

“The farmer doesn’t recognise who makes him rich”:

**Understanding the labour conditions of women farm workers
in the Western Cape and the Northern Cape, South Africa**



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Quotation in title: woman farm worker during Focus Group Discussion

Cover photo: Farmworkers near Rawsonville, Western Cape.

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Acronyms

BCEA	Basic Conditions of Employment Act
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung
CCMA	Commission for Conciliation, Mediation and Arbitration
COIDA	Compensation for Occupational Injuries and Diseases Act
COSATU	Congress of South African Trade Unions
CPI	Consumer Price Index
CSAAWU	Commercial Stevedoring Agricultural and Allied Workers Union
EU	European Union
FGDs	focus group discussions
LRA	Labour Relations Act
NC	Northern Cape
NGO	non-governmental organisation
OHSA	Occupational Health and Safety Act
PLAAS	Institute for Poverty, Land and Agrarian Studies
SAWIS	SA Wine Industry Information and System
UI	Unemployment Insurance
UIC	Unemployment Insurance Contributions
UIF	Unemployment Insurance Fund
WC	Western Cape
WFP	Women on Farms Project
WIETA	Wine and Agricultural Ethical Trading Association

SUMMARY

Context

Under apartheid, farm workers in South Africa had negligible legal protection and were subjected to human rights violations that included physical assaults, child labour, inhumane living conditions and evictions without notice. Since 1994, efforts to redress such injustices include the promulgation of a progressive Constitution and specific legislation, including the Sectoral Determination for Farm Workers, aimed at ensuring the rights of farm workers.

Nonetheless, farm workers' rights continue to be violated daily by farmers, while government does not effectively enforce legislation by taking action against such farmers. Women farm workers are further disadvantaged by the insecure and seasonal nature of their employment, in contrast to men who are likely to be employed as permanent workers.

The research study

Women on Farms Project (WFP) is a feminist non-governmental organisation (NGO) that works with women who live and work on commercial farms in the Western Cape and Northern Cape provinces. WFP has been monitoring the living and working conditions of farm workers and campaigning for their rights since 1996. Women workers have routinely reported cases to WFP of illegal evictions, poor housing conditions and poor working conditions. In this context, WFP commissioned a research study into the nature and extent of non-compliance and labour rights violations on commercial farms in the Western Cape and Northern Cape, with financial support from Oxfam Germany and BMZ.

A mixed methods research strategy was designed, using quantitative, qualitative and participatory methods, and involving farm women directly in the data collection. In total, 343 questionnaires were completed. Though not generalisable to all farmworkers in South Africa, these findings are indicative of the labour conditions of women farm workers in the two provinces.

Contracts and wages

Many farm workers (39% of the sample) have not signed an employment contract for their current work. (*"I've worked on the farm for 3 years. Not a single worker has ever signed a contract."*) Without a contract, workers often do not know the terms of their employment or even their remuneration. (*"I don't have a contract. I don't know my wage."*) A significant majority (70%) of seasonal workers did not receive a copy of their contract after signing it. (*"You don't get the contract to take home."*)

The minimum wage for farm workers is legislated and is updated annually, in terms of the Sectoral Determination for Farm Workers of 2006. Nonetheless, 75% of seasonal workers are not paid the legal minimum wage.

One reason for this is that farmers set work targets which many workers believe are deliberately not achievable. (*"Only when you achieve your daily target, do you get your minimum wage."*) The targets cause great stress to workers, because failure to achieve them not only results in reduced wages, it also leads to warnings and even unemployment. (*"If you are too slow you get a warning, and the second time you are fired."*)

Occupational health and safety

Issues explored in this research under occupational health and safety include sanitation facilities at work, compensation for injuries, exposure to pesticides and use of protective clothing.

The majority of women seasonal workers surveyed (72%) do not have a toilet in the vineyard where they work, and are forced to either use the bush or find a secluded spot in the vineyard. This is a serious violation of their rights and human dignity. (*"If you work outside in the vineyard, there are no toilets, no privacy. It's dangerous and humiliating."*)

Many farm workers suffer injuries at work, which they often do not report to the farmer or the Department of Labour. (*"They are scared of being sent home and losing their day's wages and their jobs"*.) Even when injuries are reported to the farmer, workers are not compensated if the farmer has not registered with the Compensation Commissioner and made contributions. Unless the farmer agrees to cover the medical bills, the worker has to pay these costs. (*"The farmer pays upfront but then deducts it from your wages."*) Moreover, because 62% of women seasonal workers surveyed lose a day's wages if they go to a health clinic, they do not go even if they or their children are sick.

More than two-thirds of seasonal workers (69%) are exposed to dangerous pesticides within an hour after vineyards have been sprayed. (*"While you're busy working, they spray pesticides in the same vineyards."*) Exposed workers report negative impacts on their health, such as skin rashes, nasal and eye problems, breathing difficulties and headaches. An even higher proportion of seasonal workers (73%) are not provided with protective clothes by the farmer. (*"If you want clothes, you have to pay for it yourself."*)

Housing conditions

Many women reported poor living conditions on farms, including sub-standard houses with no water, toilets or electricity. (*"We have no toilets, no ceilings, asbestos roof, cold in winter. There is a problem with water. The cattle, the other Whites who rent some of his land, his water tank, all get water before us. Sometimes, we don't have water for three days."*)

Trade unions and labour inspectors

Trade union membership is very low among farm workers, at only one in eight (12%) of this sample. 73% of survey respondents reported that farmers do not allow unions on their farms, and do not allow farm workers to join a union or attend union meetings. (*"We are afraid of the farmer and he does not let us join the union."* *"They don't want us to know our rights."*)

Two-thirds of respondents (69%) claim either that inspectors from the Department of Labour never visit the farms where they work, or they do not know whether inspectors come. (*"I never have seen them."*) More worrying are workers' reports that labour inspectors only speak to the farmer or farm manager. (*"The Department of Labour comes to the farm, but only as far as the farmer; they never speak to the workers."*) Without regular spot-checks of farms and consultations with farm workers, farmers will continue to violate labour laws with impunity.

Conclusions

This research reveals that farmers are systematically violating laws that were introduced to protect and advance the rights of farm workers. At the same time government does not effectively enforce existing labour legislation by taking punitive action against farmers. For the majority of farm workers, specifically women seasonal workers, working and living conditions have not improved. In many cases, their vulnerability and insecurity have increased.

However, to fundamentally address the deep structural inequalities in commercial farming areas, labour rights cannot be addressed in isolation of broader process of agrarian reform. The vision of a transformed rural landscape must first be negotiated to ensure sustainable livelihoods, land tenure security, women's access to health-care and the alleviation of poverty in rural communities.

Recommendations

Existing labour laws should be strengthened and amended in order to better protect and advance the rights of farm workers, especially seasonal women workers. Legislative changes should include:

- The Sectoral Determination should include guidelines in line with the Employment Equity Act, to eradicate gender discrimination in job allocation, hours of work, housing, etc.
- The Sectoral Determination should protect farm workers against unlawful gratuitous deductions.
- The Sectoral Determination must clearly define and regulate the use of work targets on farms.
- The Sectoral Determination must state that seasonal workers who have worked on a farm for the season, have an automatic guaranteed right to employment on that farm in the next season.
- The LRA amendment that gives permanent status to temporary workers who work continuously for three months must be applied equally to farmworkers, despite the seasonality of their work.
- In keeping with the constitutional right to family life, ESTA legislation on tenure security should explicitly prohibit farmers from charging extra rent for children over the age of 18.
- Legislative amendments are needed to provide better protection to migrant workers.

The Department of Labour must enforce existing laws more effectively, by increasing the number of specialised labour inspectors, increasing farm inspections, meeting separately with farm workers and informing them about the outcomes, and responding more promptly to cases of non-compliance.

- The Department of Labour and CCMA must establish more mobile satellite offices that are accessible to farm worker communities.
- The Department of Labour must enforce the registration and compliance of labour brokers closely and consistently.
- Trade unions need to develop alternative ways of organising and representing farm workers.
- The Department of Labour must consider the establishment of a Provident Fund for farm workers.
- Farmer-subsidised child-care centres must be available in all farming communities.

1. Introduction

Women on Farms Project (WFP) is a feminist South African non-governmental organisation (NGO) that works with women who live and work on commercial farms in the Western Cape and Northern Cape provinces of South Africa. The vision of WFP is an engendered society that treats women who live and work on farms with dignity and respect in accordance with the constitutional rights guaranteed to all South African citizens.

While WFP has worked in the Western Cape since 1996, in 2009 following repeated requests from farm workers and organisations, as well as a feasibility visit by staff, WFP also started working in the Northern Cape. It soon became apparent that farmwomen in the Northern Cape face similar challenges as their counterparts in the Western Cape.

As a rights-based organisation, WFP's programmatic focus areas are labour, land, health, food security and young women. By providing rights-based capacity-building for women as well as support for their organisation in community-based structures, WFP enables farmwomen to know and claim their rights, and also assist other workers in the realisation of their rights. In recognition of farmwomen's agency, WFP also facilitates women's participation in engagements with government where they contribute to policy and legislative discussions, with a specific focus on how legislation affects women. The organisation regularly undertakes campaigns which arise out of issues identified by farmwomen. Recent campaigns have included farm worker evictions, violence against women, school transport for children on farms and access to quality healthcare.

2. Contextual background

Agricultural work in the Western Cape dates back to the colonial period when slaves worked on farms owned by Dutch and French colonisers. During the apartheid years, the abuse of farm workers was widespread and characterised by a broad spectrum of human rights violations, including assaults; child labour; immediate and unilateral evictions of farm workers; inhumane living conditions; the *tot* system¹; etc. In a context where relations between farmers and farm workers were systemically and structurally unequal, and where farmers enjoyed absolute power and control over their workers, relations were paternalistic and feudal and underpinned by a racist political and economic system, and a justice system which further entrenched farm workers' powerlessness, humiliation, indignity and vulnerability at the hand of farmers.

Thus, before 1994, there was no labour legislation asserting the rights and protections of farm workers. While post-apartheid labour legislation is largely progressive and aimed at protecting the rights of this vulnerable community, farmwomen report widespread non-compliance among farmers. At the same time, there are problems around implementation, monitoring, and enforcement by the Department of Labour. It has been suggested that a possible reason for the low levels of minimum wage compliance by farmers is the weak incentives to comply with the law. Stanwix (2013) argues that the risks have been low and the penalties light. For example, in the Western Cape the simple probability of a farmer being visited by a labour inspector in 2007 was 11%.

The issue is further exacerbated by the low rates of unionisation. According to a 2011 Human Rights Watch report, only 3% of farm workers in the Western Cape belonged to a trade union. It is estimated that unionisation is even lower among women seasonal workers since most union members are male permanent workers.

Farmwomen also face practical obstacles in realising their legal rights, including a lack of knowledge of their labour rights and a lack of the necessary socio-economic means to assert these rights. These obstacles are exacerbated by the location of farmwomen within a system of paternalism and patriarchy, which limits their agency in accessing rights accorded by law.

In relation to the gender-specific conditions of farm workers, a 2011 study reported that:

“Female farmworkers are paid even less than male farmworkers... (in addition) Female farmworkers can face discrimination and greater levels of insecurity. In general, women are less likely to be deemed permanent workers rendering their job security more precarious. Women workers, even permanent ones, might not receive employment contracts in their own right, even though their husbands receive them. Some farmers discriminate against women by providing fewer of the protections that are required by

¹ The system whereby farmers, especially in the Western Cape, paid workers, in part, with cheap wine. The tot system increased and exacerbated alcohol dependence among farm workers, and resulted in the Western Cape and Northern Cape having the highest Foetal Alcohol Syndrome rates in the world. The abolition of the tot system was only enforced in the 1990s, under President Mandela.

law, such as pesticide testing or safety equipment. In other cases, farmers refuse to employ pregnant workers or approve maternity leave for them, contrary to the law. Pregnant seasonal workers thus sometimes resort to hiding their pregnancies so that they can continue to earn a living. Despite the potential for women to face even more problems than male workers, labour inspectors are not provided specific training on gender awareness... (Human Rights Watch, 2011, p.29)

The last decade or so has also seen increasing casualisation in agriculture, especially among women. Women's labour has thus become even more precarious as they face insecure and uncertain employment. For example, in September 2008, 60% of workers in the table grape producing area of the Hex River were permanent; by October 2009, the percentage of permanent workers had dropped to 33%. By December 2011, the ratio between permanent and seasonal workers was around 34% : 66% (Visser & Ferrer, 2015).

While permanent workers generally live on the farms where they work, tens of thousands of workers and their families have been evicted from farms since the end of apartheid. Indeed, a national study on farm worker evictions found that 942,303 people had been evicted from farms in the first post-apartheid decade between 1994 and 2004; significantly, 99 per cent did not involve a legal process (Wegerif, Russell and Grundling, 2005). Seasonal and casual workers, especially those who have been evicted from farm, live in informal settlements and townships in towns near the farms to which they are transported daily to work during the season. In 2011, WFP undertook research in the informal settlement of Spooky Town, in Rawsonville. The study found that 68% of Spooky Town residents were evicted farm workers; 93% of evictions had not followed the legal process and were, thus, illegal!

It is within this broad context that women workers have routinely reported to WFP cases of non-compliance and rights violations by farmers. While these have included illegal evictions, poor housing conditions and a lack of clean water and sanitation, it is around various aspects of labour rights violations that women report the greatest number of cases.

At the same time, in the last two decades or so, the South African wine industry has steadily grown as manifested by the massive growth in exports. For example, in 1996, South Africa exported 100 million litres, while in 2015, wine exports increased four-fold to 412 million litres; in 2013, the wine industry topped its previous export record with volumes reaching 517 million litres, a 26% increase on the previous high achieved in 2012 (SAWIS, 2014). Moreover, the latest Bureau for Food and Agricultural Policy baseline report, projects that South African wine exports are projected to grow 13% in the next decade; the report provides a snapshot of the country's wine industry and the broader agricultural sector. The Western Cape produces more than 50% of South Africa's agricultural exports, with the EU being the wine industry's biggest export destination, accounting for almost 75% of annual offshore sales volumes.

Thus, in order to gain a better understanding of the nature and extent of labour rights violations on commercial farms at the same time that the industry is experiencing an export boom, WFP commissioned an independent research study in the Western Cape and Northern Cape.

3. The research study

3.1. Aim and objectives

The research aimed to explore and capture the violation of labour rights experienced by women farm workers. Specific objectives included:

- to understand the nature, extent and impact of labour rights violations experienced by women farm workers;
- to understand women farm workers' experiences and feelings around labour rights violations;
- to make recommendations on how to better enforce and protect the labour rights of women farm workers, in the context of the research findings and South Africa's existing labour laws.

3.2. Methodology

The research employed a mixed methodology of both quantitative and qualitative methods to gather data; specifically, questionnaires and focus groups were employed. An iterative, participatory approach was used – both for the formulation of the research questions as well as the analysis of the research findings, as further elaborated below. The aim of this approach was to allow multiple voices and experiences to be reflected, and also to strengthen the inclusion and ownership of the research by women working on farms, in terms of gathering data as well as analysis.

The research process started with a conceptualisation and training workshop in Stellenbosch facilitated by the research consultant with 30 women farm workers (15 from the Western Cape and 15 from the Northern Cape) and five WFP staff members. The two main objectives of the workshop were the collective identification of research questions for both the questionnaire and FGDs, and providing the women with basic research skills to administer the questionnaire effectively and ethically. During the first part of the workshop, women shared their experiences and brainstormed about the issues to be included in the research. Following finalisation of the questionnaire a week later, the farmwomen participated in a “refresher” training on conducting the interviews using the final questionnaire.

Both the questionnaire and the FGDs were organised under four broad categories, namely: personal information/profile, contract and wages, occupational health and safety, and broader labour rights.

A total of 343 questionnaires were administered and completed by the trained farmwomen enumerators over a period of a month: 201 in the Western Cape (59%) and 142 (41%) in the Northern Cape. There is a higher concentration of farm workers in the Western Cape than in the Northern Cape. In the Western Cape the interviews were clustered in six areas – De Doorns, Paarl, Rawsonville, Stellenbosch, Wellington and Wolseley – with fairly even numbers (13–21% of the sample) in each [Figure 1].

In the Northern Cape, interviews were conducted in four areas – Keimoes (including Kanoneiland); Upington (including Mctaggartskamp, Dyasonklip, Sesbrugge, Louisvale); Augrabies (including Nadonsies); and Kakamas (including Alheit). The breakdown of the Northern Cape sample was as follows: Keimoes (44%), Upington (29%), Augrabies (15%) and Kakamas (11%) [Figure 2].

Figure 1: Research sites, Western Cape

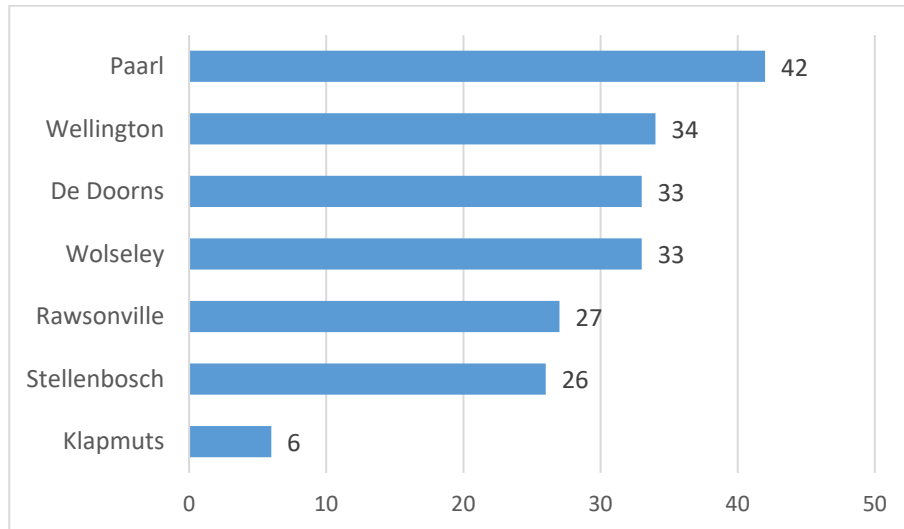
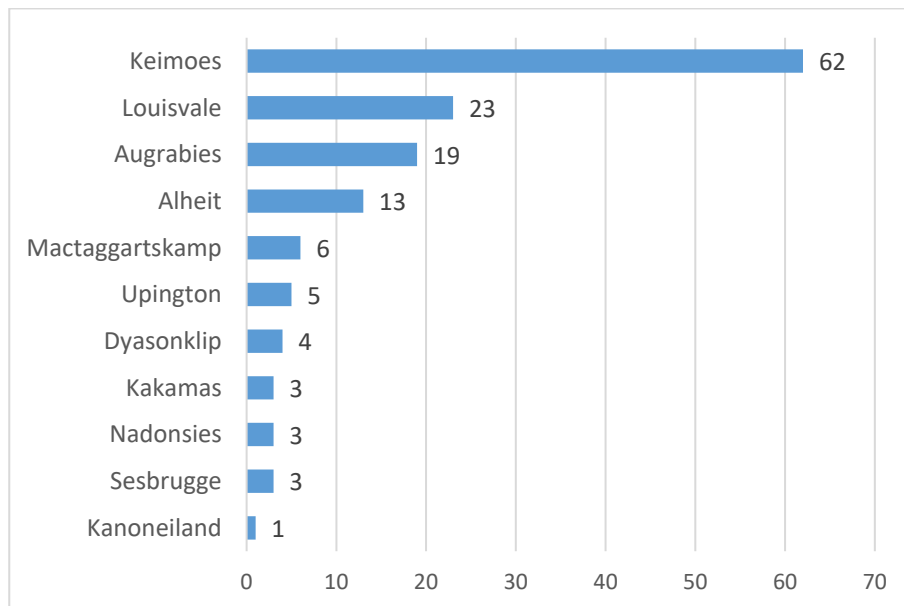


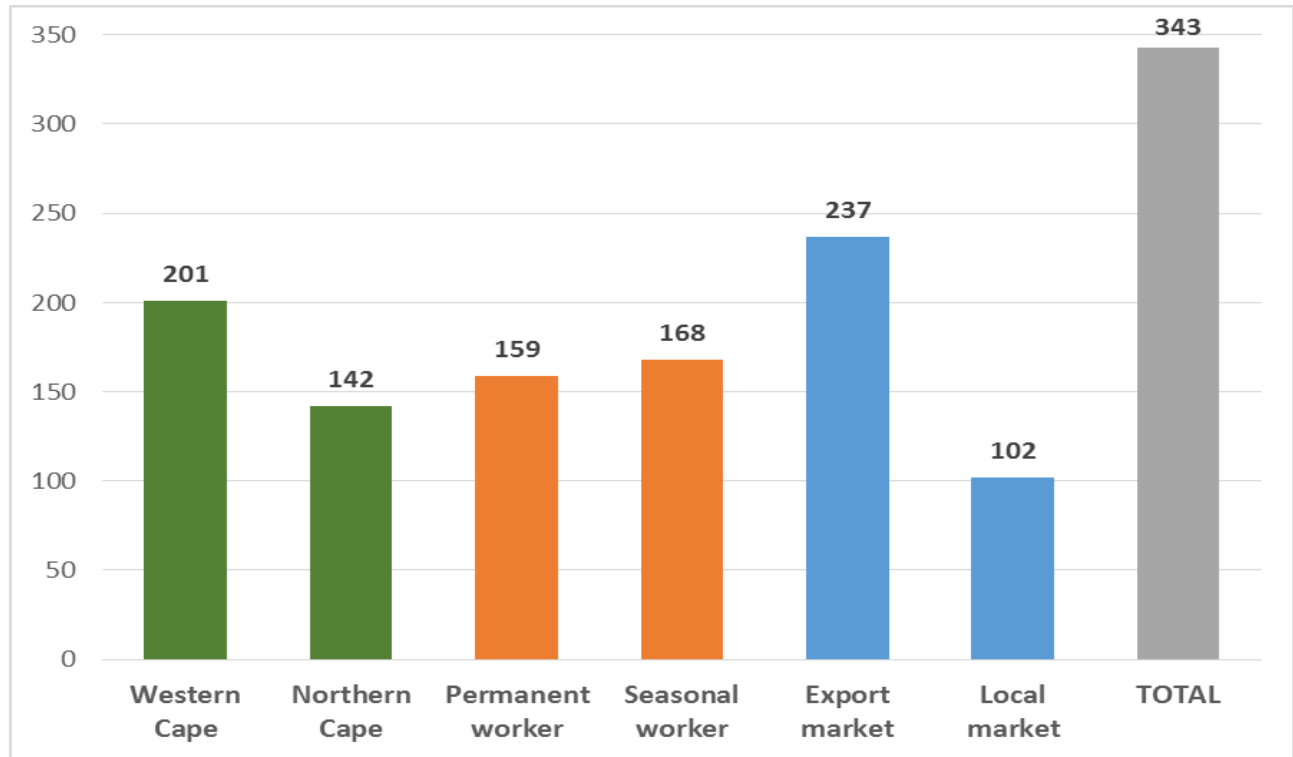
Figure 2: Research sites, Northern Cape



For purposes of analysis, the data was disaggregated by three criteria: **province** (Western Cape and Northern Cape), **employment status** (permanent and seasonal workers), and the **market** (export or domestic – farms that produce for both are classified as export producers) [Figure 3]. The intention was to explore whether working conditions differ across different provinces; between workers with

permanent contracts and those employed seasonally or as daily labourers; and between workers employed on farms that produce for the more lucrative export market and those producing mainly for local sale within South Africa.

Figure 3: Disaggregated sample



For each of these six categories, the number of respondents exceeds 100 farmworkers [$n > 100$], which allows fairly robust conclusions to be drawn from the data. However, we do not claim statistical generalisability from these findings to all farmworkers in South Africa, or to any of the six categories. Nonetheless, these findings can be regarded as broadly indicative of the labour conditions of women farm workers in the two provinces.

In addition to the questionnaire interviews, four FGDs lasting between 1.5 and 2.5 hours each were facilitated: two in the Western Cape and two in the Northern Cape. Each FGD comprised between 8 and 12 women. In the Western Cape, women who participated were from Wolseley, De Doorns, Rawsonville, Wellington, Stellenbosch and Paarl, while in the Northern Cape, they were from Kakamas, Alheit, Rekopane, Lousivale, Kanoneiland and Augrabies.

On completion of the data collection and a first round of data analysis by the researcher, a one-day participatory workshop was held where the preliminary findings from the FGDs and questionnaires were shared with a different group of 30 farmwomen from the Northern and Western Cape. They shared their opinions, understandings and interpretations of the findings, and thus deepened and validated the analysis of the data.

3.3. Limitations

Before we consider the findings of the research, it is important to note the limitations of the study.

1. It is acknowledged that this study may not be representative of the national reality of all women working on all kinds of farms in the country. Firstly, our sample size was 343, a small fraction of the total number of women farm workers in South Africa. Secondly, research was only undertaken in two of the nine provinces of South Africa, namely, the Northern and Western Cape provinces. Thirdly, research was only undertaken on farms producing table grapes, wine grapes, and raisins as these are the main fruit crops produced in these areas; no other commodities were studied. However, we are confident that the findings do speak to the main challenges and realities faced by women working and living on farms in relation to the violation of their rights.
2. The study focused mainly on the violations of labour rights of women working on farms, as stipulated specifically within the Farm Worker Sectoral Determination 13 of 2006. However, in the workshops and focus groups broader issues around human rights and in particular women's human rights were raised. These issues are crucially important to capture and to address as they speak to concerns around dignity, self-determination, freedom of movement, association and speech, among other things.
3. Surveys were conducted in both Afrikaans and English. The FGDs were facilitated in Afrikaans and then translated into English for the purposes of this study. Thus, although we tried our best to accurately translate and convey women's sentiments, we are cognisant that the tenor of women's opinions may have been lost in translation.
4. It is possible that a positive 'sampling bias' was inadvertently introduced into the survey by conducting more interviews in areas such as Paarl and Wellington in the Western Cape, and fewer interviews in areas such as Rawsonville and Klapmuts. Also, because a significant proportion (26%) of the interviews were done on farms where WFP works, the findings may be more positive than on farms where WFP does not work.
5. The analysis in this report disaggregates farm women into 'permanent' and 'seasonal' workers, but it does not distinguish between local residents, migrant workers from within South Africa (e.g. Eastern Cape workers in the Western Cape), and international migrants (from neighbouring countries and elsewhere in Africa).
6. Some workers also suggested that their answers were more positive than the truth, because of intimidation by the farmer, or because of fear of reprisals from the farmer. (*"We have to pretend that everything is fine, otherwise you lose your job."*) Some respondents were too nervous about possible negative consequences to answer certain questions, especially about farmers' violations of their labour rights. (*"I'm too scared to talk."*) These are both examples of 'response bias', which would have resulted in a more positive portrayal than the lived reality of farm workers' lives.

4. Understanding the legislation

This section outlines the most important and relevant laws pertaining to farm workers in South Africa. As noted above, during the apartheid era in South Africa, there were no laws which protected farm workers. There was thus widespread abuse of farm workers who had no protection and recourse. A major objective of post-apartheid legislation has been to redress the injustices of the past. Starting from the development of the Constitution, the laws that were later promulgated also aimed to provide new protections and rights to farm workers.

4.1. The Constitution of the Republic of South Africa

The foundation of the post-apartheid legal framework is the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996). The Constitution privileges rights and recourses and provides the foundation for all subsequent legislation. The constitution bestows on and guarantees women, by virtue of citizenry, rights to equality, including on the basis of gender, human dignity, and freedom and security; the right not to be subjected to slavery, servitude and forced labour, the right of freedom of expression, the right to assembly, demonstrate, picket and petition. In addition, the constitution bestows political rights and the rights to citizenship, freedom of movement and residence, occupation and profession, the right to inhabit an ecologically safe environment, the right to property and housing, the right to healthcare, food, water and social security, as well as the right to just administrative action, and the right of access to courts.

With respect to labour rights, Section 23 of the South African Constitution extolls the right to fair labour practices, the right to join and participate in a trade union and the right to strike.

In the next section, relevant labour and labour-related laws derived from the Constitution are briefly outlined.

4.2. Sectoral Determination 13 for Farm Workers of 2006

A sectoral determination is legislation that controls terms and conditions of employment in a particular sector, as well as determines the sector's minimum wages. A sectoral determination can also set minimum standards of housing conditions on an employer's premises. Sectoral determination is implemented in sectors where there is no collective bargaining, such as farm work and domestic work.

In 2002, the Minister of Labour announced the first sectoral determination for farm workers, called Sectoral Determination No.8: Farm Worker Sector. It was replaced by Sectoral Determination No.13 in 2006 after farm workers raised various concerns. The terms and conditions in a sectoral determination are reviewed and amended every three years.

The 2006 Determination sets out the labour rights of farm workers, and also establishes clear codes for the living and working conditions of farm workers. The Determination provides a legal guideline for the calculation of wages or remuneration, the right of the worker to information concerning their

wages, identifies permissible deductions from the worker's wages, the right of the worker to obtain written particulars of employment from the employer, the number of hours the worker is legally required to work, what constitutes overtime work, the right to rest periods and meal intervals, the right of the worker to appropriate health protection and sick leave, the right of the worker to maternity and family responsibility leave, the right to annual leave, the prohibition of child and forced labour, the rights of temporary workers and the right of the worker in cases of termination of employment.

A minimum wage for South African farm workers was introduced in 2003 in accordance with the first Sectoral Determination of 2002. The first minimum wage was set at R650 per month for workers in areas loosely classified as 'rural' and at R800 per month in areas classified as 'urban'. The minimum wage has increased annually (usually at around CPI plus 1%) since its introduction, and in 2016, was R2,778.83 per month (R641.32 per week, R128.26 per day and R14.25 per hour) in both rural and urban areas. In 2013, there was a 52% year-on-year increase in the minimum wage, following the historic farm worker uprising of 2012/13. (The farm worker uprising is discussed in Box 1 below.)

Box 1. The farm worker revolt of 2012/13

In November 2012, a historic farm workers' strike started in De Doorns. Significantly, it was not organised by any trade union or organisation, but started spontaneously by disaffected workers on a number of farms. While De Doorns remained the centre of strike activity, the uprising soon spread to other areas in the Western Cape, including Ceres, Citrusdal, Robertson, Wolseley, Worcester, Grabouw and Ashton.

While the immediate trigger for the uprising was the demand for a wage increase from R69 to R150 per day, workers raised a range of other fundamental issues related to the broader working and living conditions of farm workers. Women demanded equal pay for equal work and paid maternity leave, while other key demands included an end to the use of labour brokers so that workers work directly for the farm owners, a moratorium on evictions, improved living conditions, and an end to "piece work" on farms.

Bettie Fortuin, one of the organisers of the De Doorns uprising, explains:

"...people were fed up with low wages.... I felt good when it started. It spread like wild fire. It was exciting but scary. People were shot. The strike became violent. It was scary standing by the roadside with posters. There was no work, no pay, so people went hungry. ... The farm workers wanted government to set a minimum wage of R150 a day...." (Meer, 2015)

The labour and socio-economic conditions on farms leading up to the strike are comprehensively documented in *inter alia* the 2011 Human Rights Watch report, "Ripe with Abuse", which focused on conditions on South African farms. For example, the latter asserts:

"Farmworkers are subject to exploitative conditions and human rights abuses without sufficient protection of their rights. These abusive practices, which occur to varying degrees on a wide array of farms, are perpetrated by farm owners or farm managers who are subject to regulation by the South African government. Yet the government has failed to protect the rights of farmworkers and farm dwellers, or to ensure that farmers throughout the province comply with national law" (Human Rights Watch, 2011, p.6)

Although not initially involved in organising the strike, a number of independent trade unions, as well as the provincial COSATU, soon played leadership roles in the strike. As the strike intensified, their leadership and decision-making were contested at various moments, especially when (largely non-unionised) workers questioned their right and mandate to make certain decisions, the most controversial of which was the suspension of the strike announced by COSATU's Tony Ehrenreich. Both this and the very fact that trade unions did not organise the uprising, demonstrated the distance between unions and workers.

The strike lasted from the beginning of November until the end of January; thousands of striking workers were not paid during this period. Tragically, two striking workers were killed by police action during the strike. Isolated incidents of violence also resulted in damage and destruction of property on farms. On 4 February 2013, the Minister of Labour announced the minimum wage would increase from R69 to R105, effective from March 2013.

Although workers did not obtain the R150 they had initially demanded, the strike did result in a 52% increase in farm workers' wages. Moreover, the unity, power and confidence which the strike awakened among workers cannot be under-estimated. For the first time, workers had leverage to use against farmers; for the first time, they had bargaining power: both farmers and the government were forced to the negotiating table and agreed to the 52% wage increase. The strike also developed workers' abilities to organise, strategise and negotiate. However, despite these positive outcomes of the strike, farm workers, especially the leaders of the strike, experienced direct victimisation after the strike. Many permanent workers were fired and replaced with seasonal workers. At least 60 members of the trade union, CSAAWU, were fired. Many women leaders of the De Doorns uprising reported that they were 'blacklisted' by all farmers in the valley, which made it impossible for them to find any work.

Workers reported various actions taken by farmers following the strike. As outlined in the *Farm Workers' Living and Working Conditions Workshop Report* by PLAAS in 2013:

"Working hours have unilaterally increased as workers continue to work 8–9 hours (at R75– R80), however, all breaks are now reduced and deducted from the workers' hours which leave workers with reduced take home wages. The work week has been shortened from a 5-day work week with provisions for overtime to 2–3 days per week and overtime work has been taken away or structured differently. All other household expenditure for farm workers has been increased significantly or has now been added, for items such as rent (up to R105 for both) for housing and persons living but not working on farms (i.e. children and parents), electricity and transport costs (where it is provided). Some houses are not up to the standards set out in labour legislation. Workers also have to now pay doctors and medical services expenses. Employers also now charge for maintenance on houses. The difficulty is that farmers are now calculating all benefits as cost to company. Many benefits have been taken away and are now unavailable without costs. ... The shifts have also deepened the vulnerability of women workers, especially single women, who are in a worse position than before. The increase in wages is being used as a justification for changing their conditions of employment, tenure security and withholding benefits that were previously available."

In addition to the Sectoral Determination, there are general laws which apply to all workers in South Africa, including farm workers. Sectoral-specific legislation, like Sectoral Determination 13, cannot have less favourable terms and conditions than those contained in these general laws and policies. Where Sectoral Determination 13 is silent about a particular labour issue, the other labour laws are then applicable. The most common relevant laws are summarised below.

4.3. Labour Relations Act (LRA)

Applies to all workers and employers and aims to advance economic development, social justice, labour peace and the democracy of the workplace. It broadly outlines the employment relationship between employer and worker, general rights and responsibilities of employers and workers and the scope of unions in the workplace.

4.4. Basic Conditions of Employment Act (BCEA)

Applies to all employers and workers and regulates leave, working hours, employment contracts, deductions, pay slips, and termination. Its purpose is to regulate basic employment conditions and ensure that fair labour practices as outlined in section 23(1) of the Constitution is established. Many of these basic conditions are in line with International Labour Organisation regulations.

4.5. Occupational Health and Safety Act (OHSA)

Aims to provide and regulate health and safety at the workplace for all workers. It also aims to provide a safe and healthy environment for people connected to people at work, e.g. people living on farms are exposed to health hazards related to farming practices, such as machinery as well as fertilisers and pesticides used on farms. The Act places a direct responsibility on employers to provide a safe and healthy work environment. The Occupational Health and Safety Act is supported by subordinate legislation, Regulations and Codes of Practice, which give practical guidelines on how to manage health and safety issues in the workplace.

4.6. Compensation for Occupational Injuries and Diseases Act (COIDA)

Workers who are affected by occupational injuries and diseases are entitled to compensation. COIDA provides for compensation for occupational injuries or diseases sustained or contracted by workers in the course of their employment, or for death resulting from such injuries or diseases. The Act provides guidelines to a worker's right to compensation and the procedures to be followed in case of work-related injuries or diseases. All employers conducting business in South Africa must register with the Compensation Commissioner, and they must keep a record of workers' earnings. Employers will be assessed by the State, and compensation tariffs will be calculated according to the category of their business and their history of work-related accidents and occupational diseases. Businesses less likely to result in work-related accidents will pay lower tariffs.

4.7. Unemployment Insurance Fund (UIF)

The unemployment insurance system in South Africa is governed by the following legislation:

- Unemployment Insurance Act, 2001 (the UI Act)
- Unemployment Insurance Contributions Act, 2002 (the UIC Act)

All employers must register and pay UIF contributions. Employers must pay UIF contributions of 2% of the value of each worker's pay per month: the employer and the worker contribute 1% each. The UIF provides short-term security to workers when they become unemployed, or to their families when they die. It also supports workers who are unable to work due to maternity or adoption leave as well as illness. It also provides relief to the dependants of a deceased contributor.

4.8. WIETA

The Wine and Agricultural Ethical Trading Association (WIETA) is a multi-stakeholder (i.e. civil society, labour, producers, Department of Labour), non-profit voluntary organisation which aims to promote ethical trading along the wine value chain through dialogue, training and independent assessments. As a founding member, WFP served on the WIETA Board from 2002 until 2015. Through its participation WFP hoped to improve the livelihood of farm workers, especially that of women. Producer members were initially reluctant to participate but soon became the majority members on the Board.

In 2012, a WIETA Seal of Origin was launched, which is supposed to attest to ethical accreditation along the whole value chain. Following the launch of the Seal, Systembolaget, a Swedish monopoly and big buyer of South African wines, insisted that all their wines imported from South Africa must have WIETA accreditation. This forced many producers to reluctantly apply for membership and accreditation.

Although the intention of ethical certification is good and led to some improvements on farms, many challenges still remain. The most fundamental criticism of WIETA is that trade unions and WFP continue to discover and report labour rights violations on WIETA-accredited farms; there are no mechanisms in place to deal speedily and effectively with such violations. Workers also report that the mainly white WIETA auditors do not visit all areas of the farms (e.g. workers' houses), only speak to workers selected by the farmer or else conduct interviews with workers in the offices of the farm's management, where workers feel too intimidated and fear victimisation if they report on the violations on the farm.

4.9. Fairtrade

According to their website, "Fairtrade is an ethical certification whose main aim is to promote more equality and sustainability in the farming sector. A product that carries the Fairtrade Certification Mark has met the rigorous Fairtrade Standards, which focus on improving labour and living conditions for farming communities and on promoting a way of farming that doesn't harm either people or the environment" (www.fairtrade.org.za/). Fair Trade projects on farms typically include social projects such as crèches, mobile clinics and sport fields for farm workers.

While Fair Trade certification is supposed to ensure that the product "is certified and audited every year to ensure compliance to Fair Trade Standards", numerous cases of labour and housing rights violations on Fair Trade farms have been reported to, and addressed by, WFP.

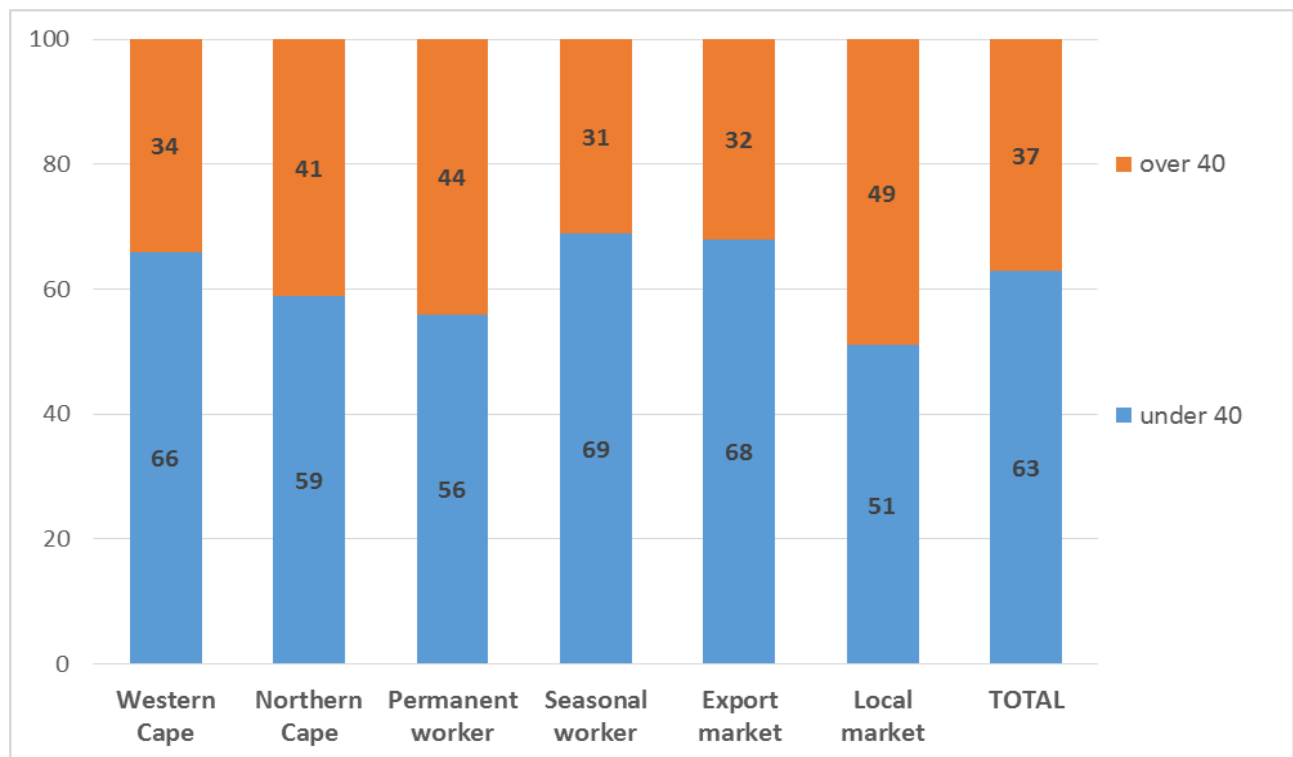
5. Demographic profile

5.1. Age

The age profile of respondents looks unremarkable at first glance, with the majority of farmworkers interviewed being in their 30s (40%) or 40s (28%), a smaller number in their teens or 20s (23%), and a minority in their 50s (9%) [Figure 4]. Disaggregating this data reveals more interesting patterns. Farmworkers in the Western Cape tend to be younger (where 66% of those interviewed are under 40 years old) than in the Northern Cape (where 46% are over 40 years old). Farmworkers engaged with export crops are also younger on average than those working for the domestic market.

Conversely, permanent workers are older on average (43% are over 40) than seasonal workers (69% are under 40). This could reflect the increasing ‘casualisation’ of the agricultural labour force, with new entrants being more likely to be employed as seasonal workers, while relatively few are securing permanent jobs in the sector nowadays.

Figure 4: Age of respondents

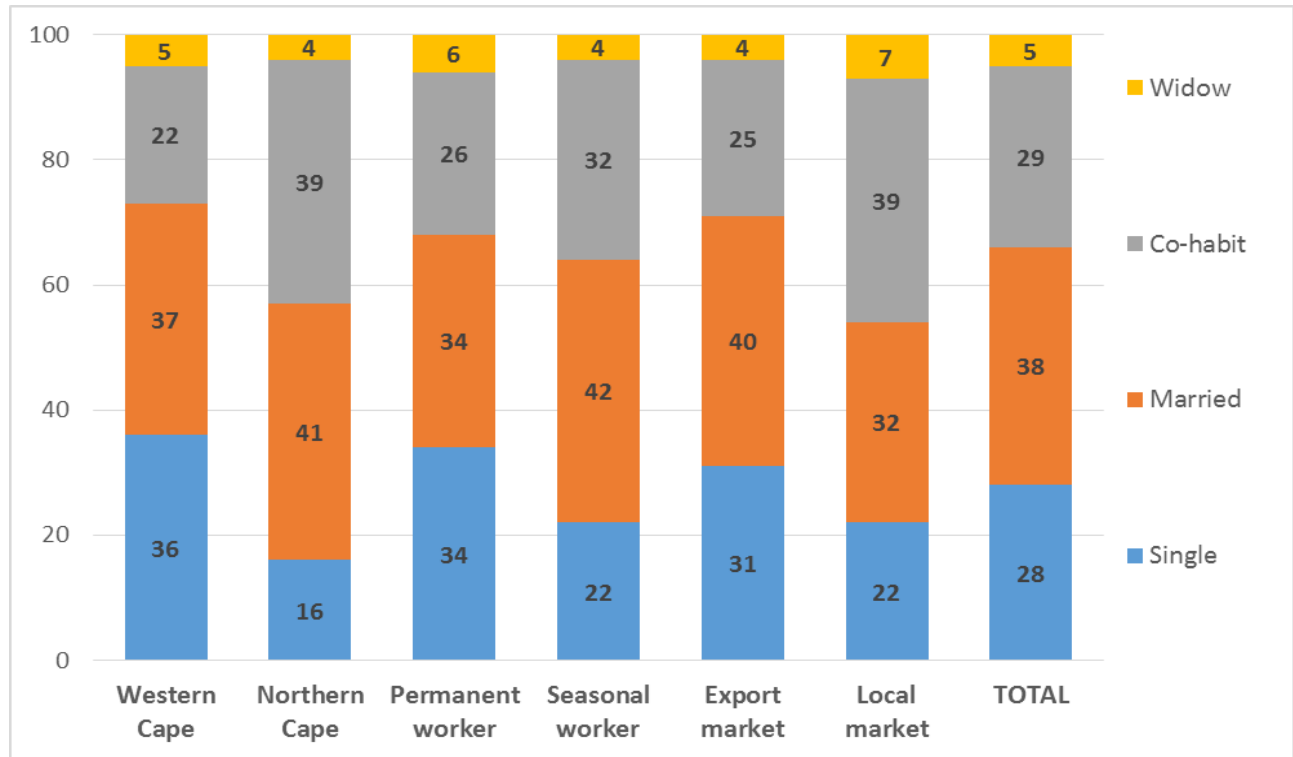


5.2. Marital status

Although two-thirds of women interviewed are either married or co-habiting (67%), one in three is single (32%) – never married, divorced or widowed [Figure 5]. This implies that a significant proportion of farm women depend entirely on their own resources and have no other income or

financial support. This is especially of significance for women seasonal workers, who are only employed for part of the year. There are many more women in this situation in the Western Cape, where 41% are single or widowed and 59% are living with a partner, than in the Northern Cape, where only 20% are single and 79% are married or co-habiting.

Figure 5: Relationship status

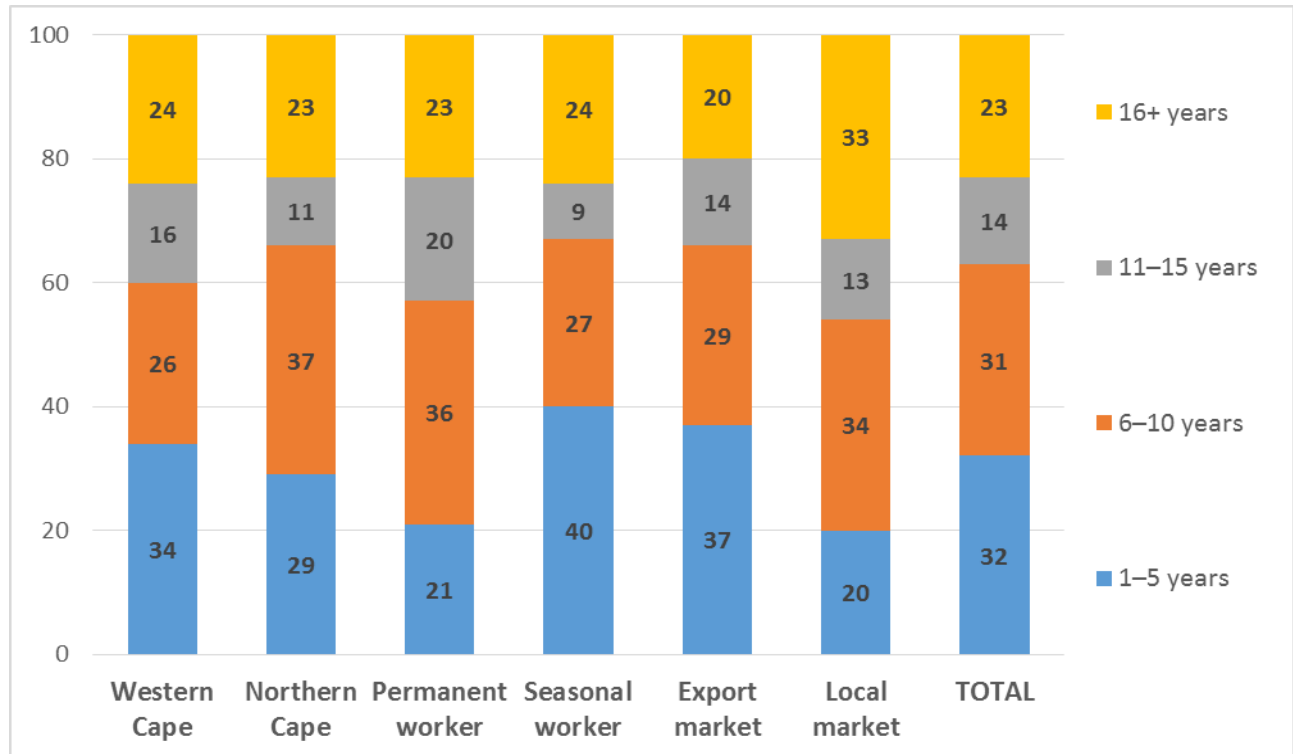


5.3. Employment status

Many respondents have been farm workers for their entire working lives. Almost one in four (23%) have worked on farms for more than 16 years [Figure 6]. Although the majority (62%) have worked on farms for 10 years or less, their age structure (discussed above) revealed that a similar proportion (63%) are under 40 years old [Figure 4], so the majority of these have known no other employment.

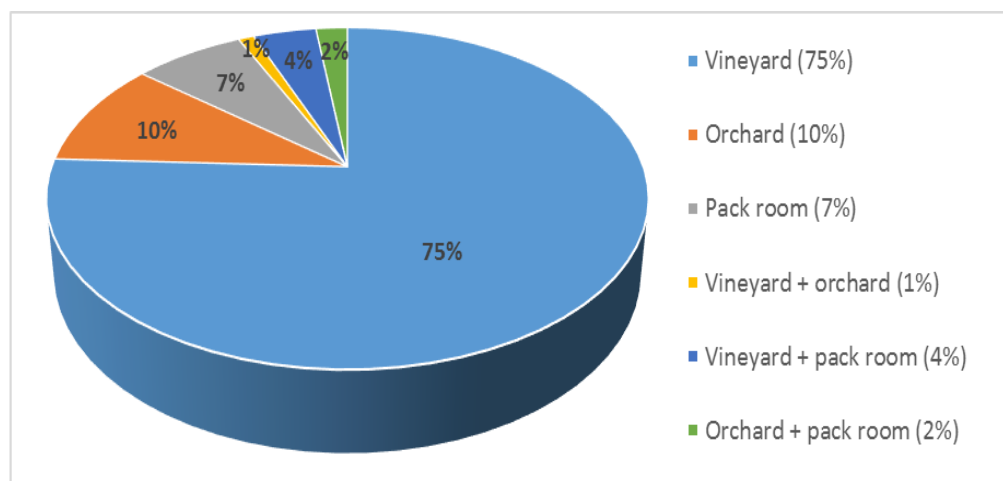
New entrants to the sector – those who have been farm workers for only the last 5 years – are twice as likely to be seasonal workers (40%) than permanent workers (21%). This is another indicator that recently hired farm workers have a greater chance of being employed as seasonal or casual workers and a much smaller chance than in the past of securing permanent contracts. It also illustrates the new “normal” in the sector, where labour is increasingly precarious and fewer workers are now being employed as permanent workers.

Figure 6: Years of employment as a farm worker



On the farm itself, the majority of workers interviewed work in vineyards (75%), while one in ten work in fruit orchards (10%) and a smaller number work in pack rooms (7%), packing fruit into boxes [Figure 7]. A few workers, but not many, work in more than one location – the vineyard and the pack room (4%), the orchard and the pack room (2%), or the vineyard and the orchard (1%). None of the differences between provinces, employment status or market sector are significant.

Figure 7: Workplace



5.4. Housing conditions

Slightly more than half the survey respondents (56%) live on a farm [Table 6], while just under half work on farms but live off the farm (46%). There are no significant differences between provinces or between export and domestic market workers. However, not surprisingly, permanent employees are much more likely to live on the farm where they work (64%) than are seasonal farm workers (41%).

Housing and living conditions reported by women suggest a range of different problems:

“We have no toilets, no ceilings, asbestos roof, cold in winter. There is a problem with water: The cattle, the other Whites who rent some of his land, his water tank, all get water before us. Sometimes, we don’t have water for three days; we have to go and ask for water from the neighbouring farms.”

“The water is dirty; often it is cut off. Often, we don’t have water for the whole weekend.”

“There is electricity, but no water and sanitation. We use water from the canal; there is no water in the house. We have a pit latrine.”

6. Contracts and wages

Nearly half of all respondents (45%) did not know about the Sectoral Determination for Farm Workers [Table 8]. Interestingly, familiarity is higher in Northern Cape (59%) than Western Cape (51%), and among permanent workers (61%) than among seasonal workers (50%). There is only a marginal difference between export (54%) and domestic market workers (56%).

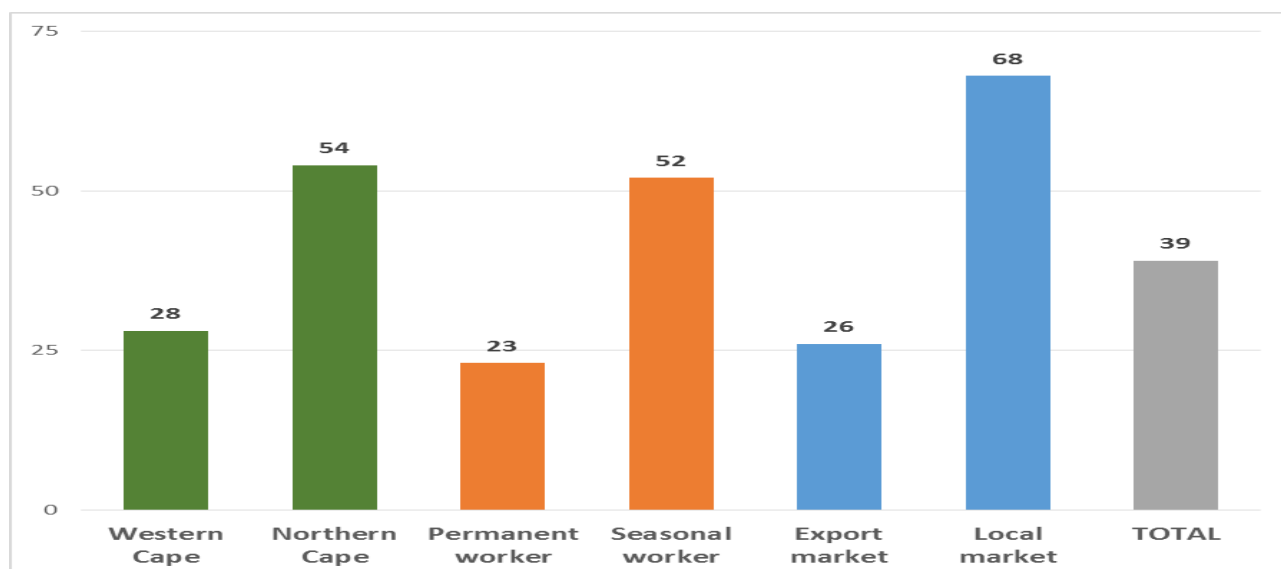
6.1. Contracts

Respondents were asked if they had signed an employment contract for their current work. A significant proportion (39%) had not done so [Table 9]. One woman said: *“I didn't sign a contract or have a copy of the contract”*. Others claimed that: *“I've worked on the farm for 3 years. Not a single worker has ever signed a contract”*; and *“On raisin farms, nobody signs contracts”*.

It is of concern that so many workers are working without a contract, as this often means that they do not know what their duties are; the terms of their employment (e.g. working to specific targets); their remuneration; and so on. Another woman said: *“I am not happy: I don't have a contract; I don't know my wage.”*

There is a sharp provincial divide here, with almost three-quarters of farmworkers in the Western Cape (72%) signing contracts, but less than half in the Northern Cape (46%). Similarly, three-quarters of permanent workers (77%) have signed employment contracts, but more than half of seasonal workers (52%) have not done so. The same pattern is repeated for the type of market – three in four farmworkers in the export sector (74%) have signed contracts, but only one in three working for the domestic market (32%).

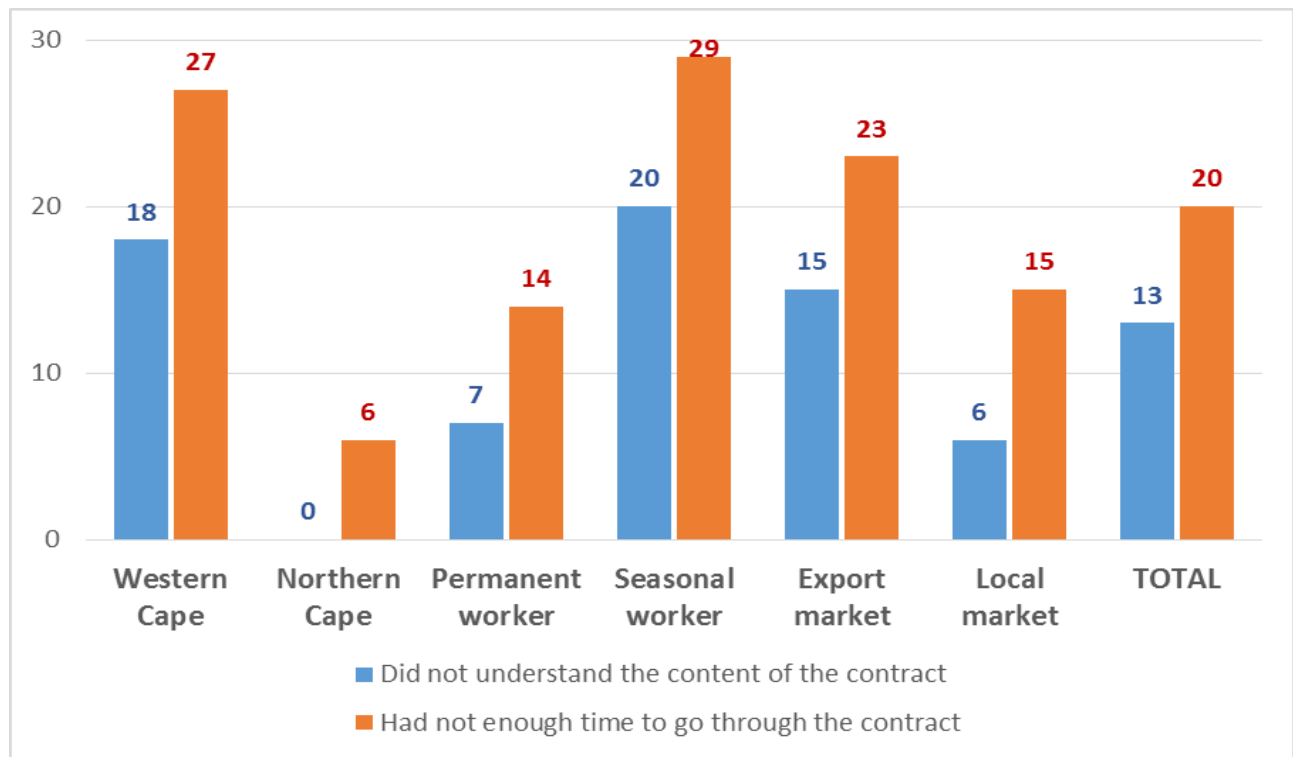
Figure 8. Farmworkers who did not sign a contract



Among those farm workers who have signed a contract, the majority claimed that they understand the content of their contract (87%), and that they had enough time to go through the contract (80%) [Figure 9]. These percentages are higher among permanent workers, in the Northern Cape and among domestic market workers. However, some workers claim they are forced to sign a contract even if they disagree with the contents.

“We seasonal workers had to sign a contract which exempts the farmer if the truck transporting us has an accident outside the farm. When we questioned it and said we’re not going to sign, the farmer threatened us with no work.”

Figure 9: Lack of comprehension of contracts



Even where workers do sign contracts, the overwhelming majority do not have a copy, as the supervisor or farmer simply reads the contract to the workers, and asks them to sign immediately.

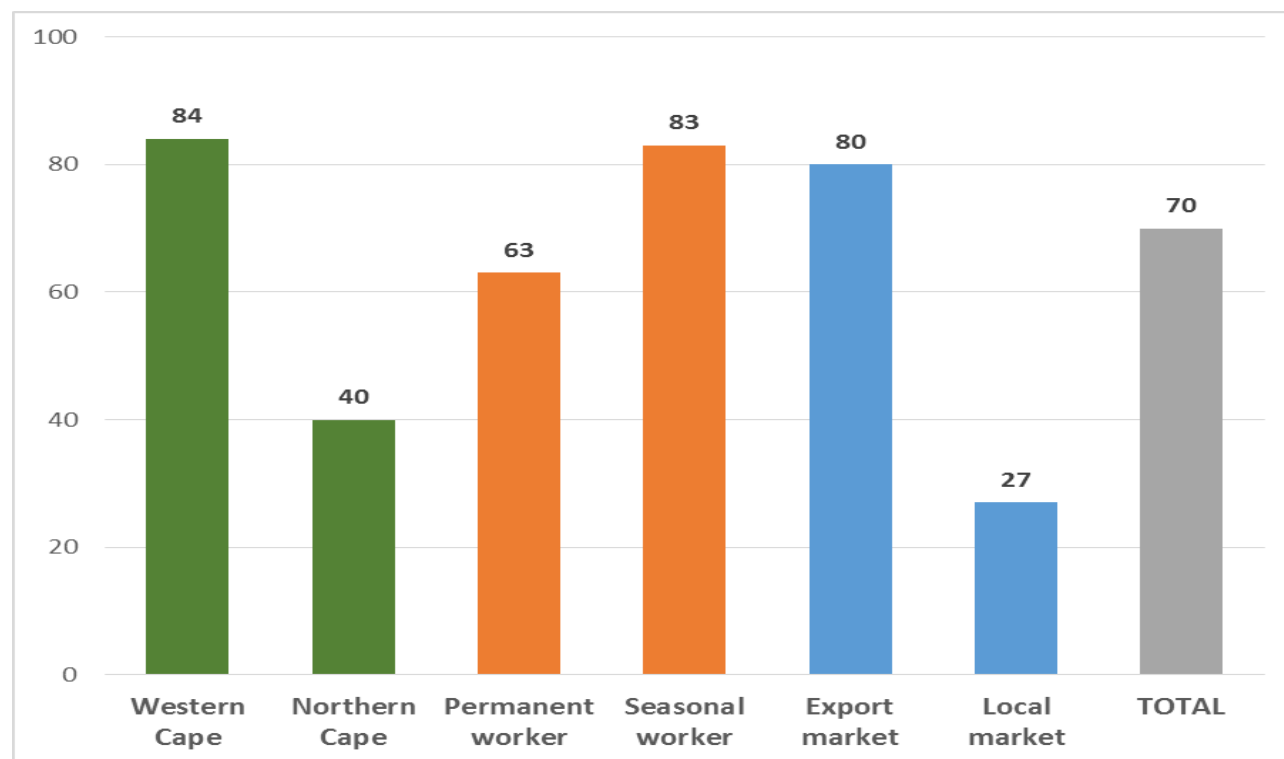
“The manager reads the contract and then you have to sign, but you can’t take it home to read through.”

“If you are a new worker, you are all called to one side, and the contract is read for all the new workers. The Forewoman is the witness for the signing of all the contracts.”

“Every year, the seasonal workers sign a contract. The contract is read to them by the supervisor or farmer; then they sign it. You don’t get the contract to take home.”

A very high number of workers (70%) did not receive a copy of their contract. In the Western Cape, this figure was 84%, for seasonal workers, it was 83% and for the Northern Cape, it was 40%. It was shocking that 80% of workers on export farms and 63% of permanent workers did not receive a copy of their contract. [Figure 10].

Figure 10: Did not receive a copy of the contract



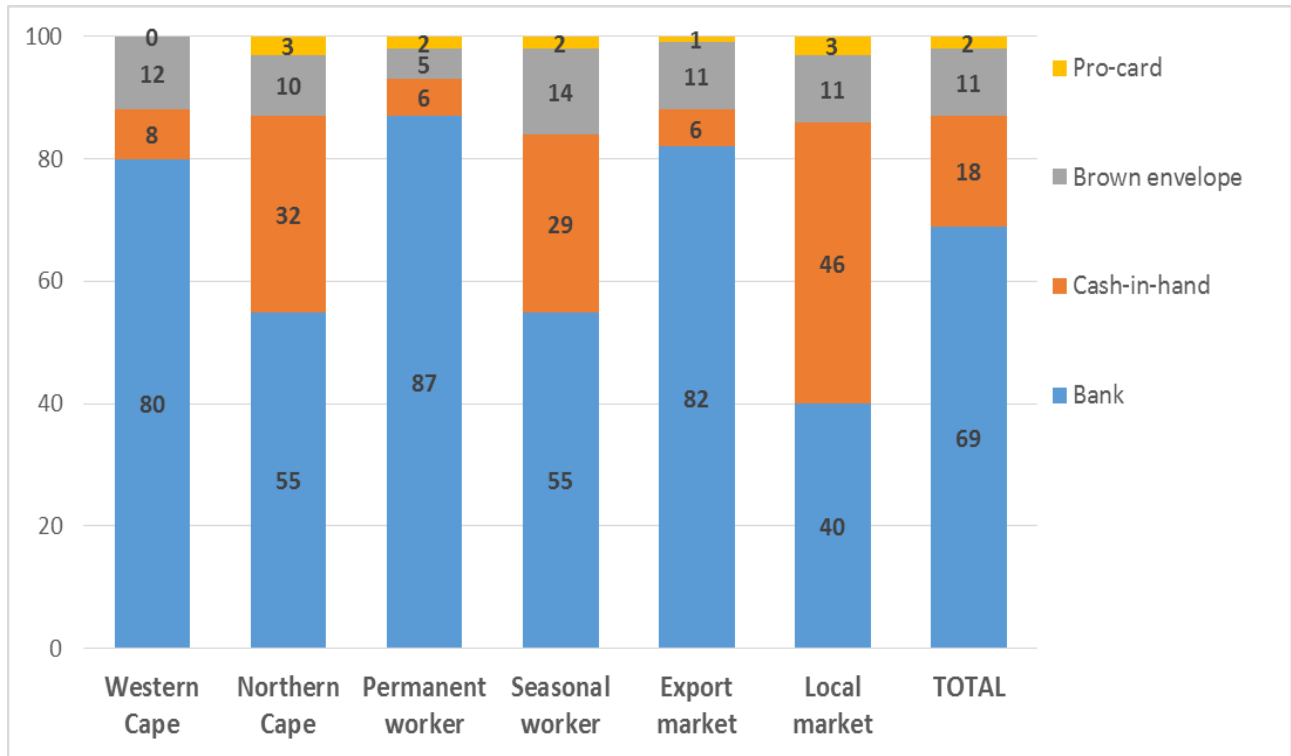
6.2. Payment mechanism

The most common payment mechanism for farm workers these days is directly into their private bank accounts, but this is not uniform throughout the country or the agricultural sector. Specifically, payment into bank accounts is much more common in the Western Cape (80%) than the Northern Cape (55%), for permanent workers (87%) than for seasonal workers (55%), and in the export market sub-sector (83%) than the domestic market (39%) [Figure 11].

Conversely, payment by 'cash-in-hand' appears to be dying out in the Western Cape (only 8%), but remains prevalent in the Northern Cape (32%). 'Cash-in-hand' is also a much more common payment mechanism for seasonal workers (29%) than permanent workers (6%), and for domestic market workers (47%) than in the export sub-sector (6%).

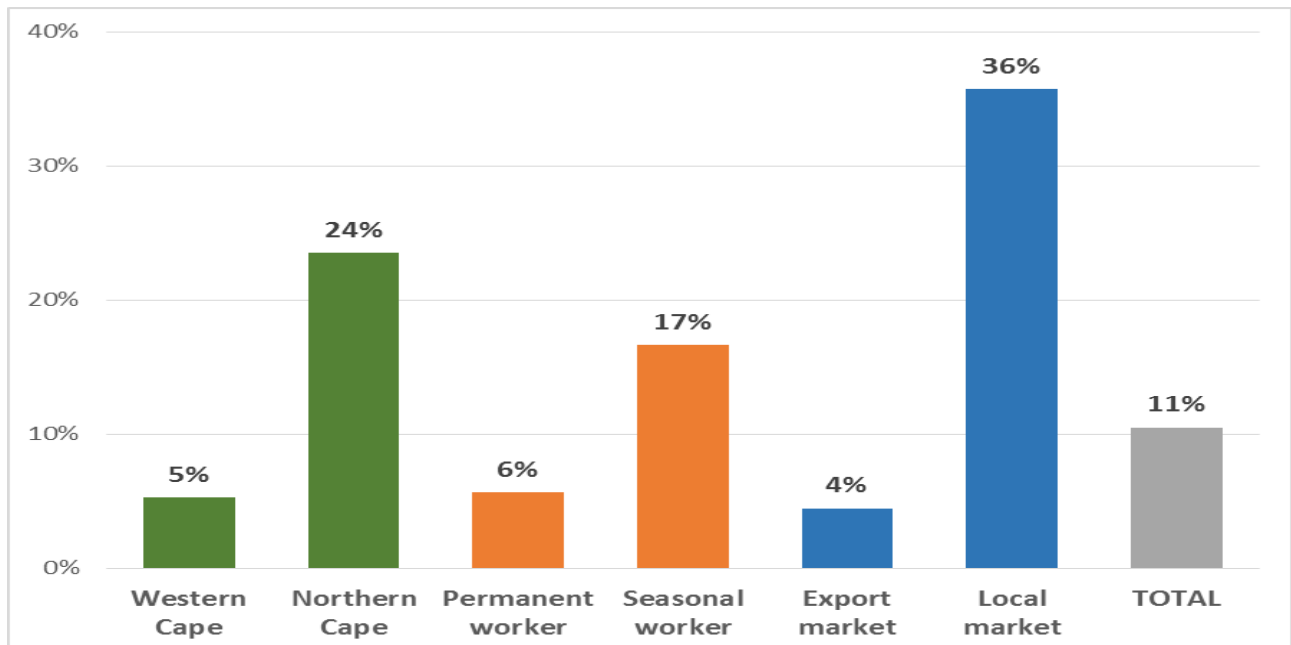
Around one in ten workers receive their payment in a 'brown envelope'. A tiny minority reported being paid by Pro-card, a low-cost payment mechanism used by businesses, including some farms, to make payments to workers, especially those without bank accounts (www.procard.co.za). The full benefits to farmers and possible disadvantages to workers might need more investigation.

Figure 11: Payment mechanism



No matter how they are paid, almost all farmworkers surveyed in the Western Cape (over 90%) receive a pay-slip, as do almost all permanent workers and export sector workers. Conversely, one in four workers in the Northern Cape (24%) and one in three domestic market workers (35%) do not receive pay-slips [Figure 12].

Figure 12: Workers who do not receive a pay-slip

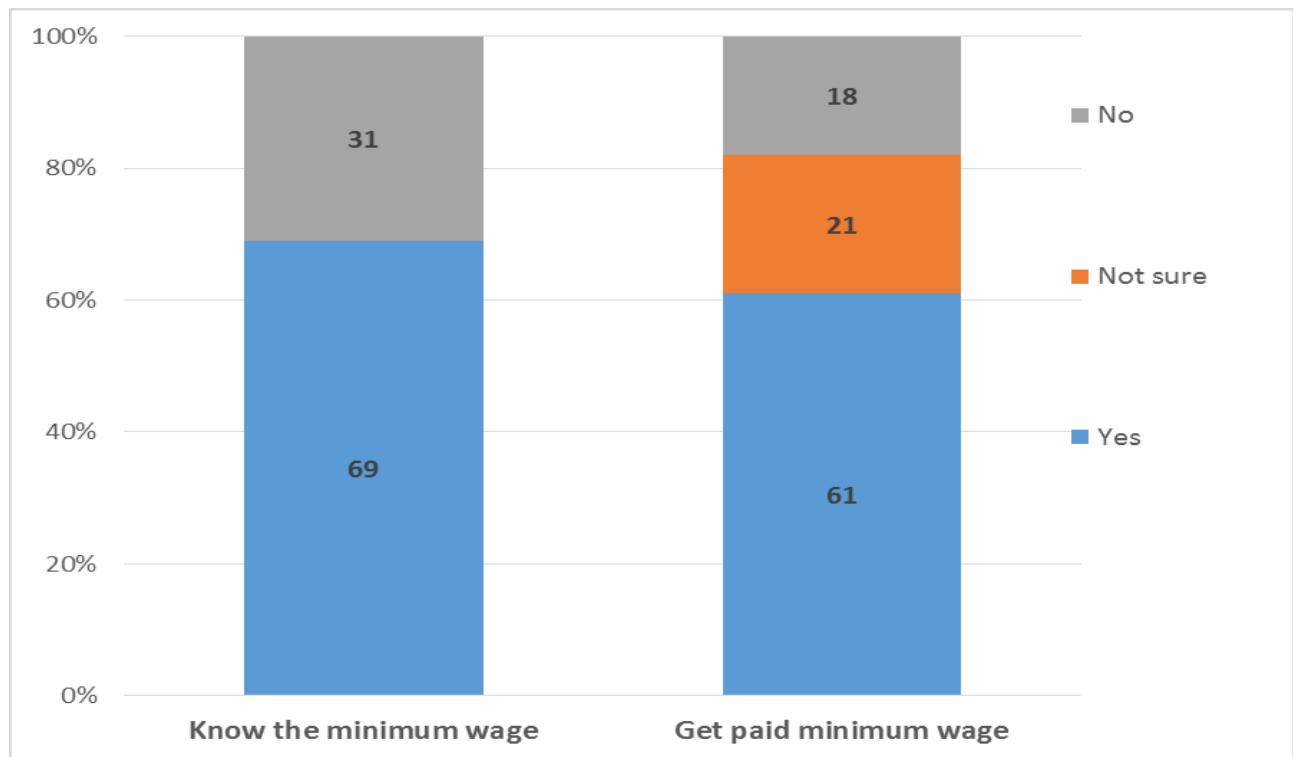


6.3. Wages

Almost one in three farmworkers surveyed (31%) do not know what the minimum wage is currently [Figure 13]. Lack of knowledge is worst in the Western Cape (36%) and among seasonal workers (34%). Knowledge of the minimum wage is highest in the Northern Cape (76%) and among permanent workers (75%). Given that a minimum wage for farm workers was first introduced in 2003, it is shocking that the proportion of workers who do not know the current rate. Since the Sectoral Determination is the most comprehensive legislation for farm workers and covers the most important aspects of workers' labour rights, workers' lack of knowledge of the law means they are potentially highly exploitable.

Only three in five workers (61%) confirmed that they do get paid the minimum wage, while one in five (21%) stated that they do not receive the minimum wage and almost one in five (18%) do not know whether they get paid the minimum wage or not [Figure 13]. The highest proportion of workers who reported that they do not get paid the minimum wage are those in the domestic market sub-sector (35%), followed by seasonal workers (30%) and workers in the Northern Cape (26%). (*"We are not paid the minimum wage, but what can we do?"*) For so many seasonal workers to be underpaid is especially serious, given that significant numbers of them are single and are unemployed for several months each year.

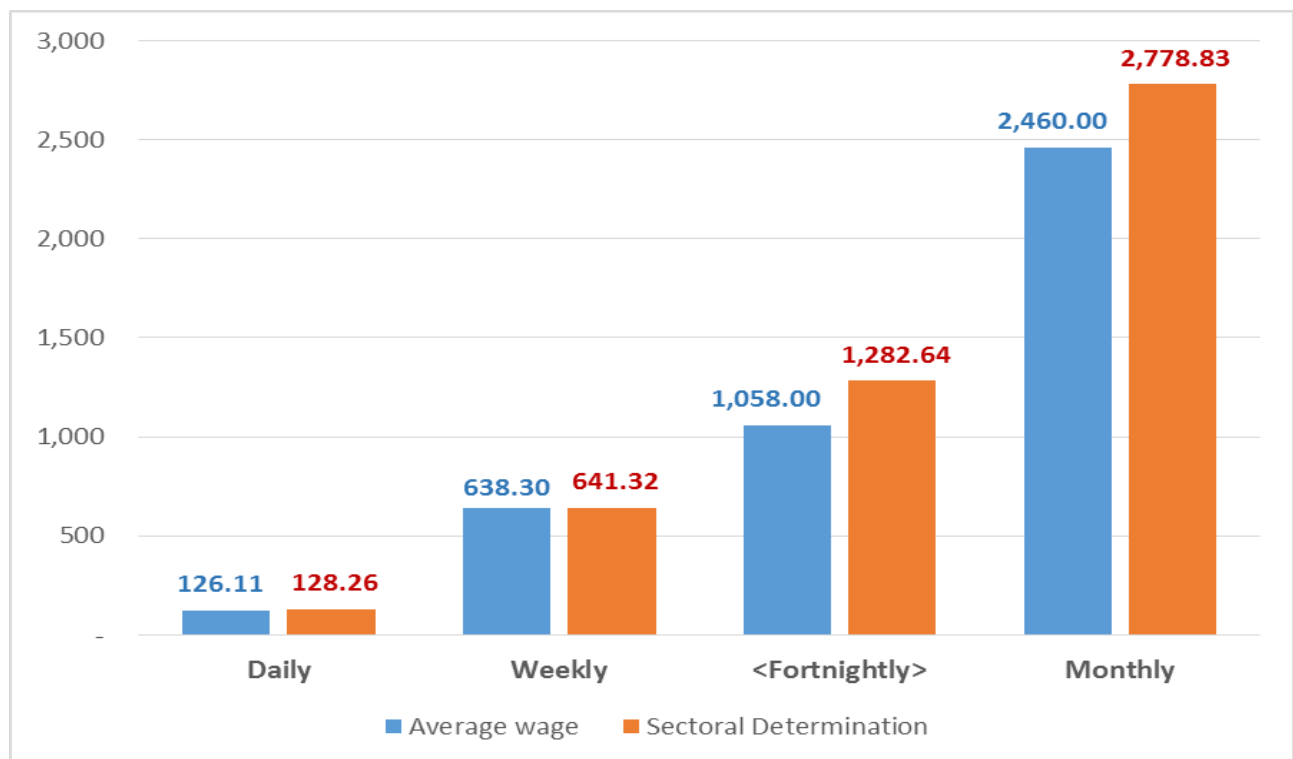
Figure 13: Minimum wage



Most farmworkers are paid weekly or fortnightly (every 2 weeks). The majority of those interviewed know what their wage is, either as a daily rate (55%) or a weekly rate (39%). A few know their fortnightly wage rate (4%), but very few know their monthly wage rate (2%).

According to the Sectoral Determination for Farm Workers, minimum wage rates for employees in the farm worker sector for the period 1 March 2016 to 28 February 2017 were R128.26 a day, R641.32 a week, and R2,778.83 a month (Republic of South Africa, 2016). The average wages recorded in this survey were close to the legislated daily and weekly Sectoral Determination rates, but significantly lower than the monthly rate (though we only have 8 survey observations for the monthly wage rate).

Figure 14: Average wage rates



An alarmingly high number (43%) of those who reported their wage as a **daily** rate are paid less than the Sectoral Determination rate. The average daily wage rate in the survey was R126.11 [Figure 14], 1.7% below the Sectoral Determination rate. The lowest daily wage reported was R70 and the highest was R220.

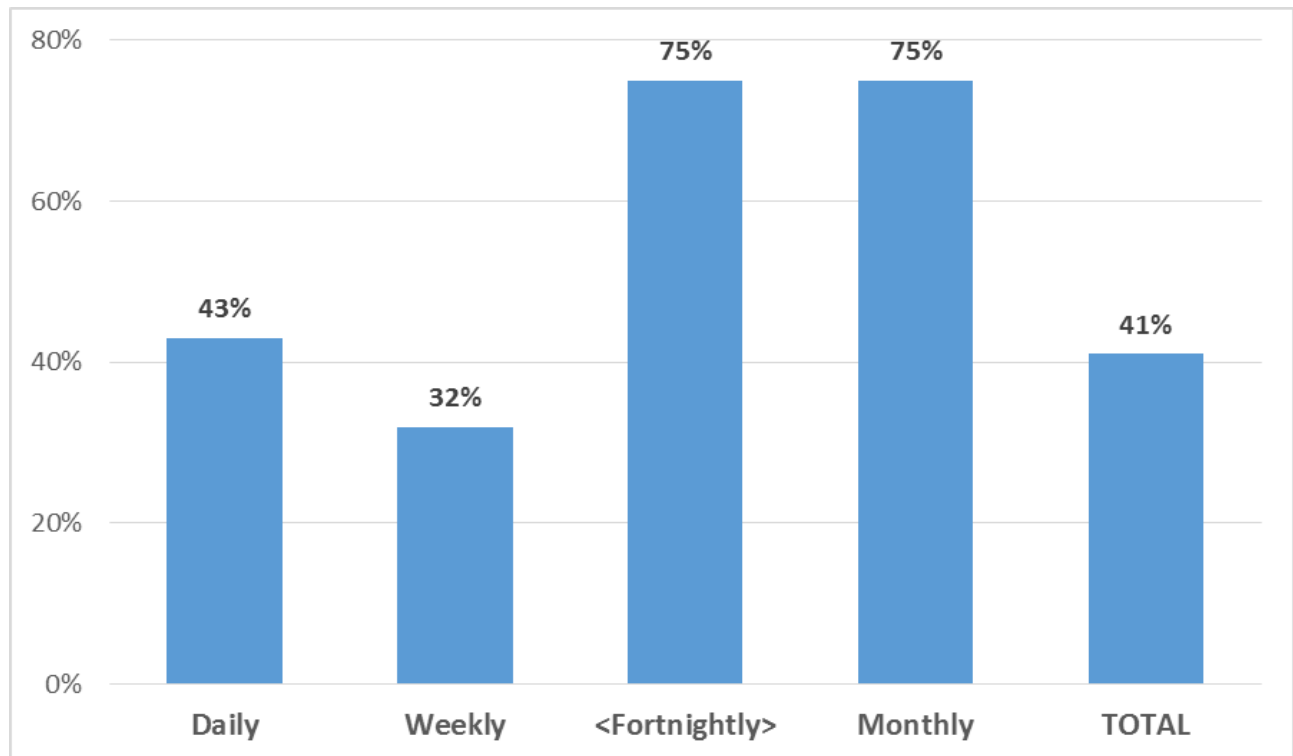
Again, it is worrying that one-third (32%) of those who reported their **weekly** wage were paid less than the Sectoral Determination rate. The average weekly wage rate in the survey was R638.30.11, 0.5% below the Sectoral Determination rate. The lowest weekly wage reported was R255 and the highest was R1,181.

As many as three-quarters (75%) of farm women who reported their **fortnightly** or monthly wage rate were paid less than the Sectoral Determination rate [Figure 15]. There is no legislated fortnightly wage rate, but twice the weekly Sectoral Determination wage is R1,282.64. On average, women in

this survey who are paid fortnightly receive 17.5% less than what they should legally be earning – i.e. instead of R1,282.64 they earn R1,058.00. The lowest fortnightly wage reported was R700 and the highest was R1,380.

The average **monthly** wage rate in the survey was R2,460.00, which is 11.5% less than the Sectoral Determination rate of R2,778.83. The lowest monthly wage reported was R1,500 and the highest was R4,000.

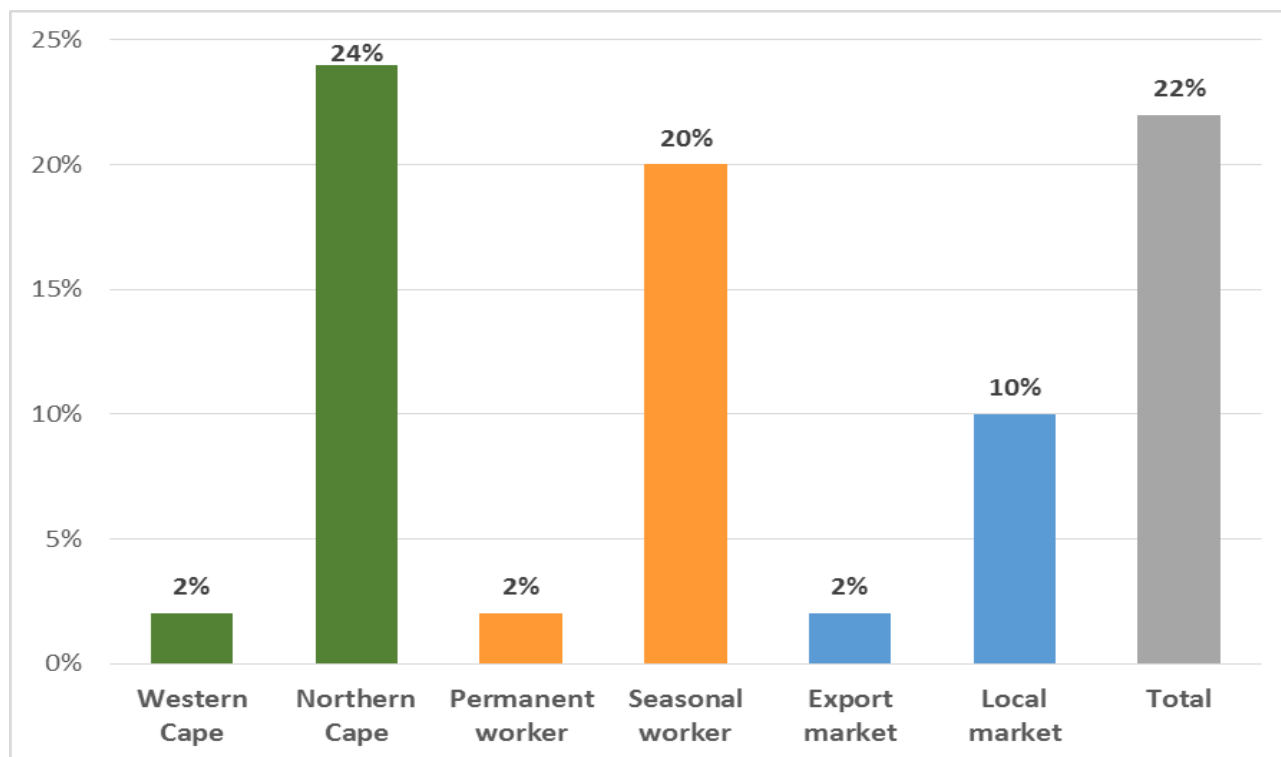
Figure 15: Workers who were paid less than the Sectoral Determination wage rate



6.4. Deductions

Almost 80% of farm women interviewed reported that deductions are made from their wages, such that they do not receive their payment in full. The most common deduction is for Unemployment Insurance Fund (UIF) contributions, which is almost universal in the Western Cape, for permanent workers and for export market workers, at 98% in each case. On the other hand, more than 20% of workers in the Northern Cape and seasonal workers do not have UIF contributions deducted from their wages [Figure 16], which is serious as it means they cannot claim unemployment insurance if and when they need to.

Figure 16. Farm workers who have no UIF deductions from their wages



Beyond this legitimate employment-related deduction, farmers sometimes make deductions from pay-packets for housing-related expenses such as rent (12% of respondents) and electricity (17%), for work-related expenses such as work clothes (8%) and transport to and from work (5%), or for funeral policies that farm workers take out (15%). Some workers are suspicious about whether these deductions are actually used to make funeral policy payments, with good reason. (*The farmer deducts for funeral policies; some workers have proof, but others don't know if it is going for the policies*; *The farmer made deductions for a funeral policy, but when it came to the pay outs, he simply said the policy had lapsed*.)

Some farmers also give loans or advances to workers, and these repayments are also deducted from the wage packet [Figure 17].

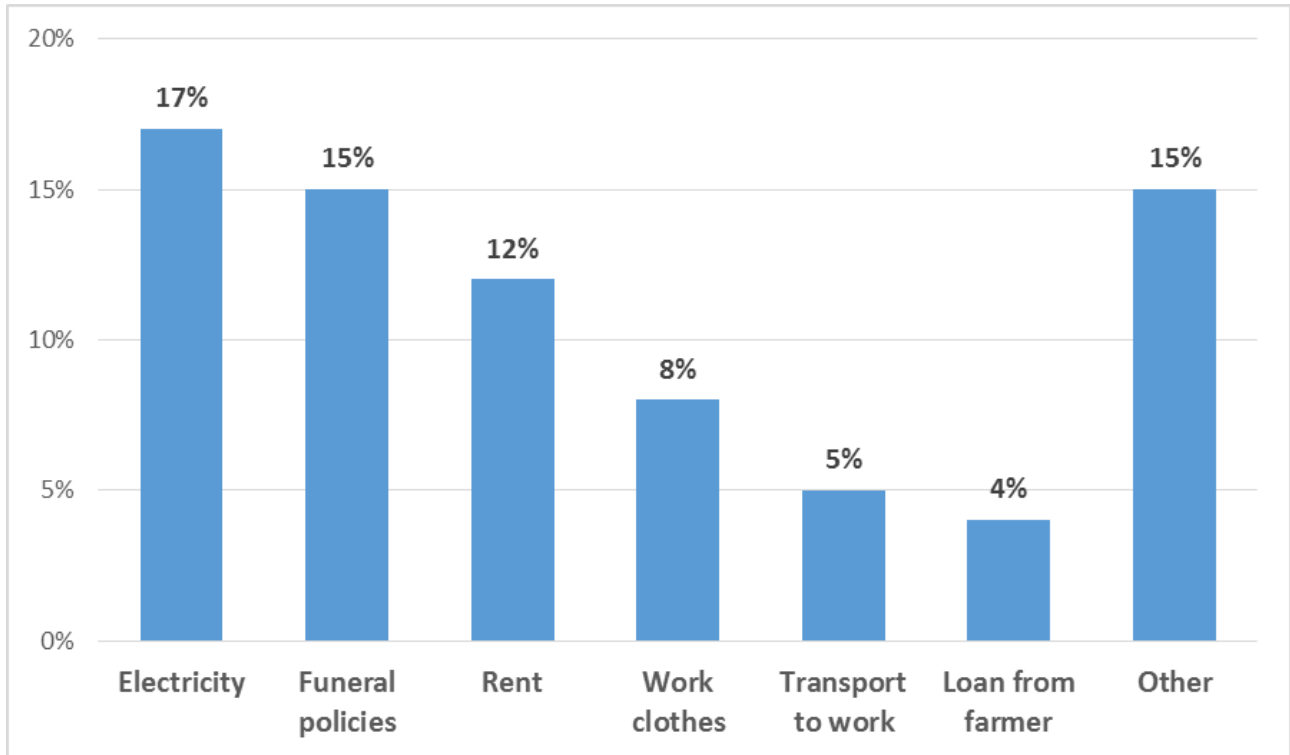
Among the 'other' deductions mentioned are for accounts at the farm shop (15), rent for children (5), health costs (4), medical aid (3), union fees (2), TV rental (2), savings (2) and housing (2). Many respondents are not happy with these deductions made from their wages. (*The farmer deducts for food we buy on credit from his shop on the farm. The food in his farm shop is very expensive.*)

Women are increasingly reporting that farmers are charging them rent for their children aged 18 years and over, who do not work on farms, in contravention of both labour and tenure laws.

"We pay extra rent for our older children. For those aged 18 to-26, we pay R60 per child per week; for those older than 26, we pay R90 per child per week. On another farm, they pay R200 per child per week."

“You pay for your children over 18 as well as for your husband if he doesn’t work on the farm. The money is deducted from those who work – R100 per week.”

Figure 17. Deductions made from farm workers’ wages



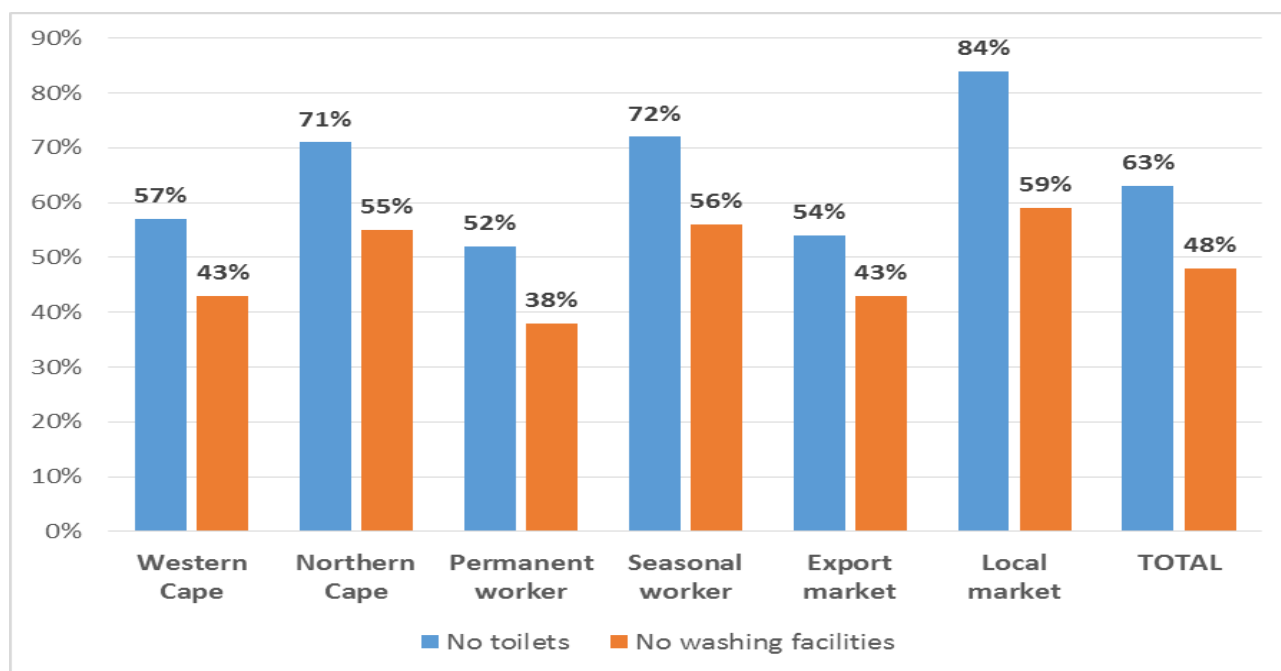
7. Occupational health and safety

Several issues were explored in this research under occupational health and safety, including sanitation facilities at work, health and safety procedures, exposure to pesticides, and use of protective clothing.

7.1. Hygiene and sanitation

Almost two-thirds of farm women surveyed (63%) do not have a toilet in the vineyard where they work [Figure 18]. This situation is worse for workers in the Northern Cape and for seasonal workers, over 70% of whom do not have access to toilets at their workplace. But it is worst of all for workers employed on farms producing for the domestic market, where 84% of women do not have access to a toilet at work. It is a serious violation of farm women's rights that the overwhelming majority do not have access to a toilet in the vineyard during the course of the working day.

Figure 18: No access to toilets and wash facilities in the vineyard



Not only are women's labour rights violated by the lack of toilets in the vineyards, their human dignity is negatively impacted as they are forced to seek alternatives. Women who do not have toilets at the workplace have to use the bush (47%), or a secluded part of the vineyard itself (40%). A small number wait until they go home (10%), and a very few can find a toilet in walking distance (2%). When asked how they feel about this situation, it is hardly surprising that the majority said that it makes them feel "uncomfortable" and "unsafe", while some expressed their "anger" and "unhappiness", and several stated that it "violates our human dignity". Women are also in danger of sexual harassment, assault and rape if they have to use the bush and lonely parts of the vineyard.

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

"In the pack rooms there are toilets, but not in the vineyards. Women have to walk a distance to be private and then do their ablutions there. Yet the farmer doesn't want ablutions in the vineyard. Women get infections; it's because of pesticides and having to wee in the open."

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

"We don't feel safe and have no privacy. We have to look around all the time as you don't know who is watching, especially in the export vineyards, where men work high up."

"Using the bushes is very unsafe; and we feel very uncomfortable".

"Women feel unsafe and walk in groups to use the bushes throughout the working day."

Even if toilets are provided, they are not necessarily hygienic.

"Toilets are brought into the vineyard every morning and removed in the evening, but they are never cleaned. Most women use the bushes around the vineyards, which are dangerous because there are snakes."

Women face additional difficulties when they are menstruating.

"When you have your period, you have to wait till lunch time or till we finish work to change our pads. If you want to change beforehand, then you have to clock out and go home and refresh and change."

"You have to bury your sanitary towels in the vineyard or take it home at the end of the day."

"Women use the bush to change their sanitary towels. It is dangerous to go into the bushes, because there are men all around. You fear being raped. You don't have any dignity doing that."

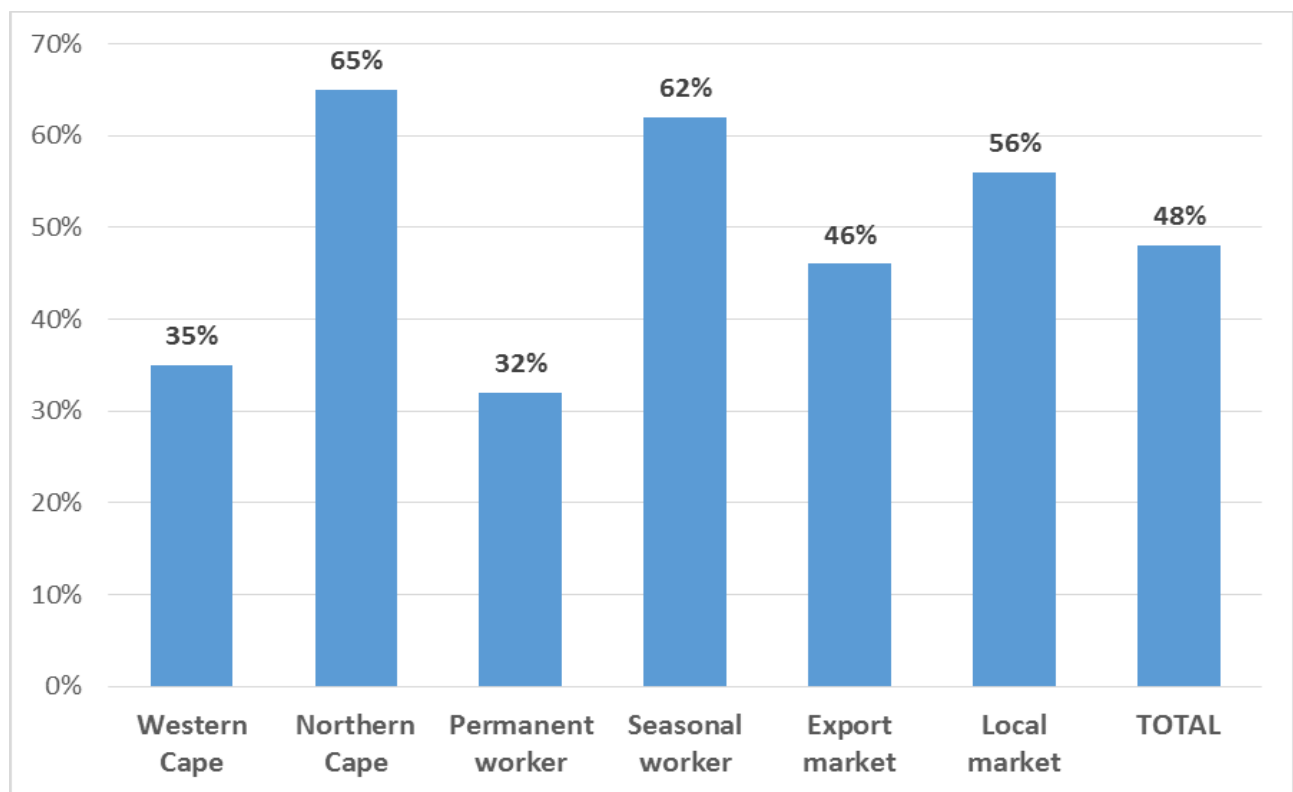
Women's lack of access to toilets should also be regarded as a form of gender discrimination, as their gender-specific needs are not accommodated in this aspect.

About half of the women interviewed (48%) do not have access to washing facilities in the vineyard. Again, the situation is worse for workers in the Northern Cape than the Western Cape, for seasonal rather than permanent workers, and for export market rather than domestic market workers. For Northern Cape, seasonal and domestic market farm workers, 55%; 56%; 59% (respectively) have no washing facilities at their workplace [Figure 18]. (*"Women wash hands with water they bring from home for drinking while working in the vineyard"; "There isn't taps; we have to wash our hands with the 'drips' in the vineyards"*). There are negative health implications when women do not have access to water for drinking and washing their hands before eating.

7.2. Access to health clinics

Although most farm women (94%) say that the farmer they work for allows them to go to the clinic when necessary, this permission comes at a heavy cost. Almost half of these women (48%) do not get paid when they go to the clinic, thereby losing a day's wages [Figure 19]. Almost two-thirds of workers in the Northern Cape (65%) and 62% of seasonal workers suffer this loss of income when they have to go to the clinic. At great cost to their health, and the health of their children, for whom women are the primary care-givers, women are therefore unlikely to go to the clinic even when they or their children need to, because they fear losing their day's wage, which they cannot afford.

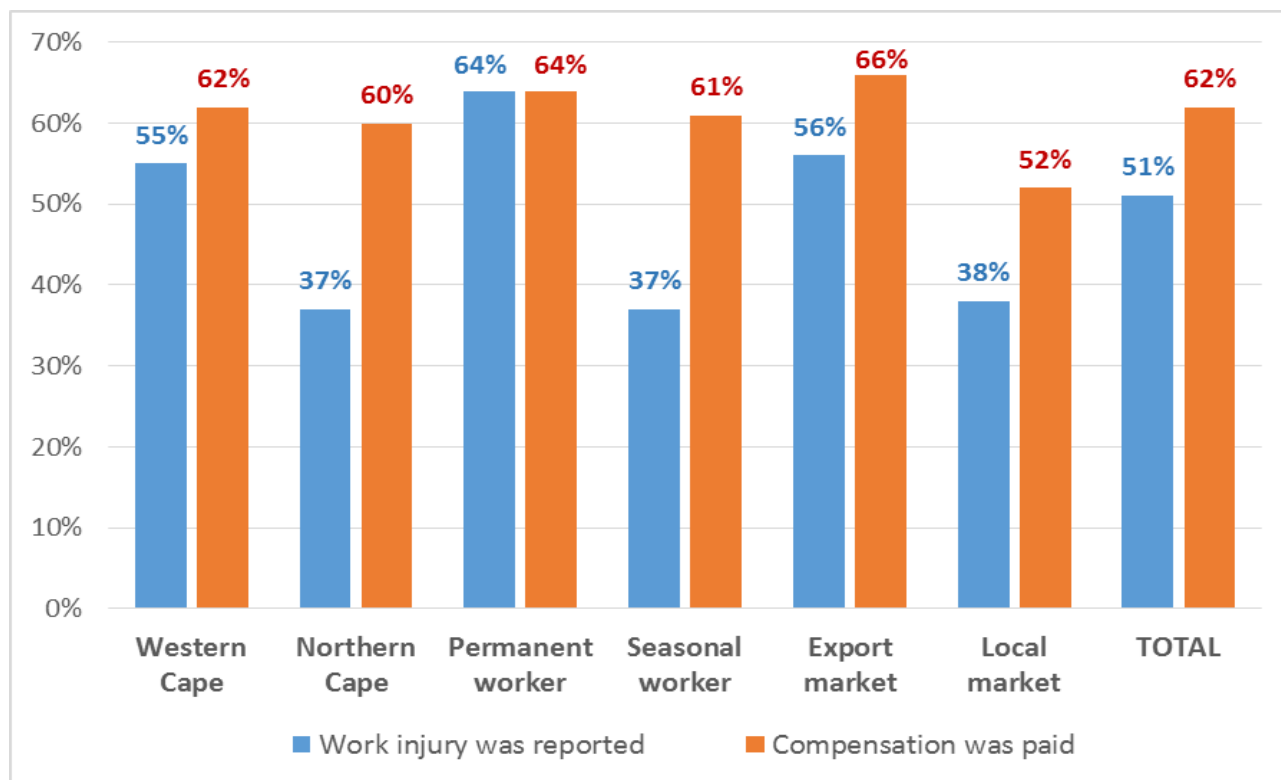
Figure 19: Farmer withholds daily wage when farm worker goes to clinic



7.3. Injuries on duty

Many farm women know somebody who was injured while at work. Only half of these incidents were reported to the Department of Labour (51%). The chances of injuries being reported are much lower in the Northern Cape (37%), for seasonal workers (37%) and for domestic market workers (38%). Less than two-thirds of these injured farm workers were compensated for their injury (62%) [Figure 20].

Figure 20: Injuries at work and compensation payments



Also, more than one in three of these farm women (35%) are not familiar with the Occupational Health and Safety Act, and even more than this (39%) do not know the correct procedure to follow if they get injured while working [Table 16]. Seasonal workers are less likely than permanent workers to be familiar with the Act, and with the procedure to follow in case of injury at work.

“We work with big machines. One of the women injured her toe with the machine. The farmer told her to just go back to work; that it wasn’t his fault. He never reported it to the Department.”

“If you get injured, you must pay for medical expenses yourself. The farmer pays upfront but then deducts it from your wages.”

“You don’t feel like telling the farmer that you’ve been injured because he’ll deduct the doctor’s money if he takes you to the doctor.”

“The farmers are not paying for injuries, and it’s because they not reporting the injuries on duties to the Department.”

“People don’t report injuries on duty. They are too scared to talk to the Foreman because they are scared of being sent home and losing their day’s wages and their jobs”.

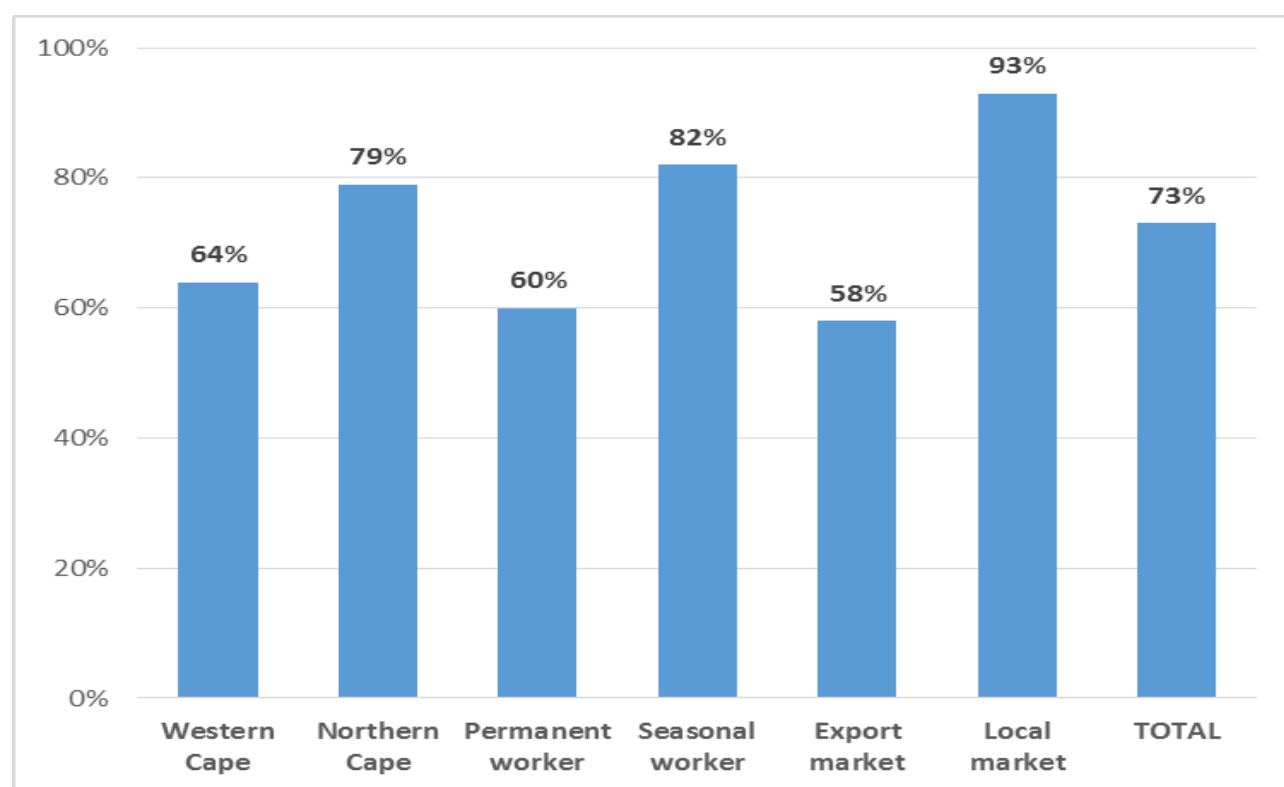
Farmers take advantage of the fact that a significant proportion of women do not know the law and procedures, and do not report injuries on duty. It is unlikely that these farmers are even registered with the Compensation Fund. In fact, workers either have to pay for their own medical attention

when they are injured on duty or simply do not report injuries for fear of losing wages or even their jobs.

7.4. Pesticides

A high proportion of farm workers – two out of three of our respondents – are exposed to dangerous pesticides at work, and some are also exposed to pesticides at home or in their yard by virtue of the proximity of their homes to the vineyards where pesticides are sprayed [Table 17]. Despite this, very few of these women have been told by the farmer about what pesticides are used and their possible side-effects – only one in five women in the Northern Cape (21%), less than one in five seasonal farm workers (18%), and less than one in ten domestic market workers (7%) [Figure 21].

Figure 21. Risks of pesticides were not explained to farm workers



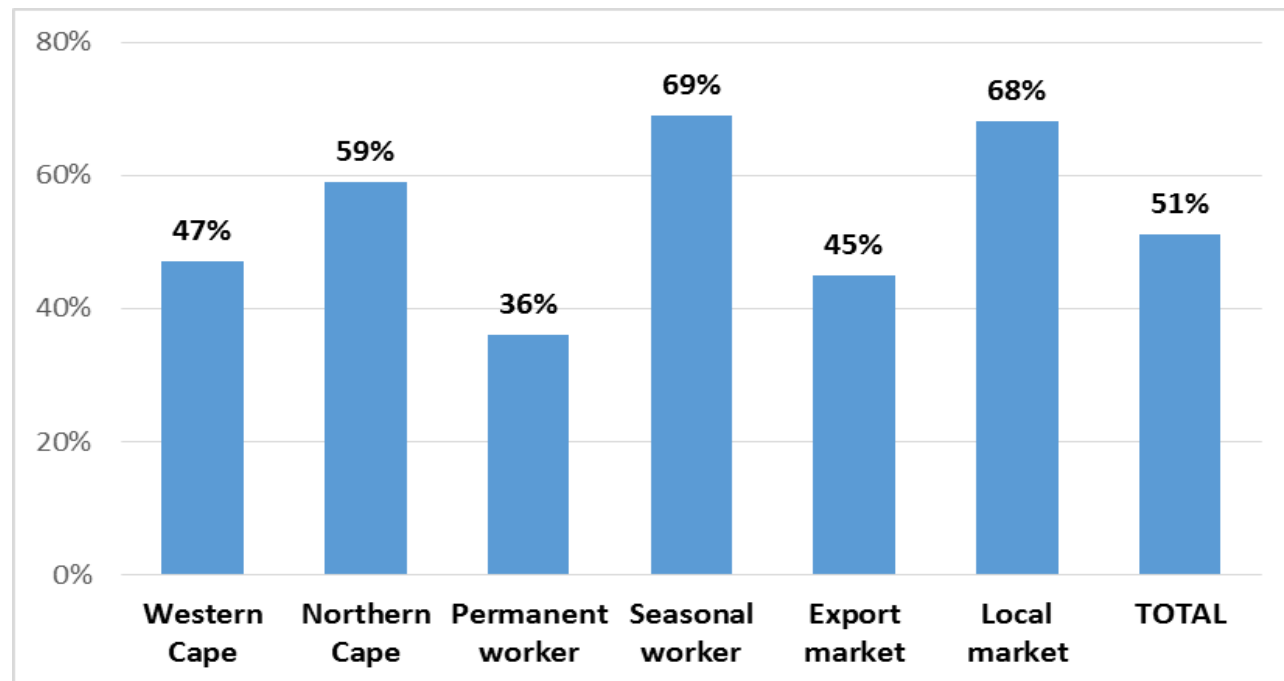
Most workers confirmed that pesticides are stored in a safe place on the farm (92%). However, less than two-thirds (63%) of workers who work with pesticides have a separate wash facility, meaning that they wash in their homes, thereby potentially exposing their families to hazardous pesticides. It also suggests that they wash their clothes which have been exposed to pesticides together with those of the rest of the family at home.

On one farm it was alleged that washing facilities are only provided for men who work with pesticides when the farmer knows that the farm is about to be audited. (*“The farmers do not give protective clothing to the men, and they come home with the pesticide clothes. There are no washing facilities*

for the men to wash themselves. The facilities are only available when they come to the farm to do audits. When they leave, the facilities are removed.”)

An alarming finding is that half of these farm women (51%) come into contact with pesticides less than one hour after they have been applied [Figure 22]. A significant proportion (38%) have contact with pesticides the day after they are applied. Workers in the Western Cape, permanent workers and export market workers are at higher risk of immediate post-application contact with pesticides than workers in the Northern Cape, seasonal workers and domestic market workers, respectively.

Figure 22. Contact with pesticides within one hour after they are applied



Those who work with or are exposed to pesticides reported suffering a range of negative health side-effects. Most common are skin problems (e.g. rash), which has afflicted one in four farm workers in the Western Cape and permanent workers (26% each). This was followed by nasal problems, eye problems, breathing difficulties and headaches, each affecting at least one in 10 farm workers [Table 19]. Clearly, pesticides are a serious health hazard on many farms, affecting both workers and families living on farms.

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

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

“There are people who are allergic to pesticides and it affects them badly, but they have no other choice than to work.”

“Kids also get sick from the pesticides; it happens regularly where children are affected.”

Another shocking finding is that two-thirds (66%) of workers who are exposed to pesticides are not provided with protective clothes by the farmer. This figure rises to almost three-quarters of seasonal workers (73%) and workers in the Northern Cape (74%), and almost nine in ten workers on farms producing for the domestic market (89%) [Figure 23].

“Only the male tractor driver who sprays the pesticide, has protective clothes. The women in the vineyards are exposed to pesticides but don’t get protective clothes. Sometimes when the women enter the vineyard, there is still a white layer of pesticides on the grapes; the women are forced to handle the grapes.”

“Protective clothes are not provided. If you want clothes, you have to pay for it yourself.”

“It is mostly men who work directly with pesticides. Women don’t work with pesticides, but while you’re busy working, they spray pesticides in the same vineyards.”

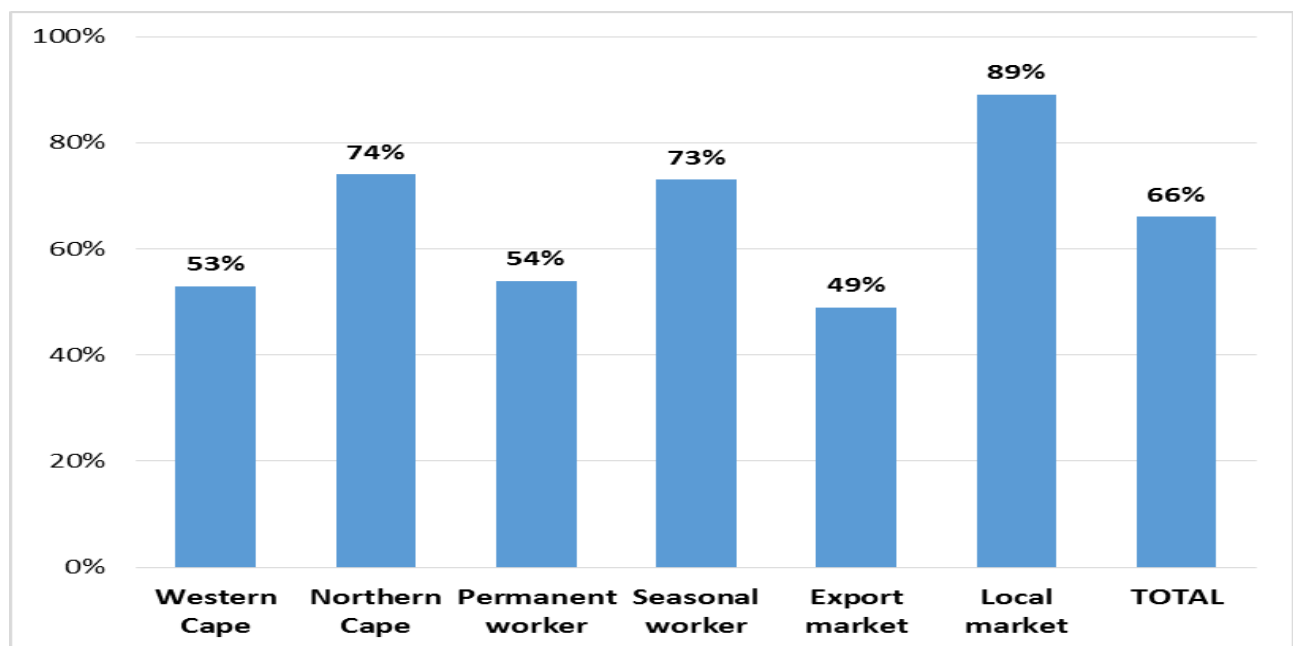
“Safety boots aren’t provided although it’s dangerous because the floors in the packing sheds are permanently wet.”

“Working in the cold store, we don’t receive any protective clothes and waterproof boots. We need clothes for the cold and wet. You can’t go home to dry yourself; you’re wet all day.”

“The farmer buys the workers overalls and safety shoes (‘tekkies’) but the workers have to pay for it.”

Among those farm women who do have protective clothes at work, the most common items are top boots (33%) and overalls (33%), closely followed by gloves (32%) and masks (30%) [Table 20].

Figure 23. Farm workers who wear no protective clothing at work

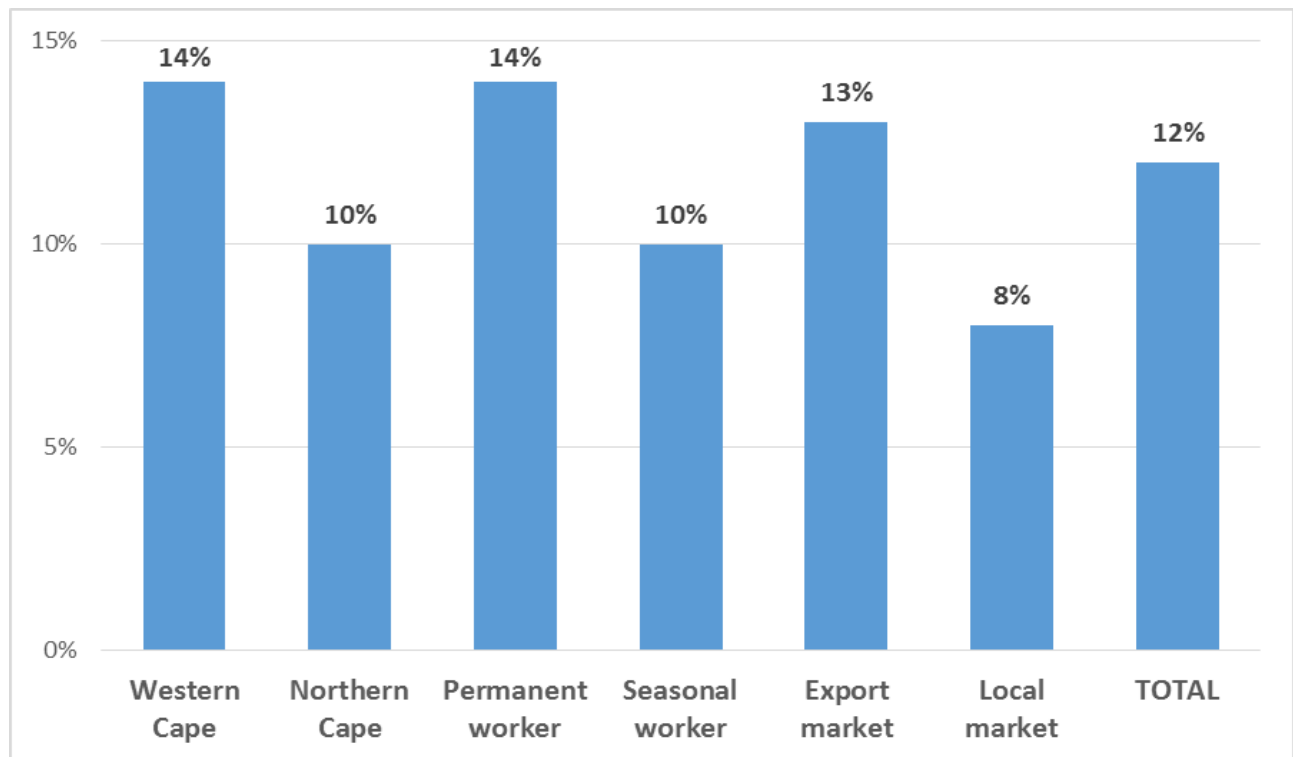


8. Monitoring labour rights on farms

8.1. Trade unions

In keeping with general trade unionism among farm workers, trade union membership is low among these farm workers, at only one in eight (12%) [Figure 24]. (*“On the farm where I work there is nobody who is a member of a union”.*) Union membership is marginally higher in the Western Cape, among permanent workers and among export workers.

Figure 24: Farm workers who are trade union members



Some farm women had previously been members of a trade union, but became so disillusioned that they left. (*“I left the union”; “I was a member but the trade union people never came back after joining”; “I was a member of a trade union but I never saw them again”; “I was in a union but I decided to leave”; “Many people left the union because they didn't know what their rights were”; “My former union doesn't exist anymore”.*)

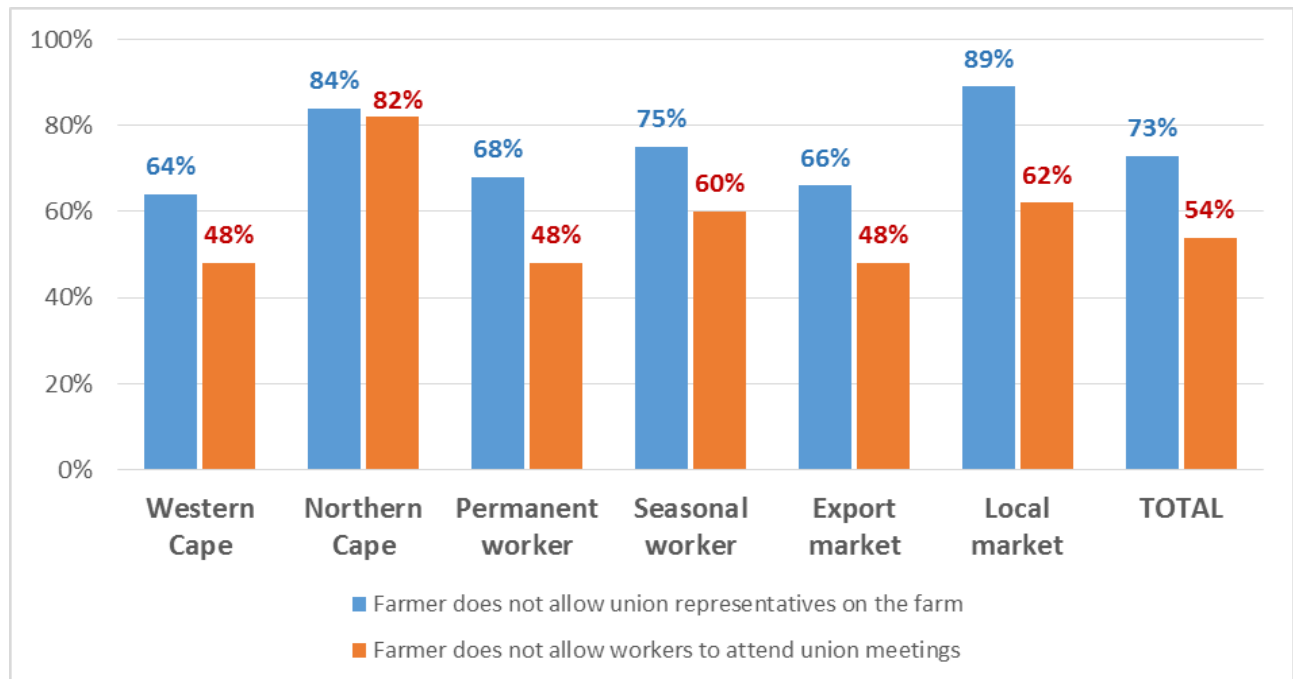
Although only one in eight farm workers interviewed is a member of a union, almost one in three (30%) has been approached about joining one [Table 22].

The general lack of visibility of trade unions on farms is largely because they are prohibited from coming onto farms by farmers. (*“Trade unions are not allowed on the farm”.*) In fact, almost three-quarters of those surveyed (73%) stated that the farmer does not allow union representatives on the

farm, and more than half (54%) stated that the farmer does not allow workers to attend union meetings [Figure 25].

A number of women claimed that farmers do not allow them to join unions. (*"The farmer doesn't allow it"; "Some farmers don't allow the trade union on their farms"; "The farmer decides"; "We are not allowed to join any trade union"; "The farmer said no"; "The farmer doesn't want us to belong to the trade union"; "He would not want that we are part of a union".*)

Figure 25: Farmers' attitudes to trade unions



Many farmers are described as being hostile to trade unions. (*"The farmer doesn't want us to know"; "The farmer is scared that people would gain knowledge"; "What the farmer says is the rule"; "They don't want us to know our rights".*) Alternatively, the unions or the workers deal directly with the farmer. (*"They go to the farmer because they understand each other"; "They don't have any interest in us"; "We deal with our own problems with the farmer".*)

Related to not being allowed, many explained that they are too scared of their farmer to join a union. (*"Because I am scared of the farmer"; "We are afraid of the farmer and he does not let us join the union"; "The farmer threatened us out of the union".*)

Many respondents stated they had never even heard about trade unions, or did not know that unions exist for farmworkers. (*"I don't have any knowledge of unions"; "I was not informed about a union"; "Nobody ever talked to me about a union"; "We don't know them and never heard of them"; "I don't know what the word 'union' means"; "I don't know what a union is and I really want to know"; "I don't know where or to who I should go, to become a member".*)

Many believe that there are no trade unions specifically for farm workers to join. (*"There is no union for farm workers"; "There was no trade union when I started working"; "I never heard of a union for farm workers".*) Some believe that they are unable to join a union because they are 'only' seasonal workers. (*"I am a seasonal worker"; "I am not a permanent worker"; "I do not work permanently, so I feel that it is not important"; "I am only a seasonal worker and unions are for permanent workers".*)

Some respondents pointed out that they have never had any contact with trade unions. (*"A union never visited the farm"; "I was never approached to join a union"; "We don't know the union and the people they don't come to the farm"; "Once I heard that trade union people would come to the farm but they never did".*)

Relatively few respondents replied that they have no interest in joining a union. (*"We don't want to"; "I do not feel like joining a union"; "They came but I was not interested"; "I never had any interest"; "I have not seen the necessity to join one"; "Many of our community don't want to".*) Reasons for not joining a union included costs of membership, and distrust of unions. A few felt that the costs of joining and paying union fees is too high – or even unaffordable. (*"I don't have the money"; "I don't have enough money for the union"; "We already deduct a lot of money from our salary".*)

More often, respondents felt that it is not worth paying union fees because they get nothing in return. Some respondents who have knowledge of unions do not trust them, believing that unions do nothing for workers and are only interested in collecting fees from members. (*"I don't trust trade unions"; "I didn't see them anymore after I registered"; "They like money but don't represent us"; "They ask for a lot of money and they don't do their work"; "Unions just take our money while they don't do anything for us".*)

8.2. Labour inspections

A significant proportion of respondents (28%) claimed that labour inspectors never come to the farms where they work. (*"They don't come to us"; "They never come to our work place"; "I'm not happy, because labour law never visited us on the farm"; "We never have inspectors"; "They don't come to the farm, although we have a lot of problems".*) One respondent asserted: *"The inspectors are not allowed on the farm".*

Another high proportion of workers (41%) do not know if labour inspectors have ever visited their farms or not. (*"I don't have any knowledge about labour inspector visits"; "We don't see them coming to the farm"; "I don't know if the inspector is visiting our farm"; "I never have seen them and never heard of them".*) It is worrying that such a high proportion of workers (69%) have not seen or encountered labour inspectors on their farms. Without regular and frequent spot-checks of farms, non-compliance of various labour laws by farmers is set to continue.

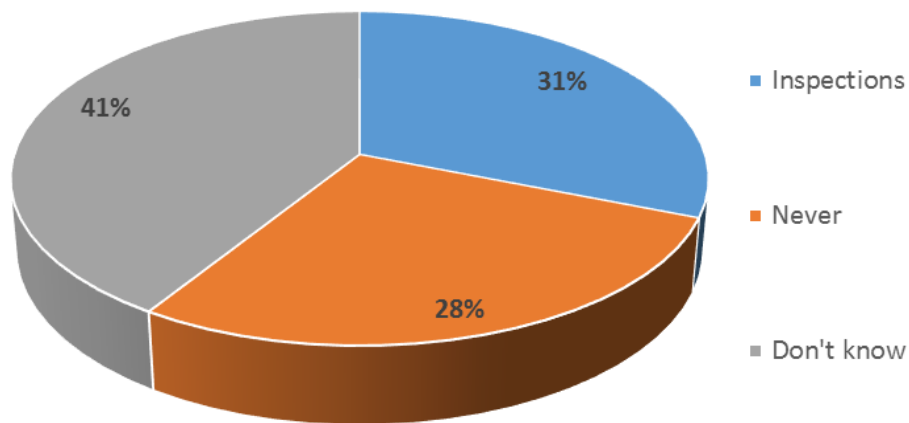
Another group of respondents believes that labour inspectors do come to the farms, but do not speak to the workers. (*"I never know when they are coming"; "We never met them"; "The farmer doesn't inform us"; "I never see the inspectors, although I hear they come to the farm"; "They never come to*

us”; “I only hear when they came”; “I never see inspectors, they are probably only here for the employers and not the workers”; “The Department of Labour comes to the farm, but only as far as the farmer; they never speak to the workers”.)

Some argued that it is their right to know about visits by labour inspectors, and that the workers should be invited to meet them. (*“They never let us know when the inspectors are on the farm”; “We want the farmer to tell us when the inspectors are on the farm”; “It is my right to know if there are inspectors coming to the farm”.)*

A total of 69% of workers stated the farm where they work has either never been inspected or workers have no knowledge of inspections by inspectors from the Department of Labour having taken place (because inspectors do not speak to workers, only farmers). Less than one in three respondents (31%) reported that their farm has been visited by inspectors. Half of these (16%) reported that visits were made every 6–12 months, while a smaller number (10%) said that visits occur every 3–6 months, and a few (5%) claim that labour inspectors visit their farm every 1–3 months [Figure 26].

Figure 26: Farm inspections by the Department of Labour



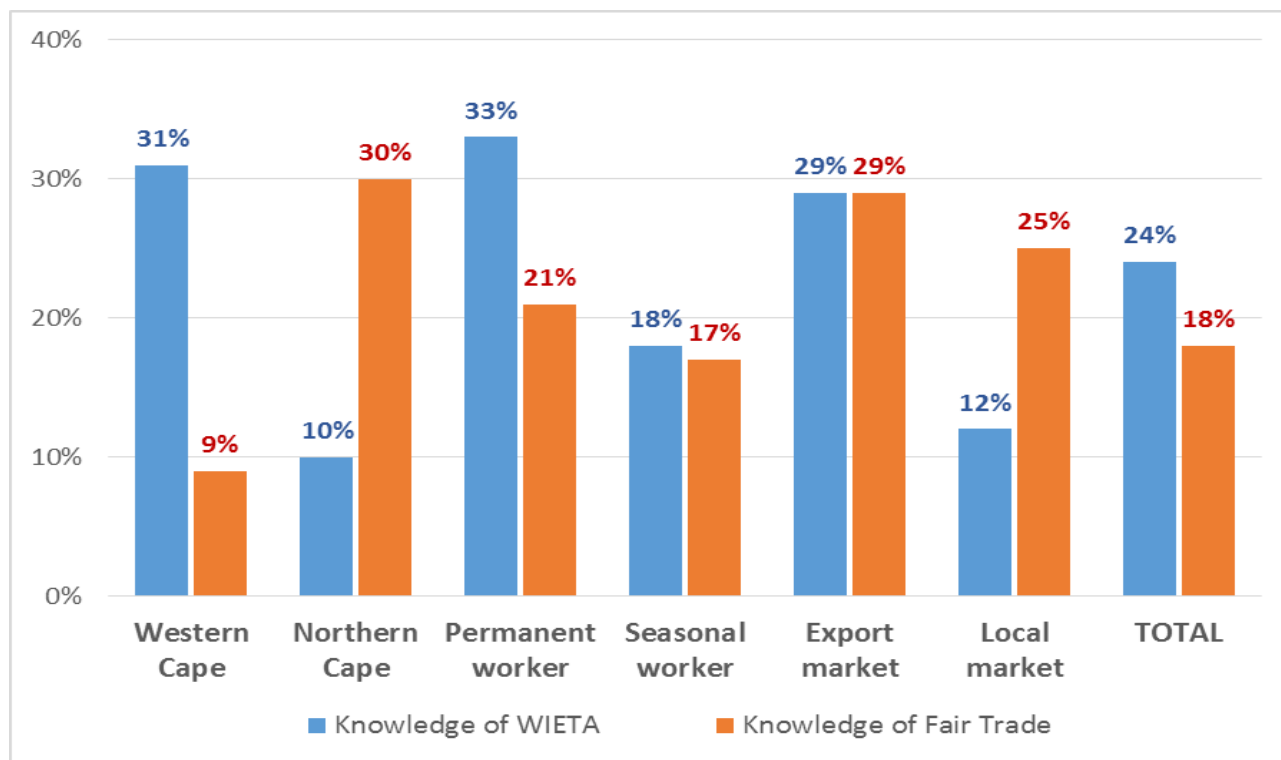
8.3. WIETA and Fair Trade

Only a small minority of farm workers interviewed knows about WIETA (24%) and Fair Trade (18%) [Figure 27]. The fact that such significant proportions of workers have not heard of these bodies is indicative of their weak penetration in the sector and, perhaps, their limited effectivity. It is interesting that there is a higher awareness of WIETA in the Western Cape (31%) than the Northern Cape (10%), but a higher awareness of Fair Trade in the Northern Cape (30%) than the Western Cape (9%). Farm workers in the export sub-sector have higher awareness of WIETA (29%) than those in the domestic market (12%), possibly because most WIETA members produce for the export market.

In most cases, awareness of either WIETA or Fair Trade is related to the fact that the farm where the worker works has been audited by one or the other: 81% of workers who know about WIETA work on farms that have been audited by WIETA, while 90% of workers who know about Fair Trade have

been audited by Fair Trade. (Note that these figures do not imply that over 80% or 90% of farms have been audited.)

Figure 27. Knowledge of WIETA and Fair Trade



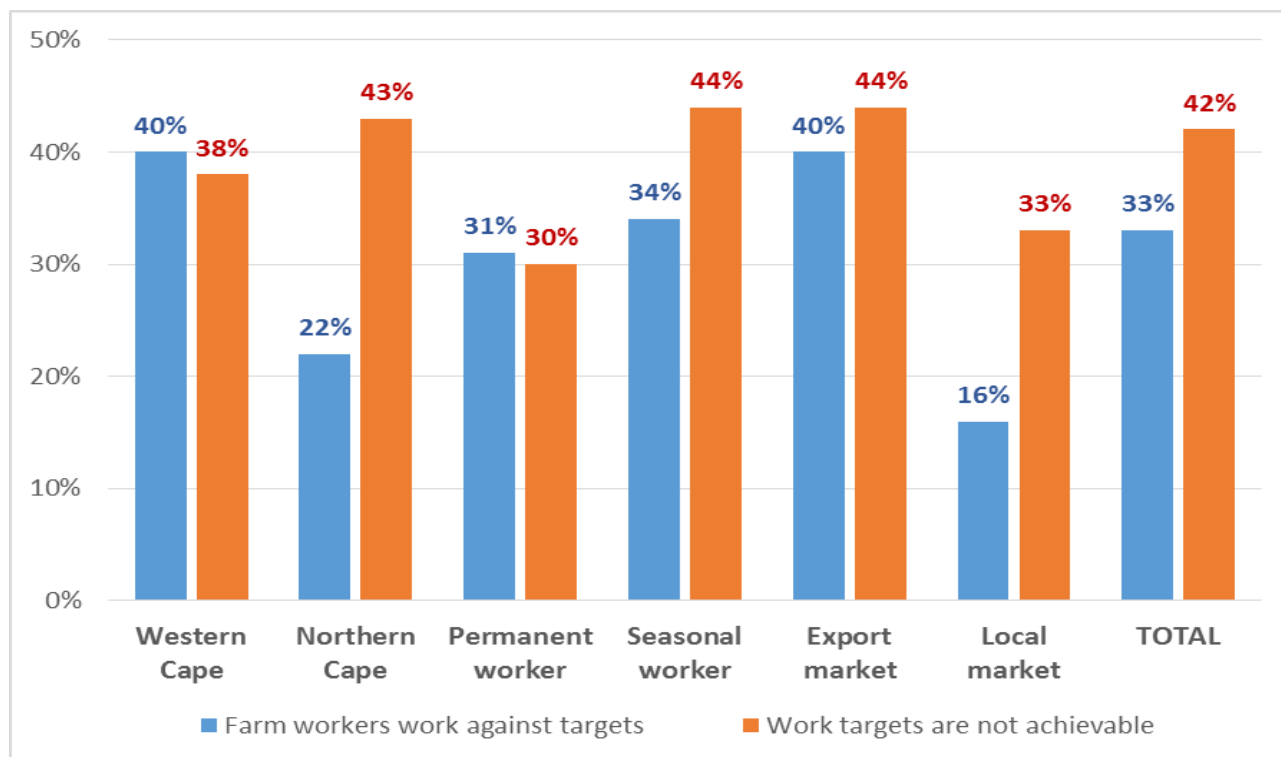
8.4. Work targets

One in three farm workers surveyed (33%) works against targets. (*“Only when you achieve your daily target, do you get your minimum wage.”*) Work targets are more common in the Western Cape than Northern Cape, and in the export sector than among domestic market producers [Figure 28].

Among those who work against targets, two in five (42%) believe that the targets are not achievable. Some workers believe this is a deliberate strategy by the farmers. (*“The farmer works the targets so that you don’t even get the minimum wage”; “Only when you get to work do you find out your target for the day; it changes from day to day”.*) Seasonal workers find their targets more difficult to achieve than do permanent workers (44% versus 30%, respectively), and so do export farm workers compared to domestic market workers (44% versus 33%, respectively).

With nearly one-third of women working against targets, it is worrying that nearly 42% of those women reported that the targets are not achievable. The targets cause a great deal of stress and distress for many farm women. (*“The farmer humiliates you if you work slowly. Workers are scared, that’s why they push themselves to work fast”; “Women sometimes cry because of the pressure. Women try to support and help each other to reach the targets.”*)

Figure 28: Work targets



When asked what happens if farm workers do not achieve their targets, the most common response was that the farmer or supervisor gives them up to three warnings, and reduces their wages. (*"If you don't reach the target you get a written warning that you must sign"; "You get a written warning and a lower minimum wage"; "You get three warnings – the third is a written warning – after those warnings you get chased away from the workplace".*)

Reduced wages and lost 'bonuses' are a common punishment for workers who miss their targets. (*"You don't get paid"; "The farmer pays us less per hour"; "You get paid a lower amount"; "I don't get my daily wage"; "The farmer deducts one day of wages"; "They force you to do it or you don't get any bonus"; "You don't get the same bonus as the other people"; "I have to work harder the next day to earn back the lost money of the target".*)

There is even a risk that farm workers lose their jobs. (*d"; "If you're still too slow for the farmer, you get a warning, and the second time, you are fired"; "You can lose your work"; "You end up jobless"; "The farmer can say he doesn't have work for you anymore"; "You sit at home without money".*)

9. Issues for further research

1. There is a growing trend of women seasonal workers working for targets that are unilaterally set (and changed) by the farm owner. Research is needed to specifically understand if and how targets are set out in contracts, and to determine if this undermines the minimum wage – i.e. is it a daily deliverable expected from workers in order to get the minimum wage, or is it what workers can earn over and above the minimum wage?
2. Women reported having to pay additional rent for their children over the age of 18. More research is needed to explore the extent and impact of this illegal practice on family life.
3. The impact of farmwomen's exposure to pesticides needs more research. This should also include the exposure of other household members who are exposed by pesticide drift in their homes, clothes, etc.
4. An issue not covered in the research is the increasing number of migrant workers from neighbouring countries. Focused research is needed on the specific labour conditions of these workers, which WFP has anecdotally learned, are often worse than for South African workers.
5. A fairly consistent pattern emerges when data are disaggregated by province, by employment status, and by market sub-sector. For most indicators, outcomes are relatively 'better' in the Western Cape than the Northern Cape, for permanent workers than for seasonal workers, and for export market workers compared to the domestic market. More of this comparative analysis is needed, to understand better the reasons for these differences across the farm worker sector.
6. Further research is needed on the extent of trade unions' inability to access farms because of the actions of farmers.
7. The issue of deductions that farmers make from wages should be further investigated.
8. The issue of how much farmers charge workers for electricity needs investigation.
9. More research is needed on the issue of the "bonus" payment that some women receive at the end of the season. Because women either have no contracts or it is not stipulated in the contract, women are not clear if the payment is a bonus, or if it is for overtime worked as women generally do not get days off and work extended hours during the labour-intensive high (harvesting) season on export farms.
10. More information on payment through the 'Pro-card' is needed. Which farms use this method, and why? What are the hidden benefits to farmers? What are the implications for women farm workers? Is this method legal?
11. In the focus groups, a number of women alluded to hearing about sexual harassment of, especially younger women workers, by farm owners, managers and supervisors. However, because our information is so scant, further focused research on the issue is recommended.

12. Focused research is required on farm workers' transportation. Information-sharing on the legal guidelines of transportation provided by farmers should also be undertaken, as it was an issue mentioned by women in FGDs.
13. The majority of women were unaware of WIETA and Fair Trade and their stated objectives in respect of farm workers. WFP should consider bringing this to the attention of the two organisations as it suggests that they are not reaching workers and probably only speaking to farmers, which is antithetical to their respective mandates.

10. Conclusions and recommendations

The research indicates that there is widespread violation of laws that were introduced to protect and advance the rights of farm workers. Ranging from farmers still not paying the minimum wage to not providing toilets and clean water in the vineyards to not providing workers exposed to pesticides with protective clothes to preventing workers' rights of association, farmers are systematically flouting labour laws. Farmers are also adept at identifying and abusing any caveats in the law – for example, introducing targets in order to avoid paying the legal minimum wage.

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

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

- There is gender discrimination in job allocation, hours of work, housing, etc. – the Sectoral Determination should include guidelines in line with Employment Equity Act.
- The Sectoral Determination is ambiguous on the issue of deductions; this leaves room for (mis)interpretation by farmers, where farmers deduct more than the legally permitted 10% from wages. The Sectoral Determination should clarify and specify permissible levels of deductions. Farm workers must be protected from unlawful and gratuitous deductions by farmers.
- On many farms, workers are forced to buy their electricity directly from the farmers. However, farmers often charge more than the municipality or ESKOM rates. The Department of Labour needs to regulate these charges and rates.
- Develop farmworker-specific amendments to the LRA because the new amendment that gives permanent status to temporary workers who work for continuously for three months or more, is not applied to farmworkers due to the seasonality of the work.
- The Sectoral Determination must state that seasonal workers who have worked on a farm for the season, have the automatic and guaranteed right to employment on that farm, when the new season starts.
- The Sectoral Determination must clearly define the use of targets. Currently, targets are not uniformly and consistently implemented on farms. Farmers unilaterally define and change targets, often to the detriment of women workers.
- The Sectoral Determination should state that workers must be paid a full day's wage when work is stopped due to rain.

- In keeping with the constitutional right to family life, legislation on tenure security, ESTA, should explicitly prohibit farmers from charging extra rent for children over the age of 18.
- Legislative amendments must explicitly address migrant workers so that their specific conditions are addressed, and they are better protected.

The Department of Labour must make a commitment to enforce existing laws more effectively, by increasing the number of labour inspectors specifically specialised in farm inspections, by increasing farm inspections, by meeting separately with farm workers when inspecting farms, by reducing their response time to cases of non-compliance, and so on.

- Labour inspections must be transparent and aimed at placing workers at the centre. Workers must be informed about the investigation and outcome of inspections.
- The Department of Labour and CCMA must establish more mobile satellite offices that are accessible to farm worker communities.
- A multi-departmental approach is necessary to assist migrant workers in obtaining and renewing their status documentation; the costs and time off work when applying for documentation also needs to be minimised.
- During the farm workers' uprising, workers called for an end to labour brokering. While the women interviewed in this study were mostly directly employed by farmers, a large percentage of seasonal workers are employed by labour brokers. Until labour broking is done away with, labour brokers must be registered with the Department of Labour. The compliance by labour brokers must be closely and consistently monitored by the Department of Labour.
- Trade unions need to better understand and reflect the changing labour conditions of women farm workers, especially seasonal and migrant workers. They need to also confront workers' mistrust and scepticism of trade unions by many women farm workers. Given the changing environment, including the growing installation of security gates on farms, and growing casualisation of labour, unions need to develop alternative ways of organising and representing farm workers.
- A multi-ministerial approach is needed to develop a sustainable income and livelihood plan and approach for seasonal farm workers.
- On a related issue, the Department of Labour must consider the establishment of a compulsory Provident/Pension Fund for all farm workers, with contributions from both farmers and workers. Currently, most farm workers have no retirement provisions despite working for all their adult lives.
- Farmer-subsidised child-care centres must be available in all farming communities.

References

Bureau for Food and Agricultural Policy (2016), *BFAP Baseline – Agricultural Outlook 2016-2025*, http://www.bfap.co.za/documents/baselines/BFAP_Baseline_2016.pdf

Human Rights Watch (2011), *Ripe with Abuse – Human Rights Conditions in South Africa’s Fruit and Wine Industries*, <http://www.sawit.co.za/images/Human%20Rights%20Watch%20Report.%20Ripe%20with%20Abuse.pdf>

Meer, S. (2015), *No one should be oppressed: Writing about our lives and struggles*, Oxfam

Republic of South Africa (1993), *Compensation for Occupational Injuries and Diseases Act*, No. 130 of 1993.

Republic of South Africa (1996), *Constitution of the Republic of South Africa*, Government Gazette, Vol. 378, No. 17678, Act No. 108 of 1996, 18 December, Cape Town.

Republic of South Africa (1995), *Labour Relations Act*, No. 1887, Act No. 66 of 1995, 13, December.

Republic of South Africa (2001), *Unemployment Insurance Fund*, Act No. 63 of 2001.

Republic of South Africa (1993), *Occupational Health and Safety Act*, Act No. 85 of 1993.

Republic of South Africa (2016), *Sectoral Determination 13, Farm Worker Sector, South Africa*, Government Gazette, Vol. 608, No. 39648, 3 February. Pretoria: Government Printing Works.

SAWIS (2014), *South African Wine Exports Analysis 2008–2013*, <http://www.wosa.co.za/knowledge/pkdownloaddocument.aspx?docid=3239>

Stanwix, Ben (2013), *Minimum wages and compliance in South African agriculture*, Development Policy Research Unit, University of Cape Town.

Visser, Margareet and Ferrer, Stuart (2015), *Farm Workers’ Living and Working Conditions in South Africa: key trends, emergent issues, and underlying and structural problems*, The Pretoria Office of the International Labour Organisation.

Wegerif, Marc, Russell, Bev and Grundling, Irma (2005), *Still Searching for Security: The reality of farm dweller evictions in South Africa*, Nkuzi Development Association and Social Surveys.

Annex 1. Survey questionnaire



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Women on Farms Project (WFP) is a non-political women's organisation that focuses on women who work and live on farms. WFP is busy with a research around the violation of labour rights of women working on farms. The purpose of the research is to engage the government, the private sector, civil society and other stakeholders in order to improve the working conditions of farm workers.

The purpose of this questionnaire is to get information that will support the research study. The information you provide will remain anonymous, and nobody will be able to trace the information back to you.

A) PERSONAL INFORMATION

Province: _____

Town/Area: _____

Farm: _____

Export or local market: _____

Commodity/product: _____

1. Age

16-29	30-40	40-50	50-60

2. Relationship status

Single	Married	Widow	Co-habit (stay together)	Other

3. How long have you been a farm worker?

1-5 years	6-10 years	11-15 years	16 + years

4. Type of worker (please indicate 2, e.g. Permanent, Local)

Permanent	Seasonal	Local	Migrant

5. Where do you work on the farm?

The vineyard	The orchard	The pack room

6. Do you live on the farm or not? (please circle): YES NO

B) CONTRACT AND WAGE

7. Did you sign a contract (please circle)? YES NO

8. Did you understand the content of the contract? YES NO

9. Did you get enough time to go through the contract? YES NO

10. Did you get a copy of the contract? YES NO

11. Do you know what the minimum wage is? YES NO

12. Do you get paid the minimum wage? YES NO Not Sure

13. What is your daily or weekly wage? _____

14. How do you get paid and do you get a pay slip?

Brown envelope	Cash-in-hand	Bank	Pro-card	Pay slip	
				Yes	No

15. Are there any deductions from your wage? YES NO

Please indicate the kind of deductions.

Rent	
Electricity	
Loans from farmer	
Transport to/from work	
Work clothes	
UIF	
Policies	
Other? Please specify	

16. Do you work against targets? YES NO

17. If YES are the target achievable? YES NO

18. What happens if you do not achieve your targets?

C) OCCUPATIONAL HEALTH AND SAFETY

19. Do you feel safe at work? YES NO

20. If YES are you worried about:

Snakes or other animals	
Tractors and other farm machinery	
Transport provided by the farmer to and from work	
Verbal abuse by farmer and supervisors	
Using farm equipment like scissors	
Sexual harassment by male colleagues	
Sexual harassment by supervisors	
Sexual harassment by farmer or his family	

21. Do you work with pesticides and/or chemicals? YES NO

22. If YES has the owner explained which chemicals are being used and the possible side effects? YES NO

23. If YES, do you have protective clothing? YES NO

24. List the protective clothes you wear.

Mask	
Gloves	
Top boots	
Overalls	
Other	

25. Do you feel any side effects from working with pesticides or chemicals?

Breathing problems	
Skin problems or rashes	
Problems with your eyes	
Running noses	
Nausea	
Excessive headaches	
Other	

26. Are there separate wash facilities for those that work with pesticides? YES NO

27. Are the pesticides/chemicals stored in a safe place? YES NO

28. How soon do you have contact with pesticides after it has been applied?

0-1 Hours	
2-4 hours	
5-8 hours	
Next day	

29. Are you exposed to pesticides in your home or yard? YES NO

30. Does the farmer allow you to go to your local clinic? YES NO

31. If you go to your clinic does the farmer pay your day's wages? YES NO
32. Do you know of anyone who has been injured while on duty? YES NO
33. Was the injury reported to the Department of Labour? YES NO
34. Was the person ever compensated for his/her injury? YES NO
35. Do you know what procedure to follow if you get injured at work? YES NO
36. Are these procedures followed? YES NO
37. Are you familiar with the Health and Safety Act? YES NO

38. If YES, where did you get to know of the ACT?

Government	Trade Union	NGO	Farmer	Other Worker

39. How often do the labour inspectors from Department of Labour visit your farm?

Every 1-3 months	Every 3-6 months	Every 6-12 months	Never	I do not know

40. Are you happy with the process? YES NO

41. Why do you say this?

42. Do you have toilets where you work? YES NO

43. Do you have wash facilities where you work? YES NO

44. If you don't have a toilet, what do you use all day while at work?

45. How does this make you feel?

46. Do you know what WIETA is? YES NO
47. If yes, has your farm been audited by WIETA? YES NO
48. Do you know what Fair Trade is? YES NO
49. If yes, has your farm been audited by Fair Trade? YES NO

D) LABOUR RIGHTS MORE BROADLY

50. Are you familiar with the Sectorial Determination for Farm Workers? YES NO

51. If YES, where did you get to know of it?

Government	Trade Union	NGO	Farmer	Other Worker

52. Are you familiar with the Basic Conditions of Employment Act? YES NO

53. If YES, where did you get to know of the ACT?

Government	Trade Union	NGO	Farmer	Other Worker

54. Are you a member of a trade union? YES NO

55. If NO, why are you not a member?

56. If NO, have you been approached by a union? YES NO

57. Does the owner of the farm allow union representatives on the farm?

YES NO

58. Does the owner of the farm allow you to attend union meetings in other places?

YES NO

59. Do you feel free to talk about issues on the farm to your fellow workers?

YES NO

THANK YOU!!

Annex 2. Tables

Table 1: Disaggregated sample

Sample	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Total	201 (58.6%)	142 (41.4%)	159 (46.4%)	168 (49.0%)	237 (69.1%)	102 (29.7%)	343 (100%)
Missing	n=0		n=16		n=4		n=0
Valid (%)	201 (58.6%)	142 (41.4%)	159 (48.6%)	168 (51.4%)	237 (69.9%)	102 (30.1%)	343 (100%)

Source: survey data

Table 2: Research sites

Western Cape	
Paarl	42 (20.9%)
Wellington	34 (16.9%)
De Doorns	33 (16.4%)
Wolseley	33 (16.4%)
Rawsonville	27 (13.4%)
Stellenbosch	26 (12.9%)
Klapmuts	6 (3.0%)
Total	201 (100%)

Northern Cape	
Keimoes	62 (43.7%)
Louisvale	23 (16.2%)
Augrabies	19 (13.4%)
Alheit	13 (9.2%)
Mactaggartskamp	6 (4.2%)
Upington	5 (3.5%)
Dyasonklip	4 (2.8%)
Kakamas	3 (2.1%)
Nadonsies	3 (2.1%)
Sesbrugge	3 (2.1%)
Kanoneiland	1 (0.7%)
Total	142 (100%)

Table 3: Age

Age cohort	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
16–29 years	52 (26.6%)	25 (17.6%)	30 (18.9%)	44 (26.5%)	63 (27.3%)	13 (12.8%)	77 (22.8%)
30–40 years	77 (39.5%)	59 (41.5%)	60 (37.7%)	70 (42.2%)	94 (40.7%)	39 (38.2%)	136 (40.4%)
40–50 years	45 (23.1%)	48 (33.8%)	49 (30.8%)	42 (25.3%)	52 (22.5%)	41 (40.2%)	93 (27.6%)
50–60 years	21 (10.8%)	10 (7.1%)	20 (12.6%)	10 (6.0%)	22 (9.5%)	9 (8.8%)	31 (9.2%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 4: Relationship status

Status	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Single	70 (35.5%)	23 (16.2%)	54 (34.0%)	37 (22.0%)	71 (30.5%)	22 (21.6%)	93 (27.4%)
Married	73 (37.1%)	57 (40.2%)	54 (34.0%)	70 (41.7%)	93 (39.9%)	33 (32.4%)	130 (38.3%)
Co-habit	44 (22.3%)	55 (38.7%)	42 (26.4%)	53 (31.5%)	59 (25.3%)	40 (39.2%)	99 (29.2%)
Widow	10 (5.1%)	6 (4.2%)	9 (5.6%)	7 (4.2%)	9 (3.9%)	7 (6.8%)	16 (4.7%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 5: Duration of employment as a farm worker

Years	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
1–5 years	66 (34.0%)	41 (29.1%)	34 (21.5%)	66 (40.0%)	86 (37.4%)	20 (19.8%)	107 (31.9%)
6–10 years	50 (25.8%)	53 (37.6%)	56 (35.5%)	44 (26.7%)	66 (28.7%)	35 (34.6%)	103 (30.7%)
11–15 years	32 (16.5%)	15 (10.6%)	31 (19.6%)	15 (9.1%)	33 (14.3%)	13 (12.9%)	47 (14.0%)
16+ years	46 (23.7%)	32 (22.7%)	37 (23.4%)	40 (24.2%)	45 (19.6%)	33 (32.7%)	78 (23.3%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 6: Residence

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Lives on a farm	108 (53.7%)	64 (45.1%)	101 (63.5%)	68 (40.5%)	118 (49.8%)	52 (51.1%)	185 (56.1%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 7: Workplace

Workplace	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Vineyard	138 (72.6%)	111 (78.7%)	111 (73.0%)	129 (77.2%)	164 (72.6%)	84 (83.2%)	249 (75.2%)
Orchard	23 (12.1%)	10 (7.1%)	14 (9.2%)	18 (10.8%)	26 (11.5%)	7 (6.9%)	34 (10.3%)
Pack room	15 (7.9%)	7 (5.0%)	11 (7.2%)	9 (5.4%)	18 (8.0%)	4 (4.0%)	23 (6.9%)
Vineyard + orchard	2 (1.1%)	0 (0.0%)	1 (0.7%)	1 (0.6%)	3 (1.3%)	1 (1.0%)	4 (1.2%)
Vineyard + pack room	10 (5.3%)	4 (2.8%)	8 (5.3%)	6 (3.6%)	14 (6.2%)	0 (0.0%)	14 (4.2%)
Orchard + pack room	0 (0.0%)	7 (5.0%)	6 (3.8%)	1 (0.6%)	1 (0.4%)	5 (5.0%)	7 (2.1%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 8: Familiarity with the Sectoral Determination for Farm Workers

Familiarity	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Familiar with Sectoral Determination	101 (51.5%)	77 (59.2%)	94 (61.0%)	80 (50.3%)	122 (54.0%)	54 (56.3%)	178 (54.6%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 9: Contracts

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Signed a contract	142 (72.1%)	65 (45.8%)	121 (76.6%)	80 (47.6%)	173 (74.2%)	33 (32.4%)	207 (61.1%)
If yes, understood the content of the contract	116 (81.7%)	65 (100%)	112 (92.6%)	64 (80.0%)	147 (85.0%)	31 (93.9%)	181 (87.4%)
Had enough time to go through the contract	104 (73.2%)	61 (93.8%)	104 (86.0%)	57 (71.3%)	134 (77.5%)	28 (84.8%)	165 (79.7%)
Received a copy of the contract	23 (16.2%)	39 (60.0%)	45 (37.2%)	14 (17.5%)	35 (20.2%)	24 (72.7%)	62 (30.1%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 10: Payment mechanism

Mechanism	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Bank	146 (79.8%)	70 (54.7%)	123 (86.6%)	86 (54.8%)	180 (82.6%)	35 (38.9%)	216 (69.5%)
Cash-in-hand	15 (8.2%)	41 (32.0%)	8 (5.6%)	46 (29.3%)	13 (6.0%)	42 (46.7%)	56 (18.0%)
Brown envelope	21 (11.5%)	13 (10.2%)	8 (5.6%)	22 (14.0%)	23 (10.6%)	10 (11.1%)	33 (10.6%)
Pro-card	1 (0.5%)	4 (3.1%)	3 (2.1%)	2 (1.3%)	2 (0.9%)	3 (3.3%)	5 (1.6%)
Receives a pay-slip	161 (94.7%)	52 (75.4%)	117 (93.6%)	85 (83.3%)	180 (95.7%)	31 (64.6%)	213 (62.1%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 11: Minimum wage

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Do you know what the minimum wage is?							
Yes	123 (64.1%)	105 (76.1%)	116 (74.8%)	106 (65.8%)	153 (70.2%)	61 (69.3%)	228 (69.1%)
No	69 (35.9%)	33 (23.9%)	39 (25.2%)	55 (34.2%)	65 (29.8%)	27 (30.7%)	102 (30.9%)
Do you get paid the minimum wage?							
Yes	121 (62.4%)	81 (59.6%)	115 (73.2%)	82 (51.6%)	152 (66.1%)	48 (50.0%)	202 (61.2%)
No	33 (17.0%)	35 (25.7%)	18 (11.5%)	47 (29.6%)	33 (14.3%)	34 (35.4%)	68 (20.6%)
Not sure	40 (20.6%)	20 (14.7%)	24 (15.3%)	30 (18.9%)	45 (19.6%)	14 (14.6%)	59 (18.2%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 12: Average wage rates

Payment	Province		Employment		Market		Average
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Daily [n=184]	R124.12	R127.17	R133.13	R122.11	R124.42	R129.08	R126.11
Weekly [n=133]	R640.62	R628.09	R630.42	R649.70	R640.16	R628.80	R638.30
Fortnightly [n=12]	R1,057.75	n/a	R1,175.50	R988.00	R1,084.78	R1,065.00	R1,058.00
Monthly [n=8]	R2,780.83	R1,500.00	R2,490.00	R2,255.00	R2,521.25	R1,866.67	R2,460.00
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 13: Workers who were paid below, equal or above the Sectoral Determination wage rate

Wage rate relative to the Sectoral Determination	Daily	Weekly	Fortnightly	Monthly	Fortnightly or Monthly	Total
Below	79 (42.9%)	43 (32.3%)	9 (75.0%)	6 (75.0%)	15 (75.0%)	137 (40.7%)
Equal	68 (37.0%)	51 (38.3%)	1 (8.3%)	1 (12.5%)	2 (10.0%)	121 (35.9%)
Above	37 (20.1%)	39 (29.3%)	2 (16.7%)	1 (12.5%)	3 (15.0%)	79 (23.4%)
Total	184 (100%)	133 (100%)	12 (100%)	8 (100%)	20 (100%)	343 (100%)

Source: survey data

Table 14: Deductions from wages

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Deductions are made:	177 (92.2%)	84 (60.9%)	143 (92.3%)	105 (64.4%)	220 (94.8%)	47 (47.5%)	261 (78.4%)
UIF	181 (97.8%)	81 (76.4%)	148 (98.0%)	101 (80.2%)	215 (97.7%)	43 (89.6%)	261 (78.4%)
Electricity	44 (23.8%)	14 (13.2%)	41 (27.2%)	11 (8.7%)	50 (22.7%)	6 (12.5%)	58 (16.9%)
Policies	31 (16.8%)	20 (18.9%)	41 (27.2%)	8 (6.3%)	41 (18.6%)	7 (14.6%)	51 (14.9%)
Rent	28 (15.1%)	14 (13.2%)	31 (20.5%)	8 (6.3%)	36 (16.4%)	4 (8.7%)	42 (12.2%)
Work clothes	16 (8.6%)	11 (10.4%)	14 (9.3%)	11 (8.7%)	22 (10.0%)	3 (6.3%)	27 (7.9%)
Transport to work	8 (4.3%)	8 (7.5%)	7 (4.6%)	8 (6.3%)	12 (5.5%)	2 (4.2%)	16 (4.7%)
Loan from farmer	5 (2.7%)	7 (6.6%)	6 (4.0%)	5 (4.0%)	7 (3.2%)	3 (6.3%)	12 (3.5%)
Other	32 (17.4%)	19 (17.8%)	20 (13.4%)	26 (20.6%)	46 (20.9%)	3 (6.3%)	50 (14.9%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 15: Access to toilets and wash facilities at work

Access to...	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Toilets	86 (43.2%)	41 (28.9%)	76 (47.8%)	47 (28.0%)	109 (46.4%)	16 (15.7%)	127 (37.1%)
Washing facilities	112 (56.9%)	61 (44.9%)	96 (61.5%)	71 (43.6%)	131 (56.5%)	40 (41.2%)	173 (52.0%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 16: Health and safety at the workplace

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Farmer allows me to go to the clinic	186 (96.4%)	126 (90.0%)	152 (96.8%)	150 (92.0%)	219 (96.1%)	90 (89.1)	312 (93.7%)
The farmer pays my daily wage when I go to the clinic	125 (64.8%)	49 (34.8%)	107 (68.2%)	63 (38.4%)	127 (55.7%)	45 (44.1%)	174 (52.1%)
I know somebody who got injured while on duty	96 (76.8%)	35 (25.0%)	73 (46.8%)	49 (30.4%)	99 (43.8%)	29 (28.7%)	129 (39.1%)
The injury was reported to the Department of Labour	53 (55.2%)	13 (37.1%)	47 (64.4%)	18 (36.7%)	55 (55.6%)	11 (37.9%)	66 (51.2%)
The person was compensated for the injury	59 (61.5%)	21 (60.0%)	47 (64.4%)	30 (61.2%)	65 (65.7%)	15 (51.7%)	80 (62.0%)
I am familiar with the Health and Safety Act	131 (67.2%)	84 (61.3%)	111 (71.2%)	99 (60.7%)	158 (69.3%)	56 (56.0%)	215 (64.8%)
I know the procedure if I get injured during work	112 (61.5%)	69 (60.0%)	96 (71.6%)	82 (54.7%)	127 (62.9%)	54 (58.1%)	181 (60.9%)
The required procedures are being followed	104 (56.2%)	50 (47.6%)	87 (62.1%)	64 (46.4%)	118 (59.3%)	36 (40.9%)	154 (53.1%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 17: Exposure to pesticides

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Exposed to pesticides at work	91 (46.4%)	136 (95.8%)	101 (64.3%)	116 (69.5%)	133 (56.9%)	93 (91.2%)	227 (67.2%)
Exposed to pesticides at home or in the yard	34 (18.4%)	4 (3.1%)	27 (18.2%)	8 (5.2%)	33 (15.3%)	4 (4.2%)	38 (12.1%)
Farmer explained the pesticides used and possible side-effects	33 (36.3%)	28 (20.6%)	40 (39.6%)	21 (18.1%)	55 (41.7%)	6 (7.0%)	61 (26.9%)
Pesticides are stored in a safe place	165 (94.8%)	80 (87.9%)	123 (96.9%)	109 (86.5%)	177 (94.7%)	66 (86.8%)	244 (91.8%)
There is separate wash facilities for those who work with pesticides	104 (65.4%)	55 (59.8%)	88 (69.8%)	62 (54.4%)	119 (67.6%)	40 (54.8%)	159 (63.3%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 18: Contact with pesticides after it has been applied

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Within 0-1 hours	68 (52.7%)	21 (41.2%)	65 (68.4%)	23 (30.7%)	74 (55.2%)	14 (31.8%)	87 (49.4%)
Within 2-4 hours	4 (3.1%)	3 (5.9%)	4 (4.2%)	3 (4.0%)	6 (4.5%)	1 (2.3%)	7 (4.0%)
Within 5-8 hours	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)
Next day	53 (41.1%)	14 (27.5%)	23 (24.2%)	36 (48.0%)	49 (36.6%)	18 (40.9%)	67 (38.1%)
Other	2 (1.6%)	13 (25.5%)	1 (1.1%)	13 (17.3%)	3 (2.2%)	11 (25.0%)	15 (8.5%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	176 (100%)

Source: survey data

Table 19: Side-effects felt from working with pesticides

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Skin problems or rash	50 (25.8%)	7 (5.1%)	41 (26.5%)	13 (7.9%)	51 (22.5%)	5 (4.9%)	57 (16.6%)
Runny nose	33 (17.0%)	8 (5.8%)	28 (18.1%)	11 (6.7%)	34 (15.0%)	6 (5.9%)	41 (12.0%)
Problems with eyes	34 (17.5%)	5 (3.6%)	26 (16.8%)	10 (6.1%)	34 (15.0%)	4 (3.9%)	39 (11.4%)
Breathing problems	31 (16.0%)	4 (2.9%)	22 (14.2%)	10 (6.1%)	29 (12.8%)	5 (4.9%)	35 (10.2%)
Excessive headaches	29 (14.9%)	6 (4.3%)	24 (15.5%)	9 (5.5%)	28 (12.3%)	6 (5.9%)	35 (10.2%)
Nausea	24 (12.4%)	5 (3.6%)	18 (11.6%)	9 (5.5%)	26 (11.5%)	2 (2.0%)	29 (8.5%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 20: Protective clothes worn at work

Protective clothes	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Exposed to pesticides at work	91 (46.4%)	136 (95.8%)	101 (64.3%)	116 (69.5%)	133 (56.9%)	93 (91.2%)	227 (67.2%)
Wear protective clothes at work	43 (47.3%)	35 (25.7%)	46 (45.5%)	31 (26.7%)	69 (51.1%)	10 (10.8%)	78 (34.4%)
Top Boots	40 (44.0%)	35 (25.7%)	45 (44.6%)	29 (25.0%)	65 (48.9%)	10 (10.8%)	75 (33.0%)
Overalls	40 (44.0%)	35 (25.7%)	44 (43.6%)	30 (25.9%)	65 (48.9%)	10 (10.8%)	75 (33.0%)
Gloves	37 (40.7%)	35 (25.7%)	43 (42.6%)	28 (24.1%)	62 (46.6%)	10 (10.8%)	72 (31.7%)
Mask	34 (37.4%)	33 (24.3%)	37 (36.6%)	29 (25.0%)	57 (42.9%)	10 (10.8%)	67 (29.5%)
Others	7 (7.7%)	7 (5.1%)	8 (7.9%)	5 (4.3%)	7 (5.3%)	5 (5.4%)	14 (6.2%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 21: Do you feel safe at work? What are you worried about?

{Variable}	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
I feel safe at work	159 (81.1%)	107 (78.7%)	137 (87.8%)	120 (73.2%)	191 (82.0%)	72 (75.0%)	266 (79.9%)
I worry about snakes or other animals	88 (45.8%)	68 (51.1%)	74 (49.7%)	76 (46.3%)	120 (52.6%)	33 (35.1%)	155 (48.1%)
Worried about tractors and other farm machinery	48 (25.0%)	9 (6.8%)	36 (24.2%)	20 (12.2%)	48 (21.1%)	7 (7.4%)	57 (17.7%)
Worried about transport provided by the farmer to and from work	68 (35.4%)	14 (10.5%)	45 (30.2%)	32 (19.5%)	68 (29.8%)	12 (12.8%)	82 (25.5%)
Worried about verbal abuse by farmer and supervisors	44 (22.9%)	13 (9.8%)	33 (22.1%)	19 (11.6%)	46 (20.2%)	8 (8.5%)	56 (17.4%)
Worried about using farm equipment like scissors	75 (39.1%)	17 (12.8%)	51 (34.2%)	37 (22.6%)	75 (32.9%)	14 (14.9%)	91 (28.3%)
Worried about sexual harassment by male colleagues	33 (17.2%)	6 (4.5%)	29 (19.5%)	8 (4.9%)	33 (14.5%)	5 (5.3%)	39 (12.1%)
Worried about sexual harassment by supervisors	25 (13.0%)	7 (5.3%)	23 (15.4%)	8 (4.9%)	26 (11.4%)	5 (5.3%)	32 (9.9%)
Worried about sexual harassment by farmer or his family	24 (12.5%)	5 (3.8%)	23 (15.4%)	4 (2.4%)	24 (10.5%)	4 (4.3%)	29 (9.0%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 22: Trade unions

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Member of a trade union	27 (13.6%)	14 (9.9%)	22 (13.8%)	16 (9.5%)	31 (13.2%)	8 (7.8%)	41 (12.0%)
Ever approached about joining a union	71 (42.5%)	6 (4.7%)	54 (40.0%)	22 (14.6%)	71 (35.5%)	6 (6.3%)	101 (30.4%)
Farmer allows union representatives on the farm	71 (35.3%)	19 (14.5%)	50 (31.6%)	39 (24.7%)	77 (35.5%)	11 (11.3%)	90 (27.4%)
Farmer allows workers to attend union meetings	102 (51.5%)	52 (37.1%)	83 (52.2%)	66 (40.0%)	116 (49.8%)	35 (34.7%)	154 (45.6%)
Respondent feels free to talk about workers' rights with other workers on the farm	136 (68.7%)	94 (67.1%)	119 (75.3%)	107 (64.5%)	165 (70.8%)	64 (63.4%)	230 (68.0%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 23: Farm visits by Department of Labour inspectors

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Every 1-3 months	12 (6.2%)	4 (2.9%)	10 (6.5%)	6 (3.7%)	13 (5.8%)	3 (3.0%)	16 (4.9%)
Every 3-6 months	14 (7.3%)	18 (13.0%)	20 (13.0%)	12 (7.3%)	19 (8.4%)	13 (13.0%)	32 (9.8%)
Every 6-12 months	38 (19.7%)	15 (10.9%)	30 (19.5%)	21 (12.8%)	45 (19.9%)	8 (8.0%)	53 (16.2%)
Never	53 (27.5%)	40 (29.0%)	37 (24.0%)	50 (30.5%)	54 (23.9%)	39 (39.0%)	93 (28.4%)
Don't know	75 (38.9%)	58 (42.0%)	57 (37.0%)	73 (44.5%)	95 (42.0%)	37 (37.0%)	133 (40.5%)
Happy with the process	87 (46.3%)	51 (36.4%)	71 (46.4%)	65 (42.8%)	106 (47.7%)	31 (33.0%)	138 (43.3%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 24: Auditing of farms

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Know what WIETA is	60 (30.5%)	9 (10.1%)	46 (33.1%)	24 (17.6%)	60 (29.3%)	9 (11.7%)	69 (24.1%)
If yes, farm has been audited by WIETA	46 (76.7%)	9 (100%)	31 (67.4%)	22 (91.7%)	46 (78.0%)	8 (88.9%)	56 (81.2%)
Know what Fair Trade is	26 (8.6%)	25 (29.8%)	27 (21.1%)	23 (17.4%)	60 (29.3%)	19 (25.3%)	51 (17.5%)
If yes, farm has been audited by Fair Trade	21 (80.8%)	25 (100%)	24 (88.9%)	21 (91.3%)	27 (81.8%)	19 (100%)	46 (90.2%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data

Table 25: Work targets

Indicator	Province		Employment		Market		Total
	Western Cape	Northern Cape	Permanent	Seasonal	Export	Domestic	
Works against targets	76 (39.6%)	28 (22.1%)	47 (31.1%)	52 (33.6%)	88 (39.8%)	15 (16.0%)	105 (32.9%)
[If yes:] Work targets are not achievable	31 (38.4%)	12 (42.9%)	19 (30.4%)	23 (44.2%)	39 (44.3%)	5 (33.3%)	44 (41.9%)
Total	201 (100%)	142 (100%)	159 (100%)	168 (100%)	237 (100%)	102 (100%)	343 (100%)

Source: survey data