ADDRESSING THE DECENT WORK DEFICIT IN AFRICAN AGRICULTURE: PRIORITY ISSUES

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   Mohammed Mwamadzingo, 2003
Table of Contents

Foreword .......................................................................................................................... vii

Executive Summary .......................................................................................................... ix

I Introduction .................................................................................................................. 1
   (a) The Role of Agriculture in African Development .....................................................
   (b) Issues in Agricultural Transformation in Africa ........................................................

II Review of Fundamental Rights in African Agriculture ............................................. 5
   (a) Ratification and implementation of ILO’s core Conventions .................................. 5
   (b) Ratification of ILO Conventions on agriculture by African countries ................. 5
   (c) Three case studies of workers’ rights in the African agricultural sector .............. 7
      (i) Kenyan horticultural sector ........................................................................ 7
      (ii) South African commercial agricultural sector ............................................. 9
      (iii) Commercial agriculture in Zimbabwe ...................................................... 10

III Employment and Incomes of Agricultural Workers .................................................. 13
   (a) Introduction ...................................................................................................... 13
   (b) Provision of employment and incomes in the horticultural sub-sector in Kenya .... 13
   (c) Employment and incomes in commercial agriculture in Zimbabwe ............... 15
   (d) Employment and incomes in South African agriculture ................................ 17

IV Social Protection in African Agriculture .................................................................. 19
   (a) Introduction ...................................................................................................... 19
   (b) Social protection of horticultural workers in Kenya ......................................... 20
   (c) Social conditions of commercial agriculture in Zimbabwe .............................. 20
   (d) Social protection in new South Africa .............................................................. 22

V The Extent of Social Dialogue in African Agriculture ............................................. 25
   (a) Background of social dialogue in Africa .......................................................... 25
   (b) Existence of social dialogue in Kenya’s horticultural sector ................................ 25
   (c) Visions for social dialogue in South Africa ...................................................... 26
   (d) Social dialogue in Zimbabwe’s commercial agriculture ................................. 28

VI Conclusions .............................................................................................................. 31

Appendix I: ILO Conventions and Recommendations of direct relevance to safety and health in agriculture adopted since 1919 .................. 35

Appendix 2: Other existing ILO Conventions and Recommendations relevant to agriculture adopted since 1919 .......................... 36

The International Labour Organisation (ILO) is the oldest member and the first specialised agency of the United Nations. The mandate of the ILO is the promotion of safe and decent work for women and men, in conditions of freedom, equity, security and human dignity. It strives to promote social justice and better living and working conditions throughout the world. The specific characteristics that distinguish the ILO arise from the fact that it is the only world-wide organisation founded on a tripartite structure involving governments, employers and workers.

The ILO has signalled its intention in this period of global transition to promote its mandate through new and innovative approaches. Decent work is a global demand today and the Organisation is translating its mandate through the pursuit of four interrelated pillars, now commonly referred to as strategic objectives. These strategic objectives are:

(i) promoting and realising fundamental principles and rights at work;

(ii) creating greater opportunities for women and men to secure decent employment and income;

(iii) enhancing the coverage and effectiveness of social protection for all; and

(iv) strengthening tripartism and social dialogue.

These objectives will focus ILO activities and provide complementary and mutually reinforcing approaches to ensuring decent work for women and men. Thus, the overall concept of decent work thus encompasses many issues. These include inter alia: access to freely chosen employment exercised under safe and nondiscriminatory conditions; adequate income in relation to basic economic, social and family needs and responsibilities; fair and equal treatment irrespective of national origin, race, ethnicity, gender or age; adequate social protection; opportunities for training and skills development; and freedom to participate in decision-making on issues that affect work, either directly or indirectly through freely chosen representatives.

These characteristics constitute key elements of any programme for upholding human rights and ensuring social justice, and as such they provide an equity framework. Equally important, however, that they are also necessary for the sustainable enhancement of productivity and thus provide an efficiency framework for socio-economic development as well. The emergence of the rights-based approach to development, the growing emphasis on poverty reduction and awareness in some quarters of links between agriculture and sustainable development, are all helping to create a more favourable international environment for raising critical issues in agriculture. The rationale for decent work in agriculture thus comes from two distinct perspectives: firstly, the perspective of fundamental and universal rights; and secondly, the perspective of the role of decent work in sustainable agriculture and poverty reduction, and thus of its contribution to sustainable development understood as economically viable, ecologically balanced and socially just development.

The last time the ILO undertook a comprehensive review of the situation for waged agricultural workers was in 1996. Since then the impact of globalisation is being felt in even more pronounced ways in many countries around the world, and particularly by agricultural workers.

I am pleased to present this latest contribution to the ILO Sub Regional Office for Southern Africa Discussion Paper Series entitled “Addressing the Decent Work Deficit in African
Addressing the Decent Work Deficit in African Agriculture: Priority Issues”. This paper is meant to present an African outlook and is specially prepared for the International Symposium on Decent Work in Agriculture (Geneva, 15-18 September 2003). The symposium will help to focus attention on the situation for women and men waged agricultural workers in different regions of the world and to promote the ILO mandate in this context. The symposium will identify the sorts of initiatives that can and need to be taken by the social partners and the ILO.

This paper was prepared by Mr. Mohammed Mwamadzingo, the regional specialist on workers’ education based at the ILO/SRO-Harare. To a large extent the paper is based on the findings of the rapid assessment analysis undertaken in selected agricultural sectors in Kenya (horticulture), South Africa (wine farms), and Zimbabwe (commercial agriculture). I would like to take this opportunity to express our gratitude to the lead researchers involved in the assessment (Professor Sam Moyo, Mr. Eric Watkinson and Mr. Anthony Githinji). We also wish to acknowledge technical contributions from colleagues in the ILO in Geneva (Elizabeth Goodson and Ann Herbert) and in Harare (Evelyn Serima, James Hurungo and Judica Makhetha), and Ms Frances Marks for her editorial skills. Special appreciations are due to the ILO’s Bureau for Workers’ Activities for the sponsoring the assessment surveys.

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Addressing the Decent Work Deficit in African Agriculture: Priority Issues

Mohammed Mwamadzingo*

Executive Summary

Despite the challenges brought about by globalisation, political upheavals, refugee problems, famines, recurrent droughts, the HIV/AIDS menace, and lagging economic growth, agriculture remains the most dominant sector in Africa. Agriculture employs a majority of the working population, with many African people being heavily dependent on the performance of this sector for their incomes, family security, subsistence, inputs for local industry, and participation in international trade. In many countries in Africa, agriculture is the basis for economic and political power.

Nonetheless, the state of agriculture in Africa today is a cause of serious concern. The most disturbing aspect is the steady decline in food production per population. It is also being affected by the process of economic reforms and liberalisation of international trade policies, new technologies, and by society’s demands to bring labour practices into conformity with the concept of decent work.

The purpose of this paper is to show that African agriculture can only enter into a more meaningful and modern phase if it encompasses the notion of ‘decent work’, as adopted by the International Labour Organisation.1 In addition, the paper is meant to present a regional (African) outlook, pointing out key issues to be incorporated in the background paper that has been prepared for the International Symposium on Decent Work in Agriculture (Geneva, September 2003).

The paper is divided into six sections. The first section gives the background of the African agriculture and identifies issues affecting its transformation. It starts from the aspect of declining food production per capita that has taken place over the last two decades. This has led to a fall in food consumption per person and resulted in massive imports, with further detrimental effects to balance of payments deficits, over-dependence to foreign aid, and excessive foreign debt. To reverse these trends, African governments must be more concerned with the transformation of the agricultural sector through the stimulation and promotion of ‘sustainable agriculture’, which takes into account the social, economic, and geo-political profile of the continent.

The principle message is that the relationships between the key issues affecting agricultural performance in Africa (land and agrarian reforms, chronic poverty, civil and armed conflict, governance and democracy, corruption, and the HIV/AIDS pandemic) must facilitate, stimulate, and promote ‘decent work’. This is derived from the realisation that in much of Africa, access to labour, rather than land or capital, is the basis of economic and political power.

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Background paper prepared for the International Symposium on Decent Work in Agriculture to be organised by the ILO’s Bureau for Workers’ Activities, Geneva, 15-18 September 2003.

1 In his first report to the International Labour Conference in 1999, ILO Director General Juan Somavia introduced a comprehensive concept of work and the workplace, which he called Decent Work. He described Decent Work as ‘opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity’. Decent Work has subsequently become the organising framework for ILO activities.
The remainder of the paper, i.e. sections two to six, is structured around the four pillars of decent work, namely fundamental workers’ rights, employment and incomes, social protection, and social dialogue. The discussion of how the pillars of decent work impact upon agriculture is based substantially on the on-going rapid assessment analysis undertaken in selected agricultural sectors in Kenya (horticulture), South Africa (wine farms), and Zimbabwe (commercial agriculture).2

In section two, which deals with fundamental workers’ rights, the paper shows that there has been a remarkable growth in the number of African countries in the process of ratifying the eight ILO core Conventions. By the end of March 2003, 29 countries had assented to the core Conventions. However, it is of concern that many governments barely comply with some of the conventions they have ratified. While there is also a good measure of ratification of the ILO conventions related to agriculture, large violations of rights in the sector still abound.

Section three discusses the contribution made by agriculture to employment and national income. It shows that agriculture provides employment for the majority of the working population and generally contributes from around 20% to over 90% of the value of total national production. As such, the structure and the changes of employment and wages in the sector are important factors in the development of incomes and poverty levels in African economies. Unfortunately, in all cases wages in agriculture are much lower than those in other sectors. Most employers pay their workers a pittance in their quest to maximise profit.

Section four gives an overview of social security in African agriculture. The fact that workers in the agricultural sector form the majority of the working population in Africa but are still excluded from social security schemes is a fundamental weakness that calls out for action. Social insurance schemes should be modified, and special mechanisms be designed, or, where resources permit, universal or income support systems should be developed for the most vulnerable groups. The continuing menacing effects of the HIV/AIDS pandemic have compounded Africa’s agricultural development prospects. Furthermore, the development of community-based mutual support systems should be encouraged.

As regards social dialogue, which is dealt with in section five, the paper observes that there is no doubt that South Africa has set up one of the most comprehensive legislative systems globally to protect and promote decent work in general, including agricultural work. In addition, private sector initiatives such as the different codes of practice at global level – to which the South African wine industry is a signatory – are viewed by many as a step in the right direction. However, the problem is that these codes have yet to become practice. Therefore, African countries are urged to emulate the South African legislative systems, and to continue to put in place sufficient monitoring mechanisms to ensure the proper enforcement of legislative directives and codes of practice.

Section six identifies both the initiatives and the further investigation that need to be taken by the workers’ organisations and the ILO in closing the deficit of decent work in agriculture in Africa. The protection and promotion of decent work through comprehensive legislative and supervision systems and the adoption of private sector initiatives (such as codes of practice), as seen in the case of South Africa and the Kenyan horticultural sub-sector, are highly recommended.

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Mohammed Mwamadzingo

I Introduction

(a) The role of agriculture in African development

Agriculture is the most important economic sector in Africa. Agriculture employs a majority of the working population and generally contributes from around 20% (Libya and South Africa) to over 90% (Burkina Faso, Burundi, Niger and Rwanda) of the value of total production, as measured by Gross Domestic Product (GDP). Hence, economic development, the growth of GDP, and the welfare of the majority of African people are all heavily dependent on the performance of the agricultural sector.

Despite the stated importance of the sector, the current state of agriculture in Africa is a cause of serious concern. The most disturbing aspect is the steady decline in food production per head of population that has taken place over the last two decades. Generally, the growth in food production of about 1.3% per year for sub-Saharan Africa has not been sufficient to keep pace with population growth of over 2.5% for the region. As a result, it is estimated that food consumption per person has been falling, resulting in many people having a seriously inadequate diet.

Estimates from UN agencies, which are widely reported in the electronic media, indicate that nearly 30 million Africans (of a total of 650 million) are under the threat of famine. The number at risk in the Horn of Africa is about 15 million, while over 14 million in Southern Africa and hundreds of thousands in the Sahel region of West Africa are already affected. The immediate cause is drought, which has ruined harvests and left people and livestock without food and water. However, drought alone does not explain why Africa suffers so regularly from famine and widespread malnutrition. There are other factors at work, including armed conflict, corruption, the mismanagement of food supplies, environmental degradation, trade policies that harm African agriculture, and the long-term effects of the HIV/AIDS pandemic.

Several governments have resorted to imports on a large scale. Overall, this means that Africa has changed from a position of self-sufficiency in the basic necessities of life to one of growing dependence on overseas producers. The expansion of food imports has contributed to the growth in the balance of payments deficits and external public debts, and food prices have risen or, where food prices are controlled, the costs of subsidies have increased. These trends are likely to cause inflation and generally put a brake on economic growth.

Meanwhile, the production of cash crops for exports has either stagnated or declined. Africa’s share of world trade in many major export commodities has fallen substantially over the last two decades. At the same time, both food and livestock and cash crop production have all stagnated, disputing the view that switching resources into export crops has caused declining food production. Nor can it be claimed that Africa’s poor export performance is due to falling

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world prices, for the unit value of African agricultural exports rose faster between the 1960s and 1995 than did the unit value of exports worldwide (World Bank, 2002).

Malnutrition is ever widespread across the African continent, even in famine-free years where food production or imports appear to meet a country’s needs. The UN’s Food and Agricultural Organisation (FAO) estimates that every year 40% to 50% of the population of sub-Saharan Africa goes hungry and that the region is worse off nutritionally today than it was 30 years ago.

(b) Issues in agricultural transformation in Africa

African governments are increasingly concerned with bringing about an agricultural revolution that will reverse these adverse trends in production. The challenge, as argued by the Nobel Prize-winning economist Professor Amartya Sen, is that hunger and the resulting malnutrition and famine are products chiefly of poverty rather than specifically a country’s ability to grow enough food. Sen believes that if African countries were able to generate sufficient income they would be able to make themselves free of hunger as they could afford to import food to make up any shortfall in domestic production.

In a list of the 18 African countries facing food emergencies in 2001, the FAO found that eight were experiencing civil strife and three were suffering the after-effects of conflict, such as internally displaced people and returning refugees. The other seven had been affected by drought, cyclones, or food deficits that could not be made up by imports because of lack of funds.

In countries such as Angola, Eritrea, and Ethiopia recent conflict and a history of more or less constant war in previous years have played a major part in causing low food production, widespread poverty, and the dislocation of food distribution and trade networks. The diversion of government finances, and corruption or mismanagement have been part and parcel of the conflict situation, or have developed from bad governance, and have turned droughts and food shortages into famine.

The HIV/AIDS pandemic has also taken its toll, particularly in sub-Saharan Africa. Through HIV/AIDS-related deaths and illnesses, countries like Malawi, Swaziland, Zambia, and Zimbabwe continue to lose a high proportion of their economically active population and ‘gain’ a large number of orphans and elderly people who have no visible means of support. A report from the FAO (2002) estimates that in the 25 most affected countries in Africa, 7 million agricultural workers have died from AIDS since 1985, while 16 million more deaths are likely in the next two decades. Furthermore, HIV/AIDS affects food production through reduction of land under cultivation, declining yields, decline in crop variety and changing cropping patterns, loss of agricultural skills.4

The persistence of contemporary agrarian problems and policy failures in Africa indicates the need to augment the institutional African capacity towards effective agrarian policy reforms and wider development. There is immense potential to restructure the distribution, use, and regulation of land and natural resources towards effective poverty reduction and development.

To realise this potential there is need to mobilise existing research and policy analysis resources in support of policy advocacy and policy formulation activities, and to enhance quality public dialogue on the agrarian question, and resources’ use and development.

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4 For example, In Zimbabwe, communal agricultural output has decreased by 50% in a five-year period, largely due to HIV/AIDS. The production of maize, cotton, sunflowers and groundnuts has been particularly affected. The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) systematically highlights the trade union concern on HIV/AIDS in agriculture through a Congress Resolution during its 24th Congress held in Geneva, May 14-17, 2002.
The land issue in Africa has escalated in relation to the struggle for the control of mineral resources, natural resources for tourism, various biological products from the land, and the control of intellectual property rights from nature management and bio-technology. Wars in various countries, and migration and involuntary displacements are all symptomatic of increasing land conflict. The interest of external finance and development aid in the direction and regulation of land and natural resources use and tenure, in relation to their allocation or distribution, is self-evident.

It is against this backdrop of the relationship between the performance of agriculture, land and agrarian reforms, chronic poverty, conflict, poor government, and HIV/AIDS that Africa must facilitate, stimulate, and promote ‘decent work’ in the agricultural sector. This comes from the understanding that in much of Africa, access to labour, rather than land or capital, is the basis of economic and political power. Decent work in agriculture is important because of the relative absence of labour-saving machinery, as a result of which the amount of manual labour available for critical tasks such as planting and weeding crops or watering livestock is an effective constraint to production.

Agriculture must be seen to be the key sector supporting the commitment of the continent to the realisation of the Millennium Development Goals (MDGs) whereby poverty is to be reduced by a half by 2015. The MDGs must attempt to encapsulate the decent work in agriculture as part of the set objectives with key measurable indicators. These goals were endorsed at the recently held Johannesburg Earth Summit in 2002. Essentially the MDGs call for an integrated approach to economic and social policy in a manner that is inclusive of the majority of the populace in a given developing country.
II Review of Fundamental Rights in African Agriculture

(a) Ratification and implementation of ILO’s core Conventions

There has been a remarkable growth in the number of African countries in the process of ratifying the eight ILO Core Conventions.\(^5\) In 2000, seven African countries had ratified all the Core Conventions, with the number increasing to 19 by September 2001. By March 2003, of the 85 countries that had accented to the Core Conventions, 29 were from Africa.\(^6\)

However, labour observers are according little importance to a country’s actual ratification of Conventions, for it is claimed that many governments are barely compliant in terms of those Conventions they have ratified. Thus it seems that, in some cases, the will to enforce them does not exist. In several cases, governments in Africa report that they do not have the means to do so due to the limited capacities of their Labour ministries, particularly during the IMF- and World Bank-supported structural adjustment programmes.

Nonetheless, the ratification of the Conventions is an important starting point and can be used to put pressure on governments in cases where there are abuses of trade union rights. While it is important that trade unions continue to play their part to pressure for the ratification of Conventions, there is also a need to ensure that application of these same Conventions is also given high priority.

(b) Ratification of ILO Conventions on agriculture by African countries

Since its inception in 1919, the ILO has adopted 12 Conventions (all with their accompanying Recommendations) of direct relevance to safety and health in agriculture. In addition, 17 other instruments are also relevant to the protection of workers in agriculture, covering such areas as the right of association, workers’ compensation, holidays with pay, and the protection of migrant workers, indigenous, and tribal people (see Appendices 1 and 2). Table 1 shows that African countries have tended to ratify only five key agricultural Conventions.

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\(^5\) These Conventions relate to (a) freedom of association and effective recognition of the right to collective bargaining (Conventions Nos. 87 and 98); (b) the elimination of all forms of forced or compulsory labour (Conventions No. 29 and 105); (c) the effective abolition of child labour (Conventions Nos. 138 and 182); and (d) the elimination of discrimination in respect of employment and occupation (Conventions Nos. 100 and 111).

The *Safety and Health in Agriculture* report presented to the International Labour Conference in June 2000 indicated that there is world-wide recognition that agriculture is a particularly hazardous sector, both in developing and industrialised countries. Based on reports compiled by the International Confederation of Free Trade Unions (ICFTU), relations between trade unions and governments in many countries in Africa are not particularly cordial as these governments are in general hostile to the development of strong, independent, and democratic trade unions. In recent years, there has also been a noticeable increase in cases where subtle attempts have been made often by governments (and some times by employers) to undermine the effectiveness of trade unions, especially those in the agricultural sector. Table 2 lists the reported violation of rights of agricultural workers in Africa for the period 2000-2003.

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(c) Three case studies of workers’ rights in the African agricultural sector

(i) Kenyan horticultural sector

Horticulture has grown in importance to become one of Kenya’s main foreign exchange earners, second only to tea. In 2001, the horticultural industry exported 95,200 tons of produce worth US$ 3 billion. Kenya’s production of vegetables, fruit, and flowers has more than tripled in the last two decades, and the country is now the world’s second largest export of cut flowers.\(^8\)

The Kenya Plantation and Agricultural Workers’ Union (KPAWU) has continued its efforts to organise the horticulture sector. KPAWU signed a collective bargaining agreement with the Agricultural Employers Association (Flower Growers) on 7 February 2003. The agreement (covering 24 flower farms out of 120) addresses many issues of conditions of work and can serve as a model to further reach out to the unorganised workers in this sector.

The cut flower industry in Kenya has constantly been accused of human right abuses. Media reports allege that women workers are particularly vulnerable to exploitation in the form of sexual harassment, no maternity leave, overcrowded housing, and low pay. Reports from the Women Working Worldwide (WWW), a Non-Government Organisation based in the United Kingdom allege that, ‘the level of exploitation on the (Kenyan) flower farms is so extreme … [and that the] issues on the flower farms are even worse’ than other industries that WWW has previously dealt with.\(^9\)

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\(^8\) Holland is the largest producer and exporter of cut flowers. Other major players include Israel, Columbia and Australia.

\(^9\) The East African, Kenyan Regional Weekly Newspaper.
Table 2: Cases of violations of rights of agricultural workers

<table>
<thead>
<tr>
<th>Country</th>
<th>Nature or reported violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botswana</td>
<td>Agricultural and domestic workers are not covered by the Trade Unions Act and cannot belong to trade unions or bargain collectively. The Government has used its strike legislation to order workers back to work, as in the case of employees of the Botswana Agricultural Marketing Board, who went on strike in 2000 because they had not received their salary adjustments.</td>
</tr>
<tr>
<td>Côte d'Ivoire</td>
<td>Existence of what has been described as slave-like conditions of employment, especially with regard to workers in the agricultural sector in northern Côte d'Ivoire, involving especially migrant workers, many of who are also said to be children.</td>
</tr>
<tr>
<td>Kenya</td>
<td>In Naivasha, the KP AWU agricultural union said that floriculture firms persistently refused requests to allow workers to be represented by the union. In 1998, out of some 100 firms, only 24 had allowed workers to join KP AWU. On 7 February 2003 KP AWU signed a collective agreement with the Agricultural Employers Association of Kenya.</td>
</tr>
<tr>
<td>Libya</td>
<td>The law prohibits public servants, agricultural workers, and seafarers from bargaining collectively, although there is no collective bargaining in practice in any sector. Public servants, agricultural workers, and seafarers are not adequately protected against acts of anti-union discrimination.</td>
</tr>
<tr>
<td>Morocco</td>
<td>Agricultural workers enjoy fewer rights than workers in other sectors. In May 2001, 11 protesters had to be taken to hospital as a result of the violent dispersal by police of a sit-in at the Ministry of Agriculture. The employees of the Ministry’s regional offices had staged the peaceful protest in order to demand recognition of their status. The police intervened while the delegates of the three unions representing the workers were in discussions with Ministry officials.</td>
</tr>
<tr>
<td>Namibia</td>
<td>Although farm and domestic workers make up a sizeable portion of the Namibian labour force and are covered by the labour code, they are still subjected to employer intimidation when they organise into trade unions. Amendments to the Labour Act to be implemented in 2003 are expected to improve the dispute settlement machinery.</td>
</tr>
<tr>
<td>Rwanda</td>
<td>Agricultural workers were excluded from the 1976 code and thus their trade union rights were not protected. However, since 2001 are included in the code.</td>
</tr>
<tr>
<td>Senegal</td>
<td>The majority of workers are excluded from the Labour Code because they are in the agricultural or informal sectors, where the code does not apply.</td>
</tr>
<tr>
<td>South Africa</td>
<td>Trade union rights are not always respected in practice. In the agricultural sector in particular employers are hostile to unions and organising is made difficult because union organisers are considered trespassers on private property. Workers who try to form or join trade unions face intimidation, violence, and dismissal.</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>Farm-workers, whose living standards have never been particularly high, have lost jobs and their properties, including homes, as a result of the Government’s land reform and re-distribution programmes. To date many are now living as squatters and destitute, with no prospects of a future. According to reports sent to ILO Workers’ Group in GAPWUZ offices were ransacked in March 2003 and union activists is in hiding after family members were kidnapped.</td>
</tr>
</tbody>
</table>

*Italics indicate own additions.*

*Source: ICFTU, Annual Violations of Trade Union Rights (various issues, 2000-2003)*
A study commissioned by the Washington-based International Labour Rights Fund noted that there were ‘devastating psychological and physical effects on women workers and their families’. The study provided specific details, including elderly coffee plantation workers trying to resist rape by a manager, being left unconscious on the plantation grounds.\textsuperscript{10}

The Kenya Human Rights Commission (KHRC), a Non-Governmental Organisation (NGO), has also noted that women are subjected to sexual harassment by supervisors and that 90% of workers are not members of unions that could help protect them. ‘It’s total exploitation. Most of the workers are women, most of them are divorcees and single mothers, they have to be exploited just to feed their families,’ stated Eunice Muthoni, a monitor for the KHRC. ‘They know that if they are sacked tomorrow there are others who will take their job,’ she said.

Kenya’s agricultural sector is believed to comprise one quarter of all agricultural workers (Fyfe 2000). Most of the children are employed in the commercial agriculture sector. Some of these children have been forced to work from a tender age due to poverty and other hardships facing them. Most children labourers in Central Kenya work on coffee and horticultural estates. In Western Kenya, children work on sugar plantations. Other badly hit areas are the Coast and among pastoral communities, where children are involved in herding cattle. The Government, in collaboration with international organisations, is consulting employers to try to come up with a solution to child labour.

(ii) South African commercial agricultural sector

One of the most challenges facing the South Africa after the democratic elections of 1994 was to change and improve the conditions of farm and rural workers in South Africa. The agricultural sector in South Africa is dominated by large commercial farming interests. South Africa has over 60,000 commercial farms and approximately 8 million farm dwellers, including the dependants of farm-workers.

Until January 1994, farm workers were excluded from labour legislation. However, after an internationally backed campaign for labour rights for farm workers, certain aspects affecting farm workers were repealed and the Agricultural Labour Act was introduced. This brought together the provisions of the Basic Conditions of Employment Act and the Labour Relations Act. A special Agricultural Labour Court was created to adjudicate rights disputes in agriculture. Also, the earlier provisions, which prohibited strikes in agriculture, were removed and there was a compulsory arbitration provision.

The new Labour Relations Act was passed in September, 1995, after extensive debate at the National Economic Development and Labour Council, where economic forces were contesting certain aspects. The Act, although representing a major leap forward for workers, also contained some serious problems with the limitation of rights to farm workers, particularly concerning their representation.

In a sector where the application of labour laws is still gaining ground and labour inspection services are patchy, even those with permanent jobs are not always afforded the rights due to them under current labour law. Those employed under third party contracts are even worse off, as these contracts often do not afford the same level of protection as permanent employment. Farm labour is mostly unskilled and these new forms of employment discourage training, as employment contracts are often brief and the third party employer has little incentive to invest in the productivity of their staff.

In the past, employers were able to exploit a loophole in South African Labour Law in order to escape their obligations towards sub-contracted or contracted employees. However, the 2002 amendments to the Labour Relations Act clarify the definition of an employee, thus eliminating many of the pseudo-contracting definitions used by employers in the past. Furthermore, work by the Centre for Rural Legal Studies shows that under the recent labour law amendments even employees of third parties are covered by the labour law as follows:

- A labour-only broker that does not pay wages but sources the labour is not liable under the labour laws, but their client is
- A temporary employment service organisation is one that pays the wages for labour sourced, but does not give instructions to workers. The organisation and the client are both liable under the labour laws
- A contractor that employs workers and gives instructions is liable under the labour laws for the terms and conditions under which the workers are employed

On the issue of child labour, according to the Survey of Activities of Young People, 59% of children who were working for pay, profit, or family gain, were working in agriculture. At the release of the third global ILO report on child labour in May 2002, the South African Government and organised labour, organised businesses, and a number of NGOs, re-affirmed their commitment to supporting the fight against working below the minimum age and the worst forms of child labour. The Department of Labour planned to host a general workshop on how to take initiatives against child labour in South Africa in April 2003.

(iii) Commercial agriculture in Zimbabwe

The agricultural sector is the largest formal employer in the Zimbabwean economy, accounting for 26% of the total paid labour force. Most of those employed in the agricultural sector are poorly-paid farm-workers on large-scale commercial farms in Zimbabwe. Estimates indicate that there are over 340,000 workers on the Zimbabwean commercial farms. (This number does not include their dependencies, which could raise the estimates to about 2 million workers.)

Before the fast-track land reform in 2000, the country was characterised by a dual agrarian structure composed of large-scale commercial and smallholder communal farmers. In the old agrarian structure inherited from the colonial era, the large-scale commercial farming sector was composed of more than 4,500 farms occupying some 11.2 million hectares of land. Farm sizes averaged over 2,000 ha for owner-operated farms, which accounted for close to 30% of the large-scale commercial farming sector, with plantation estates and wildlife ranches in excess of 10,000 ha accounting for the balance. Plantation estates are mainly owned by large and multi-national corporations (MNCs) such as Anglo-American (the Hippo Valley Estates in the Chiredzi area) and concentrate on sugar and forestry. Other MNCs are involved in coffee, tea, cotton, and horticulture. Agricultural production in this sector is highly specialized and, with the onset of globalisation, has drifted away from traditional food crops to new export-oriented land usage (horticulture, wildlife, and farm tourism).

By contrast, the communal areas consisted of a population of about 1 million households or 6 million blacks on 16.4 million hectares, with 74.2% of this land in marginal areas. Most small-holder farmers are involved in subsistence food production, and in good agricultural seasons the surplus is sold to markets.
In July 2000, the Government of Zimbabwe introduced the fast-track land reform programme (FTLRP)\(^{11}\), which has now changed the dual structure of the agricultural sector. The changing agrarian structure has had various implications for labour demand and utilisation in large-scale commercial farming.

With the introduction of the FTLRP, the land needs of farm-worker communities seem to have been ignored. It is alleged that about 150,000 farm-workers’ families have been severely affected by the programme and that only 10% have been offered resettlement on farms where they were already employed. Many have faced the threat of losing their homes, their communities, and their livelihoods. To date, the plight of the 300,000 farm-workers and their 1.5 million dependants is not clear, yet it is claimed they have been the hardest hit by Zimbabwe’s FTLRP. Since 2000, five farm-workers and five farm owners have lost their lives as an indirect result of the FTLRP, and job losses have affected the livelihoods of many.

Efforts to evaluate the effects of the land reform on farm-workers have been carried out by stakeholders such as the Farm Community Trust of Zimbabwe (FCTZ), and humanitarian organisations such as Save the Children (UK) Foundation. An assessment of the impact of land reform programme on commercial farm worker livelihoods in all Mashonaland and Manicaland provinces in 2002 highlighted the further deterioration of farm-worker livelihood and the increased vulnerability of farm-workers in face of land reform. The survey was necessitated by the fluid nature of developments in this sector, which made it difficult to make informed decisions as to what the current situation is, particularly after the March 2002 presidential elections. Reports from different sources point to the rampant closing down of almost all commercial farms and the displacement of all farm-workers. The report indicated that a large number of farm-workers (about 50%) have lost employment and are relying on charity of farmers and relatives, for over 3,000 farms had been earmarked for compulsory acquisition in the Mashonaland provinces alone.

An earlier report by the Farm-workers Action Group (FWAG) in conjunction with Friedrich Ebert Stiftung notes that ‘efforts to ease land hunger (in Zimbabwe) through the current Land Reform programme have accelerated squatting, unemployment, and destitution especially amongst farm-workers.’ In the same report, a member of the cabinet committee on resettlement and development also acknowledged that current government policy does not address the problem of displaced farm-workers because the assumption has been that the resettled new landowners will re-engage the farm-workers as labourers. The committee member also noted that, ‘there are some instances where in the second phase of the land reform and resettlement programme, farm-workers have been taken on board but this was by default rather than by design’.

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\(^{11}\) Under the fast-track land reform, redistribution occurred under two models A1 (villagisation scheme, an average of 10-15 ha per family) and A2 (commercial farm settlement scheme, 200-500ha)
Introduction

Agriculture is the largest employer in the formal economy of many countries in Africa. As such, the structure and changes of employment and wages are important factors in the development of incomes and poverty levels across the continent. In other words, until and unless income and poverty levels in agriculture are improved, most African countries are unlikely to emerge from the current quagmire that is poverty.

Table 3 shows that the wages in agriculture are in all cases much lower than those in other sectors of the economies in Africa. To provide a clear picture, the following sub-sections examine the cases of Kenya, South Africa, and Zimbabwe.

Provision of employment and incomes in the horticultural sub-sector in Kenya

The agricultural sector provides 251,000 job opportunities for Kenyans, i.e. some 15% of the total waged employment. In the horticultural sub-sector, women are the most involved in terms of labour provision, for they constitute about 70% of the total labour force.

The KHRC has constantly accused farmers of paying their workers a pittance, exposing them to toxins, and damaging the environment in their hunger for profit. Most farm owners have denied these allegations, saying they have taken steps to ensure employees get a fair deal and that ecosystems are protected. They argue that the industry is helping to lift many thousands of Kenyans out of poverty. Nevertheless, KHRC has noted that some farms pay employees as little as 2,000 shillings (US$25) a month.

See Appendix 3
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<th>Table 3: Comparison of sectoral wages in selected African countries</th>
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<tr>
<td><strong>Monthly earnings in current US dollars</strong></td>
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<td><strong>Botswana</strong></td>
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(c) Employment and incomes in commercial agriculture in Zimbabwe

There is controversy over the actual size of the farm-worker population in Zimbabwe. Surveys that have been carried out by other NGOs have tended to offer different data from the official estimates of farm-worker features provided by the Central Statistical Office (CSO). In 1997, the Agricultural Labour Bureau (ALB) of the Commercial Farmers Union (CFU), the Farm Community Trust of Zimbabwe (FCTZ), and the USAID Famine Early Warning System (FEWS) carried out a survey of commercial farm-workers.\textsuperscript{13} Results of this survey estimated the total number of agricultural workers to be 451,456, a difference of 112,444 from the annual CSO survey. Yet another survey also carried out during the same year by the National Employment Council for the Agricultural Industry came up with an estimate of 332,875, which again differed slightly to the CSO figure of total agricultural workers (339,012). The differences between official and independent surveys results are mainly in respect of casual labour. According to the ALB-led survey, causal labour accounted for 55\% of the total wage employment on large-scale commercial farms, compared to 48\% for the CSO-based data. A verification report of the ALB-led survey suggests that the wide difference from CSO figures could have resulted from the classification of wives of seasonal workers as part of the casual labour force. This agrees with the observations that the numbers of casual workers with meaningful employment tends to be exaggerated.

Statistics from the latest Labour Force Survey carried out in 1999 show that of all employed female workers, 70\% are employed in the agricultural sector, compared to 51\% of all employed male workers. There was little change in the share of total female agricultural wage employment between 1996 and 2000.

Since the colonial period, farm labourers have been paid the least amount in the formal employment sector. Whilst there have been minimum wages in all other sectors of the economy since 1934, there have been none for the agricultural sector. Post-independence wages were set in terms of the Minimum Wages Act of 1980 by Government, before the Economic Structural Adjustment Programme (ESAP) that introduced collective bargaining as a method of wage-setting. Employers and employees strike wage deals under collective bargaining method through their respective organisations.\textsuperscript{14}

Minimum wages from the collective bargaining exercise only protect permanent workers, and thus exclude contract/casual or seasonal agricultural workers. The farm worker survey carried out by the Ministry of Public Service, Labour and Social Welfare in 2001 showed that 71\% of farm-workers had a monthly wage of between ZW$1,000 and ZW$1,999, conforming to the minimum wage of ZW$1,932 as at 2001. Only 3\% had incomes above the minimum wage. Other surveys have also confirmed that most farm-workers are earning above the minimum wage. The 2001/2 collective bargaining exercise proposed pegging the minimum wage at ZW$4,300, a figure which most farmers had already been paying. However, because of the hyperinflationary environment in Zimbabwe, in real terms the new minimum wage was only worth the equivalent of ZWS$277.21 at constant 1996 prices. In other words, the purchasing power of 2001/02 wages was now less than it was in 1996.

\textsuperscript{13} In 1997 the government designated 1471 large-scale commercial farms for compulsory acquisition, most of which were owned by members of the CFU. Because there was so much at stake for CFU, this could have led to the over-estimation of the number of agricultural workers on large-scale commercial farms.

\textsuperscript{14} The National Employment Council for the Agricultural Sector, which was formed by the ALB, represents commercial farmers and commercial farm-workers by General Agriculture and Plantation Workers Union of Zimbabwe (GAPWUZ). The collective bargaining exercise does not only cover wage negotiations, but also includes employee grading, benefits, leave benefits, provision of protective clothing, and gratuities payable on termination, among other things.
Although farm-workers were being paid nominal wages above and beyond the minimum, these wages did meet their subsistence requirements, and compare poorly with the Poverty Datum Line (PDL) of ZW$980 per month for an average household of 4.6 persons.\footnote{The PDL measures the income required to meeting the basic needs of an average family composition and provides a useful tool for assessing the adequacy of the current farm-worker earnings.} About 70% of the farm-workers fell below the PDL in 1997, while average monthly wages were about 51% of the PDL. This is consistent with the results of another study that calculated average monthly farm-worker income to be 50% of the PDL as at 1979.\footnote{Kenyenze, Godfey (2001), Zimbabwe’s Labour Relations Policies and the Implications for Farm-workers, in Amanor-Wilks, D. (editor), Zimbabwe’s Farm-workers: Policy Dimensions. Lusaka: Panos Southern Africa.} Using results from the Income, Consumption, and Expenditure Survey of 1995/96 carried out by CSO, the minimum monthly wage for this particular period was 34% of the PDL for a family of 4.6 persons.

Farm-workers are amongst the lowest paid in Zimbabwe, although there are no recent official figures on the poverty they encounter since those of the 1995/96 Poverty Assessment Study (PASS). Recent literature has acknowledged the prevalence of poverty among agricultural workers, but falls short of giving estimates.

The conditions of farm-worker labour have increasingly been affected by globalisation since ESAP began. ESAP made it easy for employers to ‘hire and fire’ workers through the new regulations introduced during the reforms. For Zimbabwe to be increasingly integrated into the regional and global economy, farm-workers have paid dearly. Because of the new agricultural export drive, the vagaries of the international market price fluctuations of tradable agricultural commodities have had a direct bearing on farm-workers. When prices fall on the global market, farmers pass on the effects on farm-workers in the form of reduced wages and job retrenchments.

Thus, while the pre-ESAP period was characterised by a growth in real average earnings in the agricultural sector, the post-ESAP period was characterised by a rapid decline. In addition to job losses, farm-workers suffered through the loss of job security. In a bid to evade paying extra labour costs tied to permanent wage employment (pensions, medical aid, and housing), employers responded through the casualisation of the labour force. For example, in 1983 permanent workers constituted 76% of total wage employment on large-scale commercial farms, but, by 2000, the proportion had declined to 53%. The loss of jobs in the agricultural sector was not only a result of farmers hedging themselves against the impulses of the international market, but also a result of the new demands of export-oriented agricultural production. This required higher labour productivity in response to the incentives involved, which led to heavy mechanisation on large-scale commercial farms.

Migration has also been a feature of wage employment in agriculture in Zimbabwe. Before independence, foreign workers accounted for the largest proportion of the total wages of agricultural workers on large-scale commercial farms. The majority of migrant farm-workers were from Malawi and Mozambique, with a few from Zambia. The formal recruitment of foreign labour, which was above 50% before the change in foreign labour policy in 1958, was abandoned in 1980. The proportion of migrant workers has since changed significantly, with the share of migrant workers in agricultural wage employment more recently given as being between 10% and 30%.

Historically, migrant workers have been employed as part of the non-permanent wage (contract, seasonal or casual) labour and were heavily underpaid. At present, most migrant workers have been fully integrated into Zimbabwean society. Foreign workers that remain on large-scale commercial farms are now second or third generation Zimbabweans, although few of them not possess the official documentation that qualifies them as Zimbabweans.
(d) Employment and incomes in South African agriculture

The agricultural sector in South Africa (which includes forestry) employed around 880,000 workers in September 2000. Most workers were permanent (60%) with the remainder comprised of fixed period contract, casual, seasonal, or temporary workers. Based on the information available, there appears to have been a significant drop in permanent employment and an even more dramatic drop in other types of employment between 1993 and 2000. Out of a total of approximately 2 million South African households who reported going hungry in year prior to September 2000, approximately 128,000 had members who were agricultural workers.

The trend towards the shedding of permanent employment is not unique to the wine industry; it is common in the whole agricultural sector. The statistics reveals that 114,000 regular jobs were lost in commercial agriculture between 1988 and 1996. The overall share of agricultural employment in total rural employment declined from 79% in 1991 to 74% in 1997 and the percentage of farm-workers in the total rural labour force fell from 15 % in 1991 to 12% in 1996. Wine producers and farm owners are reducing the numbers of their employees on the basis of efficiency, cost savings, and the desire to make bigger profits.

More recent figures suggest that the wine industry directly and indirectly supports 159,952 job opportunities throughout the economy. The industry directly employs 103,800 people. What is important is that while the primary agricultural sector of the wine-making process directly employs the most people, it is also responsible – directly and indirectly – for 43% of the 159,952 jobs that are dependent on the wine industry.

Although the overarching labour legislation in South Africa does not provide for a universal minimum wage, the Minister of Labour may determine sectoral minimum wages if so required. After raising the concept of an agricultural worker minimum wage for debate and research in 1999, the Government finally instituted an investigation into the possible benefits of a minimum wage in 2001. Research carried out for the Department of Labour has concluded that the purpose of a minimum wage would be:

- To improve the conditions of employment on average for all farm-workers. However, simply setting a minimum wage may not achieve this goal due to the fact that existing labour legislation is virtually unenforced.
- To reduce the inequality between the agricultural sector and the rest of the economy. Farm-worker wages lag far behind the rest of the formal sector, even though their real growth has been above average since 1970. However, raising farm wages to levels comparable with the urban economy could lead to adverse consequences for farmers and farm-workers alike in terms of employment levels and costs.
- The minimum wage and basic conditions of employment could be used as part of a rural development strategy, together with, or as a particular part of, an agricultural growth strategy. The argument would be that an increased wage bill in agriculture would increase the purchasing power of rural consumers. However, this is contingent on the employment effects of the minimum wage. Thus, a minimum wage that is set at levels that are too high could lead to a reduction in the size of the wage bill by employers through reductions in the numbers of employees.

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17 According to the 1993 Agricultural Census, which included forestry, there were 1,139,427 agricultural workers (excluding labour tenants). Permanent employees made up 647,839 or 56.9% of this total, while casual and seasonal employees constituted the remainder (491,588 or 43.1%). Apart from another set of national figures in 1996, the next most recent agricultural census was fielded in late 2002 and should hopefully be available for analysis in 2004.
The purpose could be to reduce inequality within the agricultural sector, although this may be more as a result of the enterprise mix on farms than of any other factor.

Sectoral determination will also cover areas such as sick leave, working time and payments in kind, termination of employment, third party employment, and attention to the impact on vulnerable groups such as women, youth, and migrant workers. With this in mind, the Government finally settled on a detailed sectoral determination bill for agriculture in late 2002. The determination became effective as of 1 March 2003.¹⁸

Certain farm owners have resisted the Sectoral Determination of Agricultural Sector bill recently promulgated by the South African Government. The attempt by Government to introduce a minimum wage within the agricultural sector should be welcomed in the light of the meagre incomes (as little as R350) that some farm-workers have been receiving. However, the proposed minimum wage of about R650 for agricultural workers may be too little. In the light of South Africa’s high inflation rate, it has had less impact than planned, in terms of improving the quality of life of the farm-workers. To make matters worse, this amount is far below the recently increased pension grants of R700 for 2003/4 financial year, as delivered by Trevor Manuel, the Minister of Finance, in his Budget speech early this year. However, as research conducted by the Department of Labour shows that employers tend to mechanise production above certain minimum wage thresholds, the low rate proscribed may be an effort to balance such concerns.

¹⁸ Since the Minister’s determination, some farmers have opted to use a loophole in the determination by adding large deductions for on-farm ‘transport’ to pay-slips to bring workers ‘above’ the minimum wage. Farm-workers on several large farms have also embarked on wild-cat strikes to ensure that their wages meet the minimum requirements. Employers have also attempted to retrench workers as a result of the determination. However, where trade unions become involved in such cases, employers are forced to justify any reductions in terms of ‘operational requirements’ in terms of the Labour Relations Act instead of just citing the sectoral determination as a cause.
(a) Introduction

Social protection is an important aspect of the material well-being of any worker. In Africa, as in other parts of the world, labour-intensive enterprises have adopted labour management principles that were developed in large industrial units in Western countries. This has also happened in commercial-scale agriculture in many countries, usually with some time lags and with adaptation to specific conditions. Consequently, commercial agricultural farmers have had a dubious reputation – many of them were ascribed a ‘master race’ attitude towards their workers. Moreover, the prevailing attitude of paternalism was often negatively assessed. It is an interesting question as to whether different behaviour has come about under the influence of the democratisation process and adoption of liberal economic policies. This section seeks to determine the level of ‘welfare’ of agricultural workers, both at the workplace and at home. The section will also consider the following questions: Has the treatment of workers changed in the process of modernising farm management? How far have employers understood that labour is one of the most valuable inputs to the process of social and economic development?

An overview of social security in Africa indicates that the membership of most national schemes generally covers employees in the formal sector. Up to 90% of the active population in most developing countries is excluded from social security schemes. It is therefore apparent that extant social security schemes were designed for formal sector workers in regular work employment and have failed to reach beyond this group. Thus, coverage extends only to a small portion of the population in African countries and varies significantly, depending on the size of the formal sector in relation to the informal and agricultural sectors.

In sub-Saharan African countries, the coverage of social security averages at around 10%, mainly due to the dominance of rural, informal, and self-employment sectors. Typical social insurance schemes that exist in most sub-Saharan African countries do not provide social protection for the majority of the population, hence consideration needs to be given to the designing of social protection schemes that better meet the circumstances and the needs of those currently excluded.

The fact that workers in the agricultural sector form the majority of the working population in Africa are excluded from social security schemes is a fundamental weakness that calls out for action. Social insurance schemes should be modified, and special mechanisms be designed, or, where resources permit, universal or income support systems should be developed for the most vulnerable groups. Furthermore, the development of community-based mutual support systems should be encouraged.
(b) Social protection of horticultural workers in Kenya

The social status of horticultural workers is defined in the ‘Kenya Flower Council Code of Practice 2002 Edition’. Formed in 1996, the Kenya Flower Council (KFC) now represents 70% of Kenya’s flower growers and has taken great pains to ensure that its members follow the organisation’s Code of Practice.\(^{19}\) The KFC has worked with the Kenya Plantation and Agricultural Workers’ Union, the Kenya Human Rights Commission (KHRC), Central Organisation of Trade Unions (COTU), and others to come up with high standards. On joining the Kenya Flower Council, each member accepts that they understand and are prepared to invest in the environmental and social criteria required for membership. Members are audited regularly and they are offered health and safety, environmental, and other types of training.

The agreed labour standards aim to provide fair wages and conditions. Standards include salaries above the Government minimum; a six-day working week of 46 hours and overtime rates paid for additional hours; 21 days paid holiday a year; two months paid maternity leave and paid sick leave after one month’s service; employers will provide reasonable housing for employees, or pay rent in addition to wages. Growers have 12 months after joining KFC to achieve these standards. The code also aims at combating child labour in this sector.

Any subsequent failure to comply with this Code of Practice results in suspension of the membership and KFC branding. Many members also comply with international codes of conduct and provide employees and local communities with schooling, water projects, and AIDS awareness and other health and social programmes.

(c) Social conditions of commercial agriculture in Zimbabwe

In 2000, the basic income of farm-workers was $1650 a month, to which free accommodation, fuel for cooking and lighting, and transport were added. The Government regarded the health and education of farm-workers as the responsibility of their employers. The employers in turn kept the social costs of production to the minimum in order to maximise their profits. Employers therefore regarded housing, health care, and social amenities as financial burdens. Generally, workers received no protection from the state against the practices of unscrupulous employers, particularly in the event of their retirement.

Lack of water and sanitation facilities is one of the most noticeable deficiencies of many commercial farms. The hygiene and sanitation conditions on many large farms are appalling, although some farmers have constructed ‘Blair’ toilets (pit latrines constructed with a brick shelter and an air vent).

The changing dynamics resulting from the FTLRP risk disrupting community support systems developed among farm-workers, which were often supported by the commercial farmers, for disadvantaged members of the community. In particular, farm-workers have supported the rapidly growing orphan populations that are being generated on most farms, as elsewhere in Zimbabwe, by the HIV/AIDS pandemic. Given the potentially devastating impact that HIV/AIDS could have on rural populations\(^{20}\) and, by extension, on future productivity in the rural economy, it is disturbing that this issue is not featured in land policy and practice. The scenario of a substantial loss of economically active population in the newly-settled farms (among both settlers and farm-worker populations) over the next decade, with a resultant serious set-back

\(^{19}\) The KFC was registered in 1996 as a council to take care of the interests of flower growers and exporters. Its functions are: assisting members to ensure the welfare and safety of the work force in accordance with the laws of the country; helping members to grow flowers while safeguarding the environment; helping members meet the quality standards of the importing countries; and ensuring the ready acceptance of the Kenya flower into any market.

\(^{20}\) UNAIDS points to the fact that prevalence in rural areas has increased dramatically in recent years and has almost closed the gap between rural and urban areas.
in farm operations and productivity, has not been adequately woven into the overall planning for agrarian reform in Zimbabwe. One worst-case scenario is that much of the productive land currently being redistributed may well become under-utilised or even derelict in a few years as a consequence of the loss of settlers and labourers to the HIV/AIDS pandemic.

Numerous traditional problems documented by many reports and literature point to the problems of infant mortality, malnutrition, illiteracy and low educational standards, occupational health morbidity, poor sanitation and access to health facilities (ventilation, toilets, and piped water). The overall living conditions of farm-workers ranks in the lowest category of social groups in Zimbabwe. This situation has been made precarious by the land occupations, massive land transfer, and the growth of HIV/AIDS in the last decade. One of the key longstanding issues on farms is the problem of infrastructure, such as housing, schools, clinics, and squatting in small, demarcated areas popularly referred to as ‘compounds’. Overcrowding and the lack of sanitary facilities compromise the health of farm workers, and, with the arrival of the newly-settled farmers, conflict over access to the existing infrastructure is added. The drought ravaging the country has exacerbated the precarious position of farm-worker, many of whom have been displaced from the newly-acquired farms.

Obviously there is a great discrepancy between the quality of the housing of the farmers and that of their workforce. The farmers’ homesteads are similar in size and luxury standard to middle-class housing in Zimbabwean cities. Permanent workers live in small mud or brick houses in compact farm villages. Their housing standard is comparable to that of people in communal lands, but is perhaps poorer because they live very close to each other and have little scope for an individual arrangement of living.

Farm-workers may also have access to individual plots for their own use, be able to buy subsidised maize meal on farms, and/or are provided with food rations. However, a 2002 survey, found that the staple food situation on all the farms surveyed was quite critical. Although some farmers had been assisting with subsidised supplies, they had since run out of resources. Unemployed ex-farm-workers are in dire need of food aid because they no longer have any alternative source of income with which to sustain themselves. A few farm-workers have managed to harvest some maize from the pieces of land allocated to them by the farmers and are making do with that, although this will only sustain them for a short time.

In agriculture, women, who are usually illiterate, are non-permanent workers and rarely represented on workers committees. Young children are often left unattended or accompany their mothers to tobacco barns and fields, where they are exposed to hazardous chemicals and machinery. For them, the provision of housing, gardens, water, sanitation and community facilities has tended to be poor. Nor have the needs for non-workers – including the aged, people with disabilities, very young or orphaned – been catered for.

Women workers on commercial farms have higher rates of ill health and mortality; a result of their low wages, illiteracy, the nurturing of children, and the poor environmental conditions in which they live. Family health and nutrition are affected by the ‘re-allocation’ of women’s labour from domestic to farm work. The double workload of women and girls who carry out farm work during the day and housework in the evening means that they have little time for leisure or self-improvement activities. The spread of HIV/AIDS epidemic on commercial farms is also exacting a considerable toll on women workers.

It appears that single mothers are particularly sought after as workers on some farms. Their need for income and shelter for themselves and their children makes them vulnerable to exploitation. In the few farms in Mashonaland east where adult literacy programmes exist, more women than men are enrolled. This may be because fewer women had the opportunity to go to school, or because, as ‘seasonal’ workers, they have more time to attend adult literacy classes.
Additional information about women on commercial farms is anecdotal. Women represent the most vulnerable section of the commercial farm workforce, because they are rarely seen as workers in their own right. They are generally hired as casual or seasonal labour. They may receive same wages as men if they are doing the same job, but are usually assigned lower grade, and hence lower paid tasks. Even where their wages are equal to those of men, their casual or seasonal status means they do not qualify for the benefits to which permanent workers are entitled, such as sick pay, maternity leave, and social security. They have no job security and are invariably the first to be laid off when a farm hits difficult times. Sexual harassment, for example ‘carpet interviews’ by supervisors and foreman, is common and female casual workers are powerless to fight it.

(d) Social protection in new South Africa

Since the transition to democracy, the Government has promulgated labour reforms heralding a new chapter of industrial relations. The array of statutes such as the Occupational Health and Safety Act No. 85 of 1993, the Labour Relations Act No. 66 of 1995, the Employment Equity Act No. 55 of 1998, and, more importantly, the final Constitution of the Republic, laid a firm basis for the new industrial relations dispensation. This effectively meant that farm-workers, amongst others, who had been previously excluded from the definition of an employee according to apartheid legislation, were now fully recognised as such. These workers enjoy full protection of the law, and their rights to collective bargaining are now fully recognised. However, access to farms by trade unionists—partly due to trespass laws, refusal of farmers preventing unions from entry, and multiple unions in the sector—continues to prevent workers from exercising their right to collective bargaining.

Due to the peculiar nature of their location, farm-workers not only deal with bargaining matters, they are also faced with matters relating to their tenure and land shortage as the majority of them reside on farms. For this reason, different pieces of legislation on land and tenure reform such as the Restitution of Land Rights Act 22 of 1994, the Land Reform (Labour Tenants) Act 3 of 1996, and the Extension of Security of Tenure Act 62 of 1997 are relevant to, and address these concerns. It is through this array of legislation and the accompanying institutional arrangements, including human rights, as enshrined in the constitution, that the plight of the farm-worker is supposed to be addressed.

While all these initiatives are in place, with Government institutions trying hard to improve the standards of living and working conditions for farm-workers, implementation continues to be a problem. The reality is that farm-workers are still not enjoying the full benefit of these regulations. This is reinforced by the 2001 South African Department of Labour’s investigation into a minimum wage:

- ‘children living on commercial farms are more likely to be stunted and underweight than any other children, while only children in the former homeland areas have a higher prevalence of wasting. Almost one in three children on commercial farms are stunted, one in five are underweight, and one in twenty-five display the symptoms of wasting;

- ‘only one in four children on commercial farms are ‘food secure’, and almost a third are at risk of hunger. Nevertheless, children on commercial farms are better off than children from other rural and informal sector households;

- no more than 65% of all farm-workers live in a formal dwelling. The quality of housing symbolises the dignity of workers. People find poor quality housing inconvenient and unpleasant, and also degrading and dehumanising;

- farm-workers have the lowest rates of literacy in the country. The unemployed non-urban labour force has a higher average education level than the average farm-worker;
the average cash wage in agriculture in 1996 was R419.00 per month (or R544.00 at 2000 prices). There is considerable variation at provincial level. Farm-workers earn the lowest wages among those formally employed in the country. The ratio of mean to median income in agriculture of below 50% means that farm wages are more unevenly distributed than in any other sector of the economy. About a quarter of remuneration is paid in kind. The benefits that accrue to permanent workers depend substantially on the gender of the worker;

female farm-workers are paid less than male. This gender disparity exists despite the fact that the female are better educated than male. Female are paid less because the tasks typically performed by female are viewed as less skilled, and because employers often choose to view male workers as ‘permanent’ while female are viewed as ‘casual’ workers whose employment is contracted via a male partner;

the gap between female and male workers who reported receiving unemployment insurance funds, training, medical services and pension or provident funds is substantial. Some employers define only male as permanent workers, so that a distinction between the benefits provided to permanent and temporary workers is manifest as a gender distinction;

there is considerable evidence of a cycle of debt together with high interest rates either to farm shops or directly to the employer on many farms. This appears to be due to the isolation of farms and reliance on employers to provide transport into town. Workers also identified what can be termed ‘forced purchases’ where the employer insists that they buy certain items, normally farm produce, at specific rates;

there appears to be a lack of clarity among employers and workers on the distinction between payment in kind and benefits. There also appears to be a conflation of payment in kind and deductions. In practice there may be substantial grey areas, particularly in the case of accommodation and for other goods and services for which deductions are made but at below a market rate;

despite the fact that 54% of workers sometimes worked longer hours than the legal limit they generally do not receive any compensation for working overtime. There was no substantial gender discrepancy between the maximum working hours cited by female and male in the sample;

27% of the sampled farm-workers do not get annual leave even though they qualify for full or pro-rata leave. Of those female who indicated that they get annual leave, 28% indicated that they do not get paid for their days of leave, while 92% of the male reported they did get paid during annual leave;

while children of 14 years and younger were reported to be working on farms in seven of the nine provinces, this was found on less than a quarter of the farms in the sample;

there is substantial room for improvement in compliance with labour legislation on farms. Few workers enjoy full labour rights, and females enjoy fewer rights than male;

the position of pregnant female worker is a cause for concern because many do not get paid maternity leave, and few are members of the UIF. The prevalence of child labour is a further cause for concern. These results should also be assessed against the absenteeism rates experienced by most employers. 72% of employers said that they do not lose more than 5% of labour time due to absenteeism.'
In addition, in 1999, the Minister of Labour, Membathisi Mdladlana made the following points, in relations to the conditions of farm-workers whilst addressing a Winelands Conference in Cape Town:

○ The volume of complains from the farm-workers to the Department of Labour is increasing, with 4,336 cases reported nationally. The Western Cape office received about 815 complaints.

○ There is a lack of co-operation by farmers who refuse inspectors access to farms.

○ A lack of compliance exists with regard to all aspects of the Basic Conditions of Employment Act, ranging from not keeping records to the employment of children.

○ Non-procedural dismissals are often carried out.

○ The non-payment of contributions to the Unemployment Insurance and Compensation Funds is problematic.

○ Poor accommodation, including unhygienic sanitary facilities is often all that is provided for farm-workers.

Although the Minister of Labour was making these remarks within the context of commercial agricultural sector as a whole, he was nonetheless implying that wine industry, as part and parcel of this sector, is no exception. In relative terms, even though the wine industry by virtue of its export-led character, did slightly better than other agricultural sectors, workers and various observers in the sector still express frustration over violations of legislative as well as constitutional directives by employers. These burdens are often heavier for women, as noted above.

Additional problems that continue to befall female farm-workers in the wine industry are:

○ Vulnerability of women – women continue to be underpaid in farms and yet they do work that is equal to men. In some instances they even work under harsher conditions than men. Working for long hours in some farms continues to be a norm. When they became pregnant, in many instances, employers grant them leave, which is, however, short and without pay.

○ Lack of sufficient social services – women are the most affected when it comes to the scarcity of social services and infrastructure in the wine industry. Due to lack of proper running water and sanitation, they are forced to travel long distances to fetch water in order to sustain their normal household activities. In the surrounding areas of the vineyards in Western Cape, health care facilities are limited. An example was made of the area of Grabou. In this area, there is only one clinic providing primary health care needs. In order for women to be attended to, they are forced to wake up in the early hours of the morning. Due to the long queues for treatment some end giving up going back home without having been attended to.
(a) Background of social dialogue in Africa

Social dialogue reflects the basic ILO constitutional principle of tripartism, and is thus at the core of ILO action. As a strategic objective it is sought in its own right, and in addition it is a priority means of achieving all ILO objectives. The Resolution concerning tripartism and social dialogue, adopted by the 90th session of the International labour conference in June 2002, emphasised that social dialogue and tripartism had proved to be valuable and democratic means to address social concerns, build consensus, help elaborate international labour standards and examine a wide range of labour issues on which the social partners play a direct, legitimate and irreplaceable role. It further reaffirmed that legitimate, independent and democratic organizations of workers and employers, engaging in dialogue and collective bargaining, bring a tradition of social peace based on free negotiations and accommodation of conflicting interests, therefore making social dialogue a central element of democratic societies.

Many would like to see considerable positive social dialogue in the continent. The recent encouraging connotations of involving civil society, including trade unions, albeit on an ad hoc basis, in the search for solutions to the continent’s problems is seen as one such positive development. A commitment by the African Union (AU) and the UN to isolate those who usurp power, through unconstitutional means, is also one such encouraging development. So too is the creation of the New Partnership for Africa’s Development (NEPAD) as an integral part of the AU, with a view to enhance economic development and good governance.

African leaders also appear to be more willing to commit resources to assist in solving problems on the African continent. Perhaps one of the most noticeable positive developments in these areas is the decrease in the number of countries plagued by political instability and the increase in the number of countries that are now beginning to improve the state of governance. However, it must be stressed that Africa is far from being at peace with herself. Recent events in various parts of Africa are but a vivid reminder of this state of affairs. The dominance of agricultural workers in Africa means that they will always be scathed by the lack of social dialogue.

(b) Existence of social dialogue in Kenya’s horticultural sector

There is no full involvement of trade unions in this sector. The Government also plays a minimal role as far as horticultural production in Kenya is concerned, and the bulk of the work has been left to the private investors.

The main union representing horticultural workers is the KPAWU, which was established and formally registered in August 1963 following the amalgamation of four trade unions, viz., the Tea Plantation Workers Union, the General Agricultural Workers Union, the Sisal Plantation Workers Union, and the Coffee Plantation Workers Union. The present-day KPAWU also caters for workers in the tea, mixed farming, sisal, and coffee sub-sectors.
(c) Visions for social dialogue in South Africa

Social dialogue in South Africa does not imply the existence of a ‘social partnership’. Such a social partnership between the working class and employers would have to be underpinned by a common vision for society and of national development paradigms. Therefore, even the trade union movement, with the Congress of South Africa Trade Unions (COSATU) at the helm, have led the way in important national social dialogue structures in South Africa, these processes imply only an institutionalised exchange of views and the possibility of negotiations towards specific agreements.

Another important conceptual point relates to the tripartite mechanisms of national-level social dialogue. With changing labour markets and growing informalisation of employment, formal sector employment may never become a prevailing norm Africa. Even in South Africa, with its relatively developed economy and larger formal sector, there is increasing recognition within the labour movement within the labour movement that much more needs to be done to build a strong voice for other broad organisations that genuinely represent the interests of the poor. Nonetheless, tripartite approaches in South Africa are the norm, with the most important social dialogue processes seeking agreement between labour, Government and employers. However, been the recognition that social dialogue needs to go beyond tripartism. During the establishment of the National Economic Development and Labour Council (NEDLAC), South Africa’s premier social dialogue body, it was decided that institutionalised policy dialogue should not be restricted to tripartism. Representatives of the ‘community’ sector are included in a ‘Development Chamber’.

In short, social dialogue in South Africa can be described as a process of an institutionalised exchange of views, consultation, and agreement making between various representative constituencies including trade unions, employers’ organisations, and the Government. Civil society involves other social actors of the country as well.

Moreover, the South African trade union movement generally regards social dialogue as a means to ‘deepen democracy’ in post-apartheid society. Such an approach is based on the union movement concept of worker-control, which requires union leadership to constantly report back to union members, and to get new mandates before finalising any agreements with employers or government.

The organised agricultural sector in South Africa has recently embraced the concept of a labour code with their adoption of the ‘Vision for Labour Relations in Agriculture’. This document commits stakeholders (business, labour, and the Government) to ensure that in agriculture there is a skilled workforce working in a safe and secure environment, and under good working and living conditions, in order to ensure a competitive agricultural sector. The agreement covers various aspects of labour relations and sets out core conditions and possible action steps for achieving them. The issues covered include human rights, basic conditions of employment, labour relations, skills development, occupational health and safety, social security and benefits, productivity, HIV/AIDS, retrenchments, foreign labour, and costs of compliance. The national labour legislation is taken as a minimum starting point. Various initial implementation steps are being finalised through working groups comprising every stakeholder, although some analysts have noted that the process of implementation is very slow.
In line with efforts by overseas organisations to promote ethical trade by South African suppliers, a local initiative has been developed. The Western Cape Association for Ethical Trade in Agriculture invites membership from any person or body that has an interest in ethical trade in the sector and that supports the aims and objectives of this body.

The aims and objectives of the Association are as follows:

- To formulate, adopt, periodically review, modify, and improve a Code of Practice governing labour standards for those stakeholders involved in the production, processing and packing of agricultural products.
- To promote the adoption of and adherence to the Code of Practice amongst all persons who are producing, processing, and packing agricultural products within the Western Cape.
- To promote responsible and ethical labour practices throughout the agricultural community of the Western Cape.
- To appoint independent auditors or monitors to ensure that members of the Association observe and implement the code.
- To determine ways of encouraging the implementation of and compliance with the code, including incentives, recommendations, and measures to be taken in the case of serious non-compliance.
- To secure and maintain recognition and endorsement of this Code of Good Practice and its associated monitoring and accreditation process amongst retailers and consumers within South Africa and internationally.

The Government is starting to consider a much tighter regulation of the labour brokerage sector. This sector is growing as permanent workers are retrenched and then rehired through third party labour brokers. However, these brokers have no incentive to train these workers nor provide benefits to them. In order to address these challenges, the Government is proposing increased regulation of such brokers. However, the increased regulation of this form of labour provision will not necessarily mean that farmers will return to previous modes of permanent employment, for it is possible to have well-designed and regulated casual and labour broker systems that still undermine the concept of sustainable employment.

Thus, the focus of labour mobilisation in the rural areas will have to shift with the current trends and move away from the traditional core of permanent, on-farm, male workers. The concerns of these new labour cadres are different to the traditional fronts on which labour engaged employers. Stability of livelihoods, regularity of employment, and gender issues are now more relevant. These issues will also have to be tackled within the context of addressing wider rural development issues, such as service delivery and infrastructure provision.

It will not, however, be sufficient to deal with these issues in isolation from the global context in which they are further located. The issues of rural development deal with ‘horizontal’ themes, but pressing ‘vertical’ themes that impact on any farm-worker labour interventions also exist. The entire structure of the national, regional, and global relationships within which the farm as an enterprise is located will have to be engaged. Industrialised agro-food systems are increasingly dictating the processes and parameters of food production, and as such will either restrict or undermine state or rural private sector interventions unless holistically addressed.
Farm-workers are among the least unionised in Zimbabwe. A number of factors have contributed to this, including discrimination, the exclusion from economic and political power, lack of information, low income, illiteracy, and legal constraints, including trespass laws and restrictions on the right to organise. The ILO, trade unions at international and regional level have all supported the strengthening of trade unions in Zimbabwe. In particular, the General Agricultural and Plantation Workers’ Union of Zimbabwe (GAPWUZ) representing farm workers and their families, has played a role in interacting with other social partners. Similarly, a number of local and international NGOs have made efforts to engage farm-workers and their employers, aiming at promoting development in the commercial farm communities. These include Save the Children (UK), GAPWUZ, Commercial Farmers’ Union (CFU), International Co-operation for Development (ICD), Farm Community Trust of Zimbabwe (FCTZ), SNV-Netherlands Development Organisation, and Save the Children (UK).

Prior to amendment of the Rural District Council (RDC) Act 1997, which gave all those living in commercial areas the right to vote in local elections, farm-workers were excluded from the electorate. With the amendment, RDCs assumed the responsibility for local governance in commercial farming areas. Before the amendment, RDCs councils paid little interest and attention to the situation on commercial farms. Even when farmers were elected on to RDCs, their interests were mainly in the provision of roads rather than social benefits.

Until the June 2000 Parliamentary elections, farm-workers were not considered as politically important. With the run-up to the elections, however, came the realisation that they had some bearing on the results and were therefore specifically targeted for vigorous campaign by the main contesting parties.

Although trade unions existed before independence, there was no free and independent organisation representing farm workers. In the 1990s the ILO, the international trade union movement and some NGOs began supporting farm workers, and the past few years have seen co-operation between the unions and NGOs. Before independence, there were no unions in the farming sector. In Southern Rhodesia, the Masters and Servants Act forbade organisation by farm and domestic workers. Since independence, the main union for farm-workers has been GAPWUZ, which was formed only after 1980 and co-existed for five years with other unions until its registration as a separate organisation in 1985. Despite its low membership, and lack of resources and staff, GAPWUZ has managed to defend workers’ interests on a number of occasions and successfully challenged cases of unfair dismissal, inadequate compensation for injuries received at work, and infringements of safety regulations on farms. In 1992, it successfully defended 25 workers on a farm near Harare who had been dismissed by the farmer on medical grounds. GAPWUZ has grown slowly but steadily, moving from a membership of 15,000 in the 1980s to 65,000 paid-up members in the mid-1990s, i.e. about a third of the permanent farm workforce. Legal cases such as the one described above have helped raise its profile and encourage farm-workers to approach it for representation.

The union’s overall strategy of worker education, lobbying for state support for farm labour and uniting its various elements did not achieve particularly spectacular results, as high levels of illiteracy and mobility mean that most workers are still ignorant about their rights. Demands by the union for better wages, pension schemes, improved health care and education provision, housing off farmers’ land for retired workers and an improved labour and safety inspectorate were not adequately responded to by the state.
The growth and effectiveness of GAPWUZ have been constrained by a number of factors, including isolation on the farms, the great distances between farms, and between farms and towns, which made organising difficult; the attitudes of farm owners who saw farms as private property and used trespass laws against union organisers; and scarce resources for grassroots organising teams and networks. Internal problems also constrained the development of unionism in the farming sector, as it had a tendency towards centralisation and a bureaucratic approach to labour relations. The divisions in the labour force between permanent and non-permanent workers, and migrant and indigenous labour have also prevented the realisation of the kind of solidarity that has won improvements for workers in other sectors of the economy.

The government has had considerable influence over GAPWUZ. This was true of the entire trade union movement until 1991, but the influence has been greater and longer lasting in GAPWUZ. The state required the union to balance the interests of the workers in their struggle for better conditions with Government’s interests in its dealing with the commercial farmers. Whilst in some cases the Government gave the go-ahead for social struggle; in others it pressured GAPWUZ to accommodate the employers’ demands. However, the recent land redistribution process, with its consequences of uprooting the farm-worker population, has set GAPWUZ on the path of defending farm-workers’ interests.
VI Conclusions

Policy-makers in Africa, from government, business, and labour will have to address the challenges of decent work in agriculture through the following perspectives:

- A balance between the economic survival of farms and the protection of the fabric of rural civil society
- Strategies for on-farm transformation that take into account the complex relationships between farm-workers and employers
- The development of forms of ‘social contract’ that will allow for the development of paths to competitiveness that protect the adequacy, sustainability, and dignity of farmworker livelihoods. A workable social contract will have to include organised labour, organised agriculture, and the state
- The inclusion within private regulation of local and national agendas. This will include local control of implementation and increased transparency

In essence, the points above will need the development by the various commercial agriculture stakeholders of a viable and consensus-based vision of the role of commercial agriculture in the broader transformation and development of African society.

As a way forward, there is no doubt that South Africa has set up one of the most comprehensive legislative systems globally to protect and promote decent work in general, including agricultural work. Notwithstanding that, collective bargaining in agriculture needs to be seriously strengthened in practical terms. In addition to this, private sector initiatives such as different codes of practice at the global level to which South African wine industry is a signatory are viewed by many as a step in the right direction. The problem according to our respondents is that these are not translated into practice. Therefore, there is a need to put in place sufficient monitoring mechanisms to ensure proper enforcement of these legislative directives and codes of practice. Codes of practice should contain clear control and grievance-handling procedures and mechanisms making it possible for the unions to have a real say on Codes implementation.

Furthermore, there exist many interest parties compiling data and literature on the agricultural sector in Africa. Nonetheless, sources of independent information on farm workers, particularly designed to address questions of decent work are lacking. There are limited sources of independent information on farm workers. There are wide variations between data from official (government) sources and that from stakeholder NGOs. Studies carried out by NGOs have been concentrated in their project areas, raising some concerns about their representativeness. There has been a tendency to confuse the farm population and wage labour, not differentiating between those legally and informally resident; and those gainfully employed and spouses of workers on large-scale commercial farms. Trade unions should be consulted in such surveys and research projects if the results are to be meaningfully applied.
Outside of the wage labour figure totals, most studies have ignored economic aspects of wage labour on commercial farms and concentrated on social conditions, which have been understated in most cases. Thus, there still exist gaps on farm-worker literature and data. Assessments on the impact of land and agrarian reforms, implications of genetically modified organisms (GMOs) in African agriculture, the appreciation of the devastating impacts of the HIV/AIDS menace, links between sustainable agriculture and decent work, labour arrangements in the context of increased competitiveness and international trade policies, the land status of farm-workers, the demand and competition for labour from ‘new’ farmers, labour arrangements with new farmers (permanent or casual hiring), wage settings, the effect of alternative rural incomes on farm labour supply, and the empirical measurement of labour productivity in agriculture are some of the areas that need further investigation.

Finally, agriculture must be the focal sector in supporting the Millennium Development Goals (MDGs). In turn, the MDGs must attempt to encapsulate the decent work in agriculture as part of the set objectives with key measurable indicators. There is a need to focus on agricultural workers (and rural people in general) as principal target groups, if the MDGs are to be met.
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### Appendix I: ILO Conventions and Recommendations of direct relevance to safety and health in agriculture adopted since 1919

1. Plantations Convention, 1958 (No. 110), and its accompanying Recommendation (No. 110).

2. Guarding of Machinery Convention, 1963 (No. 119), and its accompanying Recommendation (No. 118).

3. Employment Injury Benefits Convention, 1964 (No. 121), and its accompanying Recommendation (No. 121) [Schedule I amended in 1980].

4. Maximum Weight Convention, 1967 (No. 127), and its accompanying Recommendation (No. 128).

5. Labour Inspection (Agriculture) Convention, 1969 (No. 129), and its accompanying Recommendation (No. 133).

6. Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation (No. 146).

7. Occupational Cancer Convention, 1974 (No. 139), and its accompanying Recommendation (No. 147).


10. Occupational Health Services Convention, 1985 (No. 161), and its accompanying Recommendation (No. 171).

11. Safety in Construction Convention, 1988 (No. 167), and its accompanying Recommendation (No. 175).

Appendix 2: Other existing ILO Conventions and Recommendations relevant to agriculture adopted since 1919

1. Right of Association (Agriculture) Convention, 1921 (No. 11).
2. Workmen’s Compensation (Agriculture) Convention, 1921 (No. 12). Most of its provisions are incorporated in Convention No. 110.
4. Migration for Employment Convention (Revised), 1949 (No. 97), and its accompanying Recommendation (Revised) (No. 86).
5. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), and its accompanying Recommendation (No. 89).
6. Maternity Protection Convention (Revised), 1952 (No. 103), and its accompanying Recommendation (No. 95).
7. Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100).
9. Medical Care and Sickness Benefits Convention, 1969 (No. 130), and its accompanying Recommendation (No. 134).
10. Rural Workers’ Organisations Convention, 1975 (No. 141), and its accompanying Recommendation (No. 149).
11. Human Resources Development Convention, 1975 (No. 142), and its accompanying Recommendation (No. 150).

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*Source: World Bank (2002)*