migrant labour system, labour supplying countries established labour offices in South Africa. Today, Mozambique has two offices based in Gauteng and Mpumalanga Provinces. These offices, in collaboration with the major labour broker from Mozambique, the *agencia de colocacao de trabalhadores papa a africa do sul* (Algos), are responsible for documentation, representation and legalisation services for Mozambicans who are already in South Africa, including the “renewal of contracts for its recruits with the Mozambican delegate and local Department of Home Affairs” (<http://www.bwint.org/pdfs/Africaregion.pdf>). This arrangement might account for the low statistics of undocumented Mozambicans. During the 2000s, professional labour brokers were responsible for the recruitment of Mozambicans, which resulted in a massive exploitation of these workers (HRW, 2007).



Zimbabwe did not sign any bi-lateral agreements with South Africa but, according to the General, Agriculture, Plantation, Workers' Union of Zimbabwe (GAPWUZ), a Zimbabwean farm workers' union, residents of the southern provinces of Zimbabwe have access to a six month farm worker's permit to work on Limpopo farms. The South African Department of Home Affairs, in collaboration with the Zimbabwean government, opened two new border access points to South Africa explicitly to facilitate the movement of migrant farm workers to South Africa (ibid).

Finally, the failure of the permit system requires attention (Crush, 2007). Only a small portion of corporate permits are issued each year, although foreign labour on farms persists with employers apparently preferring to recruit undocumented workers on short contracts rather than follow the longer process of obtaining corporate permits. In 2011 of the total of 106 173 temporary residence permits (TRPs) issued by DHA only 180 or 0,2 per cent were corporate permits (SSA, 2011).

Data and statistical context

There is considerable data on the agricultural sector in the public domain. Most of this is produced by the Department of Agriculture, Forestry and Fisheries relying on its own collection and repository, or that which is produced in collaboration with Statistics South Africa. A summary of key publications and sources of information appear below:

Table 1: Data Sources on the Agricultural Sector

Name	Description	Time	Author	Indicators of foreign labour
Commercial Agricultural Survey	statistics on employment, production, finance and general information with regard to active commercial farming enterprises in South Africa	5 yearly; last survey in 2007	DAFF (2007)	Statistics on number and type of employment; no disaggregation by nationality
Abstract of Statistics of the Agricultural Sector	Overview of production and economic trends in the agricultural sector and in specific agricultural	Annual	DAFF (2012)	Statistics on number and type of employment; no disaggregation by nationality

	industries			
Economic Review of the Agricultural Sector	Key indicators of economic performance	Annual		Basic indicators of employment figures; not disaggregated by nationality
Report on Crops and Markets	Economic indicators, trends in the South African agriculture and an overview of fruit and vegetable sales on the major fresh produce markets during each quarter	Quarterly	DAFF (2012)	None
Employment Trends in the Agricultural Sector	Once off report on employment and labour	2000	Stats SA; DAFF	Provides employment figures by province and skill; no information on foreign labour
Quarterly Labour Force Survey (QLFS)	Labour force survey	Quarterly	Stats SA	At present no information on foreign labour

Source: various Stats SA and DAFF (2007) compiled by author

Composition of sector:

The agricultural sector consists of six main sub sectors: crop production, horticulture, animal production, dairy farming, fish farming, and game farming. Of these, animal products (47,7 per cent), field crops (27,3 per cent) and horticulture (25,0 per cent) make up the core economic contribution to the sector in terms of production value.

The performance of the sector is measured in four ways:

- Gross farming income;
- Export value and volume;
- Volume of agricultural production; and



- Jobs.

Farming income

The 2012 gross income of producers (the value of sales and production for other uses, plus the value of changes in inventories) amounted to R167 394 million, compared to R146 993 million the previous year, an increase of 13,9 per cent. The increase is largely due to better prices for farmers from their products in general, in particular, an increase in the price of field crops by 23,0 per cent, and those of animal products by 8,7 per cent.

The volume of agricultural production increased 2,1 per cent in 2012 (StatsSA, 2012). This increase is significantly lower than the previous period, which reflected a 7,3 per cent growth, and is an indication of the global downturn in agriculture in the first period of 2012 (IMF & WEO, 2012; DAFF, 2012).

Exports from agricultural produce in 2011/12 amounted to R69 881 000, up 11,4 per cent from 2010/11. The leading export products were citrus fruit (R7 032 000); wine (R5 743 000); chemical wood, pulp and dissolving grades (R5 146 000); maize (R4 778 000); and grapes (R4 107 000). South Africa's main trading partners for exports in this sector are: the Netherlands (R5 918 000), the UK (R5 394 000), Zimbabwe (R5 305 000), Mozambique (R3 212 000), and Japan (R2 984 000) (StatsSA, 2012).

Employment³

Agriculture in South Africa is a labour intensive activity and the commercial agricultural sector employs 821 967 million people; of this, approximately 7 per cent are foreign born (Budlender, 2014). While data on the number of subsistence farmers is not available, but it is estimated that in rural areas 52 per cent of employed people work on farms, exemplifying the key role that the sector plays in rural livelihoods.

However, like many other parts of the economy, the agricultural sector is shedding jobs. The number of people employed in the commercial farming sector decreased by 5,1 per cent from 866 455 employees in 2010 to 709 000 in 2014 (StatSA, 2014), a trend which actually started in 1990 as Table 2 shows below. The percentage of farm workers as a share of the total labour force in South Africa declined from 12,0 per cent in 1990 to 4,6 per cent in 2010.

³ All statistics in this section from DAFF (2012).

Table 2: Employment: TSA labour force and agricultural employment

	RSA labour force		Commercial Agricultural employment		
	Total	Change y.o.y. '000	Total	Change y.o.y. '000	Share in total l.f. %
1990	10403.3		1252.9	15.6	12.0
1991	10799.7	396.3	1178.7	-74.2	10.9
1992	11247.3	447.6	1109.5	-69.2	9.9
1993	11696.1	448.9	1161.9	52.4	9.9
1994	12185.7	489.5	992.5	-169.4	8.1
1995	12638.4	452.7	959.3	-33.2	7.6
1996	13131.4	493.0	982.9	23.5	7.5
1997	13616.5	485.2	961.7	-21.2	7.1
1998	14121.4	504.9	922.7	-39.0	6.5
1999	14677.8	556.4	907.0	-15.7	6.2
2000	15232.8	555.0	968.5	61.5	6.4
2001	15737.1	504.3	834.0	-134.5	5.3
2002	16145.2	408.0	986.8	152.8	6.1
2003	16541.3	396.1	906.7	-80.1	5.5
2004	16863.5	322.2	921.4	14.7	5.5
2005	17212.1	348.6	916.0	-5.4	5.3
2006	17594.0	381.9	981.8	65.8	5.6
2007	18008.9	414.8	818.5	-163.3	4.5
2008	18699.3	690.4	905.2	86.7	4.8
2009	18433.2	-266.1	858.8	-46.5	4.7
2010	18163.0	-270.2	832.3	-26.4	4.6

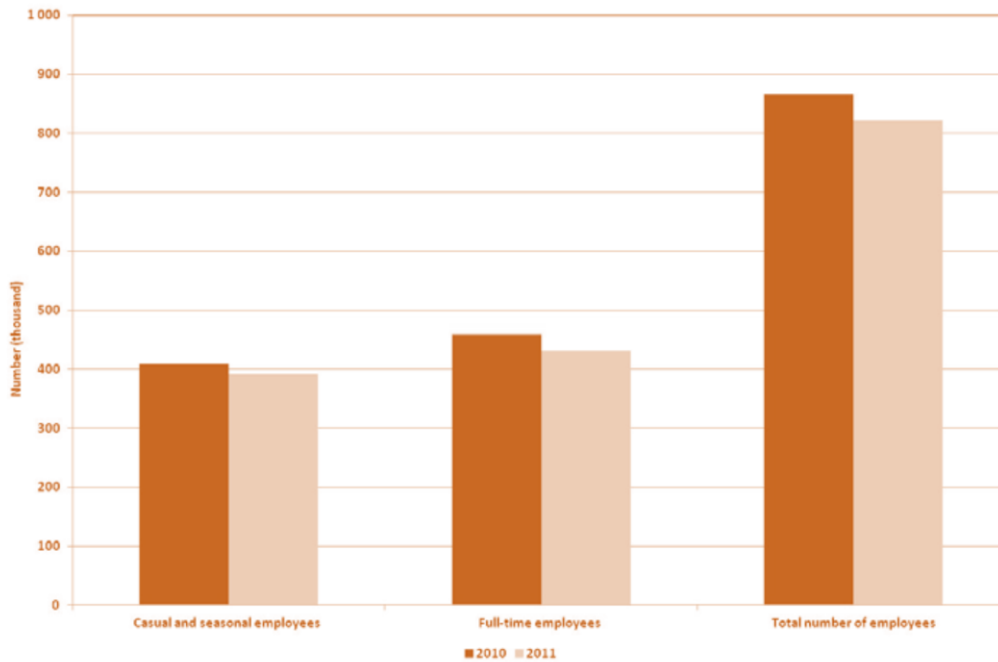
Source: Agriculture: Liebenberg (2012), RSA: The World Bank (2012)

Note: RSA total compiled by the World Bank from data published by Stats SA (e.g. household surveys, etc.). The abbreviation y.o.y.: year on year and l.f.: labour force

Aside from actual numbers, the conditions of work and dynamics in the labour market are also of significance. Formal data collection identifies two categories of workers: season or casual, and permanent. Recent data suggests that roughly half of jobs in the sector are the former; it is likely that this number will increase due to further casualisation across the sector. For instance, more than 2 per cent of job losses in 2012 were in full time permanent employment. Permanent, full time employment after 1980 declined significantly. The decreases in 'full-time' and 'casual and seasonal' employees for the 2011 period were 6,0 per cent and 4,2 per cent respectively, as can be seen in Figure 1. Whilst some attribute this decrease to the introduction of a minimum wage contained in the Sectoral Determination for farm workers in 2002, a number of studies suggest rather that this had the effect of reducing working hours, or repaliicng permanant workers with season or a casual workforce (Bhorat, Kanbur & Mayet, 2013; Murray & Van Walbeek 2007; Vink & Kirsten, 2011; Greyling, 2012). Others chart the shift in labour trends to the 1970s and 1980s (Mather, 2000; Marcus, 1989).



Figure 1: Number of jobs in the agricultural sector by type of work



Source: Stats SA, 2010

Wages vary depending on skill, experience and the manager of the farm. In 2011/12, salaries and wages constituted just 11,3 per cent of farm costs amounting to R12 941 000.

In a survey of the commercial agricultural sector in Mpumalanga, Mather (2000) found three categories of farm workers present: permanent workers, seasonal workers, and temporary workers (see also Ndungu, 2011; Nkosi, 2012). Mather's study suggests that permanent workers tend to have better job security and higher wages than workers in other categories and that most of these permanent workers were South African. The study also found that seasonal workers, women and Mozambicans were all paid less than permanent workers. Workers in the temporary category, who were paid the least, were often referred to as 'general labour'; these were mostly Mozambicans.

Labour market dynamics in the sector are intricately tied to shifts in demand and resulting competitiveness amongst producers. The restructuring of the labour market is one way in which commercial farmers state that they are able to remain competitive in a global market (Mather, 2000 page). Increases in, and year round demand for imported fruit and vegetables amongst consumers in the north has led to lower wages and worse conditions in production in the south (Collions, 1993; Wells, 1996; Zabin, 1997; Quandt, 1998; Jarosz, 1996). Research on high value food systems -essentially fresh fruit and vegetables exported for global consumption all year round- has shown that such demand has resulted in a "restructuring of labour regimes ...to secure a cheaper, less militant, more flexible, and vulnerable workforce" (Maher, 2000: 426). Although the face of this workforce varies, it invariably draws from the most vulnerable and marginalised groups in society, including rural or international migrants, women, the youth and minorities (Mather, 2012).

The reasons for the decline in employment in the sector are debatable. One argument is that worsening conditions and lower wages in the sector have driven jobs away from the rest of the economy as well

(Mather, 2000), although the NDP (2011) continues to argue that the sector is a driver of employment. However, if wages continue to be low, the sector is likely to attract only the very marginalised, strengthening the hypothesis that the presence of migrants -as the current face of the most marginalised sector of the labour market- in agricultural, is responsible for wage differentials. Historically there is some evidence to support this thesis. Van Zyl (1988) and Brand (1969) both investigated the structure of agriculture and its relation to labour and found that labour dynamics in the sector were starkly shaped by race. Particularly after 1960, low skill, low wage work in agriculture was largely confined to mixed race (Coloured) and Black people. A series of segregationist policies, which stemmed from the colonial era and were entrenched during apartheid, favoured white land ownership and created a labour system of reproductive black workers from the rural areas.

One final note on the sector is the significance of provincial variations. The bulk of employment in the sector is spread across five provinces: the Free State, KZN, North West, Mpumalanga, and the Western Cape, although the Northern and Western Cape each employ more seasonal workers than full time employees (see Table 3 **and**

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Table 4). While agricultural production occurs in all regions of the country more than 50 per cent of activity is concentrated in in two provinces: KwaZulu Natal and the Western Cape, as **Figure 2** below illustrates.

Table 3: Employment in agriculture by province

Province	Full time employees	Casual and seasonal employees	Total number of employees
Eastern Cape	34 253	30 565	64 818
Free State	53 944	45 150	99 094
Gauteng	22 979	11 957	34 936
KwaZulu-Natal	66 685	34 383	101 068
Limpopo	35 728	31 833	67 561
Mpumalanga	46 520	32 826	79 346
North West	53 741	32 008	85 749
Northern Cape	26 871	47 874	74 745
Western Cape	90 943	98 546	189 489

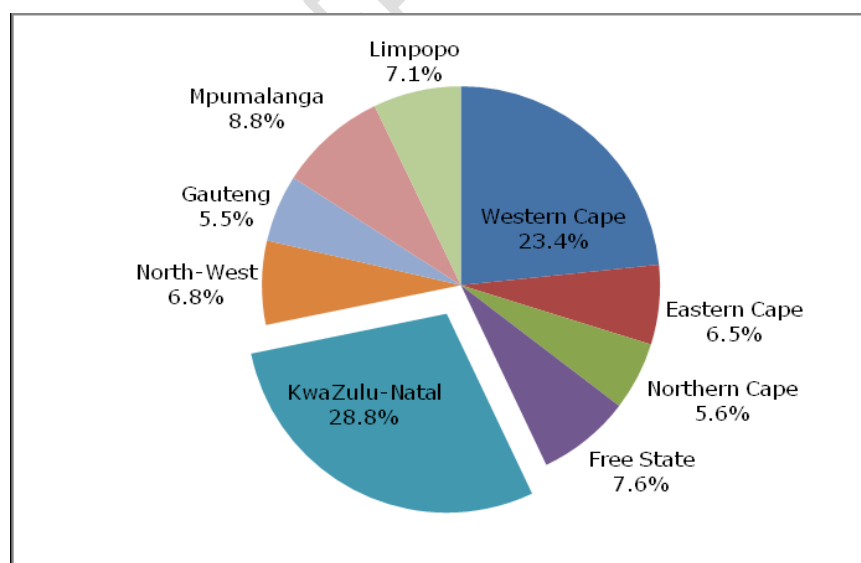
Source: Stats SA 2008

Table 4: Number of paid employees and total salaries and wages per province in commercial agriculture

Province	Full-time employees	Casual and seasonal employees	Remuneration	
			Full-time	Casual and seasonal
	Number		R'000	
Eastern Cape	34 253	30 565	510 404	106 497
Free State	53 944	45 150	737 796	98 996
Gauteng	22 979	11 957	534 083	93 461
KwaZulu-Natal	66 685	34 383	968 455	154 286
Limpopo	35 728	31 833	625 436	124 159
Mpumalanga	46 520	32 826	853 396	176 363
North West	53 741	32 008	574 596	75 250
Northern Cape	26 871	47 874	339 948	123 723
Western Cape	90 943	98 546	2 029 275	485 108
South Africa	431 664	365 142	7 173 389	1 437 843

Source: Stats SA 2012

Figure 2: Provincial agricultural activity 2009



Source: Stats SA, 2010



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Chapter 3: Is the Grass Greener? Perceptions and Experiences of Migration and Farm Labour

This chapter presents findings on the following: a demographic profile of respondents, migration experiences, and documentation statuses.

Demographic data and socio-economic profile of respondents

Of the 77 respondents interviewed for this study, 26 (34 per cent) of the sample were South African, and 51 (66 per cent) were foreign-born, as shown in Table 5. The sample included 29 women. The breakdown of interviews by province and type of interview was:

- 63 interviews done in Mpumalanga: 51 individual interviews, 12 interviews in an FGD; and
- 14 interviews done in Gauteng: 10 individual interviews, 4 interviews in an FGD.

Table 5: Respondents' Nationality

Country	Frequency
Mozambique	20
South Africa	26
Swaziland	3
Zimbabwe	22
Total	77

Source: Authors

Marital status

The majority of the respondents were single. Of the 63 interviewed in Mpumalanga 17 were married, two were separated, 38 were single, one was widowed, and five did not respond to the question. The majority of female respondents indicated that they were single or had been 'deserted' but not divorced by their partners, as one respondent explains:

He deserted me. I don't know what the reason was; he just left me with the kids. No we were married traditionally and he took me to his home. After some time he just abandoned me there for another wife and never came back. Then my uncle from Bushbuckridge came to fetch me at my marital home and suggested I go to Bushbuckridge, but I decided against that and opted to go back home in Nkomazi.⁴

⁴ Interview with Dor 25/07/2013; Farm B



The majority of young male respondents said they were single and cited that low wages prevented them from starting a family or marrying.

No. Life is tough, I cannot get a wife. I gonna make someone's kids suffer. But later when things are good.⁵

I don't know [about marriage], I will see how long it takes, but I think I'm getting there. Otherwise time might pass me by, so I will take a decision soon.⁶

Some farm workers have what they termed 'makeshift' marriages to circumvent squalid and congested living conditions on the farm. On certain farms, married couples are allocated a private room whereas individuals share a room in a single sex compound that accommodates up to ten people. The statement below explains the situation:

Yes it happens quite a lot. Especially if you are not happy where you are staying, you look for a 'partner' and then you get allocated a single room. But it's not necessarily because you like the person.⁷

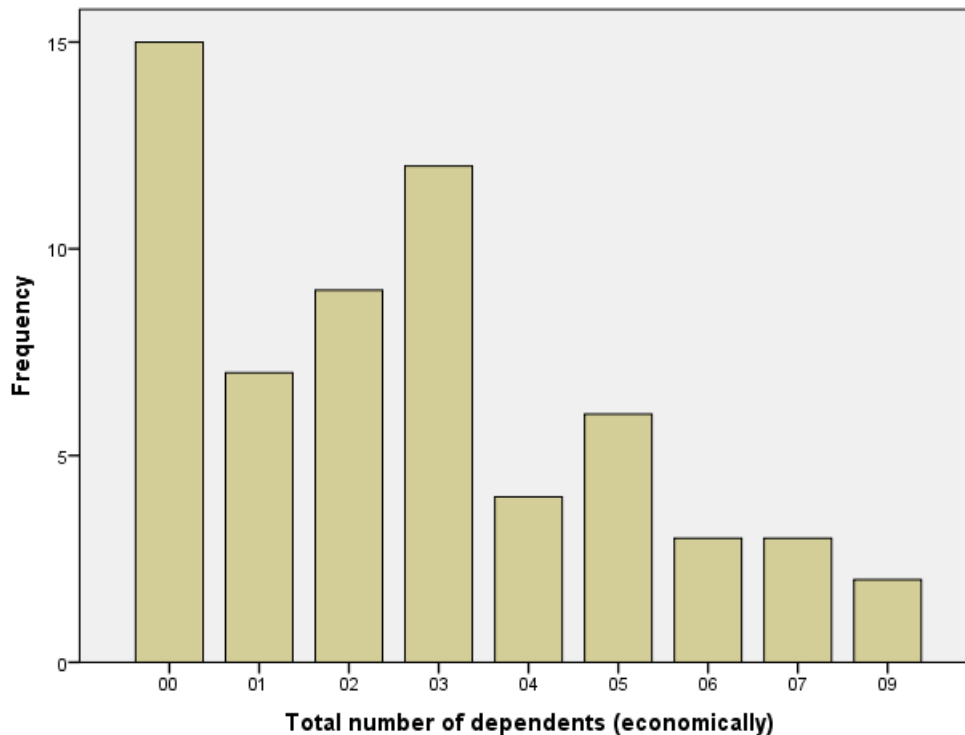
However, such relationships are typically temporary. Some times one partner moves away due to work, or personal reasons; women bear the responsibility of looking after the children born out of such relationships.

⁵ Interview with Mbe 28/06/2013; ACMS Offices

⁶ Interview with Pla 26/07/2013; Farm C

⁷ Informal chat with Tindo and Maria. 26/07/2013. Farm C.

Figure 3: Total number of dependents (economically)



Source:

Amongst respondents in Johannesburg, there was an equal mix of married and single respondents. Of those who were married, some had their families living with them in shelters or inner city accommodation whilst others reported that their families were in Zimbabwe.

Education, Skills, Experience and Employment

Most workers are employed on farms due to a lack of options in the labour market that match their skills. For foreign workers the low barriers to work in the sector in terms of both documentation and education are a key determinant of work options.

The majority of farm workers had limited formal education, with the exception of one worker who had a diploma. Eight workers had completed matric but were forced to work on a farm due to a lack of other employment options. Once employed on a farm, though, most workers reported that they received training from a supervisor or mentor assigned to orient them. This training would include general farm duties, operating machinery, driving tractors, landscaping and basic construction.

Prior to working on the farm, some foreign workers were involved in poorly paid jobs in low or semi skilled sectors such as mining, construction, welding, security, plumbing, artwork or as service station attendants. A few women worked in the hospitality sector, but the majority of women worked as domestic workers, popularly referred to as *amakitchin*. In a few cases, some were *sangomas* (prophets or traditional healers) or book keepers.



There were mixed reactions to future employment prospects and ambitions among respondents. A few strongly believed farm work was the only option available to them in the labour market, for differing reasons. Those in Mpumalanga felt that their skills, when matched against the labour market options, constrained them to work in low paid positions. Those Zimbabweans based in Johannesburg stated that their immigration status, in combination with the xenophobia they'd experienced in South Africa, hindered access to better opportunities. Some foreign workers saw farm work as a spring board to generating capital in order to kick-start entrepreneurial projects once they relocate to their countries of origin.

Right now I'm working. If I get money, I will start my business in Zimbabwe... If I ever got 2 000, 3 000, just go there and open, at least flea market and sell clothes or what-what.⁸

No I want to go back to Zimbabwe, if things are ok, I want to go back. If I get money, I'll go back and start up some business.⁹

I started working in another farm, but it was a temporary, and then I left. We found a Nigerian guy who found us a job in a hotel in Johannesburg. But the hotel money was too little. Therefore, I decided to come back in Mpumalanga. Then another lady found me a job here in Mpumalanga as she could see that I was suffering.¹⁰

I want to look for kitchen jobs.¹¹

Others indicated that they would work again on a farm but under different employers.

We are still looking for other farms, but if we don't have a job, we will go there. Because we have no option... It depends on the skill which you have learnt. But you find that most of the foreigners who are not skilled, you find them working on farms. Because they don't have the papers. That's why you find most of the skilled foreigners working in mines. Only hard labour, they don't have the skills.¹²

Yes, where will I get another job? It's difficult to get a job. I have been searching for one for computers but there is nothing. But if I get another job, then I leave farm work. I'm just working because I'm suffering and my family and to help my mother. But to be honest, I'm not happy with this job.¹³

Migration

The main motivating factor for migration to South Africa was a lack of job opportunities at home coupled with political unrest for those from Zimbabwe or Mozambique.

⁸ Interview with Mbe 28/06/2013; ACMS Offices

⁹ Interview with Fel 20/06/2013; ACMS Offices

¹⁰ Interview with AND001 23/07/2013; Farm A

¹¹ Interview with Kud 24/07/2013; Community Interview in Kamhushwa, Mpumalanga

¹² FGD with farm workers 20/06/2013; ACMS Offices

¹³ Interview with Ler 25/07/2013; Farm B

Here is better because sometimes you get some job, maybe piece job. Unfortunately if you are there, you can't get a job... Yeah, here is better. But sometimes you think Zim is maybe. But that is a part of life. Sometimes it's better, sometimes not.¹⁴

Here in South Africa, it's too cold, but I managed to survive that time. I don't think I can keep on doing this, you see. I'm tired now, I have to go back home, find something better.¹⁵

That time, they were, like our grandfathers, they used to come here and work and come back home. Some of them, they just come and you don't even see them again. So you thought that, with all these stories, you think it will be fine to go, but it's tough, you see. And now I'm tired, just want to go back home.¹⁶

A majority of Zimbabweans indicated a desire to go back home if the economic situation improved. Some expressed strong ties with their countries of origin.

I wish to go back to Zimbabwe. That's where I was given birth to, that's where my family is, that's where I come from.¹⁷

In contrast, most Mozambicans and Swati were reluctant to return home, as they were established in South Africa, having married South African citizens and had children.

Because there are wives and children involved, I think my life is here now. I don't have any purpose in Mozambique now.¹⁸

Documentation

Although the sample size here is too small to make generalisations, if read in conjunction with evidence from previous studies (see Jinnah, 2013; Amit, 2012; LHR, YEAR) our data suggests that low skilled workers use two principal avenues to enter, remain in or regularise their stay in the country: formal mechanisms such as corporate permits, special dispensation and amnesty programs, the asylum seeker process, and the visitor's visa system; and informal methods like illegal border crossings, informal labor brokers, and remaining undocumented.

Of the 35 foreign born individual interviews (this question was not asked in the FGD for confidentiality reasons), 26 were documented through a range of permits: nine had citizenship in South Africa, ten had a visitor's visa, four has an asylum seeker's permit, two had a work permit, one was employed under a corporate permit, and nine were undocumented.

Most of the respondents in Mpumalanga, especially those from Mozambique, were in possession of legal immigration documents¹⁹, mainly due to the entrenched formal labour recruiting systems in place between

¹⁴ Interview with Alb 28/06/2013; ACMS Offices

¹⁵ Interview with Jes 28/06/2013; ACMS Offices

¹⁶ Interview with Jes 28/06/2013; ACMS Offices

¹⁷ Interview with Fel 20/06/2013; ACMS Offices

¹⁸ Interview with Moy 24/07/2013; Farm A



the two countries. Nine of the respondents who identified themselves as Mozambicans had South African identity documents or citizenship, possibly due to the general amnesty awarded to Mozambican nationals in 1996 (see de Vletter, 1998; Sachikonye, 1998). As one respondent reported:

We are South Africans because we were all born here and we have lived our whole lives here. We also have South African IDs and birth certificates. Even here at work, I am employed as a South African citizen.²⁰

In contrast, amongst the respondents in Johannesburg, three had no documents, two had asylum seeker permits (which were lost or stolen and not replaced), and the remaining six had asylum seeker permits. Interestingly, none had applied for amnesty through the ZDP, pointing to the weakness of that programme (Amit, 2012). For most Zimbabweans, migration agents facilitated their movement across the Limpopo river and, to some extent, assisted with the acquisition of South African documentation. As one person recounts:

I came with *amagama-guma* [criminal gangs along the border] – they are the people who help transport people through the river. They know where to stand in the river so you don't drown... I spent three days. I went to Home Affairs on Sunday night, signed the documents [to apply for asylum] on a Monday morning and was given them on Tuesday.²¹

In Mpumalanga workers were often assisted by informal labour brokers to get proper documentation as indicated below:

I'm still using a Mozambican passport. But Mr. M is trying to help us sort out our papers. I will see what happens. Actually he helps you to get a passport, even if you do not have one. You then have to renew the stamp on the passport on an annual basis.²²

Some had devised strategies to ensure that they remain legal, or avoid detection from authorities, as shown in these responses:

I had to jump the border at first because I had no passport. But now I have a passport but no permit. I was given only 30 days. But I go to Swaziland border every month post to get my passport stamped.²³

Ah, that's why I'm doing this junk work. 'Cause I know if I'm junk, the police can't arrest me. See, that's why I pick up those things from the dustbin, the police can't arrest me; I'll be free to walk around. They'll say, this one is homeless, and then I'll be safe.²⁴

It's better because I don't fear anymore, because I have given birth to the South African babies, so I don't fear anything. I use them my asylum document or as a passport. If they arrest me, I tell them about the babies; they can't deport me without my babies (*laughs*).²⁵

¹⁹ This assumes that at the one farm where the farm managers who assisted with the sampling did not target only those who are legal in South Africa.

²⁰ Interview with Pla 26/07/2013; Farm C

²¹ Interview with The 20/06/2013. ACMS Offices

²² Interview with Smt 24/07/2013; Farm B

²³ Interview with Luk 24/07/2013 Community interview at Kamhlushwa, Mpumalanga

²⁴ Interview with Mbe 28/06/2013; ACMS Offices

Yeah... because he told me he can call police. It's the fear, always fear there, they put your fear on. Even if pay someone, just to pay him for nothing, without doing anything, just to pay someone they say they call the police for him, you'll be arrested, buy me smoke, buy me cigarette, you see, and you do it because you'll be afraid.²⁶

Some respondents state that farm owners deliberately ignored the aspect of legal documentation when recruiting foreign workers as they used this as a strategy to exploit workers later:

That one, no he didn't care about documents. But if he's angry he can tell you, I'm gonna call the cops for you. And almost he didn't call for anyone, but he just give you threat, I'm gonna call for this for you and they will take you, and I will never give you any cent.²⁷

Home Affairs came but people were hidden... It was difficult to go to Home Affairs by yourself. It was easy when Home Affairs come by the farm, it was easy for us. But then the disadvantage is the farm owner didn't want them to see.²⁸

Artificial borders?

Part of the particularity of the area in Mpumalanga is its geographic, ethnic and historical contexts. Some of the international borders separate groups of people who share a lineage, ethnic identity and language. This has been documented to show the relative weakness of nationality based identity (Polzer, 2008; Mamdani, 2001); it also points to the pervasiveness of historically entrenched arrangements pertaining to cross border mobility.

A few of the South Africa born respondents reported that they did not know their parents' countries of origin and had little knowledge of their own genealogy. The statements below are illustrative of this point.

I don't know but I understand that my parents originally came from Mozambique. Apparently they came in the 1980's and settled in Malelane then later moved to Stan Loop. But I was born in Stan Loop in Mpumalanga.

My surname is Susan*. I was born and grew up at KaMdaladla in Mpumalanga. I don't know where my parents originally came from, but I'm no longer staying with them. I have my own place now.

By the time I arrived in South Africa there was something called *sthaboo* of which South African and Swaziland soldiers were on guard when you arrive. There you register your name, give reasons why visiting South Africa and indicate period you would like to stay and that's how I entered. I like South Africa at my young age because I grow up here. Actually there is another area called Mbuzeni separated by fence so I was used to pass by to visit my grandmother.

²⁵ Interview with Nin 28/06/2013; ACMS Offices

²⁶ Interview with Jes 28/06/2013; ACMS Offices

²⁷ Interview with Alb 28/06/2013; ACMS Offices

²⁸ FGD 20/06/2013; ACMS Offices



I was working on the other farm here in South Africa at Newyot estate; they request identity document. I went to Swaziland to apply for identity document, unfortunately I was not qualified. I decided to go and apply ID at Mozambique because the situation at Swaziland was very bad. Actual South Africa is my home country because we are neighboring countries especial at Mbuzeni Village. I was used to visit my relative at Mbuzeni village.

The historical ties amongst people across borders explains not only perceptions around documentation but also strategies for recruitment. At one farm foreign labour has been an entrenched feature of its workforce. The owner remarked that the farm used to help migrant workers get South African documents, using the corporate permit system, but that in recent years this had become more difficult due to bureaucracy and corruption at the DHA. To circumvent this, the farm continues to employ foreign labour relying on the social networks of its current workforce to recruit, and does not do a thorough interrogation of documents as the farm owner deems this unnecessary. As he explained:

Most the land around here can be claimed by people on three sides of the border: Swaziland, South Africa and Mozambique. The tribal chief in this area is Swazi; he gives land according to your family and tribal history not your nationality. Nationality doesn't matter... borders should be more open.²⁹

Conclusion to Chapter

The findings here suggest a range of reasons why people moved to South Africa and found work on farms. For some this was prompted by need for either protection or livelihoods at home, and for others it was part of a broader generational project. Although most farmworkers have low levels of education, many have been further skilled after finding work and desire to move onward into other types of employment. Regardless of education and documentation, though, many report low levels of job satisfaction and face poor working conditions, which are examined in detail in the next chapter.

²⁹ Interview July 2013, Mpumalanga

Chapter 4: Between law and reality

This section presents findings on labour conditions and the relationship between employers and employees. The findings from this study emphasise the role of employers, often more so than the state, in determining labour conditions at the workplace. All respondents, including farm owners, clearly noted that the power and resolve of employers -to subvert or comply with national legislation- determines actual outcomes for workers. These outcomes for workers include many conditions of work including wages, living conditions, health and safety compliance and working hours. In addition, we found that the attitudes of employers differ significantly: two of the three site visit farms in Mpumalanga insisted on demonstrating their compliance with labour legislation and went further to point out the negative effects of the regulations themselves. The third farm owner was reluctant to be interviewed but workers on his farm reported wide spread disregard for labour law. Almost all the workers in Johannesburg agreed that conditions on farms in the Western Cape were poor (low wages below minimum wage, long hours, no overtime etc.) but again pointed to variances from farm to farm.

Farm owners

Minimum wages

The issue of minimum wages is a contentious one. Although farmer unions admit that working conditions need to improve in the sector they point out that farmers are facing an uncertain economic and political climate in which the absence of subsidies for farmers and the violence and crime that farmers face further compound their vulnerability.

Although nationally farm workers' income constitutes only 11 per cent of the total production costs in the sector, at smaller farms with different crop configurations, uncertain supply chains and inadequate risk protection from crop failure, weather, the farm's permanent workers' wages can constitute almost 40 per cent of costs. Since the introduction of minimum wages in the sector some farms have taken extreme action to maintain profitability. As one owner mentioned: "just increasing minimum wages because this affects our wage bills such that we have no option but to retrench. When the Minister announced the increase this year, we had to get rid of 65 workers to cope with the increase" (FB, 2013). This was echoed by another farm manager who reported that they could not afford to pay all workers the new minimum wage of R105,00 a day announced in March 2013:

We are less than 600 now. There used to be 1 200 permanent workers, but a lot of them were laid off before we came back in April [2013] due to money issues. He told them that he cannot afford to pay everybody R105,00 a day.... that if they want R105,00 we will have to retrench.

At another farm, the owner did pay minimum wages but reduced the number of working hours of staff. Thus many employees are actually being paid less than what they were paid before the increase in the minimum wage. The farm pays most workers R2 100 a month for a 40 hour working week. At a third farm, the majority of workers earn R1 600 a month, although this is the rate before a mandatory deduction of R300 for monthly transport. Workers protested that they have neither medical aid nor pension schemes. The farm owner complained about a huge annual wage bill of R4 million thereby justifying why he could not afford to pay the newly established R105 per day (R2 100 for a five day week).



Aside from the economic implications of the minimum wage, all of the farmers also mentioned two additional challenges. First, each stated that problems in securing and renewing work permits, and harassment from local authorities (banks, police, DHA) toward foreign workers forced farmers to reduce the number of foreign workers they employed. One farmer felt that this had negative consequences on his farming as he spent more time recruiting and training local workers who tended not to return for seasonal work. Two of the farmers also mentioned that the additional administrative burdens on obtaining documentation for foreign workers tended to make them recruit “without looking at papers” .

A second issue is political. One farm was affected by the Tribal Trust Land Policy and the owner claimed that part of the farm has already been repossessed with compensation by the government for redistribution. This, together with reportedly reduced profitability, prompted the owner to say that he was thinking of quitting farming.

Labour recruitment

The findings suggest two main types of foreign labour systems in Mpumalanga, and an overwhelmingly informal system of recruitment for Johannesburg based migrants who work seasonally in the Western Cape.

In Mpumalanga the first is a top down, formal, historically entrenched (although showing signs of cracking) labour system governed by bilateral agreements. Labour brokers play a pivotal role in liaising between employers, potential employees, and making practical arrangements for travel, issuance of documentation in the country of origin and, later, payment and remittances.

A labour broker based in Mpumalanga said that he works closely with employers, government and potential workers. He recruits farm workers directly from rural Mozambique in areas such as Inhambane and works with the Mozambican government to obtain their passports, with the South African Department of Home Affairs and with South African employers to secure corporate work permits.

This scenario was supported by responses from the management of one of the farms and from most foreign workers who were interviewed for this study who confirmed that a) they had valid documentation and b) labour brokers are involved at some point in the system to facilitate their work and permit. This finding is consistent with the findings of Sachikonye (1998), de Vletter (1998) and Simelane and Modisha (2010). In contrast, previous studies have highlighted the problems associated with the lack of documentation amongst farm workers in other provinces such as Limpopo or Western Cape provinces (see Rutherford (2007), Crush (1998) and Jinnah (2012)).

A critical point, though, is that a formal labour system with documented workers and migrants has not necessarily resulted in satisfactory working conditions or labour law compliance. Although workers have permanent jobs, often have written contracts and are documented, the conditions of the contract and the enforcement of these are often inadequate. Of equal importance, workers themselves state they are not happy with their conditions. This raises the issue of whether a minimum wage is sufficient.

The second approach reflects the more contemporary dynamics of labour, which has seen increasing casualisation in certain sectors, diverse mobility in the region, and the tightening of immigration regulations. This work is more informal and bottom up and is typically for shorter work of less than three

months, often through informal labour brokers, community leaders, employers using word of mouth, or through existing employees using social networks. Many foreign farm workers reported that they came to South Africa to join their friends or family who helped secure work for them on farms and assisted in obtaining documentation.

In comparison, farm workers based in Johannesburg were recruited entirely through informal labour brokers or directly by employers for seasonal work in the Western Cape with no formal contracting, and overwhelmingly reported poorer working conditions

Working Conditions

Conditions of work differ depending on the place of employment and the employer concerned. In this sub section the following aspects of working conditions are covered: wages, working hours and leave, occupational health and safety, services and facilities, and participation in industrial action.

Contracts and Wages

Almost all workers in Mpumalanga, regardless of country of birth or type of employment, had contracts. In contrast, those working in the Western Cape had only verbal agreements with employers. Those in Mpumalanga had contracts, yet casual workers were particularly adamant to point out that while their contracts clearly specify overtime pay for any extra hours worked, in reality, they do not receive any overtime at all. In fact, some reported that they can even receive wages lower than they have agreed upon in the contract, as one said, “no we are supposed to knock off at 2pm but instead we knock off at 4pm and we don’t see that money in the payslip” .

Almost all respondents complained of low wages in the sector. In Mpumalanga wages varied between R1 500 to more than R2 500 depending on the type of work being done, and the employment status of the worker. Generally, permanent workers tended to earn more than casual workers, a finding that confirms previous studies (Maher, 2001). In our sample, 21 permanent workers reported earning between R1 501 to R2 000 a month compared to 11 casual workers who were paid R1 001 to R1 500 for the same work. But the issue of permanent versus casual was not as important to workers as overall conditions in the sector, particularly low wages.

If I get a chance, I would like to have a work permit so that I can also look for other jobs other than farm work like in hotels washing plates, where they pay wages between R2 200 to R4 000 for low skilled jobs.³⁰

They have to increase our salary. That’s the only solution otherwise he should sell the farm!³¹

Amongst both types of workers, the ability to do and be paid for overtime work affects the amount of money that workers earn. Seven workers reported earning between R2 000 to R2 500, all of whom were employed as packers and reported to often working overtime.

³⁰ Interview with Kud 24/07/2013; Community, Kamhlushwa, Mpumalanga

³¹ Interview with Sim 24/07/2013; farm A



Seven workers in the Western Cape reported earning between R100 to R1 000 a month, considerably less than their counterparts in Mpumalanga.

Table 6 below provides a summary of wages from individual interviews. All those who reported earning less than R1 000 per month were based in Johannesburg.

Table 6:

Wage range	Frequency
>R 1000	7
1001-1500	11
1501-2000	21
2001-2500	7
Above R2500	6
Not specified	9
Total	61

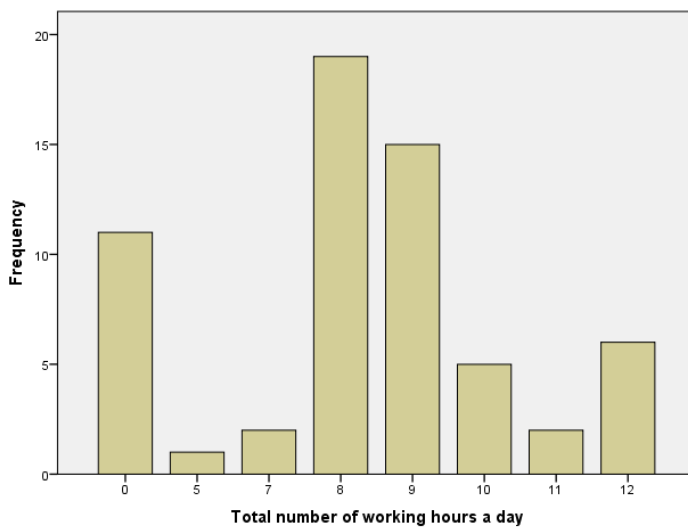
Source: author's interviews and cite visits

The majority (40) of workers, all of whom were from Mpumalanga, were paid via a bank transfer. All respondents from Western Cape reported that they got paid cash. Ten respondents did not specify their method of payment. In Mpumalanga, two of the respondents interviewed from the community were also paid in cash and both were casual workers. Workers reported using Capitec bank, as this facilitated remittances in the case of foreign workers and had reduced costs and service access points in rural areas for local workers.

Findings suggest that two systems of work exist: those that work a predetermined number of hours a day and those that have longer or indefinite working hours according to the quota or *gwaza* system. In the former, 33 of the sampled workers reported working between eight and nine hours a day. Both types of systems existed in Mpumalanga and applied to both foreign and local workers, however casual workers were more likely to be employed under this system than permanent workers.

Gwaza is a system whereby targets are set in terms of the work to be covered for a particular day. For instance, targets could be in the form of ridges or lines one has to complete for them to be considered for a wage on that particular day. Gwaza is timeless and once one completes their quota they are eligible to collect a day's wage. Some informants mentioned that some workers end up using drugs especially *ganja/mbanje* (marijuana) as a coping mechanism to strengthen and sustain them in order to reach their targets. The photograph below symbolises the ridges or line that are counted and allocated to workers as part of gwaza. One might be required to ridge or plough or pluck out weeds in between the lines. The average length of the lines is between one to two kilometers.

Figure 4: Total number of working hours a day



Source:

Both local and foreign workers complained about the system indicating that it is tiring and abusive in nature.

*Sometimes we work well sometimes it is not right. Like working on gwaza is like I am a slave because I don't rest. Also the money is too little. I need to buy food, clothes and children to school. The children need school uniforms, books. I have a lot of stress!*³²

*I leave home at 6am and clock in at work at 6:30. At 9am to 9:30 it's tea break, 1pm to 1:30pm lunch but sometimes don't go for lunch because I work for gwaza. So sometimes if you go for lunch you will not finish and don't get paid. This work is like punishment. If you are not finished, you are not paid and can be fired in the next recruitment. They won't hire you. Gwaza is very painful because you can't rest until you reach your target!*³³

*They use 20 feet rope to allocate work. Each 20 feet rope pays R16,00, which means one can make around R150 to R200 per day. Because you want to reach your target, you have to work hard and this is very painful.*³⁴

*You keep working until you're done. Like you see on Saturday, you have to knock off at 12:00, but sometimes you can knock off 4:00, or 5:00 because of those orders, you have to pick them until it's full, that's when you knock off. If you haven't, you keep working.*³⁵

In the Western Cape, respondents stated that they worked 12 hours a day on average and did not receive any overtime pay. They also expressed dissatisfaction with their working conditions and general treatment.

³² Interview with Sim 24/07/2013; Farm A

³³ Interview with Fikile 24/07/2013; Farm A

³⁴ Interview with Moy 24/07/2013; Farm A

³⁵ Interview with Mil 28/06/2013; ACMS Offices



Those that worked as fruit pickers mentioned that they were paid according to a pallet system. A pallet is in the form of a large net whereby fruits are dropped in from the fields. The system works as described below by one of the respondents:

*If we pack only five pallets, we get paid for five pallets per day, even though we knock off at 4pm. If you pack pallets worth R50,00 you only make R50,00 for that day or if you pack extra pallets, you can make up to R200,00 a day.*³⁶

Respondents complained that they were cheated by the supervisors and paid less for work done. They said the cheating was largely perpetrated against foreign workers because locals were outspoken and most supervisors were scared of them. Inequalities based on wages were also noted between foreign workers and locals where the latter were usually paid the government mandated wage of R105,00 per day while the former were paid R50,00. One respondent explained that the wage discrepancy was because local workers were represented by a union which ensured compliance to the law.

A few foreign workers in Mpumalanga did express satisfaction with their conditions although these were the exceptions.

*Honestly everything is fine... well let me talk for myself; I don't have problems at all. They treat me well, they don't insult me and the supervisors do not interfere with my job. But I wouldn't know out there in the fields.*³⁷

*I think is fair because sometimes you work according to stock of which you may finish around 11:30... when done I sit because I have completed the daily stock but if you want to go home you are allowed too.*³⁸

Leave

Again, there was a clear differentiation between permanent and casual workers and those based in Mpumalanga and the Western Cape.

Most respondents had paid annual leave and no work on public holidays with the exception of casual workers who were paid on a daily or weekly basis. Fourteen of the respondents reported receiving paid sick leave provided that a doctor's letter was produced. Almost all of the workers in the Western Cape said that they did not get any paid leave. Workers in Mpumalanga reported that the only time they took unpaid leave was when they needed to renew their visas, a process that took up to three days.

Table 7 below shows the distribution of leave among farm workers.

Table 7: Distribution of Leave Among Farm Workers

Type of leave	No. of respondents who benefit
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³⁶ Interview with Lol 27/06/2013; ACMS Offices

³⁷ Interview with Pla 26/07/2013; Farm C

³⁸ Interview with Eli 27/06/2013; ACMS Offices

Annual leave	8
Public holidays	51
Sick leave	14
No leave	9

Source: authors' interviews and cite visits

N. B. the total exceeds the maximum number of respondents expected as some respondents mentioned more than one type of leave.

Employer/Employee relations

One farm owner described Swatis as 'idle people', Shangaan as 'hard workers' [diggers], Zulus as 'supervisors' and Xhosas as 'trouble makers'³⁹. Although this remark was made tongue in cheek, patterns of work groups based on ethnic and language ties, and perceptions of foreigners and locals were present at all of the farms visited and in reports from Johannesburg based seasonal workers.

While a majority of permanent workers reported that they knew their employer, this was not the case amongst casual workers. Seasonal or casual workers regarded labour brokers as their employers as they were recruited and paid by the brokers. Again, the personal characteristics of the individual farm owners were instrumental. At one farm, workers reported that they had a good working relationship with the employer and management. Respondents reported that usually it is the workers who leave the job and not the employer who fires them; some respondents had worked at that farm for 22 years. Despite a good relationship with the owner, though, most respondents stated that their major problem was poor wages. They complained that their employer had promised to increase wages but had not honoured his promise. At the other two farms workers stated that the employer was rude, arrogant and arbitrary; they reported that workers had been dismissed without notice if found eating vegetables or fruits or found carrying any fruits, crops, vegetables from the farm (and they were not given a chance to explain themselves).

Aside from the relationship with the farm owner (referred to as *mlungu* or white man), another important feature of workplace organisation is the relationship between farm workers and their immediate supervisors (known as *nduna* or *baas boys* in Mpumalanga; in Western Cape called *spanner boys*). Ndunas typically act as supervisors and middlemen men between farm owners and/or managers and employees. The employers interviewed confirmed that all communication relating to recruitment, termination of work, and daily tasks such as the type and quantity of work to be carried out was relayed to the *nduna* who was responsible for disseminating the message. Employers stated that the reasons for this include better communication, elimination of language barriers, and more efficiency on the farm.

³⁹ Mr Tom. 17. 07. 2013. Farm a, Mpumalanga Province



The nduna is in direct contact with workers on a daily basis and is responsible for marking the register, allocating farm duties and bringing any grievances or problems faced by workers to management. On some farms, respondents indicated that they appoint their own supervisor. Ndunas are appointed by farm managers and while they are considered to be the same rank and class as workers they may not always have the ordinary workers' best interests at heart.

In Mpumalanga, nduna that we spoke to or whom workers mentioned enjoyed a good relationship with workers, both foreign and local, due to shared ethnic, tribal and linguistic ties and a trusting relationship earned over decades. In many instances the nduna were foreign born.

*The supervisor who is working with us is like a mother. When we have a problem, we always resolve it with her. Even if my mom was alive, I don't think she was going to help like the way this woman is helping.*⁴⁰

Some workers stated that their supervisors are very understanding such that if they are sick and work half a day or leave early, they book them as having worked a full day, so long as they tell them in advance. Workers commonly reported this experience of cooperation with the management whereby workers would be taken to the hospital when they were sick and would be awarded sick-days off. Others reported personal relationships with their supervisors and even said that if they needed to leave work and run some personal errands back home during working hours their supervisor would understand and cover up for them⁴¹. The general overhaul of a permanent worker regime, in place of a casual, temporary, and changing work force, undermines this system. Many casual workers did not know or trust the nduna:

*Supervisors are on the side of the employer. They always take the side of the employer. No we don't trust them but unfortunately we still have to make use of them.*⁴²

*Our supervisor is not good at all. He doesn't treat us well, especially when it comes to overtime and lunch break issues. If it were up to him we would work non-stop without a break. But he takes a break any time he wants and goes to the compound and just disappears. On the other hand we sometimes work until after 4pm and miss our transport home or get into the bus without even taking a bath.*⁴³

This sentiment was particularly expressed by respondents in the Western Cape where supervisors are local people who speak in Afrikaans. As a result, there is a distinct division between workers, mistrust between locals and foreigners, and limited representation of foreign workers' interests amongst supervisors.

*If he see you talking he will say, well I will deduct R10. Maybe you hear a loudspeaker calling your name; I'm going to deduct R10 from your salary.*⁴⁴

We were just going and pouring them into a pallet, so when they count it themselves, they say, your bags were not full, you're not making that bag to be full. So they will be robbing you when they are

⁴⁰ Interview with AND001 23/07/2013; farm A

⁴¹ Interview with Sib 25/07/2013; Farm B

⁴² Interview with with Jab 24/07/2013; Farm A

⁴³ Interview with Thu 25/07/2013; Farm B

⁴⁴ Interview with Lol 27/06/2013; ACMS Offices

getting your bag and you're being paid. They say that day, you will be counting that time 30 bags. But then the end of the week, they will say, that day you've got only 10 bags, or even 8 bags, when you've got 30 bags a day for the oranges... You can't say anything because they are saying, you are foreigners.⁴⁵

For Johannesburg based workers who had worked in the Limpopo Province, Venda supervisors were reported to have immense hatred towards Zimbabwean workers to such an extent that they were accused of 'tipping *tsotsi*' when foreigners got paid. Respondents have narrated cases where they witnessed or personally experienced robbery as a result of locals 'selling-out' foreign workers to robbers or police who would demand bribes or threaten deportation.

At one of the farms, workers reported that they had a Health Committee, First Aid team and a Health and Safety team to represent them on specific issues like health and safety. However, they reported that these committees were not fully functional and of little assistance to them. They were also reported to be biased towards the employer. For example, some people reportedly received full safety equipment while others did not.

Social benefits

Social security is an issue for all workers though in the face of globalisation and flexible work arrangements this aspect of work is being threatened and eroded. The study revealed that the majority of farm workers, irrespective of nationality, did not have any social benefits. In Mpumalanga respondents mentioned that both local and foreign temporary workers were not covered in terms of maternity protection, that this benefit was only extended to permanent workers. Nevertheless, temporary workers (local and foreign) in the same province admitted that they had access to the 'blue card', referring to the unemployment Insurance Fund (UIF), in accordance with the Labour Relations Act of South Africa. This provision is beneficial to both local seasonal farm workers and foreign farm workers who possess legal immigration documentation or a South African identity card. As mentioned before, virtually all foreign workers in Mpumalanga had legal documentation making it possible to access UIF or even banking facilities. Regrettably for those who worked in Western Cape or Limpopo, they did not know about UIF and were subsequently experiencing constant mobility and desperation during off season periods.

Both local and foreign workers who could access UIF expressed satisfaction in the program as the statement below indicates:

No, we don't have medical aid, pension, or maternity leave. Only permanent workers do have maternity leave and receive UIF. But in December, I get UIF because I'm not working. I also receive social grant for my child...I start by getting R1 000 then R500. I'm happy with the blue card because at least I get something when I'm not working.⁴⁶

I am not happy, we are not treated the same. For example, the permanent people do get maternity leave pay, while the contract workers do not. So, if you are a contract worker and pregnant, it

⁴⁵ Interview with Alb 28/07/2013; ACMS Offices

⁴⁶ Interview with Ler 25/07/2013; Farm B



*becomes tougher as you have to work hard while carrying the baby. So I believe we should all get the equal treatment.*⁴⁷

*Yes, they give pension, something like R10 000. Every months, the deduct R29 from the salary, and when the kids passes away, the company gives you money. Even when you die at work, the company gives your family money.*⁴⁸

*They do get. But if for example someone worked for 50 year, they don't get the full money of the pension, they only get half. So you become like someone who worked for 25 years.*⁴⁹

*Yes, however I can't complain because last month my baby pass on while I was at home preparing for the funeral arrangement I receive his [manager] call indicating that he will pay everything for funeral and he did as he promise I never spend any cent; that is another reason makes me not to complain because when I am on crises he is there for me.*⁵⁰

Permanent female workers were reported to have at least four months for maternity leave. The UIF is contributory with deductions made during the months that seasonal workers are employed. Some said a deduction of R23 is reflected on their pay slip every month. According to respondents, the blue card was also beneficial when one got sick or went on maternity leave and was usually paid between R1 200 to R1 000. Some respondents said that they individually agreed for the employer to deduct some money to keep on their behalf until the end of the year, although its purpose was not exactly clear. While some respondents demonstrated a knowledge of UIF, several others did not really know much about this social benefit, as reflected below:

*Yes, and all I know is that they give us a paper to go to Department of Labour, and when you get there, they don't give you your full money, and don't even explain anything, they just tell you to sign.*⁵¹

While a few reported that they had pension deductions on their pay slip, however, the majority of respondents were not certain about their pension arrangements. One older female worker related that she worked at a particular farm for almost 20 years and was retrenched and all she got was a blue card package, the benefitted of which only lasted for six months. What this implies, as reiterated by most respondents, is that farm workers have no pension at all. UIF benefits obscure the entire idea of long term financial benefits for retirement or in the case of accidental disabilities.

The majority of respondents was unclear about how they would benefit as workers upon retirement and some guessed that probably they would be paid according to the number of years they had worked.

⁴⁷ Interview with PRO001 23/07/2013; Farm A

⁴⁸ Interview with TSH001 23/07/2013; Farm A

⁴⁹ Interview with PRO001 23/07/2013; Farm A

⁵⁰ Interview with Tan 26/03/2013; Farm C

⁵¹ Interview with Tha 23/07/2013; Farm A

Besides financial benefits, workers in all of the three provinces acknowledged that they received free accommodation provided by the employer. While some reported poor, overcrowded and squalid living conditions, others displayed moderate satisfaction. One respondent boasted, “My house is nice with a shower and toilet in the farm – I don’t pay anything, I have free water & electricity”⁵².

Several respondents stated that their employer deducted some money designated to cover funeral costs, which the employer gives to the employee when there is death in the family.

Virtually all respondents reported that they had no health insurance. All three farms in Mpumalanga made efforts to ensure a mobile clinic comes and service workers once a month. Respondents emphasised that mobile clinics served a great purpose because, for those with chronic diseases like diabetes, high blood pressure or HIV/AIDS, workers did not have to lose out on a day’s wage to collect their medication at the hospital. For nursing mothers it was very effective to have a baby clinic for immunisation purposes. From the perspective of the employers, the mobile clinic enhanced the production of their workers who would not have to take time off to attend to their occasional check-ups. As has been the case with other rights, the employer is, to some extent, seen to be complying with some of the health and safety provisions while evading the responsibility of providing medical insurance to workers.

Several respondents noted receiving some social benefits of another kind like vegetables or Christmas food packs, as described below:

*To tell you the truth, even if our employer is difficult at times, he does good things for us. For example, every December, he brings us together and gives us foodstuff. Sometimes its small, but it is still a token of appreciation and people in other farms do not get this. He even allows us to take the tomatoes and butternuts for our families. Now the problem is the Mozambicans, they then take the stuff in big bags to sell in Mozambique instead of taking to eat at the compound. They just mess up everything. But he is a good employer.*⁵³

Though some workers indicated that they were allowed to eat fruit like bananas as they worked in the fields, the majority complained that they were not allowed to take any fruit or vegetables home to their families. Some indicated that they would only be given vegetables or fruit when they were almost rotten or were simply poor quality. The statements below illustrate this trend:

*No they just throw those things away. There they are in the container as I’m talking to you. If you want them, you just go there and pick up as much as you want. No, most of the time, they are not rotten, but they are also not of good quality, which is why they throw them away in the first place. We have never asked for them before, because we know where to find them if we need them.*⁵⁴

Worse cases were also mentioned in which workers were fired for merely eating a paw paw whilst working. Workers demonstrated ignorance about the importance for social benefits and this area needs to be investigated further.

⁵² Interview with Tul 25/07/2013; Farm B

⁵³ Interview with Interview with Sib 25/07/2013; Farm B

⁵⁴ Interview with Bsh 26/07/2013; Farm C



Spaza shops

Farmers in the Western Cape were reported to run spaza shops where workers would buy their daily needs. While this makes daily provisions and services accessible, workers complained about exorbitant prices that left them almost nothing in wages at the end of the month. This meant the vicious circle of poverty was perpetuated for workers while the employer accumulated more profits. This system of debt made it difficult for workers to relocate as they were only working for food to eat and failed to save any money. If one wants food, they have to borrow from the farm owner's shop who in turn deducts the cost from their salary. This situation proved very bad for poor workers as the statements below reveals:

*The wife of the farm owner brings food to sell to us, then after fortnight, she comes and collects her money... you can't get 800, maybe 300, you see, he gonna deduct for you to pay for the food... He can just borrow you money, and you work for that money. That next pay, he'll be taking his money!*⁵⁵

This practice deprives workers autonomy in deciding what to do with their wages. As such, there is a need for further research.

Racial distribution of jobs and managerial positions

Jobs on the farm were also reported to be racially stratified with certain tasks set aside for specific races. Usually, supervisors and middle managers are Black while top managers are White. In the Western Cape permanent workers were reported to be local Coloured people while local Black Xhosas, Sothos and foreigners were seasonal, casual workers.

However, the majority of respondents believed that black supervisors or managers are used by the employer to exploit their own black 'brothers'. One major complaint was that sometimes respondents would work overtime, but would not be recorded accurately on the time sheet and end up not being paid. Sometimes they would be made to work even during break time and that work would not be reflected in the time sheet.

Recruitment process

International labour recruiting on the farms we researched was possible through the *agencia de colocacao de trabalhadores papa a Africa do sul* (Algos); Mather (2000), however, found that recruitment was mainly done outside this system through informal networks. While those who worked in the Western Cape and Limpopo claimed that they got their jobs through their networks by word of mouth, the majority of those in Mpumalanga got their jobs through 'marketing' themselves at farm gates (for locals) or through labour brokers (for foreigners). The recruitment process seemed to differ amongst the various categories or workers. Non-permanent workers pointed out that unless the supervisor likes them, they will not be recommend for the next season. If there are vacancies, the managers notify the supervisors to send out the message to their friends. So, if the supervisors do not have a good relationship with some workers, they do

⁵⁵ Interview with Alb 28/06/2013; ACMS Offices

not inform them when the recruitment process occurs, and the out of favour workers' friends would also not get hired. The recruitment process was referred to by one respondent as a 'friendship thing'. Some felt that there were more foreign workers than locals and cited the reason that the supervisors are all foreigners so when there are vacancies they just call their countrymen. Locals believed that foreign supervisors also 'bad mouth' South Africans to the employer to justify their actions of recruiting their countrymen. However, some felt that things were changing because of the new government policy that restricts the employment of foreign passport holders. Still others felt that foreigners continue to dominate the market, especially as temporary workers.

Labour broking

A study conducted by the Centre for Rural Legal Studies in 2008 exposed the labour broking that has become a common practice, especially on Western Cape farms. Interviews conducted (for the MiWORC project) with ex-farm workers who worked on farms in the province have supported this finding. Labour broking has also been noted in Mpumalanga, Limpopo and Gauteng Provinces.⁵⁶

Labour broking is very common on farms on the South Africa borderline. In Mpumalanga, labour brokers who are, more often than not, originally from Mozambique, fetch workers from rural Mozambique in regions like the Inhambane Province. They process travel documents that look like passports from both the Mozambican and South African Home Affairs on behalf of the workers. Because of the costs involved in the documentation process, the labour broker keeps the passports until such a time as they feel that the foreign worker has paid off his bill. In this way, the worker's wage is paid through the broker.

The following interview with one labour broker in Mpumalanga provides a picture of how labour broking is structured and entrenched within the farming ecosystem:

I'm a South African and my husband is from Mozambique. We fetch Mozambicans from rural areas to work on sugar cane farms, fruit and vegetable farms. We usually recruit men for sugar-cutting, and women for fruit and vegetable picking. We employ about 250 workers in total. The workers we recruit are not documented, and we assist them to get documents. But the problem is that some will run away to Johannesburg and other parts of South Africa. We are hired by farms and pay workers accordingly but South African workers are lazy, and foreigners work harder so we rather go and get workers from Mozambique!

The photograph below shows a labour broker contracted sugarcane cutter.

⁵⁶ The majority of respondents who worked in the Western Cape claimed that they were placed on farms through an employment agent based in Johannesburg. The agent makes arrangements and recruits with farmers and the latter sends transport to collect the workers from Johannesburg to bring them to the Eastern or Western Cape. An interview with one labour broker reiterated this process.



In Western Cape, respondents indicated that brokers would just identify a place where foreigners or internal migrants (in particular from the Eastern Cape) live and send a truck to collect them. The broker gets the contract and liaises with the employer, such that workers in the field would not know their real employer. No negotiations or signing of contracts occur and most reported that they only had verbal contract as illustrated by this statement:

It's all verbal. If you agree he gives you a bush knife and then you are expected to report for work. He doesn't register me anywhere. The government doesn't even know I'm employed and I don't get any payslip. Even if I were to get injured at work, there won't be any official records of that. Now it's up to me to take care of myself, knowing that if I get injured I'm on my own.⁵⁷ consistent citation)

At the end of the day, the broker gets wages on behalf of the workers and deducts a certain percentage which they claim to be their administration fees. As could be expected, workers are often unhappy with this arrangement:

He gets a lot of money. We are not directly employed by the farm owner but employed by the broker who is technically employed by the farm owner. At the end of the day, we are not paid based on fixed base or set targets. The more you work the more you get paid. If you finish early you can

⁵⁷ Interview with Moy 24/07/2013; Farm A

ask the supervisor for more work, which means more money. The only way of doing that is to push as hard as you can in the morning when the temperature is still cool.⁵⁸

Our supervisor/broker is [Mr. A] and the farm owner is [B]. However I haven't seen [B] because I come straight to the field and when I knock off I just go home. I don't even know what kind of a person he is.⁵⁹

As far as I know, [B, the farm owner] is not my employer; all he did was to give him [A] a job of recruiting people and ensuring that the sugarcane is cut. He doesn't pay me, but he pays [A] who then pays me. Therefore [A] is my employer and he is the one who fetched me from the township. However [A] doesn't have a farm.⁶⁰

Respondents also complained about the exploitative nature of labour brokers and stated that they are only working under these conditions because they no alternatives available to them as migrants or as low skilled workers. Workers contracted by a informal labour broker to cut sugar cane on Mpumalanga farms, indicated that they get bush knives to use but get no protective equipment or clothing:

A lot of us get injured whilst working, therefore it's not safe. There is not even a first aid kit! To make matters worse they only pay you up until the point where you got injured. They don't even take you to the clinic. If you get sick, they just tell you to leave the field and wait for the others, who will knock off at the usual time, but it won't count as someone who worked on that particular day. I also got injured, I hurt myself with a bush knife whilst working, I reported it to the supervisor but nothing was ever done.... I never got any assistance. It's still painful especially when it is cold, but I have to work through the pain. They tell me that if the pain is too much I can stay at home, for as long as I want, but if they replace me I shouldn't blame them.⁶¹

In Gauteng, some churches have been involved in referrals of farm workers to farms in the Eastern or Western Cape. Though this does not constitute labour broking, it is important to establish exactly the role the church plays in foreign farm or domestic workers recruitment on the South African farms. Some respondents stated that most employers trust the church for recruitment purposes with the assumption that they would at least have a reliable source to turn to if work relationships turn out to be sour. One agent involved with the recruitment at the church emphasised thorough screening of workers before deployment. The church keeps records of the foreign workers and to some extent checks for proper documentation as well. Usually, workers are deployed during the fruit season to work as pickers and come back to the church at the end of the season.

In the Western Cape, virtually all of the respondents mentioned who found work for them. The woman is from Zimbabwe and claimed to be an agent who facilitated employment of workers from that country to work on grape farms in Western Cape. Participants claimed that she would provide accommodation, in the form of shacks, for all people from Zimbabwe and place them in various farms under her name. In the end, she was to be paid by farmers and in turn, pay the workers. Respondents said that she owned four very

⁵⁸ Interview with Moy 24/07/2013; Farm A

⁵⁹ Interview with Moy 24/07/2013; Farm A

⁶⁰ Interview with Moy 24/07/2013; Farm A

⁶¹ Interview with Moy 24/07/2013; Farm A



large, expensive houses. Respondents also spoke of other local men who worked as labour brokers in the De Doorns area and would go around collecting people from shacks and placing them on several farms where they had contracts with farmers.

Contracts

Contracts constitute an essential component of any employment relationships. These occur in two major forms, verbal and written. The latter is the most preferred in industrial relations as it is not subject to alteration at any given time whereas with the former there is no evidence to hold up if one party breaches the agreement. During interviews for this study, the question of contracts raised a great deal of confusion amongst participants. Surprisingly, the majority of respondents reported that they did not sign any contract because they were permanent workers. To them, only temporary workers have to sign because permanent workers have fixed contracts:

Since I'm permanent, it's no longer necessary for me to sign a contract. Casual and temporary workers have to sign contract to tell them when they are to start and finish their job.⁶²

What was not clear from respondents, however, was what constitutes their verbal agreements with their employers and if the employers will stick to it. This presents a risky situation in the event that one loses their job, a new employer takes over or if an employee is injured at work. The industry-wide paucity of contracts means that farm workers are one of the most vulnerable categories of workers. Still, many respondents were keen to sign a contract citing reasons like wanting access to the 'blue card' meaning UIF.

Seventeen respondents had no contracts (including most of the WC sample), while 34, the majority of whom were casual/seasonal workers in Mpumalanga had a signed contract. Ten of the respondents were not sure what a contract was.

Some were illiterate and could not read and write and so they had to ask their colleagues to assist them with the signing. Others said they were first placed on probation for three months and if they satisfy the employer, then they would be made to sign a long term contract as permanent workers.

For those who signed, they said that the contents of their contracts were explained to them before they signed and extensions could be made if there were to be more work. Others explained that their contracts were usually pegged at six months. However, according to South African labour laws, if one works for six consecutive months for a single employer, then they should be automatically elevated to a permanent position. Yet, because of lack of knowledge and awareness, most farm workers cannot challenge this common practice. It is even worse for foreign workers who are sometimes undocumented or possess passports but no work permits. Despite having signed a contract for a period of six months, participants mentioned that sometimes the contract was not binding as an employer might just terminate employment at four months once the job they came for had been completed. The gwaza system could be the strategy behind early termination of contracts (see the Working Conditions section on page 36 of this report). Workers are given a send off package of as little as R200,00 as 'leave pay' and are promised to be called

⁶² Interview with Jab 24/07/2013; Farm A

back if new opportunities emerge, though there is no guarantee for re-employment. Sometimes there is bias in the recruitment process. Some complained that they were asked to sign without any explanation and were not allowed to take their contracts home in order to have ample time for perusal. As some respondents said:

No, you sign it here at work whilst standing. You can't take it home. What happens is that when they hire you, they take your ID book and call you to a certain table full of papers (contracts) and tell you to sign. Once you sign then everything is done, you can start working.⁶³

No. I never got a chance to read it because I was just shown the pages that I had to sign. That made it difficult for me to know what I was signing for, but I did sign because there was no time.⁶⁴

I went to the office with the intention to sign, but I found them too busy and they told me to come back the following day. When I came back the following day I found that the lady who is responsible for contracts was not in the office. I was meant to come back the following day but I did not up until today. That was in 2011, and up until today I have not signed.⁶⁵

Some reported that they had neither a verbal nor written contract and did not know the duration of their employment. This type of arrangement makes farm workers precarious. Others claimed that they could not sign new contracts because they were hired as returning employees and were re-assigned their old employee number. Participants complained that they were not executing the tasks they were hired for as sometimes they were made to undertake jobs out of line with their responsibilities.

Wages are a contentious part of industrial relations. In economic terms, capital tends to be attracted to environments where wages are low. From a sociological perspective, wages constitute some of the key drivers responsible for fuelling industrial action and violence (see Chinguno, 2013). Xenophobia is also believed to be stimulated by wage differentials as locals accuse foreign workers of under-cutting wages, despite evidence to the contrary (Peberdy cited in Budlender, 2013).

Findings from this study show that virtually all respondents are not happy with the amount of wages they receive and the wage differences between permanent and casual workers:

No, [its] not fair because of time, permanent workers are paid R105 and we contract workers are paid R81 and knock off at 4pm. Nduna don't tell us to leave at 2:30pm as per agreed time in the contract. We do the same amount of work but paid differently!⁶⁶

I don't know. When we arrived here, we were told that it is R105 for permanent workers and R82 for contract workers. We were also told that as contract workers, if we work beyond 2pm, then we will also get R105 a day but this is not happening.⁶⁷

⁶³ Interview with Tha 23/07/2013; Farm A

⁶⁴ Interview with Dor 25/07/2013; Farm B

⁶⁵ Interview with Sib 25/07/2013; Farm B

⁶⁶ Interview with Ler 25/07/2013; Farm B



Virtually all of the respondents cited wages as their main grievance and the largest source of conflict between them and the employer. Clearly wages play a central role in the lives of farm workers. In most interviews, participants admitted that they had good relations with their employer but only differed when it comes to wages. Others felt that there were some farm jobs that were well paid, like driving, so they aspired to be drivers one day.

Wages tend to vary from province to province; for instance, there is a huge discrepancy between those in Mpumalanga and the Western Cape ranging from R1 600 to as little as R100, respectively. In Mpumalanga wages are quite homogenous for all permanent workers but differ in terms of casual workers from farm to farm. In Western Cape, nothing much was known about permanent workers' wages, as those interviewed were seasonal workers. Because wages are personal and confidential, they reported that they did not know how much their permanent colleagues were paid. Most reported that with the implementation of the new farm workers wages as gazetted by the Minister of Labour, employers had to down-size the workforce with the pretext that they had to cut down on the wage bill while still paying workers the stipulated wage of R105.

Employers retrenching workers sometimes resulted in a remaining worker performing the duties of three people for a daily minimum wage. One respondent expressed a sense of hopelessness with his wage and benefit situation:

All I can say is that if we could get all the benefits due to us, and especially the ones that we have referred to during the course of this discussion. I would all appeal that those in positions of authority also remember us. We even sometimes think that Mpumalanga is cursed because nobody cares about us. We wish someone could come and help us.⁶⁸

Workers also complained that they were not paid any overtime, as stipulated to and agreed upon in their contracts. Most complained that the R1600 they were earning was far too little and would be spent within days. The cost of living in South Africa has escalated and their wages are not consistent with the cost of living. They indicated that they needed to send their children to school, provide food and clothing for them and pay other living bills. Still, others felt positively about the new wages, as expressed in this statement:

Yah, I think it's fair. In the past I used to get very little money and now I'm making R105 a day, so I'm very happy. No, I mean there has been a lot of improvement from R65 to R105 a day and that makes me happy. However, I would gladly accept an increase.⁶⁹

Some single parents said they were the sole bread winners and had to support their children, so they felt their wages were not fair. Others felt that their wages would not elevate them or enable them to climb up the social ladder as they could not afford to invest in further education therefore improving on their skills

⁶⁷ Interview with Lin 25/07/2013; Farm B

⁶⁸ Interview with Sho 23/07/2013; Farm A

⁶⁹ Interview with Bsh 26/07/2013; Farm c

and facilitating social mobility. It is difficult to start up new projects with their meager wages earned. Wages were even worse for those who worked in Western Cape farms, as the statement below shows:

You would only get R100 or R200 a month? And the other money, he would deduct from food, then the other money paying half, half, piece, piece.... So at the end of the month the owner would give R100 or R200?. The only person that was paid was the house girl, because she was a Sotho, she was paid better money, but those who were from Ghana, there were people from Mozambique, who were given a space to build here in South Africa, so he took them also as foreigner although they have a citizenship. Everyone was paid like that, only that girl in the house.⁷⁰

Services and facilities

There were a range of services and facilities at the three farms in Mpumalanga. All three had an arrangement with the local health authorities whereby a monthly mobile clinic visited the farm. One had child care facilities, which was well received by workers.



Photo by: Aliya Daniels

The employers of each farm in Mpumalanga arranged for a bus to take workers at the weekend or end of the month, to go shopping (for groceries and other items) at the nearest town (consistent citation⁷¹). For those working in the Western Cape, some said they could purchase food and necessities from employer owned spaza shops on the farms, although they stated that this indebted them due to high prices, and they preferred to buy at a lower price from the closest town.

Health and Safety

At all farms in Mpumalanga, there were certain OHS measures in place although these were at times inadequate or deemed unfair by the workers. Some respondents claimed that they had to purchase safety

⁷⁰ Interview with Eli 27/06/2013; ACMS Offices

⁷¹ Interview with Thu 25/07/2013; Farm B



clothing themselves whilst others stated that the employer provided some clothing such as gloves or boots for them.

Respondents from two of the farms indicated the following:

*I work in the fields, picking up tomatoes. I only use my hands.*⁷²

*They gave us for free last year, but they are refusing to give us a mask and raincoats. They told us to buy those on our own. The mask in particular is urgently needed because sometimes they will be spraying those chemicals and soon thereafter, they expect us to go into the fields and it affects us.*⁷³

We need uniforms to work on the farm but we buy work suits ourselves and mlungu just provide gumboots, hoes, wheelbarrow to do his work but he takes them back at the end of the day. If you lose any tools, you buy!

*Yes, he tells us that we should buy it ourselves because he pays us. Therefore, we have to make a plan. Even when he bought the uniforms, it was a big struggle. He was also scared that labour inspectors would arrive and find us not any wearing uniforms.*⁷⁴

*No we don't have any safety equipment. They gave us overalls once, and that was in June last year. But when they give you overalls they forget about, raincoats, hand gloves and nose masks. You only get boots and overalls... They don't say anything. Actually there is favouritism as well because we used to get raincoats, but all of sudden some still receive whilst others don't.*⁷⁵

*They give us gloves and overalls, can you see? Tomorrow we are going to change. One of the old grandmother works to wash the uniform, did you see her? Even on the head they give us net to wear they don't want hairs on the veggies [laughing].*⁷⁶

*Some of us we don't get masks and we are working on dust area; manure also smells bad. We put our lunch box there [pointing to a house] where chemicals are stored and lot of things are in there. When you complain they tell you that you said you want a job.*⁷⁷

*No we do not have gloves because we do not need them. However, all the other things that we need are catered for. Even on Mondays, when we wash the machines they provide us with the necessary equipment.*⁷⁸

*Yes they provide gloves except to those who pick tomatoes because the glove is too big in such way that it will damage the tomato and the rest employees receive safety clothes such as boots, overalls and gloves also the builders who are fixing those houses get safety clothes.*⁷⁹

⁷² Interview with Ler 25/07/2013; Farm B

⁷³ Interview with Thu 25/07/2013; Farm B

⁷⁴ Interview with Thu 25/07/2013; Farm B

⁷⁵ Interview with Dor 25/07/2013; Farm B

⁷⁶ Interview with Sil 23/07/2013; Farm A

⁷⁷ Interview with Tul 25/07/2013; Farm B

⁷⁸ Interview with Pla 26/07/2013; Farm C

⁷⁹ Interview with Tan 26/07/2013; Farm C

Two major concerns were raised. First, if one gets injured whilst working, the employer provides neither access to medical treatment nor compensation for injuries. Some respondents stated that their employer tries to evade responsibility for any injury:

They only tell you that you might have got injured because you were drunk. They don't take responsibility for such things. You have to see yourself out.

I don't think so. What I'm sure about is that they don't take you to hospital and they don't pay compensation for injuries.⁸⁰

I am also a victim of that. Most of us get injured at work. I got injured with a bush knife but nothing was done. I know for a fact that they [workers injured at work] had to sort themselves out and at the end of the day they were not compensated.⁸¹

The employer takes that letter and keeps it. The doctor treated me and wrote a letter confirming my injury and the fact that it happened at work, but I never got the letter. Instead my employer took it.⁸²

Some respondents stated that their former colleagues who had been injured were dismissed by the employer without any compensation. The majority of respondents agreed that being injured at work led to a loss of income and perhaps even work.

The second issue relates to the precarity of casualised labour. At one farm, participants complained that the chemicals used for spraying crops affected their health and led to prolonged and chronic illnesses amongst the workforce, which in turn forced them to lose wages due to the 'no work no pay' policy in place for non-permanent workers:

It is the poison that they use for spraying. It affects our health and sometimes you have to take a few days off. Even when you come back with a doctor's note indicating that you are sick, no one takes your story seriously. They forget that the main cause is the poison.⁸³

They don't take you anywhere. You have to go to the doctor by yourself or stay at home for two days and they book you as absent. They tell you to stay at home if you still feel the pain but with no pay. Sometimes you take as many days off as you can without pay until you are fine then you come back to work.⁸⁴

Perceptions of workers rights

Below is a photograph taken at one of the farms

⁸⁰ Interview with Jsh 24/07/2013; Farm A

⁸¹ Interview with Moy 24/07/2013; Farm A

⁸² Interview with Dor 26/07/2013; Farm B

⁸³ Interview with Dor 25/07/2013; Farm B

⁸⁴ Interview with Moy 24/07/2013; Farm A

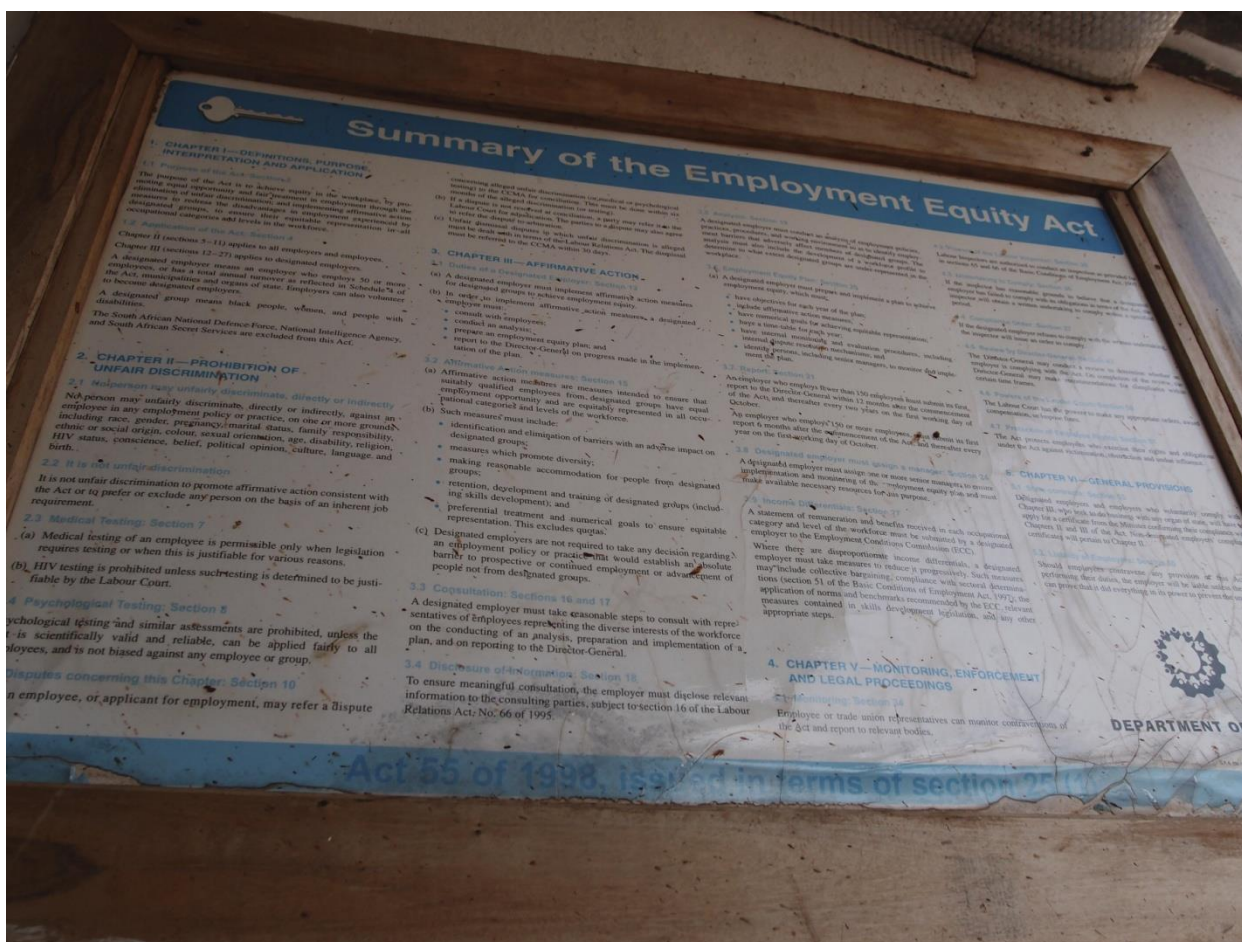


Photo by: Elsa

Although the three farms in Mpumalanga displayed labour legislation such as the Employment Equity Act on their premises (as can be seen in the photograph above), the majority of respondents stated that they were not aware of what labour legislation existed. When asked, “are you aware of any laws about work?”, most respondents made reference to the Department of Labour offices in Nelspruit. Very few reported that they had consulted that office; the majority said that they had not because they had not yet faced any critical problems. For those who have been there, they cited grievances, like receiving unfair dismissals for having participated in strikes, or unexpected retrenchments or poor working conditions.

Respondents stated a number of channels from which they learnt about labour laws and workers’ rights. Those that had worked on mines cited knowledge gained from the unions there. Others had heard of some laws from colleagues and some from their countries of origin; in particular Zimbabwean workers showed better knowledge about the concept of labour regulations. For the most part though, workers stated that labour legislation meant very little to them due to poor implementation and enforcement.

I will be wasting my time if I have to follow those workers rights because government has legislation about working condition and workers rights and the employer will not tell you about this as he afraid that you will cause problems.⁸⁵

Conclusion to chapter

The findings on working conditions suggest a limited reach of labour law in protecting workers, although the form of employment, location and the personal characteristics of the employer determine variances in experience. Casual workers in particular face worse conditions in terms of working hours, wages and benefits in both Mpumalanga and the WC. Although nationality was not a strong determining factor in Mpumalanga (based on a number of factors that are discussed in depth in the next chapter) amongst casual foreign workers who work in the Western Cape divisions amongst workers based on nationality, language, and race creates additional precarity for these communities.

Although farm workers in Mpumalanga enjoy better wages than their counter parts in the WC, are better represented in workplace structures, enjoy good relations with employers and local workers, all workers, regardless of nationality or type of employment, complained of poor conditions as emblematic of the sector.

⁸⁵ Interview with SAB 26/07/2013; Farm C



Chapter 5: “We are all the same” ... “but we don’t agree”

This study suggests that a class and worker identity is stronger than a national based identity, and that this shared sense of belonging to a working class explains the lack of open hostility and divisions amongst foreign and local farm workers in Mpumalanga. Workers uniformly suggested that those who undermine worker unity, collude with employers or misrepresent workers, rather than foreign workers *per se*, are a threat to the labour system. However despite a permeating shared identity, mobilisation amongst farm workers remains limited. In part, this is due to poor structural systems that do not easily enable the unionisation or mobilisation of farm workers and, in part, emanates from the precarity of the workforce and divisions within it spurred equally by nationality and differences of employment type (permanent or casual).

Worker participation, mobilisation and representation in the workplace are critical components of industrial relations. The ILO convention C87 on the right of association includes the right to organise and C98 provides workers with the right to collective bargaining.

Organised labour has had a long and mostly successful history in mobilising workers in South Africa (Parsley & Everatt, 2009: 4) despite racial discrimination (Nel & Rooney, 1993) and ideological disagreements. Labour has managed to maintain a firm footing in the country during different political regimes. In post-apartheid South Africa, labour movements became part of the tripartite alliance and whilst maintaining some Marxist discourse also adopted a social democratic agenda; critically for many observers, labour failed to critique the neo-liberal economic position that South Africa leaned toward in the 1990's (Basset & Clarke, 2008; McKinley, 2001). Hence, it can be argued that the new political dispensation encouraged trade unions to democratise their modes of operation and their target groups. Race, gender and ideology were no longer obstacles to organise (Von Holdt, 2000). Yet two decades after independence, the policy provision and actual practices of unions toward particularly vulnerable groups of workers is minimal. South African trade unions have not yet embraced all workers, especially those engaged in precarious work (domestic work, farm workers, cleaners, security) and migrant workers.

Historically, the apartheid government, in a bid to maximise profits through key drivers of the economy (like agriculture and mining), relaxed recruitment and immigration policies with regard to foreign labour as well as enforcement of labour standards as part of incentives to employers (Mdladlana, 2007). To some extent, this provided leeway for employers to develop strategies that do not allow freedom of expression and unionisation (see Nel & Rooyen, 1993).

In contemporary South Africa, the agricultural sector is to some degree covered in the current labour legislation reforms, such as the post-apartheid Labour Relations Act (LRA), though workers in the sector are still deprived of their freedom to participate in industrial relations (see FAWU, 2009; Ndungu, 2011). The sector experiences a plethora of problems ranging from poor working conditions, appalling infrastructure, low wages, child labour practices, use of illegal immigrants, and victimization of unionised members including the use of trespassing laws to keep away trade unions (see Mdladlana, 2007; FAWU, 2009). Again, the sector has one of the “lowest union densities in the country and in the post 1994 period, the union density has rarely reached 10 per cent yet the sector employs over half a million workers” (Ndungu, 2011: 10). Union density was estimated at around 6,6 per cent in 2003 (at a low point) and 10,2 per cent in 2007 (ibid: 11).

Apartheid's social and economic legacy still affects the labour relations of this sector. The sector is also characterized by "highly skewed power relations with relations of dependency, deference and authority defining the lives of many workers" (Ndungu, 2011: 10; Ewart & Du Toit, 2005: 107). Further, Ndungu (2011) argues that it will be "extremely difficult to transform the current hostile climate that exists on farms, to one that is conducive to unionization (2011: 10). What this simply means is that it is difficult to mobilize farm workers (both locals and immigrants) and ensure participation and representation from within or outside their workplaces.

As alluded to in the preceding section, most respondents reported that they had not participated in any industrial action or protest. They reiterated the frustration of having 'sell-outs' and lack of unity among them. Others indicated that, because they were foreigners, they did not have time to do that and that all they needed were better wages so that they could send money back home.

Ndungu (2011) indicates that the majority of farm workers fall outside the protection of trade unions with the agriculture sector's unionisation rate pegged at as low as 5-7 per cent of the workforce despite its share in the labour market. Several reasons are offered for the low unionization rate: so called 'union busting' strategies by employers; weak trade unions in the sector; difficulty in mobilizing farm workers (Jinnah, 2010, 2012); and disunity between local and foreign workers.

In this study three main issues are raised: the erosion of union representation on farms; the lack of unity amongst workers as impediment to mobilizing; and at the same time, the presence of informal representation and organizing channels on farms with mixed outcomes.

Identity, solidarity and dissent

Solidarity is central to working class identity and mobilisation. Despite diversity based on nationality and language, respondents in Mpumalanga reported that they had good working relationships with colleagues, irrespective of nationality, as their common class problem was of poverty and poor wages. For instance, respondents pointed out that they relied on their colleagues for social and economic support on a daily basis. One older lady explained, "*Siyafana*, meaning, we are the same". Most respondents believed that as long as they are exploited by *mlungu*, there is no foreigner or local person, as reflected in the statements below:

*The majority of people within this farm are from Mozambique and they call each other sisters and brothers and they also share lunch box and they socialise.*⁸⁶

*We are all paid the same and do the same amount of work. Asibambane [let us unite].*⁸⁷

*They are nice people, we are like a family, and we talk the same language, and don't discriminate each other.*⁸⁸

⁸⁶ Interview with Tan 26/07/2013; Farm C

⁸⁷ Interview with Sim 24/07/2013; Farm A

⁸⁸ Interview with THS001 23/07/2013; Farm A



We all get along very well; whether Mozambican or South African it doesn't matter.... There are no issues of workplace discrimination based on nationality. We are like brothers. I only hear people somewhere on the streets saying there is discrimination, but I can tell you there is nothing like that here.⁸⁹

Our relationship is fine... during leave time I feel like the leave is too long I want to be back with my colleagues [laughing]... my friends are grandmothers you will see them coming here [pointing to the area] if we have a problem we usually tell them and they advice. From the advice you will never see a person fighting. We are always happy.⁹⁰

We are all human and we are all African only that we differ on languages.⁹¹

I don't know about other places but here on this farm they treat them as human and we are all human.⁹²

I think that because we treat them well, they also like us. I don't think they have any problems with us in my opinion. But also they are fewer than us, so maybe that's why they like us. If maybe they were more than us they would be hostile.⁹³

Most respondents in Mpumalanga said that they work together very well and that they have a similar culture or language; the language is SiSwati or Shangaan, which the majority speak and understand in that province. Living together for quite a long time has also facilitated solidarity. One respondent who is still nursing her baby said:

We are mixed – Mozambicans and locals. We work very well. They understand, if the baby is crying, they always allow me to feed him without complaining to mlungu.⁹⁴

Some stated that they even visit each other outside the workplace as one respondent stated, “*Siyavakachilana* [we visit each other]”. Another said, “*siyavana* [we click] even with Nduna or Supervisor. We don't have grudges or discrimination”.

Others meet for beer drinking or when there are funerals or cultural rituals, on the bus or truck to and from work, church, as neighbours and for other social gatherings. Women usually meet for *stokvel*, which means kitchen teas or funerals.

Some prefer to group themselves according to networks as reflected by the statement below:

That does happen, but not because people hate each other or are discriminating against each other, but simply because they are comfortable within their group. But otherwise there is no

⁸⁹ Interview with Fik 24/07/2013; Farm A

⁹⁰ Interview with Zan 25/07/2013; Farm B

⁹¹ Interview with Sim 24/07/2013; Farm A

⁹² Interview with Jab 24/07/2013; Farm A

⁹³ Interview with Pla 26/07/2013; Farm C

⁹⁴ Interview with Kud 24/07/2013; Community, Kamhlushwa, Mpumalanga

discrimination. Even we South Africans sometimes group ourselves according to where we come from. For example I spend most of my lunch time with people from my township [Mangweni].⁹⁵

No, we work together, but obvious, locals will group themselves, Swatis etc.⁹⁶

It doesn't matter where people come from. Everyone is hired to work and that's what we do. There is no preferential treatment based on nationality. No, that doesn't happen here. But there was a group from Swaziland that was trying to isolate itself and we quickly dealt with that. I called them and spoke to them, and since then they have stopped.⁹⁷

The majority of respondents in Mpumalanga felt that foreigners were hard working and described them as 'builders of the economy'. Further, they said foreigners had physical "power to work in fields, but are paid peanuts" – paid less than locals sometimes and they do not complain. One elderly female respondent had this to say:

They work shame! Too much! We say 'bane mandla kakulu'. They have taught us to work hard! If we strike mlungu chases away South Africans but not Mozambicans. Mlungu likes them because he believes in them and they can do their gwaza. But treatment is not the same between Swatis and Mozambicans.⁹⁸

In Mpumalanga perceptions of foreigners can be divided into two broad categories: those that consider common historical, ethnic and linguistic ties as determinants of belonging or 'foreignness'; and those who consider the country of birth as a critical determinant. The findings suggest that historical, ethnic, linguistic and tribal affiliations are more important than nationality and documentation in determining who is 'foreign' or 'local'. In this case, migrants who originally come from Mozambique and Swaziland but have stayed a long time are considered local.

People from Mozambique, Swaziland, Malawi or Zimbabwe. But those born here from Mozambique are just like me! I have learnt to speak Shangaan and if I speak it, I call myself a Mozambican and those from Mozambique who speak SiSwati can also call themselves Swati.

I consider them as South African; we work as a team and strive to achieve the objective set by our supervisor.⁹⁹

No one is foreign, we are just the same! Yes. From Mozambique and Swaziland. They are good friends to me because we cooperate with one another.¹⁰⁰

All people – we are the same – and suffering. I don't know. Siyafana sonke, siyahlupheka.¹⁰¹

⁹⁵ Interview with Pla 26/07/2013; Farm C

⁹⁶ Interview with THS001 23/07/2013; Farm A

⁹⁷ Interview with Sho 23/07/2013; Farm A

⁹⁸ Interview with Sim 24/07/2013; Farm A

⁹⁹ Interview with Thu 25/07/2013; Farm B

¹⁰⁰ Interview with Sil 23/07/2013; Farm A



*They are people like us. I can't distinguish especially those who came long back. All I know is that they came because of poverty and war. Let them come and stay!*¹⁰²

At the same time, newer migrants, particularly from Zimbabwean or from parts of Mozambique, are considered 'foreign' but not regarded as a threat by South African or other groups of migrants unless they undermine worker unity.

The issue of nationality as a source of division was only mentioned when it came to mobilisation, with South Africans feeling that foreigners are prepared to work for less and to challenge the status quo:

*They [foreigners] don't like us at all. If we question things, they keep on saying it is because we have IDs and therefore we will easily get other jobs. They just don't like us.*¹⁰³

*I think they should just leave. Even if it's today. I'm actually very happy as it is because I've heard that in one farm around here they are getting rid of them. These passport people are a problem. Our employer is lenient. He treats them like his own kids.*¹⁰⁴

*It is so obvious.... it is the first thing you would notice when you arrive in the morning. Soon after the morning prayer session people just automatically split according to their groups or nationalities. You can also see during our meetings... whereby only South Africans will raise their voice and express unhappiness, whilst the non-South Africans keep quiet. Now, if the majority, who are foreigners, do not support our grievances, we fail. That then exposes us South Africans as people who are a bad influence.*¹⁰⁵

*They differ. Some are good and some are not. The reason I'm saying that is because I can never get promotion in this place and still survive. Three days would be too long. Those people like using muti [traditional medicine or witchcraft] and they would kill you. Sometimes you have an argument with a Mozambican and the next thing you will be sick for three days without even knowing what's wrong with you. They are not good to us South Africans. When it comes to money issues, they are also problematic. We fought for the R105 we are getting, but the Mozambicans were not on our side. They kept on saying the previous rate of R76 a day was fine, simply because when they exchange it to their Mozambican currency, they get a lot of money. But when it finally went up to R105 they took it as well.*¹⁰⁶

The Mozambicans rule this place. I don't know how to put it, they just dominate us. Nothing can ever happen here without the Mozambicans approving of it. The Zimbabweans are fewer than the Mozambicans. They too also occupy supervisory positions but they are unlike the Mozambicans. There is not even a single South African who occupies a position of responsibility here. Not even one.

¹⁰¹ Interview with Jab 24/07/2013; Farm A

¹⁰² Interview with Sim 24/07/2013; Farm A

¹⁰³ Interview with Sib 25/06/2013; Farm B

¹⁰⁴ Interview with Sib 25/06/2013; Farm B

¹⁰⁵ Interview with Dor 25/07/2013; Farm B

¹⁰⁶ Interview with Sib 25/06/2013; Farm B

In the section where I work, there are only five people, all South African, but the supervisor is a non-South African.¹⁰⁷

I have a problem working with them, a problem with them; I think they are messing things up. I know of other farms where the employers have gotten rid of them and things have improved in those farms. Unfortunately, here they are still a majority and as result, things are not going well.¹⁰⁸

I think our employer is using underhand tactics. He goes to the Mozambique border post [Lebombo] to fetch them and give them. Even the old Boers used to do that. I have also noticed in their pay slips that they also pay UIF and I was wondering how come they pay UIF.¹⁰⁹

No I don't have anything to add, except to say that these foreigners are treating us badly. Just because they have passports, they think they are better. They even have free accommodation at the compound. It is company owned accommodation specifically for foreign workers. There used to be South Africans as well, but they were evicted in favour of the foreigners. Actually, they only pay R120 per month with free water and electricity, whilst I pay R350 for transport only and still has to buy water and electricity. You can't even question this thing because the supervisors are also foreigners.¹¹⁰

These foreigners are problematic. They want to be liked by the white people. They enjoy sabotaging us. For example, let us say we discuss something with them that we need to tell the managers. They will run to managers before you even have a contact with managers. By the time we get to managers, they know our issues, and it looks bad on us. They will do anything to be loved by the whites.¹¹¹

The police did not listen to my story, they take sides according to language. Instead of them listening to both sides, they listen to people who speak the language like them... I even ask the police if a person was stabbed to death, what was going to happen. They said that a foreigner must be stabbed to death, must die in cold blood.¹¹²

The foreigners are more than us. We South Africans are actually few. And besides they dominate us. [Interviewer: How?] They occupy all senior positions as supervisor level. [Interviewer: How come do they occupy all posts?.] I have no idea. Maybe the assumption is that we South Africans do not know the job, but that is also not true, because personally I know a lot here but im still stuck at the same place. Actually most of the supervisors do not understand the job themselves and they can't even read and write. Then you ask yourself how that happened, and there is no answer.¹¹³

My view is that they should go back to their country. Their economy is weak, and their presence here affects our own economy. They come to work here, and take our money back to their own

¹⁰⁷ Interview with Dor 25/07/2013; Farm B

¹⁰⁸ Interview with Thu 25/07/2013; ACMS Offices

¹⁰⁹ Interview with Sib 25/07/2013; Farm B

¹¹⁰ Interview with Dor 25/07/2013; Farm B

¹¹¹ Interview with THS001 23/07/2013; Farm A

¹¹² Interview with Nin 27/06/2013; ACMS Offices

¹¹³ Interview with Dor 26/07/2013; Farm B



*country. This weakens our economy and strengthens theirs. They should go and work in their own country.*¹¹⁴

Locals also accused foreigners of eroding wages as stated below:

*Ah, they were just saying, maybe you work for that season, they will just be shouting, next season don't come, you are taking our jobs here and the money, you people from Zimbabwe will accept any money, here we don't want to get such money, but it's because of you.*¹¹⁵

Most respondents from Western Cape made reference to an incident where seven Zimbabweans were burnt to death. Various reasons were cited for the attack with some saying it was based on accusations that they were taking away South African jobs. Others reported that a Zimbabwean man had continuously abused his Sotho girlfriend such that Sotho men 'ganged up' against him, locked him and his colleagues in a shack and burnt them to death. In reaction, Zimbabweans protested for some days without working to force the employer to address the problem. The Sotho men later paid for the costs for the repatriation of the dead bodies back home.

Generally the feeling amongst workers is that national based identities were weak. Aside from this national identity, though, there were striking divisions amongst workers based on the type of employment they held. Respondents pointed out that both permanent and casual workers do the same work but are paid differently. Some said permanent employees work up until 4pm but contract workers finish at 2:30pm and both are paid R81 per day.

*The way we were treated at the farm, with the South Africans was different. The South Africans were handled better, even the salaries were better, even the duties, they were given better duties than us, even the working hours, and they were different from us. We were working more hours as foreigners.*¹¹⁶

*As workers we don't get along at all. There is a lot of looking down upon others because we do not earn the same amount. Those who earn more tend to look down upon us. They talk badly about us because they are employed on a permanent basis. They tell us that if it was them they wouldn't accept this amount.*¹¹⁷

Although respondents reported a common identity as workers, this did not translate into any form of mobilisation; on the contrary strong differences amongst workers based on nationality were raised that impede collective action, as the next section examines.

¹¹⁴ Interview with Sib 25/07/2013; Farm B

¹¹⁵ Interview with Mbe 28/06/2013; ACMS Offices

¹¹⁶ Interview with Alb 28/06/2013; ACMS Offices

¹¹⁷ Interview with Thu 25/07/2013; Farm B

Unionisation

Findings from this study show that of the 61 respondents, only two belonged to a union, 55 said they were not union members, while four did not respond to the question. (The question was not asked in the FGD.) These findings echo national statistics which reveal low unionisation rates in the sector.

Of the three farms in Mpumalanga, workers from two farms mentioned that they once had unions and shop stewards, but they were dismantled and almost all union leaders and members were fired following an incident where a union official disappeared.

The union organizer took our subscriptions and disappeared. I think we had been paying for six months when he decided to disappear. We were subscribing and he wasn't depositing money to the bank. Then later we saw him driving a car, and that was the last time we saw him. Then the employer decided there was not gonna be a union anymore.¹¹⁸

One employer reported that he had a bad experience with unions as 'officials' driving BMW cars would show off to poor workers. After the robbery incident, the employer took the opportunity to denounce trade unions on his premises. Others said they were really interested in unionisation but they lacked the information and the proper documentation, as highlighted below:

No, and again it relates to lack of information. We don't know who we would talk to. Actually, it's the first time I'm sitting with an outsider who is interested in what I do and my plight.¹¹⁹

They asked about the work permit, we had the meetings with them [unions], but none of us had work permits except the older people... It once disturbed work at the farm for permits. They once stopped work, due to work permits, so it disturbed, for one week.¹²⁰

As migrants, we would like also unions to represent us. I think they will recognize us better than being represented by South African unions. Foreign unions should be there to represent or to cater for our own members from the country, as migrants. We didn't come because we want; we were forced due to labour, due to political problems and other things which forced us down... The unions from our home country should be formed here, should work around to see how we work.¹²¹

Most contract workers, both local and foreign, indicated that they could not join a union or protest or even vote for worker representatives because of their employment status. In Western Cape, respondents accused unions as prioritizing documentation (passports and permits) as prerequisites for enlisting foreign workers.

The low unionisation rate and lack of awareness of unions amongst farm workers is not a reflection of a lack of effort or willpower on the part of the main union organising in the sector, the Food & Allied Workers Union (FAWU) but rather a result of a range of intersecting and structural issues that impede mobilisation. These include fears of reprisals amongst workers, limited resources of unions, physical barriers to access

¹¹⁸ Interview with Sho 24/07/2013; Farm A

¹¹⁹ Interview with Moy 24/07/2013; Farm A

¹²⁰ Interview with Fel 20/06/2013; ACMS offices

¹²¹ FGD with farm workers 20/06/2013; ACMS Offices



and reach farms, and precarious labour and migration statuses of workers. In an interview with the national coordinator¹²² of FAWU, he expressed an open and progressive stance toward mobilising foreign farm workers:

The need to organise migrant workers was realized as early as 1997 when in fact FAWU inherited this programme from SAAPAWU, which was the first union to advocate for migrant workers representation in the agricultural sector.

Our position as a union is that our sector employs a lot of migrant workers and we have resolved that we will mobilize, recruit, organise ... and defend them. Treat them as any other worker with the same benefits.

He also raised the issue of resources and commitment:

As a union that organises in some of the vulnerable sectors, what we need [is] to take up the challenge of migrant labour. The good news is that migrant farm labourers that we have interacted with, migrant workers -especially those working in tomato farms in Limpopo and there, has been positive response and they are willing to be part of the union, which is very encouraging. Our challenge is resources. There is lack of political will to channel enough resources for this project. The other challenge according to a study conducted on behalf of the union by NALEDI is poor unionisation rate in the sector as a whole because employers bust unionisation and the trespassing laws. In short, all farm workers are vulnerable and it's even worse with migrant workers.

FAWU recognised the need to regionalise their efforts and promote better coordination within and outside organised labour to better protect workers in the sector.

As we speak now, organized workers in Limpopo are victimizing migrant farm workers. We are working closely with our strategic partners, Human Rights Watch to take up this case and we also rely on NALEDI for research. To achieve this, we need a regional approach and international partnerships. We also hope to run a regional campaign on the same issues. We have been visiting our provinces, Limpopo and Mpumalanga, talking to migrant workers themselves and we hope to run one campaign or two focusing on the following issues: their experiences; check where they are from and how to assist them as a union; sensitize them about unionist link within the regional trade union inside SA and where they come from.

Mobilisation

A majority of respondents cited the lack of unity amongst workers as a key deterring factor to mobilisation and organising. Divisions amongst workers based on nationality, language and type of employment contract have been reported. Workers cite different perceptions and stereotypes as a major hindrance to mobilisation with the locals labelled as too militant by foreigners while foreign workers were regarded as *amagwala* meaning cowards by locals:

¹²² Interview with Howard Mbanah, National Organiser FAWU : 05/12/2012

*The problem is that we are not united. If we say let's strike, others pull back. If we put pressure on mlungu, to pay, he will. We have different beliefs and thinking. People from Mozambique or Swaziland are scared to strike. But we understand each other.*¹²³

*It makes me feel bad but unfortunately there is nothing we can do about it. The biggest problem is that we are not united; we do not speak in one voice with my colleagues. Therefore, it is difficult to confront the employer. Once you start making noise, they all focus on you and begin to label you as a troublemaker.*¹²⁴

*Even if we were to plan having one, it wouldn't work because we are not united. Especially the foreigners they are scared of management and they would never cooperate with us and unfortunately they are a majority. They put us under pressure, whilst they are also taking our jobs. We should be driving the tractors here at work but we are not because they have taken the driving jobs. The drivers are Mozambicans, the supervisors are Mozambicans and it's so unfair.*¹²⁵

*Yes, I think the problem is caused by the passport holders, because they accept everything that the employer says or does. And most of them are staying in the compound, so they don't feel the pinch... It's those who come from Mozambique because they do not have a place to stay. If you are a foreigner and don't want to stay at the compound, then you have to rent your own place. In the compound it's predominantly Shangaan and for those who stay outside the compound it is SiSwati.*¹²⁶

*Asavani [we are not united]. [If] you were to go on a strike some will go and others go to work. Then some will lose msebenzo. People from Mozambique, they say we have come to work and if we lose our jobs what are we going to eat? Swatis want to strike but they fear there is no support.*¹²⁷

Some foreign workers responded to this by stating that they feared dismissal if they mobilised or joined a union or pointed out that they would not strike because they did not know their rights as foreign workers. Others felt that most of the challenges were caused by their employment status. Whilst they felt that they wanted to participate in protests or to raise money issues with their employer, they were scared to do so because they were seasonal or contract workers. Usually, permanent workers would raise money related grievances on behalf of contract workers. One respondent was explicit about how being a contract worker limits workers' bargaining power and access to management. For those contract workers who were vocal, they risked not getting rehired as they were deemed to be a bad influence on others.

*Most of the challenges are caused by our employment status. You find that you want to raise money issues but you are scared because you are a contract worker. You ask the permanent workers to raise those issues, but they are also scared. So I can say being a contract worker limit the number of things you can communicate to management.*¹²⁸

¹²³ Interview with Sim 24/07/2013; Farm A

¹²⁴ Interview with Jab 24/07/2013; Farm A

¹²⁵ Interview with Sib 25/07/2013; Farm B

¹²⁶ Interview with Thu 25/07/2013; Farm B

¹²⁷ Interview with Sim 24/07/2013; Farm B

¹²⁸ Interview with Tha 23/07/2013; Farm A



I've heard that there is committee that represents workers, but as a contract worker I don't know that much about it. What I know is that when we contract workers have a problem we have to approach the supervisor, who will either solve your problem or take it to the employer.¹²⁹

From what I hear, there was one, but that was a long time ago. It seems a number of them were retrenched just for being part of the union... our supervisor represents us. Even if there are problems with the payslips we give them back to him and he sorts it out... he represents everybody.¹³⁰

Yes. When I came to look for a job here there was a certain lady we came with and they didn't hire her. It later emerged that she previously worked here and had joined a union. Management concluded that she would be a bad influence and she was not hired.¹³¹

I have one question. If we need help where can we go to find someone who can represent us? Things are very bad here such that some of my colleagues relocate to Durban where things are said to be better. I understand sugarcane cutters are driving cars in Durban.¹³²

Those who worked in the Western Cape said that while it was not easy to protest in a foreign country and risk losing their livelihood or risk being deported, they also believed that they had to participate in protests to improve conditions for themselves.

Because people were tired... if you are a slave, you can't be a slave for your whole life. One day you're gonna see, ah this one is making me work very hard for nothing. You gonna see for yourself. But at first you see, no this one is right, but you see in South Africa, the cost of living is getting higher every day, you are being paid R70, people getting R60 per day, R55, R45, at the end of the month, the credit for the boss is 400 or 300. If you give him that, you're left with R200, you see. What can I do with this... I'll die working for this man. I think that's what people were seeing and decide to strike. And now it is better, R100, R105 per month, it's better now.¹³³

Representation

In the absence of any formal representation or union structures on the farms, the majority of respondents stated that if they faced any problems in the workplace, they reported these to the *nduna* as discussed earlier.

Yes, there is a supervisor. If there are problems, we tell the supervisor, if we are sick we tell the supervisor, and the supervisor will report to the manager.¹³⁴

Some participants felt that the *nduna* either did not fully represent them or that the *nduna* is also scared to approach the employer:

¹²⁹ Interview with Dor 25/07/2013; Farm B

¹³⁰ Interview with Tha 23/07/2013; Farm A

¹³¹ Interview with Tha 23/07/2013; Farm A

¹³² Interview with Moy 24/07/2013; Farm A

¹³³ Interview with Mbe 28/07/2013; ACMS Offices

¹³⁴ Interview with THS001 23/07/2013; Farm A

Nduna are also scared of the employer. Sometimes they claim to have reported our grievances even if they have not. For example soon after payday, you realise that there is something wrong in your payslip and you report it to them. Instead of them solving it or taking it to the employer, they tell you the payslip is fine.¹³⁵

There are avenues but it doesn't help. Like I told you, sometimes you complain to the supervisor but he just keep quiet and never do anything about your grievance. They just promise to pass your grievance to the employer, but they never do.¹³⁶

Workers reported that they do not have formal structures but had convened mass meetings to discuss worker related issues through loose workers' committees or forums. They involve the employer and inform him about their grievances. Their representatives do not necessarily have any titles but usually they select one person who is articulate and respectable to brief management about their decisions or resolutions. They emphasised that they look for someone that management can 'take seriously' and also someone who will not misrepresent their views.

Respondents from the three farms in Mpumalanga indicated that there are protocols or channels that need to be followed in order to escalate grievances to the employer. However, they are not consulted or involved in high level decision making processes. Even supervisors claimed that they were given instructions and ordered to follow these by the farm manager or owner, the mlungu. This impacts on the engagements between supervisors and workers in the field as, instead of consulting on issues, they would have to fulfil the employer's instructions. However, some respondents doubted the credibility of some instructions purported to be coming from the employer through the supervisors. The problem is when a supervisor does not like somebody, they can 'back-bite' them to the employer. Most reported that they never get an opportunity to engage with management or the employer directly. Some supervisors, however, admitted that they are consulted and usually meet with management every two months. Some contract workers said they are regularly informed about changes by management, as shown by the statement below:

I don't know with the permanent workers but for us, we are told in advance. Sometimes they can't tell us everything in advance because we work on a contract basis, but when we come back they inform us about changes that have occurred in our absence... We are satisfied because they are our employers and they take the initiative to inform us.¹³⁷

Violence on the farms

Various scholars (Nel & Rooney, 1993; Von Holdt, 2002; Chinguno, 2013) have documented violence in the workplace and have identified two forms of physical violence: between employer and employees; or amongst workers.

¹³⁵ Interview with Thu 25/07/2013; Farm B

¹³⁶ Interview with Dor 25/07/2013; Farm B

¹³⁷ Interview with Tha 23/07/2013; Farm A



Findings from this study report isolated cases of threats and physical violence occurring on farms in the Western Cape, supporting previous studies, for instance, during the 2012 farm workers protests when physical or verbal threats of violence were directed at those workers who did not participate and, in particular, those of foreign origin. Although this form of violence was not reported amongst respondents in Mpumalanga, the findings do raise questions around the conceptualisation of worker abuse. Three broad categories are identified: physical violence inflicted by an employer; xenophobic induced violence amongst workers reported exclusively in the Western Cape sample; and an inherently exploitative system that produces conditions of physical and emotional harm and ill being that respondents from both areas cited strongly.

In the first category the following instances of worker abuse were reported, including workers been beaten by the employer.

He will take a sjambok and beat you. I saw that.

I just go like I was going to shopping. I didn't come back... I just left like that because if you tell him you are leaving, he's gonna find something for you, and he won't give you money... But that person, he didn't care. He can hire and fire anyone at any given time¹³⁸

Cases of gangsters mobilising against foreign workers were also reported whereby locals would target some individuals, provoke them and gang up against them, as revealed below:

If you are walking or working, they would just tap tap on maybe the shoulder, you get maybe three or four claps and you can't fight back because, you know, you just watch them and leave them... You know what they do, they come in numbers, ready to fight you, go get your gun, what-what-what-what. If you have a quarrel with one, even for just a simple issue, they can come in their numbers, and say go back to your country what-what-what.¹³⁹

The majority of respondents from Mpumalanga indicated that they were not subjected to physical violence from employers or other workers, but at the same time stated strongly that they felt that the work they do and the conditions under which they work are abusive, in nature. In particular the *gwaza* system was singled out as a source of physical and emotional pain, as one elderly female respondent said:

But all work must progress and be done or updated, or target job done. The work I'm doing here is on its own abuse because I work hard and get paid very little!¹⁴⁰

Respondents who work in the Western Cape, however, did report hostile relationships with local colleagues. They referred to the fact that foreigners are human beings and that they did not find themselves in South Africa by choice but due to hunger, politics, wars and economic issues from their countries. Some locals supported the employment of foreigners citing that not employing them would lead them to steal from them. To progressive locals, they see no difference between them and foreigners as

¹³⁸ Interview with Alb 28/06/2013; ACMS Offices

¹³⁹ Interview with Mbe 28/06/2013; ACMS Offices

¹⁴⁰ Interview with Sim 24/07/2013; Farm A

they reiterated a commitment to *siyafana*, meaning 'we are the same'. Some respondents envied foreigners and pointed out that they always complete their tasks and work very hard but *havakhethi msebenzi yonke yafana*, meaning they are not selective and do not choose jobs.

Gender



Photo by: Elsa Raker

Our study found that recruitment and division of labour at some farms were along gender lines. One supervisor indicated that they usually hire women to pick vegetables in the fields, because they believe that that kind of work is easier for women and men would not feel comfortable doing that. Tasks such as irrigation, sugar cutting and applying fertilizer in the fields is normally perceived as men's work. The photograph below shows a male sugar cutter.



Photo by: Aliya Daniels

A number of respondents reported that work was distributed according to gender with female labourers working in tomato farms while most men worked in the banana farms.

*No. Ukusevenza ukufana [work is the same]. Some work but it is the same. Work is work. Women cook and weed or pick up tomatoes. Men cut bananas and carry heavy loads or irrigate. It's too much but we work different jobs.*¹⁴¹

There is work for both men and women. But there are also some things here that would look awkward when performed by a man. For example, it would be strange to see a man bending over

¹⁴¹ Interview with Sim 24/07/2013; Farm A



*and picking green beans. There is nothing that stops them, but it would look very awkward. We've seen it happen sometimes, when someone makes a minor transgression and they are sent to pick the beans as a punishment.*¹⁴²

*No, we do the same work. There is no difference. We get paid the same like now we get R700 at the month, at the end of the month. Oh...men sometimes get paid more as they help with other type of work, like helping the employer like fencing.*¹⁴³

Respondents also mentioned other gendered roles outside of the workplace:

*I don't have any problem with this job because when I arrive home I can do cleaning and other house work and also look for my children. Even in the morning I prepare for them to go to school.*¹⁴⁴

*Yes, of course. Remember, I'm the mother. I need to prepare food for the whole family. They will be waiting for me and before I leave for work, I have to prepare food for everyone to take to school or for my 'husband' to take to work.*¹⁴⁵

In the Western Cape, female respondents said men and women were treated the same and sometimes they were allocated jobs usually done by men. Sometimes men would leave because they were paid less money than they could earn elsewhere and therefore did not want to sustain the hardships that women had to endure.

In terms of gender based violence and sexual harassment, in some circumstances, where women find themselves performing tasks in a male dominated section like irrigation, men tend to offer to perform tasks on behalf of their female counterparts in exchange for sexual favours. One female respondent reported:

*I don't allow men to treat me differently as if they are doing me a favour... I tell them that I'm not a spoilt brat.*¹⁴⁶

However most men stated this was not the case.

*They are very safe. When I work with them, I see them as my sisters. I work with them 5 days a work so I'm used to them and I take them as my sisters.*¹⁴⁷

Another man mentioned that there were unwritten rules that they subscribe to, including the fact that there is no swearing in front of women, and that no one is allowed to shout at them. Another said that men can manage to stand and defend themselves in the workplace but it is always difficult for women to do so.

¹⁴² Interview with Tha 23/07/2013; Farm A

¹⁴³ Interview with Kud 24/07/2013; Community, Kamhushwa, Mpumalanga

¹⁴⁴ Interview with Zan 25/07/2013; Farm B

¹⁴⁵ Interview with Fik 24/07/2013; farm A

¹⁴⁶ Interview with Bsh 26/07/2013; Farm C

¹⁴⁷ Interview with Sib 25/07/2013; Farm B

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Chapter 6: Conclusion

The commercial agricultural sector plays a pivotal role in South Africa. Although its contribution to the national GDP and the number of jobs that it creates is proportionally small to the rest of the economy and is decreasing, it has important linkages to other sectors, earns foreign currency through exports, has a significant role in provincial economies, and provides jobs to lower skilled workers and rural households.

Migrant labour is an historical source of livelihood for many regional households and of labour for many sectors including agriculture. In border areas such as part of Mpumalanga, commercial agriculture has been a source of work for many migrant workers. However, there is no labour migration policy in the region or country. Instead, this has largely been regulated through a series of mismatched bilateral agreements in which the interests of capital and the receiving state have taken precedence over the rights of workers and respective national and international labour policies and conventions. Contemporary dynamics of mobility that seeks to limit the migration of lower skilled workers to South Africa through a series of restrictive immigration laws, and increased deportation practices, shape the way in which labour migration is viewed and managed.

The policy framework, consisting of bilateral agreements on the one hand and limited legal channels of entry and job opportunities for low skilled workers on the other hand, has created a context in which labour brokers play a pivotal role in managing migration and/or employment in the sector. Between South Africa and Mozambique, formal labour brokers facilitate the movement, recruitment and wage payment system for farm workers in Mpumalanga. In parallel, an informal system of labour broking has also emerged on the farms that facilitate migration and work outside of legal channels. For farms in the Western Cape social networks and informal labour brokers facilitate employment and logistics on a seasonal basis. Most of the latter operate outside legal norms resulting in poor working conditions and exploitation.

At the same time, a series of market liberalisation policies implemented over the last two decades has had severe implications for the sector. This includes farmers having to become more competitive in the global market due to the removal of subsidies and support. For labour, the introduction of minimum wages, and an increasingly precarious workforce consisting of migrant and low skilled workers has led to increased informalisation and casualisation in the sector.

Despite progressive labour legislation, limited implementation and enforcement and spaces for employers to operate outside the law have resulted in poor working conditions for all farm workers regardless of nationality. Amongst seasonal workers, and migrants working in areas in which they have limited shared ethnic, historical or linguistic ties, conditions are worse.

Although instances of labour law compliances were noted, and some respondents did state a moderate level of job satisfaction as well as gratitude toward employers, this points to the power of the employer in determining conditions on farms, rather than the potential for the state to regulate labour. It also explains the strong variances on working conditions that the study found.

The study found that in the parts of Mpumalanga where there has been a long history of mobility and shared ethnic and linguistic ties across the three international borders, a shared working class identify

supersedes nationality based identities. Because of strong sanguinary ties between locals and foreigners, through marriages or intimate relationships amongst farm workers in the province, a sense of identity and belonging amongst both locals and foreigners exists as reported by a majority of respondents. On the contrary, for Zimbabwean seasonal workers in the Western Cape where there is a high population of Xhosa speaking internal migrants from Eastern Cape and a local Afrikaans speaking working class, a sense of tension and disunity has emerged and been manifested in numerous cases of xenophobic incidents and an uneasy working relationship between locals and foreigners. At the same time workers are divided along type of employment contracts whereby in Mpumalanga, permanent workers -irrespective of nationality- assume a superior position within a farm's hierarchy than do casual workers. In the Western Cape both 'foreignness' and employment contracts determine one's status and relationships on a farm.

Despite this shared identity amongst workers in Mpumalanga, mobilisation and unionisation (five per cent across the sector) remains limited. A number of reasons are put forth to explain this, including weak union capacity, lack of awareness amongst workers and structural barriers to organise in this sector.

Working conditions for farm workers, regardless of location, nationality, documentation status or type of work are poor (see Ndungu, 2011). Wages are low, working hours are long, and benefits are arbitrary or non existent, particularly for casual workers.

Wages vary from province to province with the majority of farm workers in Mpumalanga receiving homogenous wages pegged at R1 600 while seasonal workers from Western Cape reported to be heterogeneous with some clocking as low as R100 at the end of the month. Those in Mpumalanga are paid through the formal banking system whereas in Western Cape farm workers received their wages in 'envelopes' directly from the employer. Wage inequalities have been recorded whereby workers perform the same amount of work for the same amount of time but in the end are paid different wages. This has been observed amongst permanent and casual workers in Mpumalanga and between locals and foreigners in Western Cape.

Commercial farms make use of a system called *gwaza* in Mpumalanga and *pallet* as explained above, which pay workers according to targets and which workers describe as exploitative and abusive as they undermine the conditions of their contracts, if they even have contract, and the minimum wage.

Many commercial farmers have limited health and safety measures, thereby exposing workers to ill health because they are not provided with protective clothing, which particularly concerns those who work with fertilisers and sprays in the field. Labour inspectors from the Department of Labour responsible for monitoring working conditions of farm workers were only reported to be engaging with management without consulting the workers. As one respondent said, "when the inspectors come, they only talk to our managers in the office and off they go. They should also come and speak to the slaves in the field" .

The study has shown that social benefits vary amongst employers in the agriculture sector. The majority of locals and foreigners reported to have UIF protection but not any pension or medical aid cover. Seasonal workers in both sites had no benefits. A few stated that their employer provided them with accommodation and food packs, particularly at the end of the year. All respondents from Mpumalanga cited mobile clinics as their major source of treatment for their health.



In terms of gender dynamics, the majority of women on the farms we visited were employed as casuals and were recruited to do particular types of work. Female respondents (both local and foreigners) declared that they feel safe at work while male respondents claimed they regard their female colleagues as their 'own sisters' and therefore 'protect' them in the field. However, instances of sexual harassment and gender based violence were reported in the sample. This requires additional research.

Recommendations

Based on the findings of this report, we have the following recommendations.

To government:

1. The need to develop a labour migration policy that is responsive to the needs of the national economy, mindful of the historicity of the labour migration regime in the region, and to the transnational nature of contemporary livelihoods in the region, that embarks from a strong rights-based framework, and ensures legal channels of entry and work for low skilled labour migrants.
2. The Departments of Labour and Home Affairs need to undertake a comprehensive audit of existing bilateral agreements to determine how to review, revise or repeal these in order to better align them with current labour laws.
3. Better inter ministerial coordination between DoL and Home Affairs to regulate labour migration. This includes the collection and sharing of data, issuing of permits, monitoring of labour conditions and permit irregularities.
4. Labour brokers should be better regulated and monitored to ensure compliance with the provisions of the country's labour laws.
5. Better capacity and coordination within the DoL to both enforce and monitor the enforcement of labour laws.
6. Commission studies in partnership with trade unions, civil society and human rights bodies to determine the nature, causes and extent of violence on farms including sexual harassment, gender based violence, employer driven violence, xenophobia, and violence between workers.

To trade unions/civil society organisations:

7. Unions need to devise new strategies to organise farm workers and establish inclusive campaigns that embrace and are responsive to the needs of migrant farm workers.
8. Better awareness and education campaigns should be developed on labour and migrant rights for employers and workers on farms, near borders and near farming communities.
9. Regional coordination with trade unions, civil society, and government should be improved in order to better protect farm workers.
10. Develop, adopt and disseminate policy position papers on foreign workers in the sector.

11. Sensitize members to workplace relations between foreign and local workers.
12. Promote stronger advocacy against the increasing informalisation, casualisation and precarity of workers in the sector.

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Appendices

List of key informants:

1. Agri SA
2. Department of Agriculture, Forestry and Fisheries, Special Programs Directorate- Gender
3. FAWU
4. WASP
5. Labour Broker- Mpumalanga
6. Algos
7. Agricultural training college, Nelspruit
8. Mozambican Labour office, Johannesburg
9. Farm owner, Mpumalanga
10. Farm manager, Mpumalanga
11. HR manager, farm, Mpumalanga
12. Department of Labour, Nelspruit
13. Land Bank, Nelspruit
14. Transvaal Agricultural Union

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Interview guide for foreign-born farm workers South Africa

A. Demographic and socio-economic profile

15. Where were you born?
16. What is your citizenship?
17. When did you move to your current place of residence?
18. Where were your parents from? What was their occupation?
19. Where do you currently reside?
20. Age / Marital status / Nb of people in household and relationship to interviewee

Synthesis: To capture the demographic and socio-economic profile of respondent; family socio-economic and geographical mobility; current household situation

B. Education and skills

21. What is your highest level of schooling/education?
22. Where did you go to school?
23. Why did you leave school? If applicable
24. Did you do any training after school? Give details, where, how long, what

Synthesis: To capture respondent's level of education through formal education and practical experience, to understand why a respondent stopped schooling

C. Current Work

25. Tell me about the job that you do now (position, skill required) what sector of farming?
26. Is it a permanent, temporary renewable, temporary limited contract?
27. Are you employed full-, part-time? Out of choice?
28. How did you get this job?
29. Describe a typical day at work to me
30. How long have you had this job?
31. Tell me about your current employer(who, type of enterprise, etc)

Synthesis: to understand the type of work and how the respondent secured this position

D. Previous work experience

32. At what age did you start working?

33. Where did you work before your current position? In what position? How long? Why did you leave?
34. How did you get that job?

Synthesis: to capture work *history*, *strategies for finding work and skills*

E. Working conditions

35. Do you have a contract?
36. If so tell me what it contains and what you understand about it?
37. If not, do you want a contract? Why?
38. What are your working hours? Probe for the organisation of shifts (monthly / weekly; perceived to be fair)
39. Do you think your position / responsibilities match(es) your skills?
40. Could you give us an indication of your current gross monthly salary range?
 - a. under R1000 a month
 - b. Between R1001-R1500;
 - c. Between R1501- R2000
 - d. between R2001- R2500
 - e. above R2501
41. How do you get paid? Cash, bank transfer, other way?
42. Do you send some of this money back to relatives? Do your relatives support you?
43. Do you feel your current wage is fair? Why?
44. Does it come with any social benefits such as medical aid, maternity leave, pension? If so, tell me about these. Ask about each
45. If not, why?
46. Are you intending to stay in this position? Why?
47. Do you get paid in any other way besides cash? For eg do you get food or housing?
48. Tell me about where you stay? Do you pay rent? What is it like?
49. Are you happy in this job? Tell me why or why not?

Synthesis: To document current conditions of employment; relationship between foreign status and conditions of employment (type of contract, actual conditions vs contract conditions, etc); to document job access strategy; *benefits; intention to stay in position*

F. Migration to South Africa¹⁴⁸

50. When did you leave your home country? Why did you decide to leave?
51. Who helped you to leave?
52. When did you get to South Africa? Was South Africa your first choice? Why?
53. What was your impression/ perception of South Africa before you migrated? What were these perceptions based on? Probe for other people's experiences (family members/friends who emigrated to SA) or other sources.
54. How did you come to South Africa? Did you organise the trip on your own? Please explain how it happened.
55. What kind of documentation did you have when you arrived in South Africa?
56. Were you aware of employment conditions and immigration requirements before you came or did you discover those after you arrived?
57. What documents do you have at the moment?
58. Did you have to change your immigration permit / documentation to match your employment needs? How?
59. Do you intend to go back to your country of origin? What are your plans for the future in terms of residence? Probe for reasons to move to a third country, e.g. a developed country.
60. How often do you go back home?

Synthesis: To assess *respondent's migration history prior to South Africa; whether migration project is a professional mobility project too; the practical aspects of this mobility; to document the role and structure of social networks (kin, friends, ICTs) and the role of structural constraints in home country to better understand the decision to leave; understanding of immigration permit system; relationship to immigration authorities; future plans.*

G. Workplace environment

61. Describe your workplace (location, infrastructure, equipment, safety & security, staff availability)
62. How long does it take you to commute to work?
63. How often and for what do you leave your workplace/house?
64. Where do you obtain services such as health care, or buy food?

Synthesis: *To document physical aspects of workplace; transport / commuting issues.*

H. Employer/ employee relations

¹⁴⁸ Should any of these questions elicit any sign of trauma, the interview will be terminated and the person referred to the appropriate organisation (see Referral list provided).

65. Who is your employer (local company, foreign company, or other)? Do you have a line manager?
66. For how long have you worked for this employer?
67. Tell me about any challenges you have faced with your employer / line manager?
68. How have you tried to resolve these?
69. Have you ever experienced any form of discrimination in your job experiences? If yes, how do you explain it?

Synthesis: To document perception of employer and manager; relationship to hierarchy; challenges; conflict resolution mechanisms and strategies; discrimination & perception of discrimination.

I. Relationship with colleagues

70. Describe your colleagues, the people you work with. (Probe for distinction between staff, who is a 'colleague'/'superior'; esprit de corps; gender; social & national origin; differences in training & skills).
71. Are your colleagues more or less experienced and trained than you? / Do you see any significant difference between your skills and theirs? If so, how do you explain it?
72. Are there specific communication barriers with colleagues? Explain.
73. What are the languages you mostly use at work? With who?
74. Do you perceive any 'attitudes' from any of your colleagues toward you? If so, how do you explain it?
75. Do you socialise with your colleagues outside of work? Why / How? Are you friends with some?

Synthesis: To document formal and informal relationships with colleagues in order to understand whether workplace is also a place of socialisation; kind of barriers / divides; their nature (class; corporatist; gender; nationality; urban/rural; linguistic; etc...)

J. Participation, mobilisation and representation at the workplace

76. Are you consulted by management with regard to your work, condition, permit etc.? If so, how? If not, why? Would you like to?
77. Are you familiar with labour legislation? (If so, from who/where)
78. Who represents you if there is a dispute between you and your employer?
79. Did you ever participate in any industrial action such as strikes, protests or demonstrations? What for
80. Do you think your working conditions need to be improved? Why and how?
81. Are you involved in such discussions? If so, how? If not, why?

Synthesis: To document participation in 'political' activities (in broad sense of the term) through any form of mobilization, participation, and representation (unions; associations; others); propensity to embark into industrial action; grievances.

K. Perceptions relating to the employment of foreign farm workers

82. What are your views on the employment of foreign farm workers in South Africa

L. Gender

83. Do you think that being a man or a woman makes a difference (either positive or negative) in your life generally?

84. Do you as a man/woman feel you have an advantage or a disadvantage as a worker? How?

85. Have you experienced any harassment as a man/woman? Tell me more

86. Have you experienced any violence or threats as a man/woman? Tell me more

M. General

73. Do you have anything else to add?

74. Would you be willing to participate in a focus group interview?

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Key informant Interview Schedule

Farm owners

General Questions

Please tell us what your position is.

1. What do you think is the role of low skilled migrant workers in South Africa?
2. What has been your company's involvement with foreign labour?
3. Please tell me about your farm. Include the following:
4. When was it started?
5. For how long have you owned it?
6. Please give us the history of the farm. When was it started, by whom, how did you get involved here?
7. Tell me about the type of farming done here.
8. Is it the same thing every year?
9. Do you do different activities during the year? If so, tell me about these
10. How big is it in terms of acres, what do you produce, how has this changed in the last decade?
11. What are your perceptions of labour legislation?
12. What is your opinion on the minimum wage?
13. What challenges do you face as a farmer?
14. How would you describe the size of your farm in terms of hectares, number of employees and financial output?
15. Would you say you are bigger than, smaller than or the same size as most farms in the area?
16. Tell me about your farm workers.
Prompt with:
17. Who do you employ?
18. How many employees (temp vs permanent, local vs foreign, men vs women)?
19. How do you find workers?
20. What do you look for in an employee?
21. What makes a 'good' farmworker?
22. Does nationality matter when recruiting farmworkers? Why?
23. Does gender matter? Why?
24. Does age matter when you recruit? Why?
25. How many workers do you have currently?
26. Do you have seasonal employees? If so, when in the year do you hire extra help, for how long do you employ them and how many people?

27. How much do you pay your workers every week ? Do you give them extra money, or deduct money from wages, for food or accommodation?
28. Do workers have paid leave? If so how many days?
29. What sort of help do you provide for your workers? (prompt with: housing, education, documentation, health etc)
30. What are the main problems you as a farm owner have with recruiting and retaining farm workers?
31. What other problems do farm owners experience here?
32. In your opinion, are there any differences between South African and foreign farm workers? If so what are these?
33. Do you have any problems with the police or Home Affairs? If so, what are these?
34. Do you think that the rights of farm workers are being compromised in any way?

Thank you for your time. Is there anything else you want to add that you think is important?

DRAFT REPORT - NOT FOR CITATION

Interview guide for South African farm workers

A. Demographic and socio-economic profile

1. Where were you born?
2. What is your citizenship?
3. When did you move to your current place of residence?
4. Where were your parents from? What was their occupation?
5. Where do you currently reside?
6. Age / Marital status / Nb of people in household and relationship to interviewee

Synthesis: To capture the demographic and socio-economic profile of respondent; family socio-economic and geographical mobility; current household situation

B. Education and skills

7. What is your highest level of schooling/education?
8. Where did you go to school?
9. Why did you leave? If applicable
10. Did you do any training after school? Give details, where, how long, what

Synthesis: To capture respondent's level of education through formal education and practical experience, to understand why a respondent stopped schooling

C. Current Work

11. Tell me about the job that you do now (position, skill required), what sector of farming?
12. Is it a permanent, temporary renewable, temporary limited contract?
13. Are you employed full-, part-time? Is this arrangement out of choice?
14. How did you get this job?
15. Describe a typical day at work to me
16. How long have you had this job?
17. Tell me about your current employer(who, what type of enterprise etc)

Synthesis: to understand the type of work and how the respondent secured this position

D. Previous work experience

18. At what age did you start working?

19. Where did you work before your current position? In what position? How long? Why did you leave?

20. How did you get that job?

Synthesis: to capture work history , strategies for finding work and skills

E. Working conditions

21. Do you have a contract?

22. If so tell me what it contains and what you understand about it?

23. If not, do you want a contract? Why?

24. What are your working hours? Probe for the organisation of shifts (monthly / weekly; perceived to be fair)

25. Do you think your position / responsibilities match(es) your skills?

26. Could you give us an indication of your current gross monthly salary range?

- a) under R1000 a month
- b) between R1001-R1500;
- c) between R1501- R2000
- d) between R2001- R2500
- e) above R2501

27. How do you get paid? Cash, bank transfer, other way?

28. Do you send some of this money back to relatives? Do your relatives support you?

29. Do you feel your current wage is fair? Why?

30. Does it come with any social benefits such as medical aid, pension? If so, tell me about these.

31. If not, why?

32. Are you intending to stay in this position? Why?

33. Do you get paid in any other way besides cash? For eg do you get food or housing?

34. Tell me about where you stay? Do you pay rent? What is it like?

35. Are you happy in this job? Tell me why or why not?

Synthesis: To document current conditions of employment; relationship between foreign status and conditions of employment (type of contract, actual conditions vs contract conditions, etc); to document job access strategy; benefits; intention to stay in position.

F. Workplace environment

36. Describe your workplace (location, infrastructure, equipment, safety & security, staff availability)

37. How long does it take you to commute to work?
38. How often and for what do you leave your workplace/house
39. Where do you obtain services such as health care, where do you buy food from?

Synthesis: To document physical aspects of workplace; transport / commuting issues.

G. Employer/ employee relations

40. Who is your employer (local company, foreign company, or other)? Do you have a line manager?
41. For how long have you worked for this employer?
42. Tell me about any challenges you have faced with your employer / line manager?
43. How have you tried to resolve these?
44. Have you ever experienced any form of discrimination in your job experiences? If yes, how do you explain it?

Synthesis: To document perception of employer and manager; relationship to hierarchy; challenges; conflict resolution mechanisms and strategies; discrimination & perception of discrimination.

H. Relationship with colleagues

45. Describe your colleagues, the people you work with. (Probe for distinction between staff, who is a 'colleague'/'superior'; esprit de corps; gender; social & national origin; differences in training & skills).
46. Are your colleagues more or less experienced and trained than you? / Do you see any significant difference between your skills and theirs? If so, how do you explain it?
47. Are there specific communication barriers with colleagues? Explain.
48. What are the languages you mostly use at work? With who?
49. Do you perceive any 'attitudes' from any of your colleagues toward you? If so, how do you explain it?
50. Do you socialise with your colleagues outside of work? Why / How? Are you friends with some?

Synthesis: To document formal and informal relationships with colleagues in order to understand whether workplace is also a place of socialisation; kind of barriers / divides; their nature (class; corporatist; gender; nationality; urban/rural; linguistic; etc...)

I. Participation, mobilisation and representation at the workplace

51. Are you consulted by management with regard to your work, condition, permit etc.? If so, how? If not, why? Would you like to?
52. Are you familiar with labour legislation? (If so, from who/where)
53. Who represents you if there is a dispute between you and your employer?

54. Did you ever participate in any industrial action such as strikes, protests or demonstrations?
What for
55. Do you think your working conditions need to be improved? Why and how?
56. Are you involved in such discussions? If so, how? If not, why?

Synthesis: To document participation in 'political' activities (in broad sense of the term) through any form of mobilization, participation, and representation (unions; associations; others); propensity to embark into industrial action; grievances.

J. On foreign workers

57. Who do you consider a foreign worker?
58. What are your views about foreign workers?
59. How would you describe someone who is not from South Africa?
60. What is your relationship with foreign workers?
61. What contribution do you think foreign workers make to the South African economy and the labour market?
62. What challenges do you think foreign workers bring to the country's economy and labour market?
63. Do you think that foreigners can become South Africans? How?

No Synthesis?

K. Gender

64. Do you think that being a man or a woman makes a difference (either positive or negative) in your life generally?
65. Do you as a man/woman feel you have an advantage or a disadvantage as a worker? How?
66. Have you experienced any harassment as a man/woman? Tell me more
67. Have you experienced any violence or threats as a man/woman? Tell me more

No Synthesis?

L. General

68. 59. Do you have anything else to add?
- Would you be willing to participate in a focus group interview?

Focus group questions Questions

How many members in group?

Male female ratio

Place of origin

1. When did you come to South Africa?
2. Why did you decide to come and work in South Africa?
3. How long have you worked on the farms?
4. How did you come to be a farm worker?
5. What are your key priorities as a foreign worker?
6. What do you think you contribute to the economy of South Africa as a foreign worker?
7. Which problems do you face and do you share the same with your local counterparts?
8. What have been the best moments?
9. What have been the challenges?
10. What do you suggest should be done to address the challenges?
11. Do you have anything else to say?

Designing focus group questions

- Number of questions- 8-12
- Questions should be short and to the point
- Focused on one dimension each
- Unambiguously worded
- Open-ended or sentence completion types
- Non-threatening or embarrassing

Why/how questions- worded in a way that they cannot be answered with a simple “yes” or “no”