

Farm committees make a difference

Despite improved laws to govern the lives of farm workers and farm dwellers many farmers still duck and dive around people's rights. **Lebo Manganeng** tells how a farm committee programme is starting to turn this around.

Mr Mthimkhulu has worked and lived on farms all his life. He started working for his current employer in 1995. Although he prefers living on the farm, he feels life would be better "if we could have things like electricity, water, improved tenure conditions, a decent house where human beings can happily live." These basic necessities are not available for a lot of farm workers.

One positive thing that has happened to him has been the introduction of the minimum wage. His wage increased from R600 to R800 although he feels it would be better if the minimum wage could be set at R1 500. He has, however, seen no improvements in terms of living conditions, labour relations and other conditions of employment.

Mr Mthimkhulu continues to live in a one bedroom house with six members of his family. He gets 14 days instead of 21 days annual leave, he is not paid or given time-off for overtime work or work on Sundays. He has confronted the farmer about these issues but the farmer said he "must not tell him about things that are happening in the towns and he took his car and left."

It is clear from this case that tenure and working conditions for farm workers and dwellers have not improved enough in 14 years of South Africa's freedom. They still live in poor housing conditions with virtually no access to basic services.

POOR INSPECTIONS

Although the Department of Labour (DoL) has produced reports of non-compliance with labour laws by farm employers, they found only 18 of 74 employers complied in the Eastern Cape alone. Farm workers report that the DoL's capacity to regularly inspect and enforce compliance is simply not enough.

Even where there are inspections, on which workers are heavily reliant, they are grossly inadequate. There are regular complaints that the inspectors don't consult workers, don't follow up cases and don't offer decent services to workers when they do open cases. It is clear to workers that the farmer is unlikely to comply with legislation when the inspections are poor so there is little prospect of a non-compliant farmer being charged or punished.

The Eastern Cape Agricultural Research Project (Ecarp), based in

Grahamstown, is a non-governmental organisation (NGO) that focuses on farm workers, farm dwellers and emerging farmers. Their research confirms employers' selective compliance with labour laws.

The research shows that employers either comply with certain provisions and disregard other provisions or discriminate against certain categories of workers by complying with legislation for some and denying others similar rights.

Full-time workers, most often males, are more likely to get social protection while seasonal workers and casuals, the bulk being female, are marginalised. Men workers are likely to get the correct minimum wage and to be registered for the Unemployment Insurance Fund (UIF). Women are less likely to benefit from this legal framework.

DWELLERS IN WEAKEST POSITION

Most farm workers live on the site of employment. This means the relationship between farmer and farm worker is one of employer and employee and also that of landlord and tenant. It is, therefore, important that farm dwellers, who are not employed on the farm, are



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not left out when organising on farms. This will ensure that meaningful transformation takes place.

Farm workers are in a stronger position to negotiate better conditions with farmers, not only in terms of wages but also in terms of tenure security, as farmers see them as productive. They, therefore, tend to enjoy better living conditions when compared to farm dwellers. This highlights the uneven effects of government policies put in place to improve the lives of the poor.

Farm workers and dwellers generally have low levels of organisational capacity, and this coupled with farmers' paternalism makes it difficult for them to enforce their socio-economic rights. With the help of Ecarp, farm workers and dwellers in the Casadu District of the Eastern Cape have formed farm committees to help them do this.

These farm committees have, to varying degrees, been able to advance labour rights and make improvements to living conditions as well as effectively addressing obstacles to organising. Through building the collective capacity of farm workers and dwellers, they are beginning to develop a voice in order to take part in the

formulation of the development agenda.

WHY FARM COMMITTEES?

There is an imbalance of power on farms. With farm workers and dwellers being unorganised, farmers take all the decisions. A farm committee builds solidarity among workers and dwellers and provides a collective structure that to some extent counters this imbalance of power.

Through regular meetings on farms, Ecarp tries to encourage as many workers and dwellers as possible to join the committee. The focus is on laws and government policies that affect them and on the significance and structure of farm committees. Once workers and dwellers on a particular farm decide to set up a farm committee, they elect an executive committee of a chairperson, secretary, deputies and someone in charge of labour and tenure issues.

The success of a farm committee depends on a number of factors. A farmer can respond positively by recognising the committee and being willing to discuss issues with its members. In this case progress is highly likely.

Likewise, a farmer can obstruct the committee. The ability of farm

workers and dwellers to act as a collective is crucial in overcoming difficult farmers. Ultimately, it is their resilience that determines the success of a farm committee.

ENFORCING RIGHTS

Between March 2006 and June 2008, 46 farm committees were established and they are already having an impact on compliance rates. It is still uneven but the working and living conditions of farm workers and dwellers have been significantly improved since forming the committees.

When Ecarp looked at the results of levels of compliance, the provision of proper payslips scored lowest. Payslips are important as they show exactly how the wage for a farm worker is arrived at. Among other things, a farm worker's payslip must show how much a worker's wage for a particular period is, how much is deducted, and for what, and what the rate of pay is for workers paid hourly rates and overtime.

It is often the casual or seasonal workers whose rights to proper payslips are ignored. These workers are often paid on an hourly rate and the only way to ascertain whether they get correct wages is through payslips. Farmers transgress by

giving only full-time workers their payslips or not giving payslips at all.

On only 22 farms were all workers happy about the payslips they were receiving. However after the formation of farm committees the number of workers receiving proper payslips has increased from 475 to 616.

On some farms only full-time employed men are registered for UIF. Not being registered for UIF denies workers a measure of protection in such situations as maternity leave and redundancy. Only 28 of the 46 farms with 545 farm workers were registered for UIF before the committees were formed. This left out 108 workers on 18 farms. Farm committee interventions have seen compliance rates increasing to 620 farm workers on 41 farms.

Another common transgression is the lack of provision of protective clothing, including overalls, safety boots, raincoats and masks. However, since the formation of committees there has been an increase in compliance from 457 workers on 30 farms to 596 workers on 41 farms.

Farmers non-compliance with the minimum wage has meant that the wages of farm workers has not risen. Fifteen farms identified this as a problem and, like other violations, this affects mainly casual, part-timers and seasonal workers who are mainly women.

Farm committees engaged farmers and when they still failed to comply on minimum wages, they involved the DoL. The DoL was forced to visit these farms and to also ensure proper inspection and consultation with farm workers.

These interventions resulted in the DoL issuing compliance orders against farmers who were not paying the minimum wage. As a result, between 2004 and 2007,

workers on nine farms received back pay covering the months where they did not receive the minimum wage. These workers now receive at least the minimum wage rates.

IMPROVING TENURE CONDITIONS

When it comes to tenure and living conditions, farm workers and dwellers depend on the goodwill of the farmers. This is because tenure rights and recourse for violations against rights are not as well defined as labour rights. Farm committees have, therefore, found violations of tenure rights difficult to deal with.

For instance, while the Extension of Security of Tenure Act states that no farmer can deny dwellers access to water, it in no way states that the farmer is responsible for providing this water.

All but three of the 46 farms have identified tenure problems on their farms. Common issues raised by farm workers are water, sanitation, electricity, access into and out of farms and poor housing. Farm workers and dwellers rely on farmers for provision of these services. Municipalities are unwilling to provide such services as they live on private land.

The committees try to sensitise farmers around health issues and quality of life, showing them the need for toilets, clean water and a patch of land to grow vegetables. But farmers can claim that they do not have the financial means to change living conditions and this is difficult for farm committees to challenge or query.

Eighteen of the farms had no toilets at all, only two had flush toilets and 13 were using pit latrines. After farm committees' interventions, the number of farms without toilets was reduced to 14. On five other farms, the process of building toilets is underway. On other farms, farmers have promised to build toilets.

Of the 14 farms that did not have clean water, six have managed to resolve this issue as farmers now provide them with tanks to collect rainwater.

CONCLUSION

It is clear that farm committees have an important role to play from both a political and social perspective. With the farm committee programme, different committees have managed to come together and discuss problems that commonly affect them.

Farm committees play a big role in mobilising workers and dwellers, ensuring that they have the confidence to demonstrate and articulate their grievances. In 2004 about 400 farm workers joined a march in Grahamstown where they petitioned the DoL complaining of poor services in terms of enforcement of legislation.

In 2007 more than a thousand farm workers and dwellers took part in a march aimed at various government departments to demand the extension of basic services, the speeding up of land redistribution and the development of redistribution policies that take into account their needs and aspirations.

This process is full of challenges and difficulties and more work still needs to be done to ensure that this constituency is in the driving seat of agrarian transformation.

The Ecarp farm committee programme shows that organising farm workers to improve their working and living conditions is possible as long as it is the farm workers and dwellers who are driving the process. The farm committees are a success because their structure and function is rooted in the strengths of these people. ^{LB}

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