

# Black workers on white farms

## — what they go without

**T**he Cape Western Region of the Black Sash has decided to try to extend its work from a mainly urban base to include the small towns and farming districts of the Western Cape. In order to do this we have employed a rural field worker, Phillip van Ryneveld, and also started a rural interest group, locally known as RIG. The initial task that RIG set itself was to educate its members about the conditions under which farm labourers work and the laws which apply to them. This article is a summary of a number of discussions we have held with people with special knowledge of farm labour.

### — without proper legal protection

Little of the usual industrial legislation which offers workers limited protection at least, applies to farm workers. They are specifically excluded from the Wage Act, Unemployment Insurance Act, Basic Conditions of Employment Act and Machinery and Occupational Safety Act. This means that there are no legislated minimum wages, hours of work, leave provision, etc.

### — without written contracts

Conditions of work and relations with the farmer are governed by either a common law contract or, in the case of migrant labourers, the standard contract entered into at a labour bureau. Farm workers are seldom if ever given written copies of their contracts. In the case of labour bureau contracts, these are filled in in quadruplicate, but the worker himself is not entitled to a copy.

### — without decent wages

Wages of farm workers are very low. In the Western Cape where wages are the best in the country, workers were earning on average R32 a week in 1985. There is little differentiation for length of time worked on the farm. The low wages on farms are usually justified by farmers who refer to other benefits that workers have, for example, free housing and rations. There are no minimum requirements for these benefits. The housing provided is often of a very low quality.

### — without secure homes

Housing in fact is an area of prime importance for workers. The provision of housing ties the worker to the farm. Should a worker lose his job on the farm he must in most cases vacate the house he and his family occupy sometimes with as little as 24 hours notice, whether or not he has alternative accommodation.

The need for housing also limits members of farm labourers families to working on the farm. The male head of the family contracts verbally with the farmer for the entire family. The females are on standby — generally on 12 hours call at harvest time. Some farmers allow

farming members to work in town if they pay rent for their rooms on the farm. Others do not allow family members who do not work on the farm to live there. A serious problem with the 12 hour call system is that women who have better paying char jobs in nearby towns do not have time to inform the town employers that they cannot come to work.

### — without proper access to pensions

Old age presents many problems for farm workers. Most farms are outside the prescribed urban areas and therefore it is impossible for Africans ever to receive permanent legal rights to live there. This means that people who are too old to work often have to move to a homeland. Farm workers who qualify for old age pensions are sometimes discouraged from obtaining them. As one worker put it, 'Workers who are over 60 want to go on pension but the farmer refuses to allow them because he thinks that they will get too much money and they are still able to work.' Farm workers, many of whom are illiterate, are almost entirely dependent on the farmer for things such as assistance with making a pension application.

### — without solid access to health and safety services

They are also dependent on him for access to health services as he has control over both transport and communication, ie the telephone. One piece of industrial legislation that does cover farm workers is the Workmen Compensation Act. Once again, without the coop-



Picking tobacco

courtesy of the Financial Mail



*picture of courtesy of the Financial Mail*

eration of the farmer it is very difficult for workers to claim this. Payments based on a formula which includes the wage as one factor are often very small, eg a worker who was earning R20 per month in 1980 had his hand severed in a reaping machine and received R329 in compensation.

Certain occupational hazards of farming such as insecticide poisoning are notifiable diseases. In 1985 fewer than 100 cases were notified and yet it is common to see farm workers spraying crops without any form of protective clothing. Without some form of enforcement agency legislation remains little more than useless pieces of paper to farm workers.

#### **— without access to registered trade unions**

While it is not illegal for farm workers to join trade unions, such unions cannot be registered, as farm workers are not classified as employees under the relevant legislation. Access to farm workers by people such as union organisers is strictly limited by the readiness of farmers to invoke the trespass laws. Until farm workers can organise freely it is unlikely that they are going to win better conditions, eg fixed working hours including lunch and tea breaks, overtime pay, annual leave, etc. It is possible though that the extension of the kind of advice offices run by the Black Sash in urban areas into rural areas would be one way of assisting people to obtain the rights to which they are entitled.

## **What is the State doing about the plight of farm labourers?**

**— sitting on the National Manpower Commission!**

***RIG makes an urgent plea for the commission to make recommendations which will put an end to feudal labour conditions on farms — and in houses.***

In 1974 the repeal of the Masters and Servants Act was greeted enthusiastically. But because the Act was not replaced by any legal protection, farm and domestic workers are now subject only to the common law. Then in February 1982 the National Manpower Commission enquiry into wages and working conditions of farm and domestic workers was established. The report of this commission, 'to investigate possible measures for the regulation of the conditions of employment of farm and domestic workers', has not been published four years later. It is a matter of the greatest urgency and public concern. The report should be released without further delay.

Unless this report recommends livable minimum wages, eligibility for the Unemployment Insurance Fund, provisions for sick and annual paid leave, paid public holidays and Sundays, overtime, protective legislation for children and pregnant women, and the freedom to organise and bargain collectively, it will perpetuate the feudal labour conditions on the farms and in the homes of this country. In fact, these workers and their families do not even have the security of tenure of the feudal system — at a moment's notice they may be evicted from land where they have lived for generations.

Even if all these provisions are written into the legislation, the plight of farm and domestic workers will improve little unless adequate and effective measures for the implementation and monitoring of the laws are clearly laid out.

Until farmworkers' trade unions organise nationally, a network of advice offices throughout the rural areas is an urgent necessity. Farmworkers need advice and possible legal representation in the case of unfair dismissals, evictions, assaults, theft of their stock, refusal of old age pensions, workmen's compensation, amongst other problems.

Farmworkers are more seriously disadvantaged than urban or mine workers as they work in small groups, far from each other and urban contacts. Even those who are literate seldom get to see newspapers or pamphlets. Transport is irregular and expensive. Access to telephones is an unknown luxury. The only contact is through the church and schools. Because priests and bona fide religious representatives are allowed to visit the farms, responsibility rests heavily with the churches (and teachers) to assist farmworkers with their problems. The not insignificant labour reforms introduced in the rest of South Africa over the past five years must be extended to farm and domestic workers.