



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

RESOLUTIONS OF THE NATIONAL SUMMIT ON VULNERABLE WORKERS IN AGRICULTURE, FORESTRY AND FISHERIES

*“Towards a better life for vulnerable workers on
farms and in forestry and fisheries”*

1. PREAMBLE

We, the 1100 farm, forestry and fishery workers representing the bulk of the workers in our sectors together with farm dwellers, farm owners, leaders of government, organized labour and civil society, led by the President, came together on 30 – 31 July 2010 in Somerset West in Western Cape Province to address the critical need to build good working relations and living conditions for vulnerable workers within the Agriculture, Forestry and Fisheries sectors.

This summit is a culmination of almost a year's work which saw all the stakeholders in our sector across the length and breadth of our country openly and frankly address the difficulties and pain of our sector in an effort to find lasting solutions to the problems that confront us.

We had four commissions that centered on the social determinants of health; working conditions; security of tenure; and empowerment and training for vulnerable workers.

2. ISSUES and CHALLENGES

Despite the fact that the democratic government has enacted progressive laws since 1994, workers in the Agriculture, Forestry and Fisheries sectors are still faced with the effects of centuries of land dispossession.

In terms of the **social determinants of health**, the Summit **NOTED**

- That the vast majority of workers in the Agriculture, Forestry and Fisheries sectors do not have access to basic services (water, electricity, housing, sanitation, and healthcare).
- They lack access to socio-economic rights (Registration of Births / Deaths, Identity Documents, social grants and social security measures).

On **working conditions**, the Summit **NOTED** that

- The majority of workers in the Agriculture, Forestry and Fisheries sectors are not informed about their rights in terms of the Labour - and Basic Conditions of Employment Acts.
- The lack of infrastructure and access to new technologies.
- The majority of workers in the Agriculture, Forestry and Fisheries sectors are unable to exercise their Constitutional freedom (including the all important right to belong to a trade union. This is compounded by the continued existence of the Trespass Act, 1959).
- The lack of compliance with labour laws by a significant number of employers.
- The inability to effectively enforce labour laws by government.

- Human rights abuse against vulnerable workers in the sectors (which include physical, mental, emotional and economic abuse; as well as gender discrimination).
- The persistence of child labour and unfair labour practices.
- The abuse of vulnerable workers by Labour Brokers

When it comes to the **security of tenure**, the Summit **OBSERVED**:

- That the majority of workers in the Agriculture, Forestry and Fisheries sectors are not informed about their rights as contained in the Extension of Security of Tenure Act (ESTA).
- That the majority of workers in the sectors do not have access to land to support their livelihoods and economic activities.
- The limited implementation of the resolutions of the National Land Summit of 2005.

As far as **empowerment and training**, the Summit on **NOTED**

- That the majority of vulnerable workers in the Agriculture, Forestry and Fisheries sectors do not have access to education and training (Basic education, Further Education and Training, and Adult Basic Education and Training).
- The absence of science education that talks to Agriculture, Forestry and Fisheries sectors.
- The lack of value addition opportunities and access to markets at local level.
- The lack of transformation in the sectors.

3. RESOLUTIONS

Reflecting on the above, the National Summit on vulnerable workers in the Agriculture, Forestry and Fisheries resolved the following:

To address the **social determinants of health** the Summit on **RESOLVED** that:

- Government, employers and workers must work in partnership to ensure the provision of basic services (water, electricity, housing, sanitation, and healthcare) to workers in the sector.
- In the interim, periodic mobile health and social services shall be provided to workers.
- Access to health services for vulnerable workers to be included in annual district health plans.
- Training of workers to support health in their communities (Traditional birth attendants, home based care and ancillary health).

- Communicable and non-communicable diseases to be addressed through the provision of comprehensive programmes and workplace wellness policies.
- Renewable / alternative energy provision for workers to be explored.
- Food security for workers to be addressed through the establishment of food gardens and implementation of minimum wage.
- Community policing fora to be created and / or strengthened; as well as the establishment of mobile police stations.
- Guaranteed access to burial sites to be accepted and facilitated by employers.
- A simple SMS number for access to police and emergency services to be created.

With regard to **working conditions** the Summit **COMMITTED itself to:**

- Intensify awareness raising to ensure workers are informed about their rights in terms of labour legislation.
- Ensure that the right of freedom of association for workers will be realized and respected and support will be provided to enable them to exercise this right. A special fund administered by NEDLAC will be made available to assist trade unions in this sector to ensure that they are able to realize the right of workers to associate.
- Establish Bargaining Councils for vulnerable workers in the Agriculture, Forestry and Fisheries sectors to enable the workers to enjoy inflation related increases.
- Ensure that Rural infrastructure to be provided subsequent to spatial analysis and needs determination and aligned to a Comprehensive Rural Development Programme.
- Access new technologies through agreements with Tertiary institutions and State Owned Entities.
- Build and consolidate the emerging multi-stakeholder for a (such as the ones that organised this summit) to address issues relating to working conditions and monitoring the implementation of these resolutions.
- Mobilize the Human Rights Commission and other relevant commissions to participate in multi-stakeholder forum.
- Strengthen enforcement mechanisms and the powers of labour inspectors.
- Increase the governments' capacity to enforce labour legislation, the Basic Conditions of Employment Act and other relevant legislation.
- Employers will comply with sectorally determined minimum wage and basic conditions of employment.
- A code of conduct for contract workers and standard contracts to be developed and implemented.
- The present quota allocation review process in Fisheries will be speeded up.
- Compulsory regular testing of workers exposed to chemicals will be enforced.

- The prohibition of child labour will be enforced, underpinned by a minimum set of sanctions.
- Regulate labour brokerage and outsourcing to deter the abuse of workers.
- A NEDLAC process should look and negotiate the establishment of a minimum framework for the social protection of the vulnerable workers addressing such issues UIF, medical insurance and retirement benefits.

Addressing the **security of tenure** the Summit **AGREED** that:

- ESTA provisions shall be reviewed and strengthened before the end of the 2011 legislative period.
- Moratorium to be placed on farm evictions and a new dispensation be looked at where farmers must apply to a public authority before they can effect evictions.
- Tenure rights will be secured for workers and associated with that subsidized houses will be provided.
- Workers should have access to land to support their livelihoods and economic activities – Agri-villages to be promoted.
- National Land Summit of 2005 resolutions to be implemented.

In terms of **empowerment and training** the National Summit on Vulnerable Workers **RESOLVED** that:

- Access to education and training (Basic Education, Further Education and Training, and Adult Basic Education and Training) for vulnerable workers and relatives be facilitated and guaranteed. The Department of Basic Education and Higher Education and Training will lead our society in the implementation of this commitment.
- Mentorship programmes to support the development of subsistence and small holder producers / users will be established
- Skills development programmes will be developed for each sector and sub-sector based on skills audits.
- Promote agriculture, forestry and fishery science careers in rural areas.
- Create incentive schemes to attract mathematics and science educators to work in rural areas.
- The implementation of the Comprehensive Rural Development Programme (value-addition opportunities) will be fast tracked.
- Prior learning will be recognised.
- Endorse the idea of a 50% co-ownership of farms by workers and their employers.

Overarching Resolutions:

- The Ministers of Agriculture, Forestry and Fisheries; Labour; and Rural Development and Land Reform agree to amend relevant and applicable legislation to implement this vision.
- A moratorium to be placed on privatisation of state assets.
- Refine and implement the Forestry Sector Charter, the Agri-BEE Charter and develop a Fisheries Charter to address transformation and skills development.
- Establish at a national and provincial level a Vulnerable Workers unit in DAFF which will work with the Department of Labour, South African Local Government Association and Cooperative Governance and Traditional Affairs in order to ensure that such units are found in the spheres of local government.
- Call for the establishment of a Judicial Commission of Enquiry to look at the condition of workers in the Fisheries sector.
- The current Steering Committee that was established for the organization of the National Summit will operate as a Delivery Forum.