



FARM LABOUR LAW CONFERENCE, 1993 REPORT

BY THE STREET LAW CO-ORDINATOR

INTRODUCTION

Following a conversation held at the Bishop's office, St George's chambers, we resolved that I should attend the Farm Labour Law Conference at Stellenbosch. Due to the break down of communication between the Bishop and I, the Street Law Programme had to finance the air ticket to-and-fro and accommodation. But I feel, as a co-ordinator, that a report back to the Bishop will be appropriate, especially that I was representing the **CPSA** at the Conference.

I must mention that I find the Conference to be more informative and that I did manage to get some contacts, especially, in the Eastern Cape, e.g. with the **Rural Foundation in Grahamstown, FAWU (Eastern Cape Region) and Cathcart Advice Office**. When I mentioned the idea of establishing a mobile unit to teach at the farms, they thought to be a good idea, although they reckoned that I will probably meet some resistance from the Farmers. They advised that I should start using the Radio and give lessons on the consequences as well as the meaning of the **extension of Labour Legislation to Farm Workers**.

THE CONFERENCE- " EXTENSION OF LRA TO FARM WORKERS "

WEDNESDAY 12th MAY

Approximately 60 delegates attended the Conference at Fleurbaix. Amongst the delegates were : **Baldemar Velasquez**- a Trade unionist from California, **Boet Fourie**- president of SAAU, **Jay Naidoo** from COSATU, **Ms Jane Hodges** from International Labour Organisation, **Derek Hanekom** from the ANC Land and Agriculture Desk and many others.

The trade unionist from US, **Baldemar** welcomed us. He mentioned that the US was in the same situation as South Africa today in regard to farm workers. Nobody can deny the perpetuation of slavery in the farms, poverty, the lack of education and health facilities as well as the difficulty encountered by trade unionist in getting access to organise the farm workers. There is a desperate need to change these horrible conditions and see to it that justice prevails at the farms.

Cooperation between the farmers and union officers needs to be facilitated. And the demands of the farm workers have to be met.

This can be done by adopting a persuasive approach and by answering the fears of the farmers as well as by touching at the Human Element. If this can be done, everyone will talk the same language.

THURSDAY 13th MAY

The representatives from SAAU, **Boet Fourie** and **Kobus Kleinhans**, traced the history of the farmers in S.A., its development and success. They mentioned that the farmers were experiencing problems like draught, low economical growth, low labour productivity, labour unrest, etc. That they were of the opinion that laws and legislation can have a chaotic effect. Before they are implemented they should be reasonable and easy to understand. That they should not cause disruption. That there is a need for the establishment of a mechanism for dispute resolution and to retain good relationship. That a country which looks after its agriculture and farmers has a brighter future.

The spokesperson from the department of Manpower, **Joggie Kastener**, said that the government have realised and acknowledged the pressure by the unions for the extension of the LRA to the farm workers. And it is committed in endorsing basic rights like collective bargaining and freedom of association to the farm workers. But this is subject to consultation and consensus amongst the parties concerned. The Cabinet has approved that labour legislation be extended but there is a problem between the farmers and the unions. The circumstances in agriculture should be considered and the legislation should make room for ADR. Hardliner approaches and lack of understanding are not in the interests of anybody. The ILO should assist where it can, it should be unbiased and accessible.

Jay Naidoo said that there is commonality in all parties. But the bottom line is that all workers should enjoy basic human rights. The idea of the extension of legislation is to create parity and equilibrium. And the trade unions have an important role to play. That role is not conservative nor revolutionary. The unions are there to negotiate in good faith the workers' rights. COSATU will never accept a non-compromise position from the farmers. And giving rights to farm workers will never lead to chaos and disaster. COSATU is committed to building S.A. Agriculture but the use of cheap labour and denial of basic human rights is not a solution.

Basic problems between the farmers and COSATU:

- a single statute or a separate one?
- extension of the Wage Act or not?
- How interest disputes are resolved?
- Unfettered or fettered right to strike?
- Compulsory arbitration or not?

The international perspective was presented by **Jane Hodges** and some lessons were drawn. And papers on employment relationship, labour tenants, rights and their enforcement and the role of the unions and the paralegals were addressed.

FRIDAY 14th MAY

The principles of **freedom of association** and **collective bargaining in Agricultural Labour Relations** were discussed thoroughly. Representatives from trade unions, farmers and lawyers tackled the **issue of strike**. It was felt that the right to strike should be recognised but under certain conditions, like not to strike during harvesting time, etc. It was further agreed that there is a need for an establishment of a system for **dispute resolution**.

The future of Agriculture was also addressed. And it was resolved the all, the trade unions, farmers, the government and ILO, had to work jointly in coming up with a legislation which will protect the farm workers and be acceptable to all.