



Migrating for Work Research Consortium



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A bitter harvest:

Migrant workers in the commercial agricultural sector in South Africa

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MiWORC Policy Brief 5

A summary for policy makers,
NGOs and media practitioners

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Report N°9 is part of the
**Migrating for Work Research
Consortium (MiWORC) Work
Package 3** which explores the
impact of low and high skilled
migration in key sectors of the
economy: construction and
mining, commercial agriculture,
hospitality, domestic work, and
public health.

Introduction

The commercial agricultural sector plays a pivotal role in South Africa. Although its contribution to the national GDP and the number of jobs that it creates is small in proportion to the rest of the economy and continues to decrease, **it has important linkages to other sectors, earns foreign currency through exports, has a significant role in provincial economies, and provides jobs to lower skilled workers and rural households.**

Migrating for work is an historical source of livelihood for many regional households and migrant labour is an important source of labour for many sectors including agriculture. **In border areas such as parts of Mpumalanga, commercial agriculture has long been a sector where work can be obtained for many migrant workers.**

However, there is **no agreed labour migration policy in the SADC region or for South Africa.** Instead, labour migration has largely been regulated through a series of mismatched **bilateral agreements** between South Africa and some neighbouring countries in which the interests of the private sector and South Africa as the receiving state have taken precedence over the rights of workers as well as over the provisions of respective national and international labour policies and conventions. Contemporary dynamics of mobility, that seek to **limit the migration of lower skilled workers** to South Africa through a series of **restrictive immigration laws and increased deportation practices**, shape the way in which labour migration is viewed and managed.



The methodology of the study

The findings in *MiWORC Report N°9* are based on a literature review and qualitative research conducted in 2013.

The research team interviewed 87 respondents, including 75 farmworkers, 2 employers and 10 key informants. 61 of the farmworkers were interviewed on three Mpumalanga farms; the 14 other farmworkers were interviewed in Johannesburg about their seasonal work on Western Cape commercial farms. Of the 61 workers interviewed, 35 were foreign-born and 26 were South African nationals. The sample of foreign farmworkers consisted of individuals from Mozambique, Swaziland and Zimbabwe.

Mpumalanga was selected as the main site for fieldwork given its geographic, economic and historic contexts. Research was conducted in Kamhushwa (south of Malelane and near both the Swaziland and Mozambique borders) and Komati-poort (on the border with Mozambique) in the Ehlanzeni District Municipality which has its seat in Nelspruit. Although many other provinces have active commercial agricultural economies, there is a diverse and almost year round production process in Mpumalanga.

Sampling was done at three levels: at the workplace (farm) for the Mpumalanga study, through labour brokers for seasonal workers in Mpumalanga and the Western Cape, and at community level in the case of Johannesburg based workers. To avoid a bias of responses, participants were drawn from the various departments within a farm, e.g., field workers, packers, drivers, and administrators.

Current policy frameworks

Current labour migration policy framework

The current policy framework, consisting of bilateral agreements between South Africa and some neighbouring countries on the one hand and limited legal channels of entry and job opportunities for low skilled workers on the other hand, has created a **context in which labour brokers play a pivotal role in managing migration and/or employment in the agricultural sector**. Between South Africa and Mozambique, formal labour brokers facilitate the movement, recruitment and wage payment system for farmworkers in Mpumalanga. **In parallel, an informal system of labour broking has also emerged on farms that facilitates migration and works outside of legal channels**. For farms in the Western Cape social networks and informal labour brokers facilitate employment and logistics on a seasonal basis. Most of the latter operate outside legal norms resulting in poor working conditions and exploitation.

Regulation of the agricultural sector

At the same time, a **series of market liberalisation policies implemented over the last two decades has had severe implications for the sector**. These include farmers having been forced to become more competitive in the global market due to the removal of subsidies and support. For labour, the introduction of minimum wages and the emergence of an increasingly precarious workforce consisting of migrant and low skilled workers have led to increased **informalisation and casualisation of the sector**.

Despite the passing of progressive labour legislation, there has been both **limited implementation and enforcement, and loopholes have been found by employers to operate outside the law**. This has resulted in the continuation of poor working conditions for all farmworkers regardless of nationality. For seasonal workers and migrants working in areas where they have limited shared ethnic, historical or linguistic ties, the research findings show that conditions for them are even more dire than the norm.

In term of the roles employers play, instances of labour law compliance were noted, and some respondents did state a moderate level of job satisfaction as well as gratitude toward employers, This, however, illustrates that **the power for determining conditions on farms lies with employers, and not with the potential for the state to regulate labour**. It also explains the strong variations in working conditions that the study found.

Relations between foreign-born and local farmworkers

“No one is foreign, we are just the same! Yes. From Mozambique and Swaziland. They are good friends to me because we cooperate with one another.” – *Mpumalanga respondent*

“The way we were treated at the farm with the South Africans was different. The South Africans were handled better, even the salaries were better, even the duties, they were given better duties than us, even the working hours, and they were different from us. We were working more hours as foreigners.” – *Respondent who had worked on a Western Cape farm*

The study found that in the parts of Mpumalanga where there has been a long history of mobility and shared ethnic and linguistic ties across the three international borders, a **shared working class identity superseded nationality-based identities**. Because of strong sanguinary ties between locals and foreigners, through marriages or intimate relationships amongst farmworkers in the province, a sense of identity and belonging amongst both locals and foreigners existed as reported by a majority of respondents.

On the contrary, for Zimbabwean seasonal workers in the Western Cape where there is a high population of isiXhosa-speaking internal migrants from the Eastern Cape and a local Afrikaans-speaking working class, a **sense of tension and disunity had emerged** and was manifested in numerous cases of xenophobic incidents and uneasy working relationships between locals and foreigners.

At the same time, **workers were divided by types of employment contracts held**; for instance, in Mpumalanga, permanent workers – irrespective of nationality – assumed a superior position within a farm’s hierarchy which casual workers were not able to obtain. **In the Western Cape both ‘foreignness’ and employment contracts determined one’s status and relationships on a farm.**

Despite this shared identity amongst workers in Mpumalanga, **mobilisation and unionisation (five per cent across the sector) remains limited**. A number of reasons have been put forth to explain this, including weak union capacity, lack of awareness amongst workers and structural barriers to organising workers in this sector.

Key findings on working in the agricultural sector

Lack of options in the labour market

Most workers were employed on farms due to a **lack of other options** in the labour market that matched their skills. For foreign workers **lower barriers** found in the agricultural sector in terms of both documentation and education were key determinants of their choice to enter the sector.

The majority of farmworker respondents had limited formal education. Eight workers had completed matric but were forced to work on farms due to a lack of other employment options.

Prior to working on farms, some foreign workers were involved in poorly paid jobs in low- or semi-skilled sectors such as mining, construction,

Documentation profile

The study's data suggests that low skilled foreign-born workers use a variety of avenues to enter, remain in or regularise their stay in South Africa: formal mechanisms such as corporate permits, special dispensation and amnesty programmes, the asylum seeker process, and the visitor's visa system; and informal methods such as illegal border crossings, informal labour brokers or remaining undocumented.

Of the 35 foreign-born farmworkers interviewed, 26 were documented through a range of permits: nine had citizenship in South Africa, ten had visitors' visas, four had asylum seekers' permits, two had work permits, and one was employed under a corporate permit. The remaining nine were undocumented.

Most of the respondents in Mpumalanga, especially those from Mozambique, were in possession of legal immigration documents, mainly due to the entrenched formal labour recruiting systems in place between the two countries. Nine of the respondents who identified themselves as Mozambicans had South African identity documents or citizenship, possibly due to the general amnesty awarded to Mozambican-born people in South Africa in 1996.

In contrast, amongst the respondents in Johannesburg, three had no documents, two had missing asylum seeker permits (which had been lost or stolen and had not been replaced), and the remaining six had asylum seeker permits.

welding, security, plumbing, artwork, or as petrol station attendants. A few women had worked in the hospitality sector, but the majority of women had previously worked as domestic workers.

There were **mixed responses about future employment prospects and ambitions among respondents**. A few strongly believed farmwork was the only option available to them in the labour market, but for differing reasons. Those in Mpumalanga felt that their skills, when matched against other labour market options, constrained them to work in low paid positions. Zimbabweans based in Johannesburg stated that their immigration status, in combination with xenophobia they had experienced in South Africa, hindered access to better opportunities. Some foreign workers saw farmwork as a springboard to generating capital in order to kickstart entrepreneurial projects once they relocated to their countries of origin.

Reasons for migrating to find work

For foreign-born farmworkers, the main motivating factor for migration to South Africa was **a lack of job opportunities at home coupled with experiences of political unrest** for those from Zimbabwe or Mozambique. The majority of Zimbabweans indicated a desire to go back home if the economic situation improved. In contrast, most Mozambicans and Swazis were reluctant to return home as they were established in South Africa, and had South African spouses and children.

Key findings on conditions of work

Working conditions for farmworkers, regardless of location, nationality, documentation status or type of work, were poor. Wages were low, working hours were long, and benefits were arbitrary or non-existent, particularly for casual workers.

Wages

Wages varied from province to province with the majority of farmworkers in Mpumalanga receiving homogenous wages pegged at R1 600 while seasonal workers from Western Cape reported wages to be heterogeneous with some earning as little as R100 at the end of the month. Those in Mpumalanga were paid through the formal banking system whereas in the Western Cape farmworkers received their wages in envelopes directly from the employer. **Wage inequalities were recorded whereby workers performed the same amount of work for the same amount of time but in the end were paid different wages.** This was observed amongst permanent and casual workers in Mpumalanga and between locals and foreigners in Western Cape.

“I leave home at 6 am and clock in at work at 6:30. At 9 am to 9:30 it’s tea break, 1 pm to 1:30 pm lunch but sometimes don’t go for lunch because I work for *gwaza*. So sometimes if you go for lunch you will not finish and don’t get paid. This work is like punishment. If you are not finished, you are not paid and can be fired in the next recruitment. They won’t hire you. *Gwaza* is very painful because you can’t rest until you reach your target!”

Hours of work

Our findings indicate that two systems of work existed on commercial farms: one where farmworkers worked a predetermined number of hours a day and one where farmworkers worked longer or indefinite working hours according to the quota or *gwaza* or *pallet* system. 33 of the sampled workers reported working, within the first system, between eight and nine hours a day.

Gwaza is a system whereby targets are set in terms of the work to be covered for a particular day; for instance, the number of rows in a field one has to complete in order to be considered for a wage on that particular day. *Gwaza* has no stated length of time and once the set quota is completed the worker is eligible to collect a day’s wage.

Casual workers were more likely to be employed under the *gwaza* system than permanent workers. **Workers described the *gwaza* system as exploitative and abusive because they undermined the conditions of their contracts, if they had contracts, and the prescribed minimum wage.**

Contracts

Seventeen respondents had no contracts (including most of the Western Cape sample), while 34, the majority of whom were casual/seasonal workers in Mpumalanga, had a signed contract. **Ten of the respondents were not sure what a contract was.**

Leave

Regarding paid leave, **there was a clear differentiation between permanent and casual workers, as well as between those based in Mpumalanga and the Western Cape.**

Most respondents had paid annual leave and did not work on public holidays with the exception of casual workers who were paid on a daily or weekly basis. Fourteen of the respondents reported receiving paid sick leave provided that a doctor’s letter was produced. Almost all of the workers in the Western Cape said that they did not get any paid leave. Workers in Mpumalanga reported that the only time they took unpaid leave was when they needed to renew their visas, a process that took up to three days.

Health and safety issues

Many commercial farms had limited health and safety measures, thereby exposing workers to risks of ill health because they were not provided with protective clothing, which was of particular concern to those who worked with fertilisers and sprays in the fields. Labour inspectors from the

“I am not happy, we are not treated the same. For example, the permanent people do get maternity leave pay, while the contract workers do not. So, if you are a contract worker and pregnant, it becomes tougher as you have to work hard while carrying the baby. So I believe we should all get the equal treatment.”

Department of Labour responsible for monitoring working conditions of farmworkers were reported to only engage with farm management and not consult the workers about the working conditions.

Lack of social benefits

The study shows that provision of social benefits to farmworkers varies amongst employers in the agriculture sector. The majority of locals and foreigners reported they had UIF protection but they did not have any pension provisions or medical insurance. Seasonal workers in both sites had no benefits. A few respondents stated that their employer provided them with accommodation on the farm, and food packs, particularly at the end of the year. All respondents from Mpumalanga mentioned mobile clinics as the predominant source of health services available to them.

Indebtedness

Respondents reported that farmers in the Western Cape ran *spaza* shops (tuck shops) where workers were obliged to buy their daily provisions as they did not have easy access to other shops which were far away. While the *spaza* shops made daily provisions and services accessible, workers complained about the exorbitant prices charged by them that left workers with almost nothing in wages at the end of the month. **This meant the vicious circle of poverty was perpetuated for workers while the employer accumulated more profits.** This system of debt made it difficult for workers to relocate as they were only working for daily food provisions and failed to save any money.

Violence

Some respondents reported instances of **physical abuse** from employers, such as beatings including with sjamboks. In addition, **xenophobic violence amongst workers** was reported in the Western Cape sample.

Overview of employment trends in the agricultural sector

Agriculture in South Africa is a labour-intensive activity and the commercial agricultural sector in 2012 employed 821 967 people, of whom approximately 7 per cent were foreign-born.¹ However, like many other parts of the economy, **the agricultural sector is shedding jobs.** The percentage of farmworkers as a share of the total labour force in South Africa declined from 12,0 per cent in 1990 to 4,6 per cent in 2010².

¹ Budlender, D. (2014) MiWOCR Report N°5. Migration and employment in South Africa: Statistical analysis of the migration module in the Quarterly Labour Force Survey, third quarter 2012.

² Statistics South Africa, 2014.

Since then, the number of people employed in the commercial farming sector further decreased by 5,1 per cent from 866 455 employees in 2010 to 709 000 in 2014².

Aside from actual numbers, the conditions of work and dynamics in the labour market are also of significance. **Formal data collection identifies two categories of workers: seasonal or casual, and permanent**³. In the last 35 years permanent, full-time employment has declined significantly³. Recent data suggests that roughly half of all jobs in the sector fall into the seasonal or casual category; it is likely that this number will increase due to further casualisation across the sector.

Recommendations to Government

- **Develop a labour migration policy that is responsive to the needs of the national economy**, mindful of the historicity of the labour migration regime in the region, and to the transnational nature of contemporary livelihoods in the region, that embarks from a strong rights-based framework, and ensures legal channels of entry and work for low skilled labour migrants.
- **Undertake a comprehensive audit of existing bilateral agreements** to determine how to review, revise or repeal these in order to better align them with current labour laws. (*Department of Labour (DoL) and Department of Home Affairs (DHA)*)
- **Institute better inter-ministerial coordination** to regulate labour migration. This includes the collection and sharing of data, issuing of permits, monitoring of labour conditions and permit irregularities. (*DoL and DHA*)
- **Better regulate and monitor labour brokers** to ensure compliance with the provisions of the country's labour laws.
- **Build capacity and facilitate better coordination** to both enforce and monitor the enforcement of labour laws. (*DoL*)
- **Commission studies** in partnership with trade unions, civil society and human rights bodies **to determine the nature, causes and extent of violence on farms** including sexual harassment, gender based violence, employer driven violence, xenophobia, and violence between workers.
- **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

³ Mather, C. (2000) Foreign Migrants in Export Agriculture: Mozambican Labour in the Mpumalanga Lowveld, South Africa. *Tijdschrift voor economische en sociale geografie*, 91(4), 426-436.

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Immigration and the South African labour market

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The Migrating for Work Research Consortium

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The research consortium was a partnership from 2012 to 2015 led by the African Centre for Migration & Society (ACMS) at Wits University between a range of academic and international partners.

MiWORC was based on a matching fund principle. The European Union, in the framework of the EU-South Africa Dialogue Facility, funded 50 per cent of the consortium. Beyond an ambitious scholarly agenda, one of MiWORC's objectives was to avail empirically-based evidence to the EU-SA Dialogue Facility, as well as to a range of key stakeholders in government, organised labour, business, and the NGO sector.