



INSTITUTE FOR POVERTY, LAND AND AGRARIAN STUDIES (PLAAS)

Workshop Report

A Critical Response to Government's Farm Worker Proposals

'Strengthening the Relative Rights of People
Working the Land'

30 April 2014

Workshop report: A Critical Response to Government's Farm Worker Proposals:
'Strengthening the Relative Rights of People Working the Land'

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1. INTRODUCTION

On Wednesday 30 April 2014, a group of people (30 to be specific) which consisted of farmworkers/ farm-dwellers, activists, students, and academics met to discuss the 'final policy proposals' on *Strengthening the relative rights of people working on land*. This document was developed by the Department of Rural Development and Land Reform (DRDLR), published on 31 March 2014. The discussion was hosted by the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of the Western Cape (UWC). As PLAAS and FAWU had already issued statements about the new policy, these positions were briefly introduced.

FAWU response: <http://www.cosatu.org.za/show.php?ID=8643>

PLAAS response: <http://www.plaas.org.za/blog/smoke-and-mirrors-government%E2%80%99s-farm-worker-policy>

Rationale for the meeting

From the onset it was pointed out that the rationale for organising the meeting was to share perspectives about the policy proposals – and not necessarily to come to agreement.

2. THE GOVERNMENT PROPOSALS

Participants looked at the detail of the proposal that 50% of ownership of farms should be transferred to farm workers. We noted:

- This 50% would be unequally distributed among workers, with those who have provided 'disciplined service' for more than 50 years getting 50% of the workers' share – though participants objected that nearly nobody works that long, let alone on one farm. 'Dan is jy amper dood' said one person.
- 25% of the workers' share would go to workers with over 25 years of 'disciplined service'
- 10% of the workers' share would go to workers with over 10 years of 'disciplined service'
- 15% of the land would be shared among all other farm workers (though this was not a share in the business; this provision is unclear).

Land owners are to be expropriated and paid out 50% of the value of the farm or farming company. The compensation will be paid not to the owner but to a development fund, jointly managed by the owner, farm worker shareholders, and government officials.

3. SUMMARY OF THE DISCUSSION

Participants noted that the DRDLR's new policy proposal seems good and progressive on a superficial level, but when one actually reads and understands the document, it is problematic, confusing and raises a number of questions. Some people noted that, in fact, there is nothing "ground-breaking" about this policy proposal, as it perpetuates the share equity model which has been so problematic for farm workers.

The timing of the policy proposal was also questioned: prior to the previous national elections the Department did something akin to this, by meeting with some farmworker/ farm-dwellers and concerned groups to discuss the problems that the farmworkers/ farm-dwellers were facing. At the Farm Worker Summit in 2009, there was agreement on what was to be prioritized by the Department. All the parties involved apparently agreed on those priorities but farm workers have not seen improvements in policy or practice.

Demands that are not addressed in the current policy proposal include some related to the humiliation and indignity that farm workers and dwellers are confronted with on daily basis. These include the fact that in some cases farm dwellers are forced to ask permission from the farm owner if they wish to invite someone over; are forced to pay rent for non-employed family members, despite having a right to family life; and some farm owners simply ignore the law and do not allow farm dwellers to have any sort of visitors.

Some people raised questions about how the government, if the proposed policy was to become an official policy, is going to ensure that farm owners are acting accordingly. The government continues to fail, dismally in many cases, to ensure that the already existing rights of farm workers and dwellers are a lived reality. Land redistribution and secure land tenure continue to be dreams, as opposed to reality, for many people. Farm dwellers continue to be unjustly evicted by farm owners. Those who are not evicted continue to live and work in awful conditions. "How can we move forward to new policies when existing rights are not recognized?"

Some people also felt that farm workers and dwellers have not been properly familiarized with this new policy proposal. There was not enough consultation with the affected parties particularly farm workers and dwellers. However, it was noted that the Department sought out the views of land owners.

There was also concern about how farms were going to be managed, if the proposed policy becomes official. People criticized the fact that the proposed policy document insufficiently questioned and or raised the issue of land ownership. The policy proposal is problematic, because it still gives the farm owner the power to overrule the farm workers and dwellers.

The policy proposal was also seen to be building on farm worker equity share schemes, which are not benefitting the farm workers and dwellers involved. Examples were made of how people were cheated by farm owners from these schemes, and still lost their jobs and were evicted, even though they are officially shareholders. Participants pointed out that most people don't get income from being shareholders, and they are not in a position to influence financial decisions on farms.

If anything, the proposed policy might give the farm owners more reasons to fire and evict more farm workers and dwellers. It would be expensive, complicated, and result in little difference in farm workers' and dwellers' lives. Farm worker and dweller prior demands for secure tenure and land redistribution were not addressed.

Alternatives

In light of these problems it was then suggested that the group should come up with alternatives and a way forward. Many of the demands discussed were identical to the demands that were made during the People's Land Assembly which was part of the Land, Race and Nation Conference hosted by UCT in June 2013 (see box below).

Farm worker demands at the People's Land Assembly, UCT, 22 June 2013

- **Farm worker rights:** Farm worker rights must be recognised as human rights. Farm workers must be paid minimum wages, starting with a minimum wage of R150 a day. Farmers' financial books must be open for public scrutiny. We totally reject the system of farmers applying for exemptions; this is being abused. Farmers are applying to pay R85/day. We demand an 8 hours working day, sick leave, annual leave, end to piece work, and provident funds. We demand that women and men get equal pay for equal work. We demand a total ban on labour brokers.
- **Farm worker access to land:** Farm workers want land for themselves, as well as jobs. Our families need to do lots of things to survive. Farm workers and dwellers want to benefit from land reform, food production and labour rights. We need land to grow food and to earn extra income.
- **Farm housing and tenure:** We want proper housing, with decent services including water-borne sanitation, access to public transport and all services. Contracts for housing must be in the name of women and men, not men only. We do not want government to subsidise houses on farms where the farmers can put people in and kick them out. We reject the Department of Human Settlements policy on this. It is contrary to Section 4 of the Extension of Security of Tenure Act. We demand housing, rent-free, decent living conditions and an end to evictions. We want a moratorium on evictions.
- **Farm worker organisation:** We demand that the attacks on us be stopped. We reject the intimidation and harassment by police and private security forces that attack us when we organise. All charges against farm workers related to the Western Cape strike must be dropped. Farm worker committees must be recognised, and farm worker unions must be allowed access to farm workers on farms.

Additional points were made:

- Equity schemes need to be investigated so as to see if there has been any progress with these schemes, and to clarify the status of farm workers who are shareholders, many of whom have received no dividends and some of whom have lost their jobs or been evicted.
- Farm workers and farm dwellers want their rights, ideally and practically, to be recognized as human rights.
- Farm workers and farm dwellers want to be treated with dignity and respect.
- Farm workers demand the enforcement of the minimum wage in farms and object to the exemptions process which is not transparent and does not involve consultation with workers.
- Farm workers want to get the benefits that other workers get, such as paid leave.
- Farm workers and dwellers want dignified housing with water, sanitation, electricity and other basic services.
- Municipalities must provide information about where there is commonage land, and make this available to poor people, rather than leasing it out to commercial farmers.
- State land should be prioritized for redistribution (eg. ARC proef-plase), and people should be treated as workers, and paid for a period of five years or so, while they are trained up in technical aspects of farming (finances, etc). This is the way to help farm workers to become farmers.
- Government must audit the land and let us know who owns which land in our areas.
- We don't want to have leases on land; we want ownership. Government must lift the moratorium on SPLAG and provide us with ownership of redistributed land. The Proactive

Land Acquisition Strategy (PLAS) and the State Land Lease and Disposal Policy (SLLDP) do not address our needs.

- We want our own houses and our own land. Agri-villages cannot be the only options for farm workers.
- We want to have discussions with landowners; they must come to the table and make land available.
- We want a specialised unit in the Department of Labour that deals with farms; we want agreement on the frequency and methods of labour inspections on farms.
- We want a specialised unit in the Department of Rural Development and Land Reform with experienced staff that will be responsible for enforcing ESTA and tenure rights on farms, monitoring and intervening in eviction, and for enabling land redistribution for farm workers and dwellers.
- We want a dedicated budget for farm tenure, that will ensure enforcement of ESTA and other laws and policies, and ensure that farm workers are not forgotten in the land reform programme.
- Farm workers and dwellers as future small-scale farmers want market access and help with production and ensure market opportunities.

4. WAY FORWARD

Participants proposed that the issues discussed should be taken forward with the Farm Worker Coalition that was established after the De Doorns strikes last year. This is the right forum for farm workers and dwellers to:

1. discuss our responses to the government's policy proposals and
2. develop more detailed alternatives and strategise for taking these forward.