

Farm worker's wage

R150 not enough, but a good place to start!

As living and working conditions for farm workers have remained pathetic their demand for wage increases under the current strike are understandable, writes **Saliem Patel**.

The farm workers in De Doorns are demanding R150 a day and embarked on strike action from 5 November 2012. This demand is double the current pay which is determined by the sectoral determination for the farming sector. A sectoral determination (SD) is a legal instrument gazetted by the Minister of Labour to regulate wages and conditions in sectors where workers are very vulnerable and where there

are no strong or representative organisations of workers and of employers to negotiate with each other.

The amendment to the SD for the farming sector (SD 13) came into effect from March this year and only amended the wages of farm workers. The minimum wage set was: R7.71 an hour, R374.10 a week or R1,503.90 per month. In a household of five, the monthly wage would result in an average of R10 a day for a person to live

on (slightly less than one euro and slightly more than one US dollar at current exchange rates).

Below is a table that shows how wages have been determined by the SD 13 since March 2006. The table also calculates inflation over the period of the wage so that the real wage can be determined. An estimate of the Consumer Price Index for the current period of March 2012 to February 2013 is taken at 6.5% given that inflation is now on the rise again.

Year/s	Monthly Minimum Wage	Minimum Wage Increase	Minimum Wage Increase	Inflation Increase March – Feb	Real Increase	Real Wage	Real Increase
	Rand	Rand	Percent	Percent	Percent	Rand	Rand
1 March 2006 – 28 Feb 2007	994.00				5.7		
1 March 2007 – 29 Feb 2008	1 041.00	47.00	4.7	10.6	-1.0	984	-10
1 March 2008 – 28 Feb 2009	1 090.00	49.00	4.7	8.6	-5.9	980	-61
1 March 2009 – 28 Feb 2010	1 231.70	141.70	13.0	5.9	4.5	1 139	49
1 March 2010 – 28 Feb 2011	1 316.69	84.99	6.9	3.7	3.2	1 271	39
1 March 2011 – 29 Feb 2012	1 375.94	59.25	4.5	6.1	-1.6	1 295	-21
1 March 2012 – 28 Feb 2013	1 503.90	127.96	9.3	6.5	2.8	1 414	39
1 March 2006 – 29 Feb 2012		509.90	51.3	47.9	3.4	1 074	80

The table is informative because it shows that while nominal wages have been rising from year to year there are at least three instances where the nominal percentage wage increase is below inflation resulting in a lower real wage. This means that there were three years when workers could actually afford to buy less than they were able to the previous year – they became poorer.

FALL IN WAGES

In the period of March 2007 to February 2008, workers were R10 poorer than in the previous year. The following year they lost a further R61. Again in the year March 2011 to February 2012 they were R21 poorer than the previous year.

Between March 2006 and February 2012 the nominal wage of a farm worker increased by R509.90 but inflation over this period eroded most

of this gain. The net result was a real increase of R80 over six years. The real monthly wage of a farm worker, therefore, increased by an average of R13.33 per annum during this period.

The conditions of employment in SD 13 are sub-standard. It condones a 45-hour working week and an additional 15 hours of overtime. It allows for unpaid maternity leave and for children between the ages of 15 and 18 to be employed. Paid annual

leave amounts to about 15 days and sick leave of no more than 12 days per annum (36 days over three years). There is a maximum of three days per annum of family responsibility leave entitled to a farm worker when a child is sick or there is a death in the family.

Numerous studies have documented the living and working conditions of farm workers' families. There is no doubt that democracy has not brought freedom to farm workers. While the end of apartheid has opened up new markets for the industry allowing farmers to export and obtain foreign exchange, the majority of farm workers do not enjoy the right to assemble, the right to organise and the right to bargain – fundamental rights in a free society.

Their living and working conditions are almost the same as they were under apartheid. Poor education, high unemployment, hunger, lack of housing and health care are dominant characteristics of farm workers' lives. If anything, work is more precarious due to the ability of farmers to source labour from other areas and other countries.

Furthermore, workers remain prone to evictions from the only homes they know on the farms. Social protection from the state is inadequate and enforcement of rights by the Department of Labour is limited, farm workers remain at the mercy of farm owners and management. While solutions to the stubborn problem of apartheid's legacy remain elusive, the De Doorns farm workers realise that there can be no solution without them.

They have begun the struggle to right the wrongs and raise the dignity of farm workers. While R150 a day is not enough, it is a good place to start. Below are minimum recommendations that would at least prove to farm workers that their dignity is important and that they have a role to play in the transformation of the farming sector and the economy of the country as whole.

RECOMMENDATIONS FOR URGENT AND IMMEDIATE AMENDMENT TO SD 13

- Fixed hourly rate of R20 an hour (this works out to R160 for an 8-hour day)
- 40-hour working week
- Abolish work for children under the age of 18
- Fully-paid maternity leave
- Paid annual leave of 21 days
- Annual legislated public hearings in every province open to all farm workers! ^{LB}

Saliem Patel is the director of the Labour Research Service.

Domestic worker exploitation continues

Despite laws that protect domestic workers, little has changed, writes **Bernard Reisner**.

When Suzanne van Niekerk from Clanwilliam decided to seek work she was introduced to Jan Swanepoel, the owner of a labour broking firm for domestic workers, who persuaded her to move to Cape Town for a job.

Swanepoel paid for her transport to Cape Town and promised Van Niekerk a well-paying job as a domestic worker in the affluent suburb of Camps Bay. She was also promised a salary of R2,500 per month, free accommodation plus food.

Swanepoel promised her an employment contract, pay slip as well as to register her with the Unemployment Insurance Fund (UIF). However, he did not keep any of his promises even after Van Niekerk had confronted him on several occasions. In fact, she was paid below the minimum wage required for a domestic worker, not registered for UIF, and not paid overtime or sick leave.

Furthermore, her relocation costs to Cape Town were deducted from her salary and she had to pay for accommodation and there was no food as promised. Despite this she continued working hard so that she could support her family in Clanwilliam.

After a period of time, Van Niekerk lodged a complaint with the Department of Labour against her employer. A labour inspector first spoke to her and then the employer as one of the ways to resolve the dispute. Neither the employee nor employer was willing to sign a written undertaking to comply with the breaches.

When the the labour inspector visited she had no option but to issue a compliance order to force employee and employer to comply with the law within a stipulated time. When the compliance order was ignored the matter was referred to the Labour Court where a judge ordered Van Niekerk and Swanepoel to comply with the requirements. The parties eventually agreed to the order.

Van Niekerk's monthly salary was increased in accordance with the minimum wage regulations. All her outstanding short payments and non-payments were paid. She was registered for UIF and arrears to the fund were also paid. A work contract, pay slips and all other benefits prescribed in terms of the *Sectoral Determination 7: Domestic Worker Sector* were dealt with.

LABOUR INSPECTOR BLITZ

It is cases such as that of Van Niekerk that labour inspectors deal with almost every day. Each year labour inspectors undertake inspections at homes to check whether employers are complying with *Sectoral Determination 7: Domestic worker sector, the Unemployment Insurance Act* and the *Labour Relations Act*.

Labour inspectors have a checklist to verify that the domestic worker is not being underpaid and that a contract of employment with all the necessary information has been drafted and signed by both parties. This information includes reference to overtime, hours of work, meal intervals, payment for public holidays, annual leave, sick leave, family responsibility leave, and maternity leave.

Inspectors also ensure that the employer is registered with the UIF and that contributions are made to the fund in terms of the Act.

An employer found in contravention of these laws is issued with the relevant notices to rectify any identified non-compliance issues. If non-compliance persists beyond the prescribed time, compliance orders are issued, which may result in enforcement by the Labour Court.

MINIMUM WAGE INCREASES

With effect from 1 December 2012, domestic workers, minimum wage will be increased from R1,625.70 to R1,746.00 per month.

Domestic workers play such an essential role and the minimum wage increase is appalling. They continue to be exploited and undervalued in our society, and they remain marginalised and vulnerable.

The wages that domestic workers earn are not enough for the important work that they do. This does not do justice to the contribution they make to the lives of employers and their families in South Africa.

SA enacted *Sectoral Determination 7: Domestic*

Workers in 2002 to regulate conditions of employment and eliminate abuse in this sector. Despite significant improvements, many domestic workers in SA are still trapped in the informal economy and unable to exercise their rights.

Despite all the struggles, most domestic workers are not aware of their rights, and therefore are not paid a living wage. Most are not registered with UIF. They also do not have work contracts, pay slips, and overtime is not paid. They remain underpaid, overworked and unprotected. If injured on duty, they

do not know where to turn to. Such conditions are not conducive to a decent working relationship.

However, the plight of domestic workers continues despite demands from the trade union movement and other sectors to improve their wages and working conditions.

Although based on a true story the names used in the article are not the real names.

Bernard Reitsner is an industrial consultant who has published a domestic worker booklet called 'You, your domestic worker and the new laws'. ¹⁸

NEW WAGE TABLES FOR DOMESTIC WORKERS

An increase in the minimum wage for domestic workers is to be effective from 1 December 2012 to 30 November 2013.

Minimum wages for domestic workers who work more than 27 ordinary hours per week (Table 1: Area A – Urban Municipalities)

Minimum rates for period 1 December 2012 to 30 November 2013

- Hourly rate: R8.95
- Weekly rate: R402.96
- Monthly rate: R1,746.00

Minimum wages for domestic workers who work more than 27 ordinary hours per week (Table 1: Area B – Areas not mentioned in Area A)

- Hourly rate: R7.65
- Weekly rate: R344.30
- Monthly rate: R1,491.86

Minimum wages for domestic workers who work 27 ordinary hours per week or less (Table 2: Area A – Urban Municipalities)

Minimum rates for period 1 December 2012 to 30 November 2013

- Hourly rate: R10.48
- Weekly rate: R285.62
- Monthly rate: R1,237.60

Minimum wages for domestic workers who work 27 ordinary hours per week or less (Table 2: Area B – Areas not mentioned in Area B)

- Hourly rate: R9.03
- Weekly rate: R243.80
- Monthly rate: R1,056.35