

**AN ANALYSIS OF THE IMPLEMENTATION OF THE
LABOUR RELATIONS ACT WITH SPECIFIC REFERENCE
TO FARM WORKERS IN TSWAING**

611000338

LIBRARY MAFIKENG CAMPUS
Call No.: TH 344.0168294
2006-02-30 SEH
Acc. No.: 06/40417
NORTH-WEST UNIVERSITY

111502617

TUMELO VINCENT SEHLOHO



**AN ANALYSIS OF THE IMPLEMENTATION OF THE LABOUR
RELATIONS ACT WITH SPECIFIC REFERENCE TO FARM
WORKERS IN TSWAING**

Tumelo Vincent Sehloho

Submitted in part fulfillment of the requirements for the degree of Master of Business Administration in the department Graduate school of business and Government Leadership in the faculty of Commerce and Administration at the North-West University.

Co-Supervisor: Professor PJ du Plessis

Date submitted: 31 December 2005

Personal statement

I declare that the dissertation for the degree of Master of Business Administration at the North-West University, has not been previously submitted by me for a degree at this or any other university, that it is my own work in design and execution and that all material contained herein has been duly acknowledged.

TUMELO VINCENT SEHLOHO

December 2005

Acknowledgements

I would like to express my sincere gratitude to the following people and institutions that helped me to complete my studies:

My wife Esther Mahlajwayo Sehloho for support and patience throughout my studies.

My brother in law Morris Manyatsa Nkutha, Mr. and Mrs. Rabuli for words of encouragement and financial support.

Peer and Jacques du Plessis, Martie and Andries Olivier for financial assistance.

Prof E Louw who helped me at the initial stage of this research and Prof PJ du Plessis who guided me throughout this study.

Sipho Mnyakene who edited the language of this study.

Shammah International Ministries Delareyville assembly for granting me study leave during weekends of the study.

Above all the greatest gratitude goes to God all mighty who gave me strength to complete this complex task.

Synopsis

The problem that was pursued in this study is the extent to which the Labour Relations Act has contributed to workers' conditions of service with specific reference to farm workers in Tswaing municipality Area.

The objectives of the study were the following:

- To establish whether there is any dissemination of information on the new Labour legislation to educate both farmers and farm workers.
- To determine whether there is any monitoring and evaluating strategies to evaluate the effectiveness of the new labour legislation.
- To investigate whether the new labour legislation has led to job creation or job losses.
- To establish if whether the government has adequate resources to ensure implementation of the Acts.
- To investigate whether the new labour legislation impacts on labour force patterns and productivity.
- To determine whether conditions of service have been improved as a result of new labour legislation.
- To determine whether type of management style used by farmers contribute towards poor labour relations.
- To determine whether farmers have negative attitude towards the new labour legislation.

The study made use of both quantitative and qualitative approaches, and interviews were used to gather the information that is needed. The sample of the study consisted of 40 people, purposive sampling was used. Use of descriptive and inferential statistics to analyze the collected data was made.

The main findings were:

- The Government is not doing enough to ensure dissemination of information.
- Farmers feel that highly regulated labour environment pressurizes them to retrench and employ on part-time basis.
- The time given to labour problems is insufficient.
- There is a shortage of both human and physical resources.
- The majority of farm-workers are employed on part time basis.
- Lack of overtime pay is evidence that productivity is achieved at the expense of workers.
- Farmers have failed to comply with most stipulations of the Act.
- Farmers do still prefer the traditional style of management which has little room for workers' and other stake holders' participation.
- Farmers are not yet positive towards the new labour legislation.

Recommendations for further study:

- Collective bargaining options in the agricultural sector.
- The effect of management style on labour legislation; and
- Productivity measurement in the agricultural sector.

CONTENTS

SYNOPSIS.....	i-ii
CONTENTS.....	iii-ix
LIST OF TABLES.....	x-xi
LIST OF ANNEXURES.....	xii

CHAPTER 1:

OVERVIEW OF THE STUDY

1.1Introduction.....	1
1.2 Definitions.....	1
1.3 Abbreviations.....	1-2
1.4 Background of the study.....	2-4
1.5 Problem statement	4
1.6 Objectives of the study.....	4-5
1.7 Importance of the study.....	5
1.8 Limitations of the study.....	5
1.9 Research design.....	6
1.9.1 Methods.....	6

1.9.2 Data gathering technique.....	6-7
1.9.3 Sampling technique.....	7
1.9.4 Statistical analysis.....	7
1.10 Plan of research project.....	7-8
1.11. Summary.....	8

CHAPTER 2:

THEORETICAL FOUNDATION

2.1 Introduction.....	9
2.2 Management defined.....	9
2.3 Tasks of management.....	10-11
2.4 Functions of management.....	11-12
2.4.1 General and strategic leadership.....	11
2.4.2 Purchasing function.....	11
2.4.3 Production and operations function.....	11
2.4.4 Marketing.....	11-12
2.4.5 Public relations function.....	12

2.4.6 Financial function.....	12
2.4.7 Information function.....	12
2.5 Human resource management.....	12-15
2.6 Motivation of human resource.....	15
2.6.1 Theories of management.....	11-12
2.6.2 What drives people?.....	12-13
2.6.3 Communication and motivation.....	15-18
2.6.4 The right to lead.....	20-21
2.7 Effect of human resource management on labour relations.....	21-23
2.8 Importance of labour relation.....	2-3-24
2.9 Conclusion	24

CHAPTER3:

LITERATURE SURVEY

3.1 Introduction.....	25
3.2 Background to the problem.....	25-26

3.3 Labour market patterns in South Africa.....	26-29
3.4 Socio economic factors.....	29-31
3.4.1 In agricultural sector.....	30
3.4.2 Comparison of agricultural sector with other Economic sectors.....	30-31
3.5 Developments of the new labour legislation in South Africa.....	32-36
3.6 Aspects of labour legislation.....	36-41
3.7 Rights of farmer and farm-worker.....	40-43
3.8 Conclusion.....	43

CHAPTER 4:

PROBLEM STATEMENT AND OBJECTIVES

4.1 Introduction.....	44
4.2 Problem statement.....	44-46
4.3 Objectives of the study.....	46-49
4.4 Conclusion.....	49

CHAPTER 5:

RESEARCH DESIGN AND METHODOLOGY

5.1	Introduction.....	50
5.2	Research methods.....	50-52
5.3	Pilot study.....	52
5.4	Data gathering instrument.....	53-64
5.5	Target population.....	65
5.6	Sampling techniques.....	65-66
5.7	Sample.....	66-67
5.8	Data collection method.....	67-68
5.9	Data analyzing technique.....	68
5.10	Conclusion.....	68

CHAPTER6:

RESEARCH RESULTS

6.1	Introduction.....	69
6.2	Data Interpretation.....	69
6.2.1	Farm workers' data.....	69-78

6.2.2 Farmers' data.....	78-87
6.2.3 Retrenched workers' data.....	87-91
6.2.4 Employee organization representative's data.....	91-93
6.2.5 Employer organization representatives' data.....	93-95
6.2.6 Labor inspectors' data.....	95-97
6.3 Farmers compared to Farm workers.....	97-101
6.4 Employee organization compared to employer organization and labor inspector.....	101
6.5 Conclusion.....	101

CHAPTER 7:

CONCLUSIONS AND IMPLICATIONS

7.1 Introduction.....	102
7.2 Conclusions on each research proposition.....	102-104
7.3 Conclusions on the research problem.....	104
7.4 Relation to theory.....	104-105
7.5 Implications and recommendations (management).....	105-108

7.6 Limitations.....	109
7.7 Recommendations for future research.....	109
7.8 Conclusion.....	109-110
8. References.....	111-114

9. LIST OF TABLES

3.1 Unemployment statistics.....	26-27
3.2 Unemployment rates by province amongst those aged 15-65 years.....	27
3.3 Unemployment rates by population group and gender percentage.....	28
3.4 Percentage of employed people earning R500 per month or less by province.....	28-29
5.1 Features of qualitative and quantitative methods.....	50-51
5.2 Target population.....	65
6.1 Level of knowledge of SDA.....	69
6.2 Source of knowledge of SDA.....	70
6.3 Days of work per week.....	71
6.4 Hours of work per day.....	71
6.5 Wage and salary per rand per month.....	72
6.6 Overtime/holiday/Sunday	73
6.7 Possession of employment contract	73
6.8 Job description knowledge	73-74
6.9 Person to whom labour dispute is reported	74
6.10 Knowledge of labour dispute office	75
6.11 Employment benefits	75
6.12 Leave weeks per year	76
6.13 Stipulations of the Act	76-77
6.14 Challenges which LRA pose to farm workers	77-78
6.15 Farmers' knowledge of SDA	78
6.16 Introduction of SDA to workers	79
6.17 Number of employed people	79
6.18 Permanent/casual/temporary employed workers	80
6.19 A movement away from permanent workers	80-81
6.20 Reasons for movement away.....	81
6.21 Number of work days of farm workers	81
6.22 Remuneration	82

6.23 Overtime pay	82-83
6.24 Problem with act stipulations	83
6.25 Workers retrenchment	84
6.26 Reasons for retrenchment.....	84
6.27 SDA effect on productivity	84-85
6.28 Role of employer organization	85
6.29 Challenges which LRA pose to farmers.....	86
6.30 Retrenched workers conditions of service.....	87-89
6.31 Challenges LRA pose to retrenched workers	90-91
6.32 Knowledge of SDA (combination of table 6.15 & 6.1).....	97
6.33 Source of knowledge (combination of table 6.16 & 6.2).....	98
6.34 Days of work (combination of table 6. 21 & 6.3).....	99
6.35 Remuneration (combination of table 6.22 & 6. 4).....	99-100
6.36 Overtime (combination of table 6.6 & 6.23).....	100

10. List of annexures.....115

- 1. List of areas in category A and B**
- 2. Summary of legislations**
- 3. Grievance procedure**
- 4. Code of conduct**
- 5. Notification to attend disciplinary hearing**
- 6. Record of counseling session**
- 7. Written warning to employee**
- 8. Serious written warning**
- 9. Notification of termination of service**
- 10. Employment contract**
- 11. Payment details**
- 12. Certificate of service**
- 13. Job description**
- 14. Permission to do research**
- 15. Time schedule for inspector**
- 16. Questionnaire**

CHAPTER 1

OVERVIEW OF THE STUDY

1.1 Introduction

The study is conducted in the light of developments in Labour Relations Act (LRA) which attempt to cover the sectors which have been formerly excluded. The study will give special attention to the LRA as it applies to the agricultural sector. The core of the study is the implementation of the LRA and the challenges it poses to farm-workers, government and farmers. In addition, the study will establish whether the implementation of the LRA makes it possible to be consistent with other applications of the legislation.

1.2 Definitions of terms

Since the topic will be focusing on farm workers, terms will be defined.

- 'Farm worker' means, an employee who is employed mainly or wholly in connection with farming activities and includes a domestic worker employed on a farm and a security guard employed on a farm or other agricultural premises, excluding security guards employed in the private security industry (Basic conditions of employment Act, No 75 (1997)).
- Permanent workers are defined as workers in the service of the farming enterprise on a full time basis.
- Temporary workers are those who do not work for the whole year, but who do not work only seasonally.
- Seasonal workers are people who are used only for seasonal tasks, mainly teams from elsewhere and in a few cases, women who live on the farm(<http://www.christian-aid.org.uk/campaign/index.htm>)

1.3 Abbreviations

The study will make use of the abbreviations for the following words:

Labour Relations Act, Sectoral Determination ACT and Basic Conditions of employment Act

- Labour Relations Act (LRA)
- Basic Conditions of Employment Act (BCEA)
- Sectoral Determination Act (SDA)
- The Agricultural Labour Act (ALA)
- Unemployment Insurance Act (UIA)
- The Extension of Security of Tenure Act (ESTA)
- Employment Equity Act (EEA)
- Economically active population (EAP)

1.4 Background of the problem

Hipkin (2000) mentions the following problems which make the study a serious need:

- Agriculture has received limited attention in academic literature.
- The economic debate over the last few decades has neglected agriculture.
- In apartheid era farm-workers were excluded from collective bargaining.
- Farmers still remain unchanged to their anti-union position.

Ehlers (2002) identifies fifteen problems in the South African labour market; the study will address three which are believed to be applicable to the agricultural sector.

- The existence of widespread poverty among low wage earners.
- The low levels of education, skills and investment in training.
- The inadequate protection for some low-wage earners such as farm and domestic workers.

According to Ehlers (2002) over the years various government actions

endeavored to balance the South African Labor Relations system, but contributed little to reduce obvious imbalances in the system. In this study it will be investigated whether the present government managed to redress imbalances between farmers and farm workers.

The government commits itself to respect, protect and fulfill the rights in the bill of rights, and it prohibits slavery servitude and forced labour (Constitution of South Africa, No 108 (1996)).

The government through LRA aims to aims to:

- Promote economic development, social justice, labour peace, and democracy in the work place.
- It promotes the right to fair labour practice.
- Prohibits unfair discrimination for the exercise of these rights.
- Sets out the rights of employers and employees and their organization more clearly than before.
- Favors conciliation and negotiation as a way of settling disputes (Cooper, Lagrange, Norton and Pretorious, 1997).

The government further protects the employee's right to participate in forming trade union or a federation as well as employee's right to join a trade union (Labour Relations Act, No 66 (1995)).

The study is being pursued in the light of this, to look at implementation of various Acts for instance the Labour Relations ACT (LRA), Basic Conditions of Employment Act (BCEA), and Sectoral Determination Act (SDA).

The government has introduced improvements through Acts such as the Sectoral Determination ACT for farm workers, but the question which still remains to be answered is: how has this Act improved the lives of farm workers?

Basic Conditions of Employment Act No 75 (1997) makes provision for Sectoral Determination Act. Because of the large scope of the Act the analysis of the

Labour Relations Act will be limited to the Sectoral Determination Act for farm workers.

The Sectoral Determination Act (2002) for farm workers deals with conditions of employment for farm workers such as hours of work, leave, particulars of employment and termination of employment. It also prescribes the minimum wage employers are required to adhere to.

1.5 Problem statement

The problem that will be pursued in this study is the extent to which the Labour Relations Act has improved workers' conditions of service with specific reference to farm workers in Tswaing. The sub-problems will be investigated:

- Is there any dissemination of information to educate both farm workers and farmers on the new labour legislation?
- Has the government sufficient human and physical resource to assist in implementation of the new labour legislation?
- Is there any monitoring and evaluating strategy to evaluate effectiveness of the labour legislation?
- Has the new labour legislation led to job creation or loss?
- Does the new labour legislation impacts on labour force patterns and productivity?
- Have any aspects of conditions of service for farm workers improved?
- How does management style used by farmers contribute towards poor labour relations?
- Do farmers have negative attitude towards the new labour legislation?

1.6 The objectives of the study

The objectives of the study are the following:

- To establish whether there is any dissemination of information on new labour legislation to educate both farmers and farm workers.
- To determine whether there is any monitoring and evaluating strategies to evaluate the effectiveness of the new labour legislation.
- To investigate whether the new labour legislation has led to job creation or job losses
- To establish if whether the government has adequate resources to ensure implementation of the Acts.
- To investigate whether the new labour legislation impacts on labour force patterns and productivity.
- To determine whether conditions of service have been improved as a result of new labour legislation.
- To determine whether the type of management style used by farmers contribute towards poor labor relations.
- To determine whether farmers have negative attitude towards the new labour legislation.

1.7 The importance of the study

This study is timely, and the SDA has just been introduced. It is the first time in the history of South Africa that the farm workers have been given special attention of this nature.

The study will help policy makers to establish where they can improve the Acts to make it more effective. It will also assist them to determine whether it has benefited the targeted workers.

1.8 Limitations of the study

The results of the study cannot be generalized as they are applicable to specific people and a specific place.

1.9 Research design

1.9.1 Method

The study will make use of both quantitative and qualitative approaches. Patton, Reichardt & Cook, believe that the skilled researcher can successfully combine approaches (in www.wilderdom.com/research.html). They list the following as benefits of combining methods:

- Enjoying the rewards of both numbers and words.
- Because the positivist and the interpretivist paradigms rest on different assumptions about the nature of the world, they require different instruments and procedures to find the type of data desired.
- Such methods are supplementary, not dominant, and
- Different approaches allow one to know and understand different things about the world.

1.9.2 Data gathering techniques

Interviews will be used to gather the information that is needed. Due to the high rate of illiteracy on farms and low level of education it will be impractical to use questionnaire. Highly structured interviews (asks questions from the questionnaire) will be used, and this will have the following advantages: It can be administered to respondents who cannot read, help to overcome misunderstanding and misinterpretation of words, the interviewer can ensure that all items on the questionnaire have been considered and that respondents did not omit difficult questions. This method of data collection will be pursued although one is aware of its weaknesses which are: not cost effective in terms of time and money, lack of trained interviewers and may lead to results disparity (Bless & Higson- Smith, 1995, pp.108-109 and Mckay, 2000, p.5).

This problem will be overcome by hiring and training more interviewers before they do field work. This interview will be based on a prepared questionnaire. The questionnaire will be based on the literature review, and the thorough consultation with the labour management in the province farm managers and farm workers. In addition farmers' union representatives and farm workers' representatives will also be consulted. The questions will be designed to determine the extent to which LRA has improved the service conditions of farm workers.

1.9.3 Sampling technique

The population of the study consists of 330 farms, 210 farmers, three towns, three townships, 32 villages and six informal settlements. The sample of the study will consist of 40 people. Purposive sampling will be used:

- Employed farm workers (25)
- Retrenched farm workers (5)
- Farmers (5)
- Unions representatives (3)
- Labour inspectors (2)

1.9.4 Statistical analysis

Use of descriptive and inferential statistics to analyze the collected data will be made.

1.10 The plan of research project

The research project will be structured as follows:

Chapter 1 Overview of the study

Chapter 2 Theoretical foundation
Chapter 3 Literature survey
Chapter 4 Problem statement and objectives
Chapter 5 Research design and methodology
Chapter 6 Research results
Chapter 7 Conclusions and Implications

1.11 Summary

The main focus of this chapter was the definitions of relevant terms, abbreviations used, background of the problem, discussion of the problem statement, objectives of the study, the importance of the study, limitations of the study, research design as well as the plan of the study have. The Subsequent chapter will deal with management, its tasks, definition, function theories and importance of labour relations.

CHAPTER2

THEORETICAL FOUNDATION

2.1. Introduction

It is increasingly appreciated that how people are managed impact on an enterprise's productivity and quality of goods and services, labour costs, quality of the workforce and its motivation, and on the prevention of disputes as well as on aligning employee aspirations with enterprise objectives (www.ilo.org/public/english/index.htm).

In the agricultural environment characterized by deregulation as opposed to increasing regulation of labour, the South African farmer is compelled to give up the traditional way of management and forced to adopt a management style that meets the requirements of a formal environment (Visagie and Linde, 2002).

Visagie and Linde (2002) further states that labour legislation does not guarantee healthy labour relations, labour peace and prosperity: it merely regulates the relationship between employer and employee to a certain degree. If labour legislation does not guarantee healthy labour relations, labour peace and prosperity, what does? It is believed that good human resource practice does. This will be understood clearly as management is defined and its functions are discussed in subsequent paragraphs.

2.2 Management defined

Kroon (in Van der Walt, van Niekerk, Doyle, Knipe and Du Toit, 2002) describes management as a process whereby people (managers) utilize human and other

resources as efficiently as possible to achieve the objectives of the institution and to provide service and the products that people need to live a good life. Good management of labour relations cannot become a realized dream divorced from efficient utilization of human resource.

2.3 Tasks of management

There are four tasks of management, namely:

- Planning
- Organizing
- Leadership
- Control (Unisa, 1998).

Badenhorst, Cant, Cronje, duToit, Erasmus, Grobler, Kruger, Machado, Marais, Marx and Strydom (2004) clarify these concepts as follows:

When management decides what should be done that is called planning. When management decides how it should be done that is described as organizing; when management says how and when it should be done that is named leading; When management ascertains whether tasks have been carried out that is seen as control.

Tabane (2002) states five steps which are necessary for control they are as follows:

- Determine what to measure,
- Establish performance standard,
- Measure actual performance,
- Match performance to standards, and
- Take corrective action

These four tasks of management are similar to the legs of a table. If one leg is pulled out the table falls. Good labour relations cannot be maintained without proper planning, organizing, leading and controlling.

Both government and farmers need to be skillful in these four tasks of management to ensure implementation of sound industrial relation at work place. Badenhorst et al (2004) further say that these four elements are encountered at all levels and departments of the business.

2.4 Functions of management

Buijs, Crous, de Villiers, de Wit, du Plessis, Maasdorp, Mahabir, Marx, Nieman, Schreuder, and van Vuuren (1998, pp.30-35) identify eight functions of management and they are as follows:

2.4.1 General and strategic leadership

This function establishes the vision, mission, objectives and general policy of an enterprise. It also ensures that resources are focused on attainment of objectives and policy of the enterprise.

2.4.2 Purchasing function

This function supplies the business with the right machinery, raw materials and services at the right time, in the right place and at the right prices and in the right quantity.

2.4.3 Production and operations function

This function concerns the physical and economic production process of the human resource function, and this function attempts to employ and to retain sufficient numbers of workers of the right quality.

2.4.4 Marketing function

This function is the combination of the following activities:

- Studying consumer needs and wants.
- Product development.
- Determination of selling price.
- The choice of distribution channels.
- Communication marketing and policy.

2.4.5 Public relations function

This function focuses on communicating with stakeholders of the enterprise, and it influences them in favour of the enterprise.

2.4.6 Financial function

This function concentrates on capital procurement, employment and use as well as financing methods.

2.4.7 Information function

It focuses on the management information systems and its components; and records information of the enterprise and provides for managerial purpose and decision making.

2.5 Human resource management

Human resource management can be defined as "the activities, performed by the human resource people, which provide assistance to managers in utilizing or applying the available personnel within the enterprise in the best manner to attain the objectives of the enterprise". The Human resource function can be classified into three activities, namely, the provision of human resource, the maintenance of human resource and the development of human resources (Unisa 1998,p.71).

Badenhorst et al (2004, p.193) agree to this classification, but Buijs et al (1998, p.471) differ in that they classify them into two namely human resource provision and maintenance. The classification of Buijs et al (1998, p. 471) is preferred in this study.

Elements of human resource are discussed below (Buijs et al, 1998, p.471).

2.5.1 Human resource provision

The elements will now be discussed:

a) Human resource planning

- Identifies the jobs currently being performed.
- Identifies the number of people who will be required in future by the enterprise (Unisa ,1998,p. 72).

b) Job analysis

Is the process of describing and recording information about the behaviours and activities (Badenhorst et al, 2004,p.195).

c) Recruitment

It is the process of getting the right people to apply for the job.

d) Selection

The most suitable individual out of a group of applicants is selected for a specific position. It is the selection of applicants who satisfies the criteria best (Buijs et al

1998, p.480). According to Tompkins (1997) quality workforce starts with carefully developed selection practices, followed by good direction and supervision on the Job, supported by employer policies that encourage positive conduct and high level of performance. The new legislation requires carefully developed selection practice because it is no longer easy to retrench.

e) Placement

Is the process by which newly appointed employee is placed in the enterprise or in which existing employees are transferred, promoted or demoted it exists when there is a new or existing position to be filled (Buijs et al ,1998 ,p.483).

f) Incorporation

This step focuses on making the employee feel part of the new environment and group as soon as possible and it consists of two programs namely:

- Orientation program: supplies the new employee with information about the enterprise and his or her place in it.
- Induction program: is the communication of information specific to the department and position that enables the employee to function daily with self-confidence (Buijs et al, 1998, p. 485).

2.5.2 Human resource maintenance

The various aspects will now be considered:

a) Training and development

- Training: involves providing employees with the knowledge and skills needed to do a particular task or job and it may include attitude change.

- **Development:** has a longer term focus on preparing for future work responsibilities and it also increases capacities of employees to perform the work.

Training and development is also enforced by the Labour Relation Act 66 of 1995 through involvement of workplace forums and Skills Development Levy (Buijs et al, 1998, p. 489).

b) Remuneration

Remuneration is divided into salary and wages:

Salary is paid out monthly and wage is paid out hourly, daily or weekly.

Dissatisfaction with remuneration leads to poor performance, job dissatisfaction grievance, strikes and creates an opportunity for employees to consider other careers (Buijs et al, 1998, p.492).

c) Fringe benefits

Rewards are given to employees over and above their salaries.

d) Motivation

Motivation is defined as all efforts by management to improve subordinates' willingness to perform with a view to encouraging them to do the best of their own accord (Buijs et al, 1998, p.496)

e) Job redesign

Is aimed at making the change that makes the job easier, cheaper, and more challenging for the worker to do the job but still maintain the set standards

f) Labour relations

Refers to those aspects that create good relations between the employer and employees (Unisa ,1998). It involves dealing with workplace forums, grievances, disciplining, negotiation and dispute resolution (Buijs et al, 1998, pp. 501-505).

g) Human resource administration

It involves updating of documents and registers, calculating and paying out wages, salaries and other financial benefits, housing subsidies, entertainment allowances, travel and accommodation allowances and granting of and recording leave (Buijs et al ,1998,p. 509).

2.6. Motivation of human resource

All managers make assumptions about their subordinates, which have a profound impact on the response, they receive from subordinates. This assumption come from the beliefs the manager has about what the subordinates are like, what their needs are, what motivates them and how they should work (www.sonlifeafrica.com/modle/main.htm).

2.6.1 Theories of management

2.6.1.1The Traditional Theory

Traditional managers view their basic management task as ensuring that the work is carried out correctly by the workers. This manager sees the workers as there to help him/her accomplish his/her work.

Managers who hold to this theory believe the following about workers:

- They are basically lazy and will avoid work whenever they can;

- They will not do anything extra without some kind of additional remuneration or benefit; they let the manager solve problems, or let others take the blame when things go wrong; and they are not able to think for themselves.

These beliefs lead the manager to respond as follows:

- Close supervision because workers are lazy;
- Offering incentive schemes to get more work out of workers;
- Viewing themselves as responsible for the thinking and the workers responsible for the doing; and
- Reducing tasks to very simple elements to reduce the likelihood of mistakes (www.sonlifeafrica.com/model/main.html)

2.6.1.2 The Human Relations Theory

This theory is based on the belief that workers will be motivated when they are treated well - like human beings.

This manager sees their task as:

Treating workers well and keeping them as happy as possible in their work.

Managers who hold to this theory believe the following about workers:

- They want to be treated like human beings;
- They are individuals who want to be noticed;
- Their social needs are as important as their financial needs; and
- They want to know what is expected of them in the weeks and months that lie ahead.

These beliefs lead the manager to respond as follows:

- Treat workers with respect,
- Treat them with fairness and consideration;
- Tell them regularly how important they and their work are to the organization;
- Encourage social activities;

- Try to motivate them by being kind to them; and
- Tell them regularly about plans that affect them
(www.sonlifeafrica.com/model/main.html).

2.6.1.3 The Human Resource Theory

The focus of this theory is not on treating workers well, but on utilizing them well
The manager sees the following as their primary responsibility:

- To get workers to function successfully on their own;
- The manager is there to help workers get their work done;
- The manager is there to help workers when they need assistance.

Managers who hold to this theory believe the following about workers:

- They like to work hard when they can see that they are achieving something worthwhile; they like to be left alone so they can prove to their manager how good they are;
- The thinking ability of workers can be utilized to a far greater extent; and
- They will draw up their own work plans and check them afterwards to ensure work is done right.

These beliefs lead the manager to respond as follows:

- Help workers formulate goals for themselves,
- Encourage them to strive to reach them;
- Encourage them to use their own initiative and allow them to get on with the job;
- Involve them in decision making and problem solving; and
- Allow them to make their own decisions regarding plans, problems and priorities.

The yardstick to determine a manager's leadership ability is the competence of their workers. This means that managers who are always complaining about the

workers are indicating more about their own leadership
(www.sonlifeafrica.com/model/main.html).

2.6.2 Theories of what drive people.

Flood and Gibson (2002) define motivation as the inner driving force that compels a person towards achievement of a goal or objective. They further state that from a management perspective motivation can be seen as the creation of an environment in which people feel a desire to perform. Schuitema (1998,p.16) further states that leadership is about cultivating loyalty, trust and willing ness.

People only become committed to something after they know what is in it for them, and people will move if their hot buttons are touched. Hot buttons are regarded as generally non-tangible wants and needs such as love, respect, comfort, friendship and status.

People's hot buttons differ and they may change because of different stages in life (Mann, 2002, pp. 34-42).

Maslow's hierarchy of needs classify people's needs into:

- **Self-actualization** needs involve realizing one's potential through growth and development.
- **Esteem needs**, include a need for positive self-image and self- respect
- **Affiliation needs** include friendship and longing needs.
- **Safety needs** include protection from physical and emotional harm
- **Physiological needs** include, food ,drink, sex and air These are basic needs for survival and biological functioning (Badenhorst et al ,2004, p.225 , Van Rensburg ,2002,p.3)

2.6.3 Communication and motivation

The old adage is that it is not what you say but how you say it that offends people (Flood & Gibsson, 2002). As a manager one must develop a cooperative spirit rather than be defensive when communicating with employees, and by being aware of the following:

- Every person has self-esteem (either low or high) and it must not be attacked because it may lead to defense.
- When one discusses an issue with someone recognize that it is meaningful to him or her.
- Avoid a hostile approach by selection of words when beginning a discussion. In addition to this Mann (2002) adds, that one must ask whether you are clear about what you want from people, and whether they are clear about what you want from them.

The manager must be able to communicate the following when motivating people:

- Giving recognition.
- Improvement of performance.
- Changing of unacceptable behaviour.
- A disciplinary hearing.
- Giving a verbal warning.
- A follow up discussion (Flood & Gibsson, 2002).

2.6.4 The right to lead

Badenhorst et al (2004, p.178) mention five aspects of leadership:

- **Authority:** is defined as the right of the leader to give commands and demand actions from subordinates.

- **Power:** denotes the ability of a leader to influence the behaviour of others without necessarily using authority.
- **Influence:** the ability to use authority and power to move subordinates to action.
- **Delegation:** occurs when a leader transfers authority to subordinates.
- **Responsibility:** rests on a leader carrying out a given task in accordance with instruction, and being accountable for the execution of all tasks.

Of the five aspects Mann (2002) mentions three, authority, power and influence and he terms them managerial energies. According to him traditional management tends to emphasize power and authority. He warns of the danger of this, and points out that modern day management should derive its right to lead from capability to influence rather than from authority or power. He also mentions the importance of management's ability to adapt to a new environment.

2.7 Effect of human resource function on labour relations

This section will focus briefly on the interrelationship between the human resource function and labour relations. Bendix (2001, pp. 301-305) discusses the following aspects of the human resource function and its effect on labour relations:

2.7.1 Recruitment and interviewing

Improper recruitment and interviewing can create serious labour relation's problems. The recruitment process should comply with the Labour Relations Act in terms of fairness, negative image portrayed during interview may lead to conflict and dissatisfaction and resignation.

2.7.2 Induction performance appraisal and job enrichment

Improper induction and appraisal may lead to the following problems:

- Estrangement of the employee.
- Failure to determine the suitability of an employee to the company, and
- Failure to give the necessary training to remedy poor performance.

2.7.3 Wages and salaries

Wages and salaries should comply with the following aspects of labour legislation:

- Wage should be equitable.
- Suitable date for employees and the company should be selected, and
- Should comply with bargaining agreements or SDA.

2.7.4 Training

Training should portray the following features:

- Must address the needs of both employee and company.
- Must improve performance, create opportunity for growth.
- Should comply with skills development levy.

2.7.5 Labour turnover and absenteeism

Indicates poor management or conflicts within relationships, and as a result accurate record keeping will lead to better manpower planning.

2.7.6 Employee wellness

Companies should embrace a holistic approach towards employee's problem; all problems of employees should be taken seriously, financial, social and psychological.

2.7.7 Communication and information

Human resource management should facilitate the conduct of the labour relationship by the introduction of an effective communication structure and system.

2.8 Labour relations

2.8.1 Importance of labour relation

A sound industrial relations system is one in which relationships between management and employees (and their representatives) on the one hand, and between them and the State on the other are:

- More harmonious ;
- Cooperative rather than conflictual;
- Create an environment conducive to economic efficiency;
- Enhance motivation, productivity and development of the employee;
- Generate employee loyalty and mutual trust;
- Industrial relations seek to balance the economic efficiency of organizations with equity, justice and the development of the individual;
- Find ways of avoiding, minimizing and resolving disputes and conflict;
- Promote harmonious relations between and among the actors directly involved, and society as a whole; and
- Sound labour relations minimize lack of productivity (www.ilo.org/uk)

2.8.2 Labour relations policy

Sound labour relations' management policy leads to the following:

- Employment and job security and increased employment opportunities.
- Raising living standards through improved terms and conditions of employment.
- Productivity improvement which enables employers to be more competitive and to increase their financial capacity to raise the living standards of the employees.
- Minimizing conflict, achieving harmonious relations, resolving conflicts through peaceful means and establishing stable social relationships (www.ilo.org/uk).

2.9 Conclusion

The chapter revealed that good human resource practice is conducive for the application of labour relations management. The implementation of the Labour Relation Act cannot be effective if four tasks of management are ignored. Farmers and labour environment as an enterprise should embrace all functions of business organization and principles. The success of the implementation of the Labour Relations Act depends on the understanding of modern management practice and willingness to adapt to a new environment. Choice of appropriate management style, and motivation techniques play an important role in the achievement of enterprises' objectives.

Chapter 3 will deal with general problems in the agricultural sector, the labour market in South Africa, socio-economic factors, and development of labour relations and aspects of labour relations.

Chapter 3

LITERATURE SURVEY

3.1 Introduction

General problems in the agricultural sector will be discussed, and the labour market in South Africa, and socio-economic factors will also be outlined. Developments of South African labour law will also be discussed and the study will be concluded with aspects of labour relations and rights of both farmers and farm-workers.

3.2 Background of the problem

According to the Christian Aid report (www.christian-aid.org.uk/campaign/index.html) the following problems are still prevalent in the agricultural sector:

- African workers received a very low wage, and their incomes are used to support family members at home.
- They endured harsh employment and living conditions, were at the mercy of the farmer, and had extremely limited rights.
- Overall, the enforcement of the legislation has been problematic with a persistent gap between formal legal rights and the reality of farm life.
- There has been a lack of resources and capacity to implement the provisions of the relevant Acts, which means that change has been gradual.
- The majority of farm workers, particularly women, lack information regarding their employment rights, and, given the insecure nature of their employment, accessing labour rights remains difficult.
- There is little tradition of formal or informal organization among farm workers.
- Murphy (in www.christian-aid.org.uk/campaign/index.html) further states that agricultural workers remain among the least organized in the country.

Informed estimates of union membership vary between two and eight per cent of farm workers. For most farm workers, the concept of rights is unfamiliar and many are apprehensive about joining a union.

- Visagie and Linde (2002) also state that the agricultural sector is in a dilemma today as a result of its exclusion from certain labour laws. Since 1910 when the Union of South Africa came into being. Because of the measure of peace on farms and the exemption from certain legislation under the previous National Party government, farmers did not consider it necessary to keep up with changes in the industry.

According to ECC report (www.labour.gov.za) the following circumstances are prevailing in Agricultural sector

- Farm workers live in absolute and relative poverty
- There is a clear correlation between the income, access to housing, literacy levels and household services.
- Circumstances of farm workers justify introduction of a minimum wage.

3.3 South African scenario of labour market patterns

Refer to Table 3.1 for unemployment statistics.

TABLE 3.1 UNEMPLOYMENT STATISTICS(1996)

Economically active population (EAP): those aged 15 – 65 years

Province	Employed	Unemployed	Total
Eastern Cape	786 818	742 427	1 529 244
Free State	701 175	299 948	1 001 122
Gauteng	2 564 243	1 007 766	3 572 009
KwaZulu/Natal	1 570 573	1 008 944	2 579 517
Mpumalanga	605 925	297 290	903 215
Northern Cape	215 523	86 060	301 583
Northern Province	570 129	486 554	1 056 683

North west	725 287	443 546	1 168 833
Western Cape	1 374 174	299 114	1 673 288
South Africa	9 113 847	4 671 647	13 785 493

Source: census 96 stats (in Brief Notes-Jobs, labour and economy. html)

The economically active people in South Africa are people between age 15-65years.

The total number of people available for work is 13 785 493.

Refer to Table 3.2 for unemployment by province.

TABLE 3.2 UNEMPLOYMENT RATES BY PROVINCE AMONGST THOSE AGED 15 – 65 YEARS

Eastern Cape	48,5
Northern Province	46,0
KwaZulu/Natal	39,1
North West	37,9
Mpumalanga	32,9
Free State	30,0
Northern Province	28,5
Gauteng	28,2
Western Cape	17,9
Total average for country	33,9%

Source: Census 96 stats (in Brief Notes-Jobs, labour and economy. html)

According to Table 3.2 the unemployment rate in South Africa is 33%, the province with highest rate of unemployment is Eastern Cape (48,5%), whereas

Western Cape has the lowest rate of unemployment (17%), In North-West the rate of unemployment is 37,9%, and it is one of the top three.

Refer to Table 3.3 for unemployment rate by population group and gender.

TABLE 3.3 UNEMPLOYMENT RATES BY POPULATION GROUP AND GENDER.

Population	Men	Women	Total
African	34,1	52,4	42,5
Coloured	18,3	24,1	20,9
Indian	11,1	14,0	12,2
White	4,2	5,1	4,6

Census,96 stats (in Brief Notes-Jobs,labour and economy. html)

According to table 3.3 when unemployment is considered from a racial point of view, Africans have highest rate of unemployment 34,1% and whites has the lowest percentage of unemployment at 4,2% among all races. From a gender perspective there are more women unemployed among all racial groups with African women leading by 52,4%.

Refer to Table 3.4 for percentage of people earning R500 per month or less by province.

TABLE 3.4 PERCENTAGE OF EMPLOYED PEOPLE EARNING R500 PER MONTH OR LESS BY PROVINCE.

Northern Cape	42,0
Northern Province	41,4
Free State	37,9
Mpumalanga	35,9
Eastern Cape	31,5
North West	30,6

KwaZulu/Natal	27,6
Western Cape	18,4
Gauteng	15,5
Total average of the country	26,0%

Census,96 stats (in Brief Notes-Jobs,labour and economy. html)

According to Table 3.4 the percentage of people earning less than R500 is the highest in Northern Cape (42,0%) , and lowest in Gauteng (15,5%) and in North-West is 30,6%. On average people who earn less than R500 constitute 26% of the country's working population.

3.4 Socio- economic factors

Socio economic factors as they apply to the agricultural sector will now be discussed, and a comparison of the agricultural sector with other economic sector will also be entertained.

3.4.1 Agricultural sector

The types of employment in the agricultural sector can be classified as follows:

- Permanent workers are defined as workers in the service of the farming enterprise on a full time basis.
- Temporary workers are those who do not work for the whole year, but who do not work only seasonally.
- Seasonal workers are people who are used only for seasonal tasks, mainly teams from elsewhere and in a few cases, women who live on the farm (Kritzinger and Vorster in www.nda.agric.za).

The three employment patterns in agriculture and hunting sector are employers, employees and self employed/ family businesses.

The comparison of employment patterns among different racial groups are as follows:

Among Indians employed in the agriculture and hunting sub-sector, 14% were self-employed and an additional 11% were employers. Among whites, 13% were self-employed and 39% were employers. By contrast, among Africans and coloureds employed in the sub-sector, only 2% were either self-employed or employers. The vast majority (95%) worked as employees.

Provincial differences in the type of employment available in the agriculture and hunting sub-sector indicate that, 90% of people employed in agriculture and hunting were employees, an additional 5% were employers, and 3% reported that they were self-employed (www.nda.agric.za).

3.4.2 Comparison of agriculture with other economic sectors in S.A

The following comparisons between economic sectors are relevant:

a) Age profiles in the major economic sectors

The age of the African population among the employed labour force in agriculture, compared to those employed in the rest of the economy is, 5% (15-19 years) and 2% for the rest of the employed labour (15-19 years).

b) Educational attainment in the major economic sectors

The distribution of people employed in the agriculture sector by level of educational attainment is markedly different compared with other employed people. In the agriculture sector, the proportion of people without schooling (32%) is more than three times higher than among other employed people (10%). At the other end of the education ladder, only 3% of people employed in agriculture have 'matric or higher' qualifications compared with 13% in the rest of

the economy (www.nda.agric.za). A deduction that can be made is that the agricultural sector still lacks educational opportunities.

c) Employment status in the major economic sectors

A larger proportion of women were employed on a part-time basis in every major sector of the economy except construction. The gender gap is largest in agriculture. For the country as a whole, 13% of employed women and 7% of employed men did part-time work. However, in agriculture, while the proportion of men (6%) was similar to the national average, the proportion of women engaged on this basis was 19% – the highest of all the sectors (www.nda.agric.za). The deduction is that the agricultural sector does not consider gender equity in its employment practices.

d) Occupations in the major economic sectors

The low level of education that people have who are employed in the agriculture sector is reflected in the large proportion of jobs that are categorized as 'elementary or routine. Elementary occupations accounted for more than one in every two jobs in agriculture (58%) followed by skilled agricultural work (30%). In the rest of the economy, a substantially lower proportion of employed people (26%) did jobs classified as elementary. Only 1% of people in agriculture had managerial positions and an additional 1% had professional or technical positions. By comparison, in the rest of the economy, 5% and 12% respectively of the employed labour force fell into these categories (www.nda.agric.za). The above statistics reflect a lack of skills in the agricultural sector.

e) Income distribution in the major economic sectors

The education and occupation profiles show large disparities in the income distribution of people employed in the agricultural sector compared with

employed people elsewhere in the economy. The majority of people in the agriculture sector (69%) had monthly incomes of R500 or less, so that the income distribution is skewed. By comparison, among all other employed people, the distribution is more even – only 22 % had incomes in the range R1-R500 while 12% had monthly incomes in excess of R4 500. Over half of the people in the agricultural sector earns less than R500 and this is more than average which is 26.0% in the country(www.nda.agric.za). The deduction that can be made is that majority of people in agricultural sector are not well paid. This makes the introduction of wage determination stipulation relevant.

3.5 Development of the South African Labour Relations Act

The South African labour legislation is influenced by the freedom charter, constitution, ANC manifesto and International Labour Organization codes of ethics for labour. Workers' good conditions of service are no longer seen as a privilege, but as rights. The most vulnerable of the workers are now included in the new labour legislation. These influences will now be discussed.

3.5.1 Freedom charter

Some of the most important aspects contained in the charter are:

- The national wealth of our country, the heritage of South Africans, shall be restored to the people;
- The mineral wealth beneath the soil, the banks and monopoly industries shall be transferred to the ownership of the people as a whole;
- All other industry and trade shall be controlled to assist the wellbeing of the people;
- All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions,
- Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided among those who work it to banish famine and land hunger;

- The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;
- Freedom of movement shall be guaranteed to all who work on the land;
- All shall have the right to occupy land wherever they choose;
- People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished.
- All who work shall be free to form trade unions, to elect their officers and to make wage agreements with their employers;
- The state shall recognize the right and duty of all to work, and to draw full unemployment benefits;
- Men and women of all races shall receive equal pay for equal work;
- There shall be a forty-hour working week, a national minimum wage, paid annual leave, and sick leave for all workers, and maternity leave on full pay for all working mothers;
- Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;
- Child labour, compound labour, the tot system and contract labour shall be abolished.(www.anc.org.za)

3.5.2 Constitution

The constitution of the country states the following regarding labour relations:

23. (1) Everyone has the right to fair labour practices.

(2) Every worker has the right -

(a) To form and join a trade union;

(b) To participate in the activities and programmes of a trade union; and

(c) To strike.

(3) Every employer has the right -

(a) To form and join an employers' organization;

(b) To participate in the activities and programmes of an employers' organization;

and

(c) To lock-out

(4) Every trade union and every employers' organization has the right -

(a) To determine its own administration, programmes and activities;

(b) To organize;

(c) To bargain collectively; and

(d) To form and join a federation.

(5) The provisions of the Bill of Rights do not prevent legislation recognizing union security arrangements contained in collective agreements.

Other Relevant sections:

9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law

13. No one may be subjected to slavery, servitude or forced labour.

16. (1) Everyone has the right to freedom of expression,

17. Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket, and to present petitions.

Freedom of association

18. Everyone has the right to freedom of association

22. Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law (Constitution of the Republic of South Africa, No 108(1996)).

3.5.3 ANC Manifesto

Through the manifesto ANC government commits itself to the following:

- To speed up delivery of affordable public housing, health, transport, social security, education, and other services, in both rural and urban areas ;
- To consolidate and implement the worker rights contained in the Constitution and the new labour legislation; and to align all government policies and programmes to achieve the objective of jobs for all at a living wage.
- Focuses both on improving the quality of existing jobs (including protecting the most vulnerable, such as farm and domestic workers); as well as

stemming retrenchments and creating new employment; and on employment security and employment creation, the Manifesto undertakes to introduce legislation to make retrenchments more difficult, and to implement the agreements of the Jobs Summit (Briefing notes, Jobs, Labour and Economy.html and www.anc.org.za)

3.5.4 Labour legislation compared to ILO

The core conventions of the International Labour Organization incorporate the following:

- Employment is freely chosen.
- Collective bargaining is respected.
- Child labour shall not be used.
- Working hours are not excessive.
- No discrimination is practiced.
- No harsh or inhumane treatment is allowed; and
- Living wages are paid (www.christian-aid.org.com).

The above documents show the promise of the government to workers, how it intends its labour legislation to look like, and the guideline they should follow when formulating the new labour legislation.

3.5.5 Laws which protect farm-workers

According to the Christian Aid report (www.christian-aid.org.com).The new legislation includes:

- The Agricultural Labour Act of 1993.
- Unemployment Insurance Act (UIA) of 1993.
- Labour Relations Act (LRA) of 1995.
- The Extension of Security of Tenure Act (ESTA) of 1997.
- Basic Conditions of Employment Act (BCEA) of 1998.

- Employment Equity Act (EEA) of 1998.
- Sectoral Determination Act of 2002.

3.5.6 Monitoring the impact of the legislation

The government committed itself to the following strategies to monitor the impact of the legislation;

- Publish bi-annual labour market reviews and labour statistics reports.
- The impact of aggregate and disaggregate departmental policies and programmes on stated goals will be researched and reported.
- Annual client satisfaction surveys will be conducted on levels of service delivery and made public.
- The harmonization of labour market policies and other government policies will be promoted.
- Strategic partnership and cooperation with established research institutions will be embarked upon (Department of labour, 2004).

Formulating good labour legislation without strategy to measure its impact is defeating its purpose before it starts.

3.6 Aspects of labour legislation relevant for agricultural sector.

According to Basson, Christianson, Garbers, Le roux, Mischke and Strydom (2000) the South African labour law is divided into individual labour law and collective labour law. They further define the laws as follows: Individual law is composed of those principles which regulate the individual employment relationship and collective labour law constituted of those principles that regulate the relationship between employer and group of employees or trade union.

The employer needs to know the requirements of the law when employing the worker, they should also know what the legislation stipulates about the conditions of service to be maintained at work, and the way which must be followed when parting with employee. These three aspects will be discussed in the light of LRA, BCEA and SDA.

- Employment Equity Act (EEA) of 1998.
- Sectoral Determination Act of 2002.

3.5.6 Monitoring the impact of the legislation

The government committed itself to the following strategies to monitor the impact of the legislation;

- Publish bi-annual labour market reviews and labour statistics reports.
- The impact of aggregate and disaggregate departmental policies and programmes on stated goals will be researched and reported.
- Annual client satisfaction surveys will be conducted on levels onl evels of service delivery and made public.
- The harmonization of labour market policies and other government policies will be promoted.
- Strategic partnership and cooperation with established research institutions will be embarked upon (Department of labour, 2004).

Formulating good labour legislation without strategy to measure its impact is defeating its purpose before it starts.

3.6 Aspects of labour legislation relevant for agricultural sector.

According to Basson, Christianson, Garbers, Le roux, Mischke and Strydom (2000) the South African labour law is divided into individual labour law and collective labour law. They further define the laws as follows: Individual law is composed of those principles which regulate the individual employment relationship and collective labour law constituted of those principles that regulate the relationship between employer and group of employees or trade union.

The employer needs to know the requirements of the law when employing the worker, they should also know what the legislation stipulates about the conditions of service to be maintained at work, and the way which must be followed when parting with employee. These three aspects will be discussed in the light of LRA, BCEA and SDA.

3.6.1 Employment

a) Age prohibition

The law prohibits employment of people under the age of 15 to be employed.

b) Fairness

No employer may discriminate against a worker from employment on grounds of sexual orientation, political affiliation, religious affiliation, gender, race, ethnic or social origin, age, disability, conscience, colour, culture, language, marital status and family responsibility.

c) Employment contract

Employers are required to give employees particulars of employment and ensure that they understand the contents thereof. The Contract of employment must contain the following:

- Name and address of the farmer;
- Name of the farm worker and the type of work required;
- Place where the work will be done;
- Starting date;
- Hours per day and the number of days per week the farm worker is required to work;
- The farm-worker's hourly wage;
- When (s)he will be paid;
- How payment will be made;
- Overtime payment;
- Any other payment as agreed;
- Deductions agreed;

- The farmer's unemployment insurance fund registration number and contribution to unemployment insurance fund.
- Leave provisions; and
- Notice period.

3.6.2 Service conditions

a) Hours of work

Workers may not work more than 45 hours per week 9 hours a day 5 days per week, 8 hours a day six days a week.

b) Overtime

Farmers may not work more than 15 hours a week and

Farm-worker may not work more than 12 hours per day.

c) Work on Sunday

One hour or less, payment should double the ordinary wage for one hour.

More than two hours, but less than two hours, payment should double the ordinary wage for time worked.

More than two hours, but less than five hours, payment should be the ordinary daily wage.

More than five hours, payment should be the greater of double wage payable for time worked or double the daily wage.

d) Wage

Farm workers working more than 27 hours per week are classified into the following categories:

- Area A R850.
- Area B R650.

Wages for those working 27 or less hours per week are paid as follows:

- Area A R4.10 per hour.
- Area B R3.33 per hour.

Increment will be at rate of 10% per year (refer (Annexure 1) for places which fall under category A and B).

e) Leave

Four types of leave are applicable:

- Ordinary annual leave

A farm worker is entitled to three weeks excluding a day that falls within the leave.

- Sick leave

The sick leave cycle is 36 months based on the number of days worked over a six week period

- Family responsibility leave

It is granted for a family related matter and it is limited to three days paid in full allowed per annum.

- Maternity leave

Is four months and starts four weeks before expected date of birth and ends six weeks after the birth.

f) Deductions

Deduction should be made on agreement and allowable deductions are:

- Savings.
- Provident fund and related funds.
- Repayment of loan to financial institution.
- Trade union subscription.

The following deductions are not allowed:

- Equipment and tools provided at work place.
- Uniforms, overalls and protective clothing.
- Meals taken during working hours.
- Any accidental damages.

g) Payment in kind

Accommodation and food may be regarded as payment in kind and its deduction may be limited to 20%, 10% on accommodation, 10% on food. House conditions for deduction are as follows: waterproof roof, opening glass windows, electricity and water in the house.

h) Health at work

A worker may not do any work that exposes his/her health to a hazard.

3.6.3 Parting with employees

a) Severance pays

It is paid where there are operational reasons for the termination of the employment of the farm worker.

Method of payment is a week's payment for each year of continuous service

It is not payable when farm-worker refuses reasonable alternative employment.

b) Certificate of service

It must be issued on termination of employment.

c) Termination of service

- Either party may terminate contract of service.

- Work for less than six months one week notice.
- May not be given on leave.
- Notice may be replaced with payment.

d) Dismissal and discipline

The employer may terminate the contract of employment without notice. This is called summarily dismissal and occurs when an employee has committed offence that cuts to the root of relationship, breaching the relationship of trust (Flood and Gibson, 2002, p.79). Discipline encompasses all those activities that are undertaken by employer to enforce compliance with set standards on behaviour and performance (North-west Det, 2001, p.56). According to LRA the employer has the right to discipline the worker and the workers have the right to voice their grievances. Refer to the attached annexures 3, 4, 5, 6, 7, 8 and 9 for document of serious and very serious misconduct as well as written warnings.

3.7 Farmers and farm-workers rights

Bendix (2001) and Apolus (2005) outline the following rights applicable to both farm workers and farmers.

3.7.1 Farmer's rights

- To expect faithful and diligent work performance from his employee
- Expect his employee to obey reasonable orders given to him in the normal course of his employment.
- To expect employees not to deal dishonestly with his property , and
- To expect employees not to compete in his private capacity with his business.

3.7.2 Farmers' duties

- To pay the employee.
- To provide safe and healthy working conditions.
- To provide work for employee.
- Not make the employee do work junior to the status for which he was employed.
- Not to contract the employees services to another employer without the employer's consent.

3.7.3 Farm worker rights

- To be paid by the employer.
- To be provided with safe and healthy working conditions.
- To be provided with work by the employer.
- Not to be made to do the work junior to the status for which he was employed.
- His service not to be contracted to another employer without his consent

3.7.4 Farm -worker's duties

- Perform his work faithfully and diligently.
- Obey reasonable orders given to him in the normal course of his employment.
- Not to deal dishonestly with the property of the employer, and
- Not to compete in his private capacity with the business of the employer.

3.7.5 Resources for a farmer

List of documents

- Grievance form
- Code of conduct and warning letters
- Employment contract
- Notes on legislation
- Job description

- Payment details
- Certificate of service

Websites

- labour net
- Sars.co.za
- www.labour.co.za

3.8 Conclusion

The chapter revealed that the conditions of employment in the agricultural sector still need more attention to reach a satisfactory level of improvement. The problems in the agricultural sector are part of the bigger problem of the labour market in South Africa. When looking at socio-economic factors in comparison with other economic sector discussions pointed out some major differences. Good working conditions are no longer a privilege in this sector, but rights enforced by law. The subsequent chapter will focus on the problem statement, sub-problems and the objectives of the study.

CHAPTER 4

PROBLEM STATEMENT AND OBJECTIVES

4.1 Introduction

This chapter will focus on the problem statement and the sub-problems that will be addressed, as well as, the objectives of the study. All these aspects will be discussed in light of the findings in the theoretical framework and literature review.

4.2 Problem statement

Hipkin (2000) mentions the following problems which make the study a serious need:

- Agriculture has received limited attention in academic literature.
- The economic debate over the last few decades has neglected agriculture.
- In the apartheid era farm-workers were excluded from collective bargaining, and
- Farmers still remain unchanged to their anti-union position.

Ehlers (2002) identifies fifteen problems in the South African labour market. The study will address three which are believed to be applicable to the agricultural sector.

- The existence of widespread poverty among low wage earners.
- The low levels of education, skills and investment in training.
- The inadequate protection for some low-wage earners such as farm and domestic workers.

According to Ehlers (2002) over the years various government actions

endeavoured to balance the South African Labor Relations system, but contributed little to reduce obvious imbalances in the system. In this study it will be investigated whether, the present government managed to redress imbalances between farmers and farm workers.

The government commits itself to respect, protect and fulfill the rights in the bill of rights, and it prohibits slavery servitude and forced labour (Constitution of the Republic of South Africa, No 108 (1996)).

The government through LRA aims to:

- Promote economic development, social justice, labour peace, and democracy in the work place.
- It promotes the right to fair labour practice.
- Prohibits unfair discrimination for the exercise of these rights.
- Sets out the rights of employers and employees and their organization more clearly than before.
- Favours conciliation and negotiation as a way of settling disputes (Cooper et al, 1997).

The government further protects the employee's right to participate in forming a trade union or a federation as well as employee's right to join a trade union .The study is being pursued in the light of this, to look at the implementation of various Acts, for instance the Labour Relations ACT (LRA), Basic Conditions of Employment Act (BCEA), and Sectoral Determination Act (SDA).

The government has introduced improvements through Acts such as the Sectoral Determination Act for farm workers, but the question which still remain to be answered is, how has this Act improved the lives of farm workers.

The Basic Conditions of Employment Act (1997) makes provision for Sectoral Determination Act . Because of the large scope of the Act the analysis of the

Labour Relations Act will be limited to the Sectoral Determination Act for farm workers.

The SDA for farm workers deals with conditions of employment for farm workers such as hours of work, leave, particulars of employment and termination of employment. It also prescribes the minimum wage employers are required to pay.

The problem that will be pursued in this study is the extent to which the Labour Relations Act has improved workers conditions of service with specific reference to farm workers in Tswaing. The sub-problems, which will not be statistically tested, are:

- Is there any dissemination of information to educate both farm workers and farmers on the new labour legislation?
- Has the government sufficient human and physical resource to assist in implementation of the new labour legislation?
- Is there any monitoring and evaluating strategy to evaluate the effectiveness of the labour legislation?
- Has the new labour legislation led to job creation or losses?
- Does the new labour legislation impact on labour force patterns and productivity;
- Have any aspects of conditions of service for farm workers improved?
- How does management style used by farmers contribute towards poor labour relations?
- Do farmers have negative attitude towards the new labour legislation?

4.3 The objectives

The following objectives will be discussed:

4.3.1 To establish whether there is any dissemination of information on the new labour legislation to educate both farmers and farm workers?

The literature review revealed that the majority of farm workers lack information regarding their employment rights and due to the nature of insecure employment, accessing labour rights remains difficult. For most farm workers the concept of rights is unfamiliar, isolated and rural location of farms contributes to the problem. Lack of informal and formal organization also contributes to the gap of dissemination and labour legislation education.

4.3.2 To determine whether there is any monitoring and evaluating strategy to evaluate the effectiveness of the new labour legislation?

It is unwise to continue to introduce labour legislation without monitoring and evaluating the strategy to establish what the desired results are from implementation.

The government involves different stakeholders before the introduction of the legislation and after implementation should have desired results. In order to be successful the government's management of labour legislation should be built on the task of management namely:

- Planning
- Organizing
- Leading and
- Controlling

Controlling is used to set the standards and to ensure that the desired results are attained.

4.3.3 To investigate whether new labour legislation has led to job creation or job losses?

The study identifies three classifications of workers namely:

- Permanent workers
- Temporary workers

➤ Seasonal workers

This objective has to determine whether the introduction of the new labour legislation has affected the way farm workers are employed. Do farmers tend to employ workers on a temporary, seasonal or permanent basis, since the introduction of the new labour legislation, and do they tend to retrench more?

4.3.4 To establish whether the government has adequate resources to ensure implementation of the Acts?

There has been a lack of resources and capacity to implement the provisions of these acts, which means that change has been gradual.

Good labour legislation without implementation, is a mock to the workers. The government needs clearly stated objectives of new labour legislation, and human and physical resources to help in its implementation.

4.3.5 To investigate whether new labour legislation has impact on the labour force and productivity patterns?

The majority of blacks are still at the bottom of the ladder as employees and farmers on top of the ladder as the employers. Few blacks are self employed in the agricultural sector. Although salaries have improved, it is still difficult to take ownership due to lack of skills and financial assistance.

4.3.6 To determine whether aspects of conditions of service have been enforced as a result of the new labour legislation?

With the introduction of the Agricultural Labour Act (1993), basic farm workers' rights encoded are within the law. Since 1994, these rights include:

- Maternity leave;
- Sick leave;

- Annual leave;
- Family responsibility leave;
- Extra payment for overtime;
- Public holidays and weekends;
- Prohibition against forced labour and child labour;
- Freedom of association and regulation of working hours;
- Unemployment benefits; and
- A basic level of tenure security.

4.3.7 To determine whether new labour legislation has led to a change in farmers' management style?

The yardstick to determine a manager's leadership ability is the competence of their workers. The objective is to determine whether a change in management style has occurred.

4.3.8 To determine whether the attitude of farmers is positive towards the new labour legislation?

The literature review revealed that enforcement of labour legislation has been problematic with a persistent gap between formal rights and reality of farm life. The question which remains is whether the lack of enforcement is due to a lack of no attitude change or legislation which is difficult to implement.

4.4 Conclusion

The problem statement, sub-problems and objectives of the study have been discussed, in light of the theoretical framework and literature review. The subsequent chapter will focus on research methods, measuring instruments, sampling techniques, sample, pilot study, data collection method and data analysis technique.

CHAPTER 5

RESEARCH DESIGN AND METHODOLOGY

5.1 Introduction

This chapter will cover methods that have been used in the study to conduct the research. Data gathering instruments, data collection methods, sampling techniques, target population, pilot study conducted, and data analyzing techniques will be discussed.

5.2 Research Methods

5.2.1 Features of qualitative and quantitative research methods.

The study made use of both quantitative and qualitative research methods. The features of qualitative and quantitative research methods are contrasted in the Table 5.1 below:

TABLE 5.1 FEATURES OF QUALITATIVE AND QUANTITATIVE METHODS.

Qualitative	Quantitative
"All research ultimately has a qualitative grounding"	"There's no such thing as qualitative data. Everything is either 1 or 0"
The aim of qualitative analysis is a complete, detailed description.	In quantitative research we classify features, count them, and construct statistical models in an attempt to explain what is observed.

Recommended during earlier phases of research projects.	Recommended during latter phases of research projects.
Researcher may only know roughly in advance what he/she is looking for.	Researcher knows clearly in advance what he/she is looking for.
The design emerges as the study unfolds.	All aspects of the study are carefully designed before data is collected.
Researcher is the data gathering instrument.	Researcher uses tools, such as questionnaires or equipment to collect numerical data.
Data is in the form of words, pictures or objects.	Data is in the form of numbers and statistics.
Qualitative data is more 'rich', time consuming, and less able to be generalized.	Quantitative data is more efficient, able to test hypotheses, but may miss contextual detail.
Researcher tends to become subjectively immersed in the subject matter.	Researcher tends to remain objectively separated from the subject matter.

Miles and Huberman (in www.wilderdom.com/research.html)

Neill states that differences between qualitative and quantitative research methods differ in the aspects of assumptions, purpose, approach, and researcher's role (www.wilderdom.com/research.html).

5.2.2 Motivation for the use of both methods.

Neill contends that it is important to focus also on how the techniques can be integrated, such as in mixed methods research. More good can come of social science researchers developing skills in both realms than debating which method is superior(www.wilderdom.com/research.html).

Patton, Reichardt & Cook, believe that the skilled researcher can successfully combine approaches. They list the following as benefits of combining methods (www.gifted.unconn.edu/siegle/research) :

- Enjoying the rewards of both numbers and words.
- Because the positivist and the interpretivist paradigms rest on different assumptions about the nature of the world, they require different instruments and procedures to find the type of data desire.
- Such methods are supplementary, not dominant, and
- Different approaches allow one to know and understand different things about the world.

Some of the questionnaires which have been designed by the study were qualitative in nature in that they were open ended questions which required analysis through interpretation of words. It was also not possible to interview some of the farmers formally and there was a need to open a conversation that led to the topic. Although questionnaires designed for farm-workers were mainly quantitative, the last question was an open-ended question. In the case where farm workers did not understand what was asked the researcher started with the last question and it led to other questions. Due to a lack of access in farms a letter of authorization was obtained, from the Graduate School of business and government leadership, to be presented to farmers' union or farmers refer to (Annexure 14).

5.3 Pilot study

A pilot study was done on only three farm-workers and one farmer. The purpose was to test the level of understanding, of the tentative questionnaire. Only minor changes were made to the questionnaire.

5.4 Data gathering instrument

The study made use of a questionnaire: both fixed choice questions and open ended questions were used. Questions were designed to obtain the objectives of the study and were based on the literature review and theoretical framework. Six different questionnaires were designed for the target population of the study namely:

- Farm workers
- Farmers
- Employee organization representative
- Employer organization representative
- Retrenched employees
- Labour inspectors

Different questionnaires were used, because one questionnaire could not be applicable to the whole sample. There was a need to find different opinions on the problem.

5.4.1 Questionnaires

Please refer to Annexure 16 for questions:

a) Questionnaire 1: These questions were directed to farmers

1. Do you know about SDA?

A. Yes ()

B. No ()

2. How was the act (SDA) introduced to your workers?

A. Self

B. Supervisor

C. Legal rep

D. Other

3. How many people did you employ since last year?

A. 1-10

B. 11-20

C. 21-40

D. Other.....

4. How many of your workers are permanent/ temporary/casual?

A. Temporary above half

B. Permanent above half

C. Temporary below half

D. Permanent below half

E. Permanent/temporary/casual equal

F. Other.....

5. Do you think there is a movement away from permanent workers to casual?

A.Yes ()

B.No ()

6. If yes, what could be the reason ?.....

7. How many days a week do your workers work?

8. How much do you pay your workers per month?

A. R1-R300

B. R301-R450

C. R451-R650

D. R651-R800

E. Other.....

9. Do you pay for overtime?

- A. Yes (.....)
- B. No (...)
- C. Replace with day off

10. Do you have problem with any of the following stipulations of the act? Write numbers?...

- A. Wage
- B. Leave
- C. Employment contract
- D. Job description
- E. Severance pay
- F. Hours of work/days of work /overtime and/ work on holyday
- G. Deduction on meals and accommodation?

11. Have you retrenched any workers lately?

- A. Yes (..)
- B. No (...)

12. If yes how many?/na.....

13. How has introduction of SDA affected productivity?

- A. Reduced workers
- B. Reduced stock
- C. Reduced crops
- D. Reduced profit
- E. Other.....

14. What is the role of your employer organization?

- A. Collective bargaining labor issues
- B. Farm management and productivity issue
- C. Training on collective bargaining issue
- D. Other.....

15. What are the challenges which LRA pose to farmers?

b) Questionnaire 2: These questions were directed to farm-workers.

1. Do you know about SDA?

- A. Yes()
- B. No ()

2. How was the act (SDA) introduced to you?

- 1. Employer
- 2. Supervisor
- 3. Legal representative
- 4. Other.....

3. How many days do you work per week?

- A. 5 Days
- B. 6 Days
- C. other.....

4. How many hours do you work per week?

- A. Less than 8
- B. Above 8
- C. 12 hours

D. Other.....

5. How much do you earn per month?

A. R1-R300

B. R301-R-450

C. R451-R650

D. R651-R800

E. Other.....

6. Do you get pay for overtime/holy days/work on sunday?

A. Get pay

B. Get no pay

C. Get day off

D. Other

7. Do you have a copy of your employment contract?

A. Yes ()

B. No ()

8. Do you know your job description?

A. Yes ()

B. No ()

9. If you have labour dispute to whom do you report?

A. Employer

B. Supervisor

C. Union representative

D. Other

10. Do you know where the labour dispute office is?

A. Yes

B. No

10. How far is your labour dispute office from your workplace?

A. -10

B. +20

C. +30

- D. +50
- E. Other

11. Which employment benefits are reflected in your pay slip? Tick a if free & b if not free.

- A. Accommodation
- B. Food
- C. Uniform
- D. Transport
- E. Other

12. How many days do you receive for leave per year?

- A. 2weeks
- B. 3weeks
- C. A month
- D. Other

13. Do you have problem with any of the stipulations of SDA?write numbers.....

- A. Wage
- B. Leave
- C. Hours/days overtime & holy days
- D. Job description
- E. Payments in kind
- F. Severance pay
- G. Employment contract

14. If yes, elaborate on one or two? n/a

15. What are the challenges which LRA poses to farm -workers?

c) Questionnaire 3: This questionnaire was directed at employer and employee organizations representatives.

1. Do you have problem with any of the stipulations of SDA?

- A. Wage
- B. Severance pay
- C. Hours/days overtime & holy days
- D. Job description
- E. Payments in kind
- F. Employment contract
- G. Leave

2. If yes, elaborate on one or two? n/a

3. Has the introduction of LRA affected any of the following aspects? Write number.....

- A. Productivity
- B. Labour force
- C. Permanent labour
- D. Accommodation
- E. Other.....

4. If yes, elaborate on any of the affected aspects?

5. What are the challenges which LRA poses to government?

6. How effective is the labour dispute office in your area?

- A. Not effective
- B. Effective
- C. Very effective
- D. Other.....

7. If yes, elaborate on any of the affected aspects.

d) Questionnaire 4: This questionnaire was directed at labour inspectors.

1. Do you have a problem with any of the stipulations of SDA? Write numbers.....

- A. Wage
- B. Leave
- C. Hours/days overtime & holy days

- D. Severance pay
 - E. Payments in kind
 - F. Job description
 - G. Employment contract
2. If yes, elaborate on one or two? n/a
3. How effective is the labour dispute office in your area?
- A. Not effective
 - B. Effective
 - C. Very effective
 - D. Other.....
4. If not effective /effective elaborate how?
5. Has the introduction of LRA affected any of the following aspects? Indicate affected aspects.
- A. Productivity
 - B. Labour force
 - C. Permanent labour
 - D. Accommodation
 - E. Other.....
6. If yes, elaborate on any of the affected aspects?
7. What are the challenges which LRA poses to Government?

e) Questionnaire 5 This questionnaire was directed at retrenched workers.

1. Did you know about SDA?
- A. Yes
 - B. No
2. How was the Act (SDA) introduced to you?
- A. Employer
 - B. Supervisor
 - C. Legal rep
 - D. Other.....

3. How many days did you work per week?
 - A. 5 days
 - B. 6 days
 - C. Other.....
4. How many hours did you work per week?
 - A. Less than 8 hours
 - B. Above 8 hours
 - C. 12 hours
 - D. Other.....
5. How much did you earn per month?
 - A. R1-R300
 - B. R301-R450
 - C. R451-R650
 - D. R651-R800
 - E. Other.....
6. What was the reason for retrenchment/dismissal?
7. If unfairly dismissed did you take your case to CCMA/Union representative?
8. What was the outcome?
9. Did you receive certificate of service?
 - A. Yes
 - B. No
10. Did you receive severance pay?
 - A. Yes
 - B. No
11. What are the challenges LRA poses to retrenched workers?

5.4.2 Objectives and Questions

The questions were designed to achieve the following objectives:

5.4.2.1 To establish whether there is any dissemination of information on labour legislation to educate both farmers and farm workers.

The following questions were designed for farm workers:

- Do you know about SDA?
- How far is the labour office from your place?

5.4.2.2 To determine whether there is any monitoring and evaluating strategy to evaluate the effectiveness of the new labour legislation.

The following question was formulated:

- Challenges which labour pose to the government.

5.4.2.3 To investigate whether the new labour legislation has led to job creation or losses.

The following questions were asked:

- How many of your workers are permanent/temporary/casual?
- Do you think there is a movement away from permanent workers to casual.
- If yes, what could be the reason?
- Have you retrenched any workers lately?
- If yes, how many?

5.4.2.4 To establish whether the Government has adequate resources to ensure implementation of the Acts.

The following questions were designed:

- How effective is the labour dispute office in your area?
- If not effective /effective elaborate how?

5.4.2.5 To investigate whether the new labour legislation has led to change in productivity and labour patterns.

The following questions were considered:

- Has the introduction of LRA affected any of the following aspects?
- If yes, elaborate on any of the affected aspects?
- What are the challenges which LRA poses to farmers?
- How has the introduction of SDA affected productivity?

5.4.2.6 To determine whether aspects of conditions of service are enforced as a result of new labour legislation.

The following questions were formulated:

These questions were directed to farmers:

- How many days a week do your workers work?
- How much do you pay your workers per month?
- Do you pay for overtime?

These questions were directed to employees:

- Do you have a copy of the employment contract?
- Do you know your job description?
- Which employment benefits are reflected in you pay slip?
- How many days do you receive for leave per year?

- Did you receive a certificate of service?
- Did you receive severance pay?

5.4.2.7 To determine whether the new labour legislation has led to change of farmers' management style.

The following questions were asked:

This question was directed to farmers.

- How was the act (SDA) introduced to your workers?

This question was directed to farm worker.

- If you have a labour dispute to whom do you report?

5.4.2.8 To determine whether the attitude of farmers is positive towards the new labour legislation.

The following questions were asked:

- Challenges LRA pose to farm-workers.
- Challenges LRA pose to employee representative organization.
- Where do you go if you have a labour dispute, and
- Questions on conditions of service.

5.5 Description of target population

The study has been conducted in Tswaing municipality area which is the main focus of the study and the farming community targeted population consists of the following:

Farmers, farm workers, labour inspectors, employee organization representatives, employer organization representatives.

Refer to Table 5.2 for target sample.

TABLE 5.2 TARGET SAMPLE

TARGET POPULATION	FREQUENCY	PERCENTAGE
FARMERS	5	12.5%
FARMWORKERS	25	62.5%
RETRENCHED	5	12.5%
EMPLOYEE ORG`	1	2.5%
EMPLOYER ORGANISATION	2	5%
LABOUR INSPECTOR	2	5%
TOTAL	40	100%
GENDER		
MALE	34	85%
FEMALE	6	15%
TOTAL	40	100%

5.6 Sampling techniques

The study made use of purposive sampling, Trochim (2005) mentions the following as types of purposive sampling:

- Modal instance sampling.
- Expert sampling.
- Quota sampling.
- Heterogeneity sampling.
- Snowball sampling.

According to Bless and Higson-Smith (1995) as well as Trochim (www.socialresearchmethods.net/kb) the following are advantages of purposive sampling:

- Specific expertise
- Not on your own to defend your decisions but you have experts back up
- Assure that groups are adequately represented in your sample
- Help to get all ideas
- Snowball helpful to reach population that is hard to find

Bless & Higson-Smith (1995, pp. 92-93) and Trochim (www.socialresearchmethods.net/kb) further states the following as the disadvantages of purposive sampling:

- It relies more heavily on the subjective considerations of the researcher than on objective criteria.
- It often leads to non-representative samples.
- Through these techniques one is likely to overweight subgroups in population that are more readily accessible.
- Even experts can be wrong.

The reasons for choosing purposive sampling are:

- The target population was inaccessible and hard to find due to restriction of entry in farms.
- The researcher knew exactly what information to find and from whom.
- Opinions and ideas from experts, e.g. labour inspectors farmers, employee representative and employer representative will prevent study from being one sided on the problem.

5.7 The sample

The study made use of a sample of 40 people. This number is regarded as representative.

5.8 Data collection method

According to McKay (2000, pp. 17-18) there are two ways to collect data interviews and postal approach, and he mentions the following as advantages of the postal approach:

- Cheaper to administer.
- They are time saving.
- The respondents can complete questionnaire when s/he has time.
- You can reach respondents across a wide geographical area.
- You will get access to more people.

One of the groups' population of the study is farm workers. Most of them cannot understand English, and cannot read and write, that is the reason why the interview has been preferred over postal approach. The following are benefits of an interview type questionnaire:

- One can expect a better response rate than with a questionnaire which is mailed.
- People who do not read or write are able to respond in an interview situation.
- The interviewer's presence can make it easier for respondents to answer complicated question because the interviewer will guide the respondents (McKay, 2000, p.18)

The following disadvantages of personal interviews are also mentioned:

- These studies can be expensive.
- People don't like lengthy interviews ,and
- It can be difficult getting to all people in the sample (McKay, 2000, p.18).

To remedy the above mentioned problem the researcher did not move from farm to farm, but met farm-workers at a shopping complex at the end of the month when they were shopping.

Where possible farm-workers were interviewed in groups, The questionnaire was designed to be as short as possible.

5.9 Data analyzing technique

According to Seeletse (2004) statistics can be either descriptive or inferential.

He further mentions the following as features of descriptive statistics:

- The emphasis is on data presentation.
- Visual methods of presenting data include raw data ordering from smallest to the largest use of tables and graphs.
- There are also measures to describe data sets.

The study made use of descriptive and inferential statistics.

5.10 Conclusion

The study made use of both quantitative and qualitative research methods, a pilot study, questionnaires, interviews, purposive sampling, and descriptive statistics as data analyzing technique. The subsequent chapter will deal with the interpretation and analysis of the data collected from the target population.

CHAPTER SIX

RESEARCH RESULTS

6.1 Introduction

The main focus in this chapter will be the discussion of the results, analysis and interpretation of the data.

6.2 Data interpretation

The data will be presented in the following sequence:

- Farm workers (paragraph 6.2.1)
- Farmers (paragraph 6.2.2)
- Retrenched workers (paragraph 6.2.3)
- Employee representative (paragraph 6.2.4)
- Employer representative (paragraph 6.2.5)
- Labour inspector (paragraph 6.2.6)

6.2.1 Farm workers

In Table 6.1 level of knowledge of SDA is represented.

TABLE 6.1 LEVEL OF KNOWLEDGE OF SDA.

FARM WORKERS	FREQUENCY	PERCENTAGE %
KNOW	25	83.3
DON'T KNOW	5	16.7
TOTAL	30	100

Farm workers who know about SDA consists of 83.3%, while those who don't know about SDA is only 16.7%. This means that the majority of farm workers has a knowledge of SDA. This puts them in better position to know if whether they are treated right and according to the law.

In Table 6.2 the source of knowledge regarding SDA is represented.

TABLE 6.2 SOURCE OF KNOWLEDGE

SOURCE OF KNOWLEDGE	FREQUENCY	PERCENTAGE %
EMPLOYER	18	60
SUPERVISOR	1	3.3
LEGAL REP	1	3.3
OTHER	10	33.3
TOTAL	30	100

The majority of farm-workers (60%) have pointed to their employers as a source of information for knowledge of SDA, and 3.3% from their supervisors and another 3.3% have indicated legal representatives as their source of information. 33.3 % have indicated other sources such as radio and friends as their source of information for SDA. The deduction is that farmers are willing to make information available.

Conditions of service

In Table 6.3 the number of days workers work per week is represented.

TABLE 6.3 DAYS OF WORK PER WEEK

NO OF DAYS	FREQUENCY	PERCENTAGE %
------------	-----------	--------------

5DAYS	12	40%
6DAYS	11	37%
OTHERS	7	23%
TOTAL	30	100%

Farm-workers who work 5 days a week consist of 40% of the farm-workers and 37% work for 6 days. Only 7% shows deviation from what is stipulated in BCEA and SDA. This stipulation of the Act thus respected in this area.

In Table 6.4 hours of work per day are represented.

TABLE 6.4 HOURS OF WORK PER DAY.

NO OF HOURS (per day)	FREQUENCY	PERCENTAGE %
1-8	8	26.6%
9-11	14	46.6%
12	2	6.6%
ABOVE 12	6	20%
TOTAL	30	100%

Farm workers who work for less than 8 hours constitute 26% of the farm-workers and those who work more than 8 hours, but no more than 11 constitute 46.6%. Farm workers who work 12 hours constitute 6.6% of farm workers and those who work for more than 12 hours constitute 20% of the farm-workers. This indicates a lack of compliance by farmers, as it is the right of farm worker to work hours stipulated by legislation. In Table 6.6 it is stated that 60% of farm workers do not get overtime pay.

In Table 6.5 workers' wage and salary are represented.

TABLE 6.5 WAGE AND SALARY

AMOUNT(Rand per month)	FREQUENCY	PERCENTAGE %
1-300	7	23. %
301-450	3	10%
451-650	11	37%
651-800	3	10%
801-1000	6	20%
ABOVE 1000	0	0%
TOTAL	30	100

In response to question five, 23% of respondents indicated that they earn between R1-R300, 10% indicated that they earn between R301-R450, 37% earn between R451-R650 and 10% earn between R651-R800, and 20% earn between R 800-1000 and there are no respondents who earn above R1000. People who earn between R651 and R1000 constitute 30% of the respondents and this implies that majority of workers still earn below minimum wage (70%) of workers.

In Table 6.6 overtime, holiday and Sunday pay is represented.

TABLE 6.6 OVERTIME/HOLIDAY/SUNDAY PAY.

OVERTIME/HOLYDAY/SUNDAY	FREQUENCY	PERCENTAGE %
GET PAY	8	32%
GET NO PAY	15	60%
GET DAY OFF	1	4%
OTHER(no overtime)	1	4%
TOTAL	25	100%

Farm workers who get paid for working overtime/holiday/Sunday consists of 32% and those who don't get pay for working overtime/holiday/Sunday constitute 60%. Those who get days off and those who don't work overtime constitute 4% of farm workers respectively. The majority of farm-workers are denied of their overtime/holiday/work on Sundays. Farmers show non- compliance to this stipulation of the act.

In Table 6.7 the level of possession of employment contract is represented.

TABLE 6.7 POSSESSION OF EMPLOYMENT CONTRACT.

EMPLOYMENT CONTRACT	FREQUENCY	PERCENTAGE %
YES	6	24%
NO	19	76%
TOTAL	25	100%

Twenty four percent of respondents indicated that they have employment contracts and 76% indicated that they don't have employment contracts. This implies that the majority are not sure of their rights and protection at work.

In Table 6.8 the level of practice of job description in represented.

TABLE 6.8 JOB DESCRIPTION KNOWLEDGE

JOB DESCRIPTION KNOWLEDGE	FREQUENCY	PERCENTAGE %
JOB DESCRIPTION	9	36%
NO JOB DESCRIPTION	16	64%
TOTAL	25	100%

Farm workers who know their job description constitute 36% while those who do not work according to job description constitute 64% which is the majority. This shows that farmers do not respect this stipulation of the Act. If there is no job description it will be easy to fire the worker on the ground of incompetence.

Table 6.9 represents the persons to whom labour dispute is reported.

TABLE 6.9 PERSON TO WHOM LABOUR DISPUTE IS REPORTED.

LABOUR DISPUTE PERSONNEL	FREQUENCY	PERCENTAGE %
EMPLOYER	24	96%
SUPERVISOR	1	4%
UNION REPRESENTATIVE	0	0
OTHER	0	0
TOTAL	25	100%

The majority of farm-workers (96%) have pointed to their employers as their labour officer and only 4% have indicated the willingness of farmers to delegate this responsibility to their supervisors. There are no work place forums in this area, because there is 0% representation of unions on farms. There is a lack of mediation. If two people are in conflict they need mediator to reconcile them. If the worker has a problem with the farmer and there is a misunderstanding, there is no recourse to a person who can deal with the dispute.

In Table 6.10 level of knowledge of labour dispute office location is represented.

TABLE 6.10 KNOWLEDGE OF LABOUR DISPUTE OFFICE LOCATION

KNOWLEDGE OF LOCATION OF LABOUR OFFICES	FREQUENCY	PERCENTAGE %

KNOW	14	56%
DON'T KNOW	11	44%
TOTAL	25	100%

In response to this question, 56% indicated that they know where the labour dispute office is, and 44% indicated that they don't know. The department of labour still has to work harder to make their services known to farm workers.

In Table 6.11 benefits of employment are represented.

TABLE 6.11 EMPLOYMENT BENEFITS.

BENEFITS COMBINATION	FREQUENCY	PERCENTAGE%
Accommodation	6	24%
Food	2	8%
Uniform	1	4%
Transport	1	4%
NONE OF ABOVE	1	4%
ALL OF ABOVE	0	0%
ANY THREE	4	16%
ANY TWO	10	40%
TOTAL	25	100%

Twenty four percent of the respondents indicated that they receive accommodation free, 8% indicated that they receive food free, and 4% indicated that they receive a uniform free and another 4% indicated that they receive transport free, 16% of respondents receive any three of the above benefits and 40% indicated that they do receive any two of the benefits. While 4% indicated that they don't receive any benefits and none of the respondents indicated that

they receive all of the above benefits, more than 56% percent of respondents receive at least two benefits and above. The deduction that can be made is that farm workers receive good benefits in addition to their salaries.

In Table 6.12 number of leave weeks per year is represented.

TABLE 6.12 LEAVE WEEKS PER YEAR

NO OF WEEKS	FREQUENCY	PERCENTAGE %
2 WEEKS	5	20%
3WEEKS	14	56%
1 MONTH	0	0%
NO LEAVE	6	24%
TOTAL	25	100%

In response to this question , 20% indicated that they are given two weeks leave, 56% indicated that they do receive three weeks leave, and 24% indicated that they don't receive any leave. Although the majority of the workers receive leave , which comply with stipulations of the Act a total of 44% is still receiving leave below the standard. This is still a challenge to the department of labour.

In Table 6.13 problems with stipulations of the Act are represented.

TABLE 6.13 STIPULATIONS OF THE ACT.

STIPULATIONS OF THE ACT	FREQUENCY	PERCENTAGE %
Wage		
Overtime/Sunday/holiday		
Job description		

Severance pay		
Hours of work		
Days of work		
leave		
Age restriction		
ANY ONE	9	36%
ANY TWO	7	28%
ANY THREE	7	28%
ANY FOUR	1	4%
ANY FIVE	0	0%
ALL	0	0%
NOT APPLICABLE	1	16%
TOTAL	25	100%

Thirty six percent of the workers have at least a problem with one stipulations of act, 28% have problems with any two and three stipulations respectively and only 16% indicated that they don't have a problem with any of the stipulations of the Act. The deduction that can be made is that the majority of farm workers have problems with some of the stipulations of the Act.

In Table 6.14 challenges which LRA possess to farm workers are represented.

TABLE 6.14 CHALLENGES WHICH LRA POSES TO FARM WORKERS.

LIST OF CHALLENGES

NON COMPLIANCE
RETRENCHMENTS
NO CONSULTATION
LITTLE IMPROVEMENT
NO COMMUNICATION
ENSTRANGEMENT

LITTLE KKNOWLEDGE OF LRA
ONE SIDED APPLICATION OF LAW
REDUCED BENEFITS
ANTI UNION ATTITUDE
LITTLE SEVERANCE PAY

The above-mentioned challenges indicate that farm workers are not reaping the fruit of the application of the stipulations of the Act as it is expected.

6.2.2 FARMERS

The next questionnaire which results will be analyzed is the one directed to farmers.

In Table 6.15 the level of farmers knowledge of SDA is represented.

TABLE 6.15 FARMERS KNOWLEDGE OF SDA

SDA KNOWLEDGE	FREQUENCY	PERCENTAGE
YES	4	80%
NO	1	20%
TOTAL	5	100%

In response to question fifteen, 80% of the respondents indicated that they know about SDA, and 20% indicated that they do not know about SDA. The deduction that can be made is that the majority of farmers know about SDA which is a positive sign.

In Table 6.16 introduction of SDA to farm workers is represented.

TABLE 6.16 INTRODUCTION OF SDA TO WORKERS.

SDA INTRODUCTION	FREQUENCY	PERCENTAGE%
SELF	3	60%
SUPERVISOR	0	0%
LEGALREP	1	20%
OTHER	1	20%
TOTAL		

In Table 6.16 it can be seen that, 60% of the farmers did not delegate responsibility of informing their workers about SDA, but they did it themselves, 20% used legal representation while 20% did not inform their workers at all about SDA.

In Table 6.17 the number of people employed by farmers is represented.

TABLE 6.17 THE NUMBER OF EMPLOYED PEOPLE BY FARMERS.

NO OF EMPLOYED PEOPLE	FREQUENCY	PERCENTAGE %
1-10	4	80%
11-20	1	20%
21-40	0	0
OTHER	0	0
TOTAL	5	100%

In response to question 17, 80% farmers employed between 1-10 employees, and 20% employed between 11-20 employees. No farmer employed more than

20 people. The deduction that can be made is that farmers do still employ after the introduction of SDA.

In Table 6.18 types of employment in agricultural sector is represented.

TABLE 6.18 PERMANENT/ CASUAL /TEMPORARY / EMPLOYED WORKERS

P/C/T	FREQUENCY	PERCENTAGE
T ABOVE HALF	0	0%
P ABOVE HALF	1	20%
T BELOW HALF	1	20%
P BELOW HALF	2	40%
P/T EQUAL	0	0%
OTHER	1	20%
TOTAL	5	100%

P =permanent

T = temporary

C =casual

In response to question 18, 40% of respondents indicated that the majority of the workers is permanent, and another 40% of respondents indicated that the majority of their workers is temporary and 20% indicated that all their workers are permanent.

Refer to Table 6.19 for opinion on movement away from permanent work.

TABLE 6.19 A MOVEMENT AWAY FROM PERMANENT WORK

A MOVEMENT AWAY FROM PERMANENT WORK	FREQUENCY	PERCENTAGE
YES	3	60%

NO	2	40%
TOTAL	5	100%

In response to question 19, 60% indicated that there is a movement away from permanent to temporal workers and, 40% indicated that there is no movement of workers from permanent to temporal. If the majority of farm-workers are employed on part-time basis and some are retrenched the impact of the new legislation should be reevaluated.

In Table 6.20 reasons for movement away from permanent work are represented.

TABLE 6.20 REASON FOR MOVEMENT AWAY FROM PERMANENT WORK.

REASONS FOR MOVEMENT AWAY FROM PERMANENT STAFF	FREQUENCY	PERCENTAGE %
EXPENSIVE LABOR	2	40%
CASH FLOW PROBLEM	1	20%
NOT APPLICABLE/NO PROBLEM	2	40%
TOTAL	5	100%

From Table 6.20 it can be deduced that, 40% of respondents indicated that the reason for movement away from permanent labour is expensive labor, and 20% indicated that the reason is a cash flow problem. 40% indicated that this is not applicable they, which means they do not have a problem.

In Table 6.21 the number of work days per week is represented.

TABLE 6.21 THE NUMBER OF WORK DAYS PER WEEK.

NO OF WORK DAY	FREQUENCY	PERCENTAGE
LESS THAN 5DAYS	0	0%
5 DAYS	3	60%
6 DAYS	2	40%
OTHER	0	0%
TOTAL	5	100%

In response to question 21, 60% of farmers use the service of farm-workers for 5 days, and 20% for six days and another 20% for seven days.

In Table 6.22 the remuneration given to workers is represented.

TABLE 6.22 REMUNERATION PER MONTH

REMUNERATION in rand per month	FRQUENCY	PERCENTAGE %
R1-R300	0	%
R301-R450	0	0%
R451-R650	1	20%
R651-R800	3	60%
R801-R1000	1	20%
ABOVE R1000	0	0%
TOTAL	5	100%

From Table 6.22 it can be deduced that,60% of the respondents indicated that they pay farm-workers between R651-R800, and 20% indicated that they pay between R8001-R1000 and R451-R650 and its 0% for between R1-R300 and above R1000. There are no extremely low earning workers, and no extremely high earning workers. It is interesting to observe that while farmers feel they are

paying their workers according to legislation the experience of farm-workers is different (see table 6.5)

Refer to Table 6.23 for overtime pay.

TABLE 6.23 OVERTIME PAY

OVERTIME PAY	FREQUENCY	PERCENTAGE %
YES	3	60%
NO	0	0%
REPLACE WITH DAY OFF	2	40%
TOTAL	5	100%

In response to this question, 60% of respondents indicated that they do pay for overtime and 40% replace it with a day off and 0% indicated that they do not pay overtime. The majority of farm-workers claim that they receive no pay for overtime while, majority of farmers claim that they do pay overtime.

Refer to Table 6.24 for problems with stipulation of the Act

TABLE 6.24 PROBLEMS WITH ACT STIPULATIONS.

PROBLEM WITH STIPULATION	FREQUENCY	PERCENTAGE %
WAGE	2	28.6%
DEDUCTION	2	28.6%
AGE RESTRICTION	1	14.3%
HOURS OF WORK	1	14.3
JOB DESCRIPTION	1	14.3
TOTAL	7	100%

Multiple mentions		
-------------------	--	--

For the stipulations of the Act, age restriction, hours of work and, job description have each 14.3% respondent who have problem, and 28.6 % have problem with wage and deduction stipulations respectively.

Refer to Table 6.25 for retrenched workers.

TABLE 6.25 WORKERS RETRENCHMENT

WORKERS RETRENCHED	FREQUENCY	PERCENTAGE
YES	2	40%
NO	3	60%
TOTAL	5	100%

In response to this, 40 % of respondents indicated that they did retrenched, and 60% did not retrench. This means that the majority of farmers did not retrench.

Refer to table 6.26 reasons for workers' retrenchment.

TABLE 6.26 REASONS FOR WORKERS' RETRENCHMENT

NUMBER OF WORKERS RETRENCH ED	FREQUENCY	PERCENTAGE
N/A	3	60%
ALL	1	20%
3	1	20%
TOTAL	5	100%

In response this question, 60% indicated that question is not applicable, 20% retrenched all their workers and 20% retrenched 3 people

Refer to Table 6.27 for the effect of SDA on productivity.

TABLE 6.27 SDA EFFECT ON PRODUCTIVITY

EFFECT ON PRODUCTIVITY	FREQUENCY	PERCENTAGE
REDUCED WORKERS	2	40%
REDUCED STOCK	0	0%
REDUCED CROP	0	0%
REDUCED PROFIT	1	20%
WORKERS/PROFIT	1	20%
OTHER	1	20%
TOTAL	5	100%

Forty percent of respondents indicated that productivity is affected by reduction of workers. 20% indicated that by reducing workers profit will be affected and another 20% stated that reduction of both workers and profit, while 20% indicated that SDA did not have any effect on productivity.

Refer to table 6.28 for the role of employer organization.

TABLE 6.28 THE ROLE OF EMPLOYER ORGANIZATION

ROLE OF EMPLOYER ORG	FREQUENCY	PERCENTAGE
COLLECTIVE BARGAINING LABOR ISSUES	5	25%
FARM MANAGEMENT	5	25%

PRODUCTIVITY ISSUE	5	25%
TRAINING ON COLLECTIVE ISSUE	5	25%
ALL	25	100%

In response this question, 100% of respondents indicated that they do get all stipulated services from their union. Farmers do get support from their union for challenges posed by the new labour legislation.

Refer to Table 6.29 for challenges of LRA to farmers.

TABLE 6.29 CHALLENGES OF LRA TO FARMERS

Challenges
Trust relationship problems
Does not understand farmers circumstances
Does not consider flexible pay
Unsubsidized crop
Import crops
Retrenchments
High cost of labor
Highly regulated labour
Deduction cause hunger
Lack of government services in farms
Farm workers lack of management skills
Illiteracy problem

According to the above statements new labour legislation is more of a burden than a solution to farmers' labour problems. There is also a call from farmers to ask the government to consider other factors that contributes to labour problems in farms.

6.2.3 RETRENCHED WORKERS

This questionnaire is directed to retrenched workers.

Refer to table 6.30 for questions directed to retrenched workers.

TABLE 6.30 RETRENCHED WORKERS

1)KNOWLEDGE OF SDA	FREQUENCY	PERCENTAGE
YES	5	100%
NO	0	0%
TOTAL	5	100%
2)SOURCE OF KNOWLEDGE		
EMPLOYER	4	80%
SUPERVISOR	0	0%
LEGAL REP	1	20%
OTHER		0%
TOTAL	5	100%
3)DAYS OF WORK PER WEEK		
LESS THAN 5	0	0%
5	2	40%
6	2	40%
7	1	20%
TOTAL	5	100%
4)HOURS OF WORK		
1-7		

8	2	40%
9-11	1	20%
12	2	40%
13-15		
TOTAL		
5)WAGE (RAND PERMONTH)		
1-300	3	60%
301-450	0	0%
451-650	1	20%
651-800	1	20%
8001-1000	0	0%
ABOVE 1000		
TOTAL	5	100%
6)SERVICE CERTIFICATE		
YES	2	40%
NO	3	60%
TOTAL	5	100%
7)SEVERANCE PAY		
YES	2	40%
NO	3	60%
TOTAL	5	100%
ASPECT	FREQUENCY	PERCENTAGE
8)DISMISSAL		
YES	1	20%
NO	4	80%
TOTAL	5	100%
9)REASON FOR DISMISSAL		

NOT APPLICABLE	4	80%
FOR VOICING MY GRIEVANCE	1	20%
TOTAL	5	100%
10)IF DISMISED WHERE DID YOU TAKE THECASE		
NOT APPLICABLE	4	80%
CCMA	0	0%
UNION	0	0%
DID NOTHING	1	20%
TOTAL	5	100%

In response to question 1, 100% of respondents indicated that they have knowledge about SDA.

In response to question 2, 80% of respondents indicated that the employers introduced SDA to them.

In response to question 3, 40% of respondents indicated that they worked 5 days and six days respectively and only 70% indicated that they worked 7 days.

In response to question 4, 40% indicated that they worked for 8 hours and 12 hours respectively only 20% indicated that they worked between 9 and 11 hours.

In response to question 5, 60% of the respondents indicated that they earn between salary bracket of R1 to R300, and 20% indicated that they earn between salary bracket of R301 to R650 and R651 to R800 respectively. There are no respondents who earn between R801 to R1000, and above R1000.

In response to question 6, 80% of respondents indicated that they received no service certificate for work when they resign, and only 20% did receive it.

In response to question 7, 80% of respondents did not receive severance pay while 20% received it.

In response to question 8, 80% of the respondents indicated that they were not dismissed, while 20% indicated that they were dismissed.

In response to question 9, 80% of the respondents indicated that the reason for dismissal is not applicable since they were not dismissed, and 20% indicated that they were dismissed for voicing their grievance.

In response to question 10, 80% of the respondents indicated not applicable, because they had no case to take to any place, since they were not dismissed. And 20% although they had been dismissed did nothing about the unfair dismissal. They did not use the service of a union or CCMA to get justice for unfair dismissal.

Refer to Table 6.31 for challenges LRA pose to retrenched workers.

TABLE 6.31 CHALLENGES LRA POSE TO RETRENCHED WORKERS

FARM-WORKERS INDICATED EXPERIENCE WITH THE FOLLOWING:
DIFFICULT TO GET EMPLOYMENT
WORK WITH HUNGER
NO PROTECTION
NO IMPROVEMENT
NO LONGER TREATED LIKE BEFORE

The experience of retrenched workers displays negative feelings which could be expected

6.2.4 Employee organization

This questionnaire was directed to employee organization representative.

6.2.4.1. Do you have a problem with, stipulations of the Act?

He indicated that he has problem with, the following stipulations of the Act.

a) Wage

This stipulation led to retrenchments.

b) Severance pay

It is not enough for farm workers, one week's pay for ten years, does not make any big difference.

c) Deductions

- In most cases it does not match the food provided.
- Favouritism.
- Loan deduction not according to the law.
- Deduction for accommodation is not up to the standard.

d) Hours of work/overtime /holidays /work on Sunday.

It is still not enforceable.

6.2.4.2 How effective is the LRA office in your area?

The response of the employee representative was that the office is not effective.

6.2.4.3 Elaborate on the answer?

He indicated that labour office is not doing enough to ensure enforcement of the law.

6.2.4.4 How has the introduction of LRA affected any thing?

Employee organization representative's view was that the following are affected?

a) Productivity

Due to lack of skilled personnel retrenchments leads to loss of experienced personnel.

b) Labour force

Expensive labour leads to retrenchments.

c) Permanent labour

Permanent labour is reduced to fixed term contract.

6.2.4.5 Challenges LRA poses to farmers/farm workers

- Retrenchments
- Illiteracy contributes to farm-worker problems
- Problem of interpretation of new labour legislation.
- Rise to conflict situation

The employee organization is experiencing a lack of enforcement of labour legislation, due to ineffective government, and negative attitude of farmers.

6.2.5 Employer organization representative

These questions were directed to representative of employer organization.

6.2.5.1 Do you have problems with any of the following stipulations of the law?

In response to this question the respondent indicated that they have problems with the following:

a) Wage

Some farmers have farms in both area A & B (refer to annexure 1 for area A & B) this implies that he has to pay different wages to his workers.

This is a problem if he has workers in both areas.

b) Deductions

Farm-workers have a cash flow problem; it is also a problem where people earn different wages, because he has to deduct ten percent from each worker.

c) Hours/days of work /overtime/holidays

Farmers have a problem with the issue of 27 hours and consider this type of worker as a part-time worker.

6.2.5.2 Is there a movement away from permanent to temporary work?

In response to this question the respondents indicated that, there is a movement away from permanent to temporary labour due to expensive labour.

6.2.5.3 How effective is the labour office?

In response to this question the respondent indicated that the labour office is ineffective, because they are one sided they don't listen to both sides, which makes it impossible for them to be impartial.

6.2.5.4 Challenges LRA pose to farmers?

On the question what challenges the LRA pose to the farmer the following was indicated.

- Farmers have to comply with the law and non compliance will lead to problems with the law.
- Different understanding of the law.

6.2.5.5 What aspects have been affected by LRA?

Affected aspects were as follows:

a) Labour force

- Permanent labour force has decreased by 70%.

- There is a movement away from permanent labour to temporary labour due to expensive labour.

b) Productivity

Farmers have to achieve more with fewer employees.

6.2.5.6 Challenges which LRA poses to employee organization

According to representative of employer organization the reason for non compliance is economic, and lack of consensus in interpretation of law. This is a big challenge to the government and it is essential for two parties to have the same understanding if peace is to be expected in agricultural sector

6.2.6 Labour inspector

This questionnaire was directed at the labour inspector of the area.

6.2.6.1 Do you have a problem with any of the following stipulations of the law?

In response to this question the respondent indicated that she has problem with the following:

a) Wage

She has a problem with wages but the problem has been minimized by variation on this stipulation of the Act.

b) Deductions

The problem with this stipulation is that it does not measure quantity and it becomes difficult to measure implementation on this stipulation.

c) Hours

- Farmers have problems with the 27 hours per week, which should be paid like normal hours of 45.

6.2.6.2 How effective is the labour office in your area?

The respondent indicated that the labour office is effective, because it covers abroad spectrum and they do evaluations yearly.

6.2.6.3 What have been affected by LRA?

a) Productivity

The respondent indicated that productivity has not been affected by LRA any changes might be due to normal business risk.

b) Labour force

Should be set in such a way that risk is minimized.

6.2.6.4 What are the challenges LRA pose to government?

Response to this question was as follows:

- Disseminate information to make rights and obligations known.
- That people do not lose their jobs.
- Affordable wage.
- Inaccessible farm.
- Dependency of farm workers on farmers.
- Insufficient human resources.
- Problem of application to small emerging and established farmers.

According to the labour inspector although some of the problems can be attributed to lack of compliance farm-workers are also to be blamed because of wanting to depend too much on farmers. There is also a awareness of some aspects which are difficult to implement and the impact of other implemented stipulations of the Act. There is a feeling that the law should be applied differently to established farmers and small emerging farmers.

6.3 Comparison of findings for farm workers and farmers

The reason for showing the comparison is that, the research findings of the farmers and farm workers were different even on the same questions.

Refer to Table 6.32 (combination of Table 6.15 and 6.1) for level of SDA's knowledge.

TABLE 6.32 FARMERS AND FARM WORKERS KNOWLEDGE OF SDA

SDA KNOWLEDGE FARMERS	FREQUENCY	PERCENTAGE
YES	4	80%
NO	1	20%
TOTAL	5	100%
SOURCE OF KNOWLEDGE FARM WORKERS	FREQUENCY	PERCENTAGE
KNOW	25	83.3
DON'T KNOW	5	16.7
TOTAL	30	100%

80% of farmers know about SDA, while 83.3% of farm-workers know about SDA.

Refer to Table 6.33 (combination of 6.16 and 6.2) for source of knowledge for farmers and farm workers.

TABLE 6.33 THE SOURCE OF KNOWLEDGE OF SDA FOR FARMERS AND FARM WORKERS

SDA INTRODUCTION	FREQUENCY	PERCENTAGE%
SELF	3	60%
SUPERVISOR	0	0%
LEGALREP	1	20%
OTHER	1	20%
TOTAL	5	100%
SOURCE OF KNOWLEDGE FARM WORKERS	FREQUENCY	PERCENTAGE %
EMPLOYER	18	60
SUPERVISOR	1	3.3
LEGAL REPRESENTATIVE	1	3.3
OTHER	10	33.3
TOTAL	30	100

The above tables indicate that 60% of farmers introduce SDA self, and that 40% indicated that they have used other source.

Refer to Table 6.34 (combination of table 6.3 and 6.21) for days of work per week.

TABLE 6.34 DAYS OF WORK PER WEEK

NO OF DAYS FARM WORKER	FREQUENCY	PERCENTAGE %
5 DAYS	12	40%
6 DAYS	11	37%
OTHERS	7	23%
TOTAL	30	100%
NO OF WORK DAYS FARMERS	FREQUENCY	PERCENTAGE
LESS THAN 5DAYS	0	0%
5DAYS	3	60%
6 DAYS	2	40%
OTHER	0	0%
TOTAL	5	100%

Farmers did not indicate that their workers work 7 days, while farm-workers indicated deviation from the norm of five and six days.

Refer to Table 6.35 (combination of 4 and 22) for remuneration.

TABLE 6.35 REMUNERATION OF FARM WORKERS

REMUNERATION (FARMERS)(RAND PER MONTH)	FRQUENCY	PERCENTAGE %
1-300	0	%
301-450	0	0%
451-650	1	20%
651-800	3	60%
801-1000	1	20%
ABOVE 1000	0	0%
TOTAL	5	100%
AMOUNT(FARM WORKERS)(RAND/MON	FREQUENCY	PERCENTAGE %

TH)		
1-300	7	23. %
301-450	3	10%
451-650	11	37%
651-800	3	10%
801-1000	6	20%
ABOVE 1000	0	0
TOTAL	30	100

Farmers indicated no workers under salary bracket of (R1-300, and R301-R450) while farm-workers indicated 23% and 10% respectively under this salary bracket.

Refer to table 6.36 (combination of Table 6.23 and 6. 6) for overtime pay.

TABLE 6.36 OVERTIME PAY

OVERTIME WORKERS	PAY	FREQUENCY	PERCENTAGE %
YES		3	60%
NO		0	0%
REPLACE WITH DAY OFF		2	40%
TOTAL		5	100%
OVERTIME FARMERS		FREQUENCY	PERCENTAGE %
GET PAY		8	32%
GET NO PAY		15	60%
GET DAY OFF		1	4%
OTHER		1	4%
TOTAL		25	100%

60% of farm-workers indicated that they do not get pay for overtime/holiday/Sunday work, while 60% of farmers indicated that they do pay for overtime/holiday/Sunday work.

6.4 Comparison of labour inspector/employee representative/employer representative findings

a) Differences

Both the employee representative and employer representative feel that their labor dispute is not effective, while the labor inspector feels it is effective.

Only the employee representative indicated that he has problem with severance pay.

b) Similarities

All of them have a concern with retrenchments.

6.5 Conclusion

The main focus of this chapter of the study was the presentation, analysis of data, and its interpretation. The subsequent chapter will discuss conclusions implications and recommendations on findings, and possible future research areas.

CHAPTER 7

CONCLUSIONS AND IMPLICATIONS

7.1 Introduction

This chapter of the study will discuss the implications and conclusion, recommendations on the research issues, relation to theory, limitations and recommendation for future research.

7.2 Conclusion on research issues

The objectives and findings will now be discussed.

7.2.1 To establish whether there is any dissemination of information on labour legislation to educate both farmers and farm workers.

- Farm -workers depend on farmers for their education of the new labour legislation.
- Farmers depend on their union for their knowledge of SDA.
- Farmers and farm-workers do not have the same understanding of the new labour legislation.

The conclusion that can be made is that the government's information dissemination is not effective.

7.2.2 To determine whether there is any monitoring and evaluating strategy to evaluate the effectiveness of the new labour legislation.

- This question was not adequately explored to conclude with certainty that there is no monitoring and evaluation strategy.

7.2.3 To investigate whether the new labour legislation has led to job creation or losses.

- Most farmers feel that the new labour legislation forces them to retrench and employ on a temporary basis.
- Most farm-workers feel that retrenchment is a problem.
- Without reduction of retrenchments and permanent employment there is no job security.

Deduction that can be made is that the new labour legislation is not contributing towards job creation but job losses.

7.2.4 To establish whether the government has adequate resources to ensure implementation of the ACTS.

- The time given to labour problems is insufficient.
- Shortage of human resources.
- It is difficult to enter farms and they are far from government services.

Deduction that can be made is that government has no adequate resources to implement labour legislation.

7.2.5 To investigate whether the new labour legislation has led to a change in productivity and labour patterns.

- Retrenchment leads to a loss of skilled personnel
- Attain same productivity with less workers at the expense of workers (lack of overtime pay)

It can be deduced that introduction of the new labour legislation led to change in productivity and labour force patterns.

7.2.6 To determine whether aspects of conditions of service have been enforced as a result of the new labour legislation.

- Farm-workers earn below the bread line.

- Farm workers are not paid for overtime.
- Lack of employment contract.
- Most have no job description.
- Majority of them work abnormal hours.

It can be deduced that there is lack of compliance with most aspects of conditions of service.

7.2.7 To determine whether the new labour legislation has led to a change of farmers' management style.

- Farmers prefer to do things themselves.
- There is a lack of worker participation in the affairs of the farm.
- Farmers need to be trained in modern management skills.

Deduction that can be made is that farmers have not changed their style of management.

7.2.8 To determine whether the attitude of farmers is positive towards the new labour legislation.

- Most farmers do not comply with all aspects of the new legislation
- There is no presence of union on farms

Deduction that can be made is that most farmers' attitude has not been changed by the new labour legislation.

7.3 Conclusion on the research problem

The research problem will be restated: "The extent to which Labour Relations Act has improved the condition of service of farm-workers. In order for the conditions to be improved the following should be considered:

- There should be dissemination of information on labour legislation.
- Enough resources to implement the new labour legislation should be in place.

- Change of attitude by farmers.
- Appropriate management styles in place.
- Reduced retrenchments and creation of permanent employment.
- Evaluating and monitoring strategy to ensure effectiveness.
- Compliance with aspects of conditions of service.

Farmers need to change their management style and attitude to make the situation conducive for the implementation of the new labour legislation. Government should also ensure that adequate resource are acquired to reach its objectives of new labour legislation, evaluating and monitoring strategy should be strengthened in order to ensure good impact of new labour legislation.

7.4 Relation to theory

New labour legislation, however, is meaningless to workers unless implemented, and it can never be implemented unless there is enough physical and human resources. Adequate physical and human resources cannot assist in the implementation of the new labour legislation unless they are properly managed. Also there cannot be proper management without understanding of the tasks, functions and theories of management. Farmers cannot keep their workers satisfied if they don't adapt to the new environment of management and see them as people who need to be motivated in order to do work willingly and productively.

7.5 Implications and recommendations

7.5.1 Dissemination of information

Labour peace will not be a realized dream if there is no consensus in the interpretation of legislation. The government needs to come up with more strategies to disseminate information on new labour legislation they cannot leave

this task in the hands of unions and farmers. The department of labour should educate all stakeholders about new labour legislation.

Motivation

All stakeholders should take other factors that contribute towards addressing farm sector labour problem into account. If farmers close down there will be no need for legislation for this sector and government will be faced with a high rate of unemployment. If farm-workers are not happy there will be low productivity, and if there is low productivity there will be no work. It should be a win-win situation. Focus should be on similarities rather than differences, and an all-winners approach is needed.

7.5.2 Movement away from permanent work to temporary and job losses.

Temporary work and job losses lead to job in security. The government should create a situation that leads to permanent job and job creation.

Motivation

According to Jansen (2005, 20 November) the right to work is a fiction to more than 22 million people. The government should devise a strategy that will induce permanent employment and job creation and incentives should be given to companies or individuals who are committed to this. South African labour law was a key constraint to economic growth and development because it was costly and burdensome for business, especially to small enterprises. Removal of unnecessary burdens will leave more fat in business and employers will immediately feel a need to get rid of employees in difficult time (Monama, 2005, 21 August). Good labour legislation is of no use to an unemployed person nor bad labour practice to an employed person. The challenge facing the government

is to enhance labour legislation at the work place as well as job security for farm-workers

7.5.3 Implementation of new labour legislation

Government should increase human and physical resources.

Motivation

Lack of adequate human and physical resources make it difficult to implement the law.

The government should increase more resources through: Interdepartmental approach and partnership with all relevant stakeholders to address the problem of implementation. Farmers, farm-workers, unions and NGOs should be included to address this problem.

7.5.4 Change of attitude

Farmers, farm-workers, employee organization representatives, and employer organization representatives as well as labour officials should change their attitude.

Motivation

There is a need for strong collaboration between government, business and labour to meet the challenges of South African society especially unemployment and job creation that will alleviate poverty (Milani , 2005).

A partnership approach should be followed where all stakeholders work towards a common goal, namely, to improve working conditions, have a stable and satisfied workforce and not unnecessary legislation to force people to adhere.

7.5.5 Farmers should change their management style

The government should introduce learner-ship and training for farmers on people management and management principles.

Motivation

Farmers should be empowered on transformation and be orientated on a new management style. Transformation cannot happen on its own but should be planned.

7.5.6 Aspects of the conditions of service

Farm workers should be educated on their labour rights and procedures to access them.

Motivation

If farm-workers do not know their rights they are denied the opportunity to claim what is rightfully theirs. Many of the freedom charter's demands and the vision of the constitution have not yet been realized, due to the following reasons:

- Workers still do not have the right to work 40 hours,
- Many work for many years as temporaries, and
- Minimum wage for farm workers and domestic workers compete with pensioners (Vavi , 2005).

7.5.7 Monitoring and evaluating strategy

The government should evaluate and monitor it's new labour strategy to see if whether it has a positive impact.

Motivation

According to Ntingi (2005) red tape costs companies R79 billion. He states that firms are hardest hit by labour and employment equity regulations, and that policy makers should conduct continuous research on new labour regulation to study its impact before implementation. According to Mashalaba (2005, 21 August) the government is working on how to make regulatory environment more attractive for small businesses. This implies that the government is aware of the stipulations of the Act which have a negative impact on business.

7.6 Limitations

This research is not representative of the agricultural sector and results cannot be generalized across the industry. Focus on many stakeholders presented unlimited information which needs more skills and time beyond this study. Accessibility of farm was also a problem. This study cannot be generalized to all farming communities, and is only applicable to the area which was researched.

7.7 Recommendations for future research

The following topics need to be researched further:

- Collective bargaining options in the agricultural sector.
- The effect of management style on labour legislation; and
- Productivity measurement in the agricultural sector.

7.8 Conclusion

The findings of the study pose a very complex situation. There is no clear cut answer to the problem. Most of the aspects of conditions of service have not improved, due to lack of positive attitude from farmers and adherence to traditional style of management. There is also a problem of dissemination of information which is believed to be the government's responsibility. The solution to the problem lies in the hands of all stakeholders. The government should

enforce labour legislation, and disseminate information for farmers and farm workers to know their rights and obligations and have a common understanding of the labour legislation. Farmers should change their attitude towards labour legislation and apply modern style of management in their farms. Farm workers should stop dependence on farmers and they must claim their labour rights. Good labour legislation is no good to employees if it is not implemented, and labour legislation implementation cannot be a realized dream if there is no good human resource practice, and labour relations management policies in place.

8. REFERENCES

1. Apolus, S. (2005) *Business law (The only study guide for business law. MBA 825)*. Mmabatho: North West University.
2. Badenhorst, JA., CANT, M.C., de J Cronje, GS., du Toit, GS., Erasmus, B.J. Grobler, P.A., Kruger, I.P., Machado, R., de K Marais, A., Marx, J. & Strydom, J.W. (2004). *Introduction to business management (6th ed.)*. Cape –Town: Oxford University Press Southern Africa.
3. Barrientos, S. Mclenaghan, S. and Orton, L. (1999). *Gender and codes of conduct: A case study from horticulture in South Africa*. retrieved June 1, 2005. retrieved from <http://www.christian-aid.org.uk/cgi-bin/>
4. Basic Conditions of Employment Act, No 75 (1997) *Government Gazette*, 390 (18491)
5. Basic Conditions of Employment Act, No 75 (1997) Sectoral determination 8: Farm worker sector. *Government Gazette*, 7529 (24114)
6. Basson, A. Christianson, M. , Le Roux , PAK. Mischke, C. Strydom, EML. (2000). *Essential Labour law (2nd ed)*. Cape-Town: Labour Law Publications.
7. Bendix, S. (2001). *Industrial relations in South Africa (4th ed.)*. Cape Town: Juta and company
8. Bless, C. & Higson-Smith, C. (2000). *Fundamentals of social research methods an African perspective (3rd ed.)*. Cape-Town: Juta education.
9. *Briefing notes-Jobs, labour and economy.htm* retrieved July 12, 2005.
10. Buijs, A., Crous, M.J., de villiers, JA., de Wit ,PWC., du Plessis, AP., de v Maasdorp, E.F., Mahabir, M., Niemann, G.H., Marx , A.E., Schreuder, AN., & van Vuuren, J.J. (1998). *Business management (2nd ed)*. Pretoria: Van Schaik Publishers.
11. Constitution of the Republic of South Africa Act, No 108 (1996). *Government Gazette*, 378 (17678)
12. Cooper, C., LaGrange, R., Pretorious, D., & Norton, D. (1997). *Know your LRA*. Pretoria: Government Printers.

13. de Silva, S.R. (n.d). Elements of a Sound Industrial relations System retrieved July 12, 2005. retrieved from www.ilo.org/public/eng
14. Department of Education, (2000). *Disciplining guide for managers at all levels in public institutions*. Pretoria: Department of Education.
15. Department of Labour (2004). *Ministerial programme of action 2004-2009*. Cape-Town: Formeset Printers.
16. Doyle, M., du Toit, D., Knipe, A. van der Walldt, G. & van Niekerk, D. (2002). *Managing for results in government*. Cape-Town: Heinemann Publishers.
17. Ehlers, L. (2002). *Labor relations practice in South Africa*. Pretoria: EAMS.
18. Flood, P F. & Gibson, C. (2002) *Management and employment*. Cape -Town: ampersand press.
19. Hipkin, I. (2000) *Managerial and worker perceptions of the workplace : A case of South African Agriculture*. South African journal of labor Relations: Spring-Summer 2000.
20. Jansen, (2005, November 20). *Right to work- a freedom not yet fulfilled*. City press.
21. Labor Relations Act, No 66 (1995). *Government Gazette*, 366 (16861)
22. Linde, H M. & Visagie, J.C. (2002). *Labour transformation in the agricultural sector in the North-West Province since 1994*. retrieved July 14, 2005. (PDF File E-MAIL.BSOJC@PUKNET.PUK.AC.ZA)
23. *Managing and leading and the commitment level model* (n.d) retrieved June 1, 2005. retrieved from <http://www.sonlifeafrica.com/model/main>
24. Manama, M. (2005, August 21). *Ackerman calls for relaxed labour laws*. City Press.
25. Mann, I. (2002). *Managing with intent*. Cape Town :Zebra Press
26. Mashalaba, S. (2005, August 21). *Government to loosen on small business*. City Press.
27. Mckay, V. (2000). *Choosing and using research methods in qualitative*

- approaches (Study guide For research methods.ADRM-22X).Pretoria :Unisa.*
28. Milani, C. (n.d). *Fedusa has come a long way the future looks bright (workers' voice) . City Press*
 29. Neill,J. (2004,July 20).Qualitative versus Quantitative research: Key points in class debate. retrieved July 12, 2005. retrieved from www.wilderdom.com/research.html
 30. Ntingi, A. (n.d).*Red Tape City Press*
 31. *Recommendations of Employment Conditions Commission in determination for agricultural sector report www user survey (n.d)* retrieved May 5, 2005 retrieved from <http://www.labour.gov.za>
 32. Schuitema, E. (1998). *Leadership the Care and Growth Model*. Cape –Town: Ampersand Press.
 33. Seeletse, M.S. (2004). *Business statistics (The only study guide for business statistics ADM 813)*. Mmabatho: North-West University.
 34. Siegle, D. (n.d) Qualitative versus Quantitative-Del Siegle htm . retrieved July 12, 2005.retrieved from [Http://www.gifted.unconn.edu/_siegle/ research](http://www.gifted.unconn.edu/_siegle/research)
 35. *Status in employment in agriculture and comparison of agricultural sector with other economic sectors (n.d)* retrieved June 1, 2005. retrieved from <http://www.nda.agric.za/docs/employment/ chapter 5 and 10>
 36. Tabane, G. (2002). *Strategic management (The only study guide for strategic management. ADM 807)*. Mmabatho: North West University.
 37. The freedom Charter www user survey (n.d) retrieved July 10 ,2005 from <http://www.anc.org.za>
 38. Tompkins, N.C. (1997). *Managing employee performance problems*. USA: Bawden Printing Company.
 39. Trochim, W.M.K. (2002). *Non probability sampling*. retrieved June 12, 2005 from <http://www.socialresearchmethods.net/kb/>

40. UNISA (1998). *Introduction to business (The only study guide for business management.ADOB-12D)*. Pretoria: DIKGWEBO cc.
41. van Rensburg, W.P.J. (2002). *Administrative management (The only study guide for administrative management. ADM 890)*. Mmabatho: North-West University
42. Vavi, Z. (n.d). *Cosatu will not give up the fight for SA workers rights*. CITY PRESS

ANNEXURE 1

Table 1 Minimum wages for farm workers

Bergvliet Local Municipality, Breede Valley Local Municipality, Buffalo City Local Municipality, Cape Agulhas Local Municipality, Cederberg Local Municipality, City of Cape Town, City of Johannesburg Metropolitan Municipality, City of Tshwane Metropolitan Municipality, Drakenstein Local Municipality, Ekurhuleni Metropolitan Municipality, Emalahleni Local Municipality, Emfuzi Local Municipality, Ehlekweni Metropolitan Municipality, Gannagara Local Municipality, George Local Municipality, Hibiscus C Municipality, Karoo Hoogland Local Municipality, Kgatelopele Local Municipality, Khara Hais Local Municipality, Kn Muncipality, Kungwini Local Municipality, Kouga Local Municipality, Langeberg Local Municipality, Lesedi Local Municipality, Makana Local Municipality, Mangungu Local Municipality, Matzikama Local Municipality, Meisimaholo Local Municipality, Middelburg Local Municipality, Midvaal Local Municipality, Mngeni Local Municipality, Mogale Local Municipality, Muthama Local Municipality, Msunduzi Local Municipality, Muthabuba Local Municipality, Nama Khoi Local Municipality, Nelson Mandela Local Municipality, Oudtshoorn Local Municipality, Overstrand Local Municipality, Plettenberg Local Municipality, Potchefstroom Local Municipality, Randfontein Local Municipality, Richtersveld Local Municipality, Sal Local Municipality, Sol Plaatje Local Municipality, Stellenbosch Local Municipality, Swartland Local Municipality, S Local Municipality, Theewaterskloof Local Municipality, Umdoni Local Municipality, uMhlathuze Local Municipality and Local Municipality.

Minimum rate for the period 1 March 2003 to 29 February 2004		Minimum rate for the period 1 March 2004 to 28 February 2005		Minimum rate for the period 1 March 2005 to 28 February 2006	
Hourly rate	R4.10	Hourly rate	4.47	Hourly rate	4.87
Monthly rate	R800	Monthly rate	871.58	Monthly rate	949.58
Area B					
Minimum rate for the period 1 March 2003 to 29 February 2004		Minimum rate for the period 1 March 2004 to 28 February 2005		Minimum rate for the period 1 March 2005 to 28 February 2006	
Hourly rate	R3.33	Hourly rate	3.66	Hourly rate	4.03
Monthly rate	R650	Monthly rate	713.65	Monthly rate	785.79

FORM C

WRITTEN WARNING TO EMPLOYEE

Date

From:

To:

You are hereby advised that you have been found guilty of the following breach(es) of the rules and/or disciplinary code of XXX at a disciplinary enquiry/hearing in this regard, which took place on/...../1999:

1.

2.

3.

Please take the following action in this regard to avoid further disciplinary action:

.....
.....
.....
.....

In the light of the seriousness of the offence/s, as defined in the disciplinary code of XXX, and the lack of mitigating factors, the Management of XXX hereby issue this letter warning you that further more serious disciplinary action may be taken if you are found guilty of the same or a similar breach of the disciplinary code in the next six months.

We trust that this was an isolated incident and that further disciplinary action will not be necessary.

You have the right to appeal against this warning (-or counselling record-) in accordance with the procedures listed in the XXX disciplinary procedure.

For: XXX Management

the appropriate or appropriate, as the case may be, calculated at the employee's rate of remuneration on the date of dismissal. Compensation may however not be awarded in respect of any unreasonable period of delay that was caused by the employee in initiating or prosecuting a claim.

2. The compensation awarded to an employee whose dismissal is found to be unfair because the employer did not prove that the reason for dismissal was a fair reason related to the employee's conduct, capacity or based on the operational requirements, must be just and equitable in all the circumstances but not less than the amount specified in subsection (1), and not more than the equivalent of 12 months' remuneration calculated at the employee's rate of remuneration on the date of dismissal.

3. The compensation awarded to an employee whose dismissal is automatically unfair must be just and equitable in all the circumstances, but not more than the equivalent of 24 months' remuneration calculated at the employee's rate of remuneration on the date of dismissal.

14 Section 37

1. Subject to Section 38, a contract terminable at the instance of a party to the contract may be terminated only on notice of not less than:

(a) one week if the employee has been employed for four weeks or less;

(b) two weeks if the employee has been employed for more than four weeks but not more than one year

(c) four weeks if the employee:

has been employed for one year or more; or is a farm worker or domestic worker who has been employed for more than four weeks.

Section 38

(1) Instead of giving an employee notice in terms of Section 37, an employer may pay the employee the remuneration the employee would have received, calculated in accordance with Section 35, if the employee had worked during the notice period.

(2) If an employee gives notice of termination of employment, and the employer waives any part of the notice, the employer must pay the remuneration referred to in Section (1), unless the employer and employee agree otherwise.

15 Section 189

1. When an employer contemplates dismissing one or more employees for reasons based on the employer's operational requirements, the employer must consult:

(a) any person whom the employer is required to consult in terms of a collective agreement;

(b) if there is no collective agreement that requires consultation, a workplace forum, if the employees likely to be affected by the proposed dismissals are employed in a workplace in respect of which there is a workplace forum.

(c) If there is no workplace forum in the workplace in which the employees likely to be affected by the proposed dismissals are employed, any registered trade union whose members are likely to be affected by the proposed dismissals;

(4) appropriate measures –

(i) to avoid the dismissal;

(ii) to minimize the number of dismissals;

(iii) to change the timing of the dismissals and

(iv) to mitigate the adverse effects of the dismissals;

(v) the method for selecting the employees to be dismissed; and

(vi) the severance pay for dismissed employees.

1. The relevant legislation that addresses this is Part 1 of the Basic Conditions of Employment Act of 1997 – 'Protection of Employees against Discrimination'.

2. In the court case in 1998, Leonard Dugler Employee Representative Council vs Leonard Dugler (Pty) Ltd it was ruled that it is not necessary to prove that an intention to discriminate existed for discrimination to be proved, or to exist.

3. The Basic Conditions of Employment Act (BCEA) 1997, specifically Section 79.

4. BCEA Section 29

1. An employer must supply an employee, when the employee commences employment, with the following particulars in writing:

(a) The full name and address of the employer;
(b) The name and occupation of the employee, or a brief description of the work for which the employee is employed.

(c) The place of work, and where the employee is required or permitted to work at various places, an indication of this.

(d) The date on which the employment began.

(e) The employee's ordinary hours of work and days of work.

(f) The employee's wage or the rate and method of calculating wages.

(g) The rate of pay for overtime.

(h) Any cash payments that the employee is entitled to.

(i) Any payment in kind that the employee is entitled to and the value of the payment in kind.

(j) How frequently remuneration will be paid.

(k) Any deductions to be made from the employee's remuneration.

(l) The leave to which the employee is entitled.

(m) The period of notice required to terminate employment, or if employment is for a specific period the date when employment is to terminate.

(n) A description of any council or sectoral determination that covers the employer's business.

(o) Any period of employment with a previous employer that counts towards the employee's period of employment.

(p) A list of any other documents that form part of the contract of employment, indicating a place that is reasonably accessible to the employee where a copy of each may be obtained.

Sub-sections (l), (n), (o) and (p) do not apply to employers who employ less than five employees and are also not applicable to domestic workers.

5. Section 18b of the Labour Relations Act: Meaning of dismissal

Dismissal means that -

(b) the employee reasonably expected the employer to renew a fixed term contract of employment on the same or similar terms but the employer offered to renew it on less favourable terms or did not renew it.

6. In the case of Schoeman and Rossouw vs Samsung Electronics, the Labour Court ruled that dismissal is payment in respect of services rendered and as such is part of remuneration.

appropriate evaluation, instruction, training, guidance, or counselling.

8. In *Blument vs Progress Housekeeping*, the Commissioner ruled as follows:

The Applicant raised her voice at her superior and screamed. What is of greater importance is that she refused to respect the superior's right to inform the employees of complaints against them.

In *Law vs London Chronicle* it was stated that a wilful disobedience of an order will justify a dismissal since the refusal shows a disregard of a condition of service, which is to obey the orders of the master.

9. In *SABIC vs CMAA* the following emerged:

Unauthorised absence or desertion constitutes a repudiation of the employment contract. Desertion is not permitted by the terms of the contract and therefore amounts to a breach of contract. An employer may then exercise their right by terminating the employee's services as a result of the breach.

10. In the *Boschendal Restaurant* case of 1993, the waiter drank a can of Fanta, which was left on the counter and had been paid for by a customer. The court ruled that it would be unfair to require an employer to keep an employee who has been found guilty of misconduct involving dishonesty and whom it has no trust.

11. In *MAKAPESCA Products vs Zandere*, the court ruled as follows: The employee admitted to going out on a business which was in conflict with its employer's business. The relationship between employer and an employee is based on trust and confidence. Any act, which is in conflict with the principle, will entitle the innocent party to cancel the contract.

12. Section 193

1. If the Labour Court or an arbitrator appointed in terms of this Act finds that a dismissal is unfair, it may -

(a) order the employer to reinstate the employee from any date not earlier than the date of dismissal;

(b) order the employer to re-employ the employee, either in the work in which the employee was employed before the dismissal or in other reasonably suitable work on the same terms and conditions and from any date not earlier than the date of dismissal; or

(c) order the employer to pay compensation to the employee.

2. The Labour Court or the arbitrator must require the employer to reinstate or re-employ the employee unless -

(a) the employee does not want to be reinstated or re-employed;

(b) the circumstances surrounding the dismissal are such that a continued employment relationship would be intolerable;

(c) it is not reasonably practical for the employer to reinstate or re-employ the employee; or

(d) the dismissal is automatically unfair or if a dismissal based on the employer's operational requirements is found to be unfair, the Labour Court in addition may make any other order it considers appropriate in the circumstances.

ANNEXURE 3

Example of a grievance form

Date: _____	Time: _____
Company No: _____	Name: _____
Nature of the grievance: _____	

Proposed resolution: _____	

Employee signature : _____	Date: _____
Date received by the company: _____	

ANNEXURE 4

Transgression	First offence	2nd offence
1. Assault, inappropriate gesturing/touching	Serious written warning	Dismissal
2. Theft, Unauthorized possession of Company property, dishonesty, fraud, for e	Dismissal	
3. Gross negligence or gross unprofessional conduct	Serious written warning	Dismissal
4. Absence without leave for more than five (5) days	Dismissal	
5. Instigating or promoting violence, intimidation, victimization or illegal striking	Dismissal	
6. Insubordination, serious disobedience or serious challenge in of authority	Serious written warning	Dismissal
7. In possession on the Company premises of, or to be under the influence of substances which have a Narcotic, intoxicating or abnormally stimulating effect.	Dismissal	
8. Immorality, Sexual harassment, Racism	Dismissal	
9. Sleeping on duty	Serious written warning	Dismissal
10. Any other offence, which could lead to a permanent severing of the trust relationship between employer and employee.	Serious written warning	Dismissal

Category B: Serious misconduct

The following are examples of serious breaches of the disciplinary code that could lead to dismissal after the issuing of warnings. Please note that the sanctions that are listed merely provides guidelines for disciplinary action and that the circumstances and merit of a transgression may call for more or less severe sanctions being applied.

Transgression	First offence	Second offence	Third offence	Fourth offence
1. Unauthorized absenteeism, Leaving Workstation without permission	Counselling	Written warning	Serious written warning	Dismissal
2. Negligence or unprofessional conduct	Written warning	Serious written warning	Dismissal	
3. Poor work performance, Ignoring standard operating procedures	Counselling	Written warning	Serious written warning	Dismissal
4. Contempt of Company regulations, damage to property	Written warning	Serious written warning	Dismissal	
5. Insolence or refusal to follow lawful instructions	Written warning	Serious W warning	Dismissal	
6. Indecent action, slander or swearing, Unprofessional conduct, disloyalty	Written warning	Serious W warning	Dismissal	
7. Horseplay, Loitering, absenteeism of work without permission during working hours	Counselling	Written warning	Serious written warning	Dismissal
8. Poor customer relations, Disrespect for quality assurance procedures	Written warning	Serious W warning	Dismissal	
9. Inappropriate use of Company equipment, Failing to secure Company Equipment	Counselling	Written warning	Serious written warning	Dismissal
10. Any other serious offence which would seriously damage the trust inherent in the service relationship	Counselling	Written warning	Serious written warning	Dismissal

ANNEXURE 5

11. EXAMPLES OF FORMS

FORM A

NOTIFICATION TO ATTEND A DISCIPLINARY HEARING

Date

From:.....

To:.....

You are hereby formally notified to attend a disciplinary hearing in the boardroom of XXX plant on19..... ath..... to answer to the following charges of alleged transgressions in terms of the disciplinary code of XXX:

1.....
.....

2.....
.....

3.....
.....

4.....
.....

You will have the right to representation by a fellow employee, an interpreter, to state your case, to review managements case, plead in mitigation, call witnesses and all other rights provided for in the XXX disciplinary procedures and labour laws under these circumstances.

For: XXX Management

ANNEXURE 6

FORM B

RECORD OF COUNSELLING SESSION

Date

From:

To:

This serves as record that a formal counselling session was conducted by on 19..... in an effort to bring certain unacceptable aspects of your behaviour and/or work performance to your attention, and to assist you by providing counselling and guidance to help you remedy the problem(s).

1.

2.

3.

Please take the following action in this regard to avoid further disciplinary action:

.....
.....
.....

In the light of the seriousness of the situation, the Management of XXX hereby wish to call your attention to the fact that further disciplinary action may be taken if you persist with the behaviour and/or work performance in regards to which the counselling took place, in the next three months.

We trust that the counselling will remedy the problem and that further disciplinary action will not be necessary.

You have the right to appeal against this formal record of counselling in accordance with the procedures listed in the XXX disciplinary procedure.

For: XXX Management

ANNEXURE 7

FORM C

WRITTEN WARNING TO EMPLOYEE

Date

From:.....

To:.....

You are hereby advised that you have been found guilty of the following breach(es) of the rules and/or disciplinary code of XXX at a disciplinary enquiry/hearing in this regard, which took place on/...../1999:

1.....

2.....

3.....

Please take the following action in this regard to avoid further disciplinary action:

.....
.....
.....
.....

In the light of the seriousness of the offence/s, as defined in the disciplinary code of XXX, and the lack of mitigating factors, the Management of XXX hereby issue this letter warning you that further more serious disciplinary action may be taken if you are found guilty of the same or a similar breach of the disciplinary code in the next six months.

We trust that this was an isolated incident and that further disciplinary action will not be necessary.

You have the right to appeal against this warning (-or counselling record-) in accordance with the procedures listed in the XXX disciplinary procedure.

For: XXX Management

ANNEXURE 8

FORM D

SERIOUS WRITTEN WARNING TO EMPLOYEE

Date

From:

To:

You are hereby advised that you have been found guilty of the following breach(es) of the rules and/or disciplinary code of XXX at a disciplinary enquiry/hearing in this regard, which took place on/...../1999:

1.

2.

3.

Please take the following action in this regard to avoid further disciplinary action:

.....
.....
.....
.....
.....

In the light of the very serious nature of the offence/s, as defined in the disciplinary code of XXX, and the lack of mitigating factors, the Management of XXX hereby issue this letter as a very serious warning you that your service contract with XXX may be terminated if you are found guilty of the same or a similar breach of the disciplinary code in the next six months.

We trust that this offence was not committed on purpose, and that further disciplinary action will not be necessary.

You have the right to appeal against this warning in accordance with the procedures listed in the XXX disciplinary procedure.

For: XXX Management

ANNEXURE 9

FORM E

NOTIFICATION OF TERMINATION OF SERVICE

Date

From:.....

To:.....

You are hereby advised that you have been found guilty of the following breach(es) of the rules and/or disciplinary code of XXX at a disciplinary enquiry/hearing in this regard, which took place on/...../1999:

- 1.....
- 2.....
- 3.....
- 4.....

In the light of the seriousness of the offence/s, as defined in the disciplinary code of XXX, and the lack of mitigating factors, we hereby advise you that the Management of XXX has decided to terminate your service contract on:.....19.....

You have the right to appeal against this decision in accordance with the XXX disciplinary procedures and the provisions of the Labour Relations Act or any binding collective agreement.

For: XXX Management

ANNEXURE 10

Sample of written particulars
Provided free of charge
by the Department of Labour

F M WORKER)

Given by:

.....
(herein after referred to as "the employer")

Address of employer:
.....
.....

to

.....
(herein after referred to as "the employee")

1. Commencement

Employment started/will start on and continue until
terminated as prescribed.

2. Place of work

.....

3. Job description

Job Title Farm Worker :
Tractor driver/truck driver/labourer etc.

Duties:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

.....
.....
.....
.....
.....
.....

4. Hours of work

- 4.1 Normal working hours will be hours per week, made up as follows:

Monday / Tuesday / Wednesday / Thursday / Friday: am
to pm

Meal intervals will be from:
to

Other breaks:.....

Saturdays: am to pm

Meal intervals will be from: to

Other breaks:.....
.....

Sundays: am to pm

Meal intervals will be from: to

Other breaks:.....

- 4.2 Overtime will only be worked as agreed from time to time and will be paid at the rate of one and a half times of the total wage as set out in clause 5.2.

5. Wage

- 5.1 The employees wage shall be paid in cash on the last working day of every week/month and shall be:

R.....

- 5.2 The employee shall be entitled to the following allowances/other cash payments/payment in kind:

- 5.2.2 Accommodation per week/month to the value of K.....
- 5.2.3 Food per week/month to the value of R.....
- 5.3 The following deductions are agreed upon: R.....
- R.....
- R.....
-
- 5.4 The total value of the above remuneration shall be _____
(The total of clauses 5.1 to 5.2.2) R.....
(Modify or delete clauses 5.2.1 to 5.2.2 as needed) _____

5.5 The employer shall review the employee's salary/wage on or before 1 March of every year.

6. Termination of employment

Either party can terminate this agreement with one weeks notice during the first six months of employment and with four weeks notice there after. Notice must be given in writing except when it is given by an illiterate farm worker. In the case where the farm worker is illiterate notice must be explained orally by or on behalf of the employer.

On giving notice the employer is to provide the employee who resides in accommodation that belongs to the farmer accommodation for a period of a month. A farmer is also obliged to allow the farm worker who has standing crops on the land a reasonable time to harvest the crop or the farmer may pay the worker an agreed amount for that crop.

7. Sunday work

Any work on Sundays will be by agreement between parties and will be paid according to clause 7 of the guidelines.

8. Public Holidays

Any work on holidays will be by agreement and will be paid according to clause 8 of the guidelines.

9. Annual Leave

The employee is entitled to three weeks paid leave after every 12 months of continuous service. Such leave is to be taken at times convenient to the employer and the employer may require the employee to take his/her leave at such times as coincide with that of the employer.

10. Sick leave

10.1 During every sick leave cycle of 36 months the employee will be entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks.

10.2 During the first six months of employment the employee will be entitled to one day's paid sick leave for every 26 days worked.

10.3 The employee is to notify the employer as soon as possible in case of his/her absence from work through illness.

10.4 A medical certificate may be required if absent for more than 2 consecutive days or has been absent on more than two occasions during an eight-week period.

11. Maternity leave

(Tick the applicable clauses in the space provided).

11.1 The employee will be entitled to months maternity leave without pay; ☐
or

11.2 The employee will be entitled to months maternity leave on pay ☐

13. Family responsibility leave

The employee will be entitled to three days family responsibility leave during each leave cycle if he or she works on at least four days a week.

14. Accommodation

(Tick the applicable boxes).

14.1 The employee will be provided with accommodation for as long as the employee is in the service of the employer, which shall form part of his/her remuneration package. ☐

The accommodation may only be occupied by the worker and his/her immediate family, unless prior arrangement with the employer. ☐

14.3 Prior permission should be obtained for visitors who wish to stay the night. However where members of the employees direct family are visiting, such permission will not be necessary. ☐

15. Clothing *this clause is not applicable*

..... sets of uniforms/protective clothing will be supplied to the employee free of charge by the employer and will remain the property of the employer.

..... sets of boots/gumboots will be supplied to the employee free of charge by the employer and will remain the property of the employer.

.....
will be supplied to the employee free of charge by the employer and will remain the property of the employer.

16. Other conditions of employment or benefits

.....
.....
.....
.....
.....

18. General

Any changes to the written particulars will only be valid if agreed to by both parties.

.....
EMPLOYER

Acknowledgement of receipt by employee:

.....

Date:

ANNEXURE 11

PAYSLIP

NAME OF EMPLOYER:

ADDRESS:

NAME OF EMPLOYEE:

ID NO: OCCUPATION/GRADE:

PAY PERIOD: FROM TO

BASIC WAGE:

MANNER OF PAYMENT: ☐ PER HOUR ☐ PER DAY ☐ PER WEEK

(Tick applicable block) ☐ PER FORT NIGHT ☐ PER MONTH

	Rate	No of hours	Rand earned
Ordinary hours worked			
Overtime worked			
Sundays time worked			
Public holidays time worked			
Payment in kind			
Standby			
Allowances (specify)			
.....			
.....			
.....			
SUB TOTAL			R
DEDUCTIONS: P.A.Y.E			
UNION			
OTHER (Full details)			
.....			
SUB TOTAL			R
TOTAL AMOUNT DUE			R

ANNEXURE 12

CERTIFICATE OF SERVICE

I
(name and designation of person)

of

.....
(full name of employer)

address:
.....
.....

declare that

.....
(full name of employee)

.....
(I.D. no.)

was in employment

from until

as

.....
(type of work/occupation)

any other information.....

On termination of service this employee was earning: R.....

..... (amount in words)

☐ per hour ☐ per day ☐ per week ☐ per fortnight
☐ per month ☐ per year

.....
Employer's signature

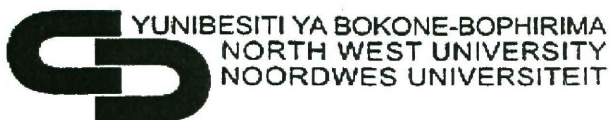
.....
Date

ANNEXURE 13

Indicate functions required by a ✓ in the appropriate block

Child minding / baby sitting	☐	Laundry – machine wash	☐
Minding old/sick employer or relative	☐	Laundry – hand wash	☐
General tidying of house	☐	Hanging out of laundry	☐
Making of beds	☐	Washing of curtains	☐
Vacuuming of carpets	☐	Ironing	☐
Vacuuming of upholstery	☐	Small mending job, e.g. replacing buttons, hems, etc	☐
Dusting	☐	Defrosting and cleaning fridge & freezer	☐
Wiping down of all appliances e.g. T.V etc	☐	Cleaning of windows and glass doors inside and out	☐
Cleaning of walls, light switches, doors etc	☐	Cleaning of all used equipment e.g. vacuum cleaner	☐
Cleaning of ornaments	☐	Packing away of groceries	☐
Cleaning of toilets, basins, baths, showers, taps etc.	☐	Removal of refuse for collection	☐
Mopping of tiled/vinyl floors	☐	Sweeping of outside patios, steps, etc	☐
Cleaning of inside of cupboards	☐	Wiping down of outside lights	☐
Cleaning of stove and oven	☐	Cleaning of outside room's and cloakroom	☐
Preparation/cooking of breakfast	☐	General driving duties and errands	☐
Preparation/cooking of lunch	☐	Wash cars	☐
Preparation/cooking of supper	☐	Maintain garden in clean and tidy condition	☐
Setting of table	☐	Caring for pool	☐
Cleaning away after breakfast/lunch/supper	☐	Mow lawns	☐
Polishing of floors and verandas	☐	Weeding	☐
Cleaning brass and silver	☐	Trimming and pruning	☐
Washing of Walls	☐	Washing and grooming of dogs	☐
Other.....	☐	Painting of walls	☐
.....	☐		☐
.....	☐		☐

ANNEXURE 14



GRADUATE SCHOOL OF BUSINESS & GOVERNMENT LEADERSHIP

Post-Graduate Programmes

Tel: 018-389 2095/2183/2486

Fax: 018-389 2335

Email: graduateschool@uniwest.ac.za

02 March 2005

To whom it may concern

This serves to confirm that Mr.T.V.Sehloho, whose student number is 10569448, is a registered student in Graduate School in the North West University (Mafikeng campus).

Mr.Sehloho has also registered for Dissertation (MBA810), and his topic is as follows

"Analysis of the implementation of the Labour Relation Act with specific reference to farm workers in Tswaing)"

Under this circumstance, I look forward to your understanding and support to enable this student to make his research.

Yours sincerely



P.T.Mpete
Programme Manager (PGDM)



ANNEXURE 15

DEPARTMENT OF LABOUR

P.O.BOX 1162
LICHTENBURG
2740

45 CHURCH STREET
LICHTENBURG
2740



TEL: 018 632 4779/632 4323

FAX: 018 632 1895

Enquiries: Sylvia Zacharia
TEL: 018 632 -4323/4779
Date: 05 January 2006

GO BAAGI BA DELAREYVILLE LE DIKGAOLO TSE DI
MABAPI.
RETLISA DITIRELO GAUFI LE WENA !
THE DEPARTMENT OF LABOUR.E RATA GO ITSISE BAAGI
KA LOETO LWA INSPECTOR YA LEFAPHA EO
ENTLANNANG TENG MO KGAOLONG YA BONE KA
MATLHA A A LATELANG: 12 January 2006

02 February 2006

02 March 2006

06 April 2006

04 MAY 2006

01 June 2006

06 July 2006

03 August 2006

07 September 2006

05 October 2006

02 November 2006

07 December 2006

NAKO: 9AM
LEFELO: CONSTITUENCY OFFICE
MAIKAELELO: GO THUSA KA MATHATA A BONA A TSA
TIRO.

UIF PROGRAM FOR 2006

10 JAN 06

07 FEB 06

07 MAR 06

04 APR 06

02 MAY 06

27 JUN 06

25 JUL 06

22 AUG 06

ANNEXURE 16

Questionnaires

a) Questionnaire 1: These questions were directed to farmers

1. Do you know about SDA?

A. Yes ()

B. No ()

2. How was the act (SDA) introduced to your workers?

A. Self

B. Supervisor

C. Legal rep

D. Other

3. How many people did you employ since last year?

A. 1-10

B. 11-20

C. 21-40

D. Other.....

4. How many of your workers are permanent/ temporary/casual?

A. Temporary above half

B. Permanent above half

C. Temporary below half

D. Permanent below half

E. Permanent/temporary/casual equal

F. Other.....

5. Do you think there is a movement away from permanent workers to casual?

A. Yes ()

B. No ()

6. If yes, what could be the reason ?.....

7. How many days a week do your workers work?

8. How much do you pay your workers per month?

A. R1-R300

B. R301-R450

C. R451-R650

D. R651-R800

E. Other.....

9. Do you pay for overtime?

A. Yes (.....)

B. No (...)

C. Replace with day off

10. Do you have problem with any of the following stipulations of the act? Write numbers?...

A. Wage

B. Leave

C. Employment contract

D. Job description

E. Severance pay

F. Hours of work/days of work /overtime and/ work on holyday

G. Deduction on meals and accommodation?

11. Have you retrenched any workers lately?

A. Yes (..)

B. No (...)

12. If yes how many?/na.....

13. How has introduction of SDA affected productivity?

A. Reduced workers

B. Reduced stock

C. Reduced crops

D. Reduced profit

E. Other.....

14. What is the role of your employer organization?

A. Collective bargaining labor issues

B. Farm management and productivity issue

C. Training on collective bargaining issue

D. Other.....

15. What are the challenges which LRA pose to farmers?

b) Questionnaire 2: These questions were directed to farm-workers.

1. Do you know about SDA?

A. Yes()

B. No ()

2. How was the act (SDA) introduced to you?

1. Employer

- 2. Supervisor
- 3. Legal representative
- 4. Other.....

3. How many days do you work per week?

- A. 5 Days
- B. 6 Days
- C. other.....

4. How many hours do you work per week?

- A. Less than 8
- B. Above 8
- C. 12 hours
- D. Other.....

5. How much do you earn per month?

- A. R1-R300
- B. R301-R450
- C. R451-R650
- D. R651-R800
- E. Other.....

6. Do you get pay for overtime/holy days/work on sunday?

- A. Get pay
- B. Get no pay
- C. Get day off
- D. Other

7. Do you have a copy of your employment contract?

- A. Yes ()
- B. No ()

8. Do you know your job description?

A. Yes ()

B. No ()

9. If you have labour dispute to whom do you report?

A. Employer

B. Supervisor

C. Union representative

D. Other

10. Do you know where the labour dispute office is?

A. Yes

B. No

10. How far is your labour dispute office from your workplace?

A. -10

B. +20

C. +30

D. +50

E. Other

11. Which employment benefits are reflected in your pay slip? Tick a if free & b if not free.

A. Accommodation

B. Food

C. Uniform

D. Transport

E. Other

12. How many days do you receive for leave per year?

A. 2weeks

B. 3weeks

C. A month

D. Other

13. Do you have problem with any of the stipulations of SDA?write numbers.....

A. Wage

- B. Leave
- C. Hours/days overtime & holy days
- D. Job description
- E. Payments in kind
- F. Severance pay
- G. Employment contract

14. If yes, elaborate on one or two? n/a

15. What are the challenges which LRA poses to farm -workers?

c) Questionnaire 3: This questionnaire was directed at employer and employee organizations representatives.

1. Do you have problem with any of the stipulations of SDA?

- A. Wage
- B. Severance pay
- C. Hours/days overtime & holy days
- D. Job description
- E. Payments in kind
- F. Employment contract
- G. Leave

2. If yes, elaborate on one or two? n/a

3. Has the introduction of LRA affected any of the following aspects? Write number.....

- A. Productivity
- B. Labour force
- C. Permanent labour
- D. Accommodation
- E. Other.....

4. If yes, elaborate on any of the affected aspects?

5. What are the challenges which LRA poses to government?

6. How effective is the labour dispute office in your area?

- A. Not effective
- B. Effective
- C. Very effective
- D. Other.....

7. If yes, elaborate on any of the affected aspects.

d) Questionnaire 4: This questionnaire was directed at labour inspectors.

1. Do you have a problem with any of the stipulations of SDA? Write numbers.....

- A. Wage
- B. Leave
- C. Hours/days overtime & holy days
- D. Severance pay
- E. Payments in kind
- F. Job description
- G. Employment contract

2. If yes, elaborate on one or two? n/a

3. How effective is the labour dispute office in your area?

- A. Not effective
- B. Effective
- C. Very effective
- D. Other.....

4. If not effective /effective elaborate how?

5. Has the introduction of LRA affected any of the following aspects? Indicate affected aspects.

- A. Productivity
- B. Labour force
- C. Permanent labour
- D. Accommodation

E. Other.....

6. If yes, elaborate on any of the affected aspects?

7. What are the challenges which LRA poses to Government?

e) Questionnaire 5 This questionnaire was directed at retrenched workers.

1 .Did you know about SDA?

A. Yes

B. No

2. How was the Act (SDA) introduced to you?

A. Employer

B. Supervisor

C. Legal rep

D. Other.....

3. How many days did you work per week?

A. 5 days

B. 6 days

C. Other.....

4. How many hours did you work per week?

A. Less than 8 hours

B. Above 8 hours

C. 12 hours

D. Other.....

5. How much did you earn per month?

A. R1-R300

B. R301-R450

C. R451-R650

D. R651-R800

E. Other.....

6. What was the reason for retrenchment/dismissal?

7. If unfairly dismissed did you take your case to CCMA/Union representative?

E. Other.....

6. If yes, elaborate on any of the affected aspects?

7. What are the challenges which LRA poses to Government?

e) Questionnaire 5 This questionnaire was directed at retrenched workers.

1. Did you know about SDA?

A. Yes

B. No

2. How was the Act (SDA) introduced to you?

A. Employer

B. Supervisor

C. Legal rep

D. Other.....

3. How many days did you work per week?

A. 5 days

B. 6 days

C. Other.....

4. How many hours did you work per week?

A. Less than 8 hours

B. Above 8 hours

C. 12 hours

D. Other.....

5. How much did you earn per month?

A. R1-R300

B. R301-R450

C. R451-R650

D. R651-R800

E. Other.....

6. What was the reason for retrenchment/dismissal?

7. If unfairly dismissed did you take your case to CCMA/Union representative?

8. What was the outcome?

9. Did you receive certificate of service?

A. Yes

B. No

10. Did you receive severance pay?

A. Yes

B. No

11. What are the challenges LRA poses to retrenched workers?

