
**ANALYSIS OF WOMEN FARM WORKERS' EMPLOYMENT CONDITIONS: A
CASE STUDY OF COMMERCIAL FARMS IN MASHONALAND CENTRAL
PROVINCE OF ZIMBABWE**

BY

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ABSTRACT

A case study was conducted on four commercial farms in Mashonaland Central Province and it was aimed at investigating the employment conditions of women farm workers. One-on-one interviews, group discussions and key informants were used as methods to collect data on and understand the situation of women farm workers. The women's law approach was used in the research as a starting point and it embraces other complementary methodologies approaches (such as, the human rights, grounded and sex and gender as well as the actors and structures approaches) in order to gather relevant information. In order to present the research findings data tables were used. The results showed that women farm workers are not being granted paid maternity leave, medical aid or access to pension schemes. Women farm workers combine work and child care. They work in the field whilst their children are strapped to their backs. Women farm workers lack occupational mobility due to relational priorities. Retired farm workers do not have anywhere to go after retirement and so they usually stay on the farm on which they worked. Women farm workers are not aware of their legal, labour and human rights. The researcher recommends that government should domesticate the human rights instruments that deal with women farm workers rights in order to have their employment conditions met by employers. Farm worker unions and non-governmental organisations should put their heads together in order to train, educate, represent and educate women farm workers about their legal, labour and human rights. Employers should at least pay women workers the minimum wage and grant them paid maternity leave, medical aid and pension schemes. Employers' paying school fees on behalf of the women farm workers children was an emerging issue in the research. This is a good start for farm owners in order to help women farm workers see the importance of education. Their children might change their way of living by looking for jobs elsewhere rather than the farming area. Everyone has a right to live a life with decency, dignity and pride. It is high time women farm workers enjoy their rights and entitlements.

Declaration

I, Tambudzai Mercy Masamvi, certify that this dissertation is my original work; it is an honest and true effort of my personal research. I certify that the work has not been presented anywhere else before for any other thesis.

Signed.....

Date.....

This dissertation was submitted for examination with my approval as the University Supervisor

Signed.....

Date.....

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Signed.....

Date.....

Dedication

This work is dedicated to my husband and my children, Tinevimbo Blessings (6) and Timukudze Dylan (3) for all their support. I thank you.

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I give thanks to the Almighty for protecting and granting me every request I prayed for during the Masters programme.

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Acronmys and abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
FTLRP	Fast Track Land Reform Programme
GAPWUZ	General Agriculture and Plantation Workers Union of Zimbabwe
GDP	Gross Domestic Product
ICESCR	International Covenant on Economic, Social and Cultural Rights
ID	Identification
NEC	National Employment Council
NSSA	National Social Security Authority
SADC	Southern African Development Community
SAR	South African Rand
SEARCWL	Southern and Eastern Regional Centre for Women’s Law
US\$	United States Dollar

List of human rights instruments

- African Charter on Human and People's Rights (1986)
- Charter of Fundamental Social Rights in SADC (2003)
- Convention concerning Safety and Health in Agriculture 184/2001
- Convention concerning Maternity Protection 103/1952
- Equal Remuneration Convention 100/1953
- International Covenant on Economic, Social and Cultural Rights (1976)
- Maternity Protection Convention 183/2000
- Minimum Standards of Social Security Convention 152/1952
- Migration for Employment Convention 97/1949
- Part-time Work Convention 175/1994
- Protection of Migrant Workers (Underdeveloped Countries) 100/1955
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003)
- Universal Declaration of Human Rights (1948)
- Workers with Family Responsibilities Convention 156/1981

List of national legislation

- Labour Act Chapter 28:01
- Constitution of Zimbabwe (2013)
- National Social Security Act (17:04)
- Citizenship of Zimbabwe Amendment Act Chapter 4:01

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Executive summary

This study aims to provide information on the employment conditions of women farm workers in the commercial farms of Mashonaland Central Province of Zimbabwe. Specifically the study investigated the following employment conditions: paid maternity leave, medical aid, social security, minimum wage, child care and work and retirement.

Paid Maternity Leave

Women farm workers are not being granted paid maternity leave by their employers. Out of the four farms that I managed to interview the women farm workers there is only one farm owner who grants paid maternity leave. The farm owner grants paid maternity leave to permanent workers only and not to casual and seasonal workers. On the other three farms where paid maternity leave is not granted women farm workers work until their pregnancies are due and return to work as soon as just after two weeks of giving birth. The reason why the women return to work so early it's because they will need the money to take care of the child and other family members. Farm owners employ women as casual and seasonal workers and make them believe that if you are not a permanent worker they are some rights that one is not supposed to enjoy.

Medical aid

There is no farm owner who is granting women farm workers medical aid. If a farm worker gets injured during work she/ he is given pain killer or a bandage and warm salty water to clean up the wound. If the worker has other diseases which need more attention she/he goes to the clinic. All the women farm workers said that they usually do not have money to seek medical care if they are seriously ill or if they want to deliver as such they seek assistance from their employer. What is disheartening is that if the employer assists the worker with some money it is later deducted from her salary at the end of the month. With the low wages they receive at times one is left with nothing to fend for the family at the end of the day.

Social security

Only permanent workers are granted pension schemes by their employers. The majority of the women farm workers that I interviewed were employed as casual and seasonal workers which mean that they were not registered with a social security scheme. NSSA requires that every employer whether permanent, casual or seasonal should be registered with their

scheme. There were two respondents that mentioned that they have tried to claim their pension since 1995 but up to now they have not received their pension money. Women farm workers do not know how and when to claim for their pension money. All the respondents did not know the procedures to be followed when claiming their pension money after retirement. Women farm workers did not know that they had a right to social security even if they were employed as casual or seasonal workers. Some of the women farm workers had no national I.D's and NSSA requires an I.D when a member wants to claim for benefits.

Minimum wage

All the women farm workers knew about the minimum wage but they did not know the exact amount. All the respondents earn below the minimum wage despite the wage settlement which was published in 2013 by NEC which provides for the minimum wage of US\$94.00 per month for a general worker in the agricultural sector. The lowest wage which was being received by the women farm workers was US\$25 per month and the highest wage was US\$87 per month. The women farm workers on two of the farms are given mealie meal, fresh produce and meat as rations. The other problem which is being faced by women farm workers is that if one misses a day from work deductions are made from ones salary. On one of the farms workers had gone for five months without being paid. The women farm workers stated that they are members of a farm workers union but nothing has been done by their union in representing them as well as educating them on their rights. On one of the farms women farm workers mentioned that even if they receive low wages they will not leave the farm because the farm owner is paying school fees on behalf of their children.

All the farm workers have been employed in their current jobs for more 5years. 20 were employed as casual workers and seasonal workers. More women are employed as casual and seasonal workers. Men are employed as permanent workers even if they are general workers as such men are paid more than women farm workers even if they are doing similar work.

Child care

Only one farm has a preschool for children under the age of five years. There is also a child minder at the farm who takes care of the children below the age of two years who cannot go to preschool. On the other three farm women combine child care and work. Women work with their small children strapped at the backs. For those children who are old enough to go to preschool they are taught to play just outside the field whilst their mothers work. Women

are usually the ones who are affected most when a child or family member falls sick, their monies are deducted whenever they miss a day from work attending to family responsibilities.

Retirement

Women farm workers mentioned that when they retire they will stay on the farm. The reasons where that some of them are of foreign origin as such they do not have anywhere to go. The women farm workers also mentioned that communal lands are very expensive for them to buy. They said the nearest communal pieces of land that are being sold cost about US\$600 and which they cannot afford due to their low wages.

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CHAPTER ONE

1.0 INTRODUCTION AND BACKGROUND TO THE RESEARCH



Figure 1: Photograph of women farm workers on their way to work

1.1 Introduction

'Farm workers continue to be overlooked and marginalised in wage negotiations with the majority still earning the gazetted Z\$32,000, which has been severely eroded by inflation. According to the prevailing trend, earning a salary that is compatible with even a quarter of

the poverty datum line remains a pipe dream for these workers who drive the most important sector of the economy.'

The national newspaper, The Herald 14 May 2007

Wages are one of the most important things to any employed person. In the agricultural sector women and men endure similar situations for example low wages as illustrated by the quotation above but women farm workers have a much wider range of problems to face as they work in the farms. Discrimination, lack of job security, unpaid maternity leave, lack of medical aid and pension schemes, child care and family responsibilities are some of the problems they face, among other things.

O'Toole *et al.* (1970) argue that the farm worker is one of the most ignored and least visible of workers. He is hidden by the crops as he works his way down the endless rows. Far from the cities where the laws are made and the issues of the day are debated, his voice is not heard. He is vitally necessary to this well-fed nation, and yet his needs are seldom considered.

In the UN Committee on Economic, Social and Cultural Rights, General Comment No. 18: The right to work (2006) it was observed that high unemployment and the lack of secure employment are causes that induce workers to seek employment in the informal sector of the economy. States parties must take the requisite measures, legislative or otherwise, to reduce to the fullest extent possible the number of workers outside the formal economy, workers who as a result of that situation have no protection. These measures would compel employers to respect labour legislation and declare their employees, thus enabling the latter to enjoy all the rights of workers, in particular, those covered by the International Covenant on Economic, Social and Cultural Rights in particular article 6 which provides for the State Parties to recognize the right to work, article 7 which provides the State Parties to recognise the right of everyone to enjoy just and favourable working conditions and article 8 which provides for everyone the right to form and join trade unions of her or his choice. These measures must reflect the fact that people living in an informal economy do so for the most part because of the need to survive, rather than as a matter of choice. Moreover, domestic and agricultural work must be properly regulated by national legislation so that domestic and agricultural workers enjoy the same level of protection as other workers.

Mhone (1996) as quoted in chapter one by Kanyongolo and Gwisai (2011) describes the term 'informal sector' as referring to very small-scale units producing and distributing goods and services and consisting largely of independent, self employed producers in urban areas of developing countries, some of whom employ family labour and/or a few hired workers or apprentices; which operate with very little capital or none at all; which utilize a low level of technology and skills and which generally provide very low irregular incomes and highly unstable employment to those who work in it. The agricultural sector is also considered to be an informal sector.

Amanor-Wilks (1995) stated that despite the introduction of minimum wages and collective bargaining for the agricultural industry, farm workers wages continue to lag behind those paid to other waged labourers. Women in the commercial farming sector are far from achieving equity in employment, making them most vulnerable. As casual workers they are marginalised in workers committee and union activities.

Hurst *et al.* (2005) stated that full-time, permanent agricultural workers receive more job security, relatively higher wages, better housing and better health and work benefits than do other waged agricultural workers. However, this does not mean that such workers are well-paid relative to the average wage levels in a given country. Wages in rural areas, both in cash terms and in real terms, are generally lower than in cities, and the hours of work are longer. Many full-time workers in agriculture live on or below the poverty line. Permanent contracts are the least common form of contract and their share in total agricultural employment has been declining in most countries.

Peter Hurst *et al.* (2005) went on state the majority of waged agricultural workers in most developing countries are employed on a seasonal and often a casual or temporary basis. Casual work refers to work done by those employed and paid at the end of each day worked or on a task basis. Temporary work refers to work done by those employed for a specific but limited period of time. Most seasonal, casual or temporary workers do not receive any form of social security or unemployment benefit, holidays with pay, or sickness or maternity leave. Indeed, many full-time waged agricultural earners lack these same benefits. An increasing number of women workers are employed as casual or temporary workers. Furthermore, jobs are often classed as casual or temporary even if there is in reality continuous employment.

The practice of rotating individual workers so as to deny them the benefit of permanent employment status is also quite prevalent.

It is the purpose of this research to discuss the problems which are being faced by women farm workers. Zimbabwe has domesticated and ratified human rights instruments that have rights for women farm workers but the problem is implementation. In this research I will show that women farm workers are being discriminated against by their employers. Women farm workers' legal, human and labour rights are being infringed by their employers. This needs the government and the employer to address and eradicate such discrimination and unfair labour practices against women farm workers.

1.2 Have you ever wondered?

During the harvesting period there was a trend that at court we would receive cases of theft and some of them involved women farm workers. The allegations were that they had stolen from their employer. On mitigation the women would mention that they had picked soya beans or maize grains for food from a harvested field then after they had sieved the maize grains or soya beans that is when the employer had come and seen them and accused them of stealing. One day I was travelling around a farming area and saw women and children picking some maize grains from a harvested field then it struck me and I thought, 'This is what those women were talking about.' It got me wondering what was really taking place on the farms and why this was happening was if they were employed and being paid.

In 2012 my husband and I decided to grow tobacco at my brother's-in-laws farm. The workers who used to come for piecemeal jobs were women farm workers from nearby commercial farms. The women said they were seasonal and casual workers and were doing these piecemeal jobs in order to survive because their employers were not taking care of them properly. This got me wondering again what was really going on.

In 2013 I came to study the Masters in Women's Law and in the second semester Labour Law was my second elective course. I learnt that there were several Human Rights Instruments which govern the rights of women as well labour rights of women in employment. Furthermore I got to discover that they were also Human Rights Instruments on workers in the agricultural sector. At that moment I just thought this is now my chance to go

and investigate the situation at farms and find out the problems which the women farm workers were facing.

During this research on the analysis of employment conditions of women farm workers the wondering stopped and I was now seeing the real situation on the ground. I hope the women farm workers are not forgotten and invisible people but it is only that their human and labour rights are being ignored.

1.3 What is the problem?

In Zimbabwe the Constitution and the Labour Act provide for labour rights for every employee. There is nothing wrong with the law. Section 65 of the Constitution provides that every person has the right to fair and satisfactory working conditions. It further goes on to state that women employees which include women farm workers have the right to equal remuneration for similar work and the right to fully paid maternity leave among other rights. Women farm workers are not receiving all these rights. It seems as if they do not exist and they are the least protected employees in the country.

1.4 Objectives of the study

- To find out if women farm labourers are being discriminated against by their employers.
 - (a) To find out if they are being paid less than male labourers.
 - (b) To find if they are being granted paid maternity leave.
 - (c) To find out if they are being granted medical aid.
 - (d) To find out if they are being granted pension scheme benefits.
- To find out if women permanent farm labourers lack job security.
- To find out if retired women farm labourers have anywhere to go after leaving employment.
- To find out if women farm labourers are largely engaged in unskilled work therefore paid less than men.
- To find out if women permanent farm labourers encounter problems such as child care and family responsibilities during working hours.

- To find out if casual and seasonal women farm labourers lack the capacity to work full hours and maximize production due to child care and family responsibilities.
- To find out if the majority of women farm labourers lack occupational mobility and are of foreign origin hence whether this affects their choice of employment and bargaining power.
- To find out if lack of job security for casual and seasonal labourers prevent them from collectively bargaining for better working conditions.
- To find out if women farm labourers are aware of their human, legal and labour rights.

1.5 Research assumptions

- Women farm labourers are being discriminated against by their employers.
 - (a) They are being paid less than male labourers.
 - (b) They are not being granted paid maternity leave.
 - (c) They are not being granted medical aid.
 - (d) They are not being granted pension scheme.
- Women permanent farm labourers lack job security.
- Retired women farm labourers do not have anywhere to go after leaving employment.
- Women farm labourers are largely engaged in unskilled work therefore paid less than men.
- Women permanent farm labourers encounter problems such as child care and family responsibilities during working hours.
- Casual and seasonal women farm labourers lack the capacity to work full hours and maximize production due to child care and family responsibilities.
- The majority of women farm labourers lack occupational mobility and are of foreign origin and this affects their choice of employment and bargaining power.
- Lack of job security for casual and seasonal labourers prevent them from collectively bargaining for better working conditions.
- Women farm labourers are not aware of their human, legal and labour rights.

All the assumptions were upheld during the research. This was very disheartening because this shows that women farm workers are being discriminated against and are not enjoying their labour, human and legal rights.

1.6 Research questions

- Are women farm labourers being discriminated against by their employers?
 - (a) Are they being paid less than male labourers?
 - (b) Are they being granted paid maternity leave?
 - (c) Are they being granted medical aid?
 - (d) Are they being granted a pension scheme?
- Are women permanent farm labourers lacking job security?
- Do retired women farm labourers have anywhere to go after leaving employment?
- Are women farm labourers largely engaged in unskilled work therefore paid less than men?
- Do permanent women farm labourers encounter problems such as child care and family responsibilities during working hours?
- Do casual and seasonal women farm labourers lack the capacity to work full hours and maximize production due to their child care and family responsibilities?
- Are the majority of women farm labourers lacking occupational mobility and are they of foreign origin which affects their choice of employment and bargaining power?
- Is lack of job security for casual and seasonal labourers preventing them from collectively bargaining for better working conditions?
- Are women farm labourers aware of their human, legal and labour rights?

CHAPTER TWO

2.0 LITERATURE AND LAW REVIEW



Figure 2: Photograph of one of the farm fields during preparation for planting

2.1 Introduction

In this chapter I am going to analyze literature from various relevant sources on the employment conditions of women farm workers. Various sources were used such as textbooks, newspapers, and internet journals, Acts of Parliament and human rights instruments. Analyzed literature will have a bearing on the methodology and the findings of the study.

2.2 History of farm workers in Zimbabwe

Amanor-Wilks (1995) stated that the early settlers in current Zimbabwe dreamed of fabulous riches from mining of gold and precious stones. When the anticipated fortunes fell short of expectations, commercial agriculture became viewed as a more viable alternative, and a range of incentives were put in place to attract settler farmers. Such was the thirst for land that by the time of Independence in 1980, 70% of the rich, arable land was in the hands of white farmers, representing less than 1% of the population. Alongside massive land expropriation, the indigenous African population lost their right to cultivate the land they had occupied for centuries. This resulted in the creation of a large subclass of landless, dispossessed peasants who were transformed into wage labourers.

Sachikonye (2003) in his study prepared for Farm Community Trust of Zimbabwe stated that for many years, commercial farm workers were the largest segment of the workforce in Zimbabwe's formal sector. In the 1980s and 1990s, their numbers fluctuated between 300,000 and 350,000, or between 20 and 25 per cent of the national workforce. The farm workforce supported an even larger population of about 2 million. The employment opportunities in commercial agriculture testified to the pivotal role that the sector played, and continues to play, in the national economy. Historically, the sector was not only a major employer, but also a leading contributor to the Gross Domestic Product (GDP) as well as to foreign exchange earnings.

Alexander (2006) as quoted by Sachikonye (2003) stated that for many years after the independence of Zimbabwean 1980, the white commercial farmers continued holding on to the land despite promises to those who participated in the liberation struggle that land was a serious question. War veterans, who waited for a long time, were disgruntled and it was between 2000 and 2002 when Zimbabwe embarked on a chaotic and controversial land

reform programme under an operation code named the *Jambanja*, Fast Track Land Reform Programme (FTLRP) or the '*Third Chimurenga*'.

Sachikonye (2003) in his paper prepared for a conference on 'Staying poor: Chronic poverty and development policy' reported that a total of 11, 5 million hectares of land changed hands between 2000 and 2001. The government had passed laws for compulsory acquisition of land and transfer to both the black small and large commercial farmers. Most farm workers who lost jobs were excluded from the land reform programme; less than 5 percent of them were granted land.

Amanor-Wilks (1995) stated that since independence, however owning a farm has become a status symbol among the aspiring black middle class. In addition, farms are seen as fitting retirement homes for politicians, nationalists and other prominent black Zimbabweans. She goes on to say among them are significant number of cabinet members, who if not caught directly in a conflict of interests, may be in a morally untenable position to accuse white farmers of exploiting black farm labourers.

Sachikonye (2003) in his paper prepared for Farming Community Trust of Zimbabwe reported that after land reform there is evidence to suggest that up to 50 per cent of farm workers stayed on even if they no longer held jobs. In general, female workers suffered a greater loss of employment. The survey data suggests that more than 50 per cent of permanent female workers and nearly 60 per cent of seasonal female workers lost their jobs. This compares with 30 and 33 per cent respectively for permanent and seasonal male workers. The data also indicate a decline in permanent and seasonal female workers (by 63 per cent and 42 per cent respectively) living on farms. The substantial proportion of female and male workers no longer living on farms must be experiencing considerable hardship, wherever they are now.

After the land reform Sachikonye (2003) in his paper prepared for Farming Community Trust of Zimbabwe went on to report that in response to the loss of permanent jobs and access to shelter and social services, farm workers have pursued a number of coping strategies. These include the itinerant search for piecemeal jobs at different farms at different times, informal trade, gold panning, fishing and hunting. Income from these activities is irregular and limited, but the workers appear to have no other options. The working conditions and wages on the

farms of small and new commercial farmers are unattractive. A few farm worker households receive remittances from relatives working elsewhere. Some farm workers have created or joined 'informal settlements' on which they have access to a small piece of land, and to basic, often-rudimentary social services.

2.3 Remuneration

Article 1(a) of the Equal Remuneration Convention 100 of 1953 states that the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment. The Convention is very clear in respect of the need to ensure that every employee is paid at least the minimum wage and any additional emoluments. According to the Merriam Webster dictionary a 'minimum wage' is the lowest paid wage or permitted to be paid specifically: a wage fixed by legal authority or by contract as the least that may be paid either to employed persons generally or to a particular category of employed persons.

The Universal Declaration of Human Rights (under article 23(3)) goes on to state that everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity and supplemented, if necessary by other means of social protection. As such every person has a right to a remuneration that allows her/him to live a dignified life.

Mugwesi and Baleis (1994) explained that farm workers belong to the lowest income group. The low living and health conditions of farm workers and their families are related to their low income. According to Amanor-Wilks (1995), minimum wage levels for agriculture were set only after independence by the Minimum Wages Act (1980), amid resistance from commercial farmers and strike action by expectant farm workers across the country.

Loewenson (1992) as quoted by Amanor-Wilks (1995) stated that average farm wages rose 24% in 1980 and permanent workers were given paid holiday, sick leave and gratuity benefits and this was provided for in the Minimum Wage Act of 1980. Amanor-Wilks further stated that commercial farmers countered this by turning fully employed permanent workers into non-permanent seasonal, casual or contract labourers, until the passing of Employment Act

(1981) which was intended to guarantee permanent labour employment security. The Act repealed some of the laws and guaranteed a minimum wage and wages rose between the period of 1980 and 1981.

Loewenson notes that on one tobacco farm wages increased on average 50% in 1980, but the labour force decreased by 20% and mostly young single men benefited from the wage increase. Although wages rose, the reduction in permanent employment depressed income security. Incomes of married men with children and more senior workers increased by only 2%, while the earnings of dependents fell by 28%. Length of service wage increments were removed, hours of work increased and labour productivity increased.

Article 33 of the Equal Remuneration Convention 100/1953 states that differential rates between workers, which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed, shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

Amanor-Wilks noted that low wages in female headed households became a factor of prostitution as women seasonal workers sought ways to support themselves in between crop seasons. Scoones *et al.* (2010) explained that in the new resettlement areas there are new farm workers of many different types. Much labour is casual, informal, seasonal, underpaid and often female. He further explained that during the economic crisis, many of the new farm workers had to live through other means in order to supplement their meagre wages. Stealing, illegal activities and moonlighting were essential strategies.

2.4 Maternity leave

Article 11(2)(b) of CEDAW provides that in order to prevent discrimination against women on grounds of marriage or maternity and to ensure their effective right to work, States parties shall take appropriate measures to introduce maternity leave with pay or with comparable social benefits without loss of former employment, security or social allowances. Maternity Protection Convention, 2000 (No. 183) provides for maternity leave of not less than 14 weeks and the Maternity Protection Recommendation goes on further to provide for the period of maternity leave to be at least 18 weeks. The Constitution of Zimbabwe (section 65(7))

provides that women employees have the right to fully paid maternity leave for a period of at least three months.

Although women workers are entitled to paid maternity leave, women farm labourers are seldom granted this right. In most instances they prefer to get a couple of days off from work before they deliver and return to work as early as two weeks after delivering and this is due to unpaid maternity leave. This is difficult for women because they have to attend to their little babies at the same time doing their usual farm work. This compounds their woes as their time is divided between their duties and babies.

Although the period in section 65(7) of the Constitution is lower than the 14 weeks in the Maternity Protection Convention it has at least been implemented. It is not spelt out in the Constitution who has the responsibility of providing the paid maternity leave: the employer or the state. Since section 2 of the Constitution provides that it binds everyone natural, juristic person and the state, we can use section 65(7) to make the state pay for the maternity leave in those sectors where employers cannot afford to pay.

2.5 Citizenship

Most farm workers in Zimbabwe are of foreign origin. This results in them encountering many challenges at their work places. Amanor-Wilks (1995) wrote that a sizeable number of farm workers in Zimbabwe come from neighbouring countries such as Malawi and Mozambique. Because of illiteracy and a lack of understanding of many issues, migrant workers do not apply for citizenship even though they may have been resident in the country for more than five years. As a result, these workers do not qualify for medical assistance. She further states that widows, especially migrant women are some of the most insecure people on commercial farms. These women are often in terrible trap. They can be thrown off the farm premises when their husbands die because they are not really recognized as workers in their own right. Many widows end up as beggars or destitute in cities and town.

GAPWUZ (2010) explains that over the last 100 years many farm workers migrated to Rhodesia/Zimbabwe from neighbouring countries, especially from Malawi, Mozambique and Zambia. These workers began the process of assimilating with the Zimbabwean workers

found on the farms. Their children, born in Zimbabwe, became Zimbabwean citizens, but with cultural and ethnic ties to their parents' country of origin.

Sachikonye (2003) in his paper prepared for Farm Community Trust of Zimbabwe reported that until recently, the citizenship rights of so-called migrant farm workers were ignored. There was even a xenophobic attitude towards them in some circles. However, it appears legislation is to be introduced to grant citizenship to people, including migrant farm workers, from countries of the Southern African Development Community (SADC). Unfortunately, this belated citizenship will not give them a right to land. This report argues that workers should have land rights to cushion them from the loss of jobs and livelihoods. There should be a special effort to ensure that farm workers do indeed secure full citizenship rights. Their access to birth certificates, national identity documents and passports should be facilitated. In the past, it has been difficult for them to obtain these vital documents.

2.6 Retired farm workers

Farm workers often become destitute after retiring as they have no place else to go other than the farm from which they would have retired. They may end up as beggars and vagrants in urban and farm settlements.

Amanor-Wilks (1995) explains that there is a growing problem of what to do with old aged people in the agriculture sector that is yet to be addressed in Zimbabwe. Many migrant labourers who were recruited during the 1940s and 1950s, notably from Malawi are now at the end of their working life. Migrants who have grown old on farms after 35 years of service face a crisis of insecurity. She further states that those who have families on farm compounds remain on the farms supported by younger family members. Single and aged migrants, especially women, are totally at the mercy of the individual farmer and can easily be thrown off the farms, rendering them homeless, stateless and destitute.

In October 1995, the Ministry of Public Service, Labour and Social Welfare proposed tabling a bill on the care of the aged. The proposed bill would complement the National Social Security Scheme in addressing the health, nutrition consumer rights, housing, environment, employment income security and education of the aged.

These views are further supported by Mugwesi and Baleis (1994). They stated that in most of the formal employment sector of the Zimbabwe's economy, workers have the right to medical aid, a pension scheme, a reasonable salary and a social dimension fund for school fees, etc. Farm workers are guaranteed none of these things. Once again, as there are no countrywide regulations on the subject, a workers' social security is entirely dependent on the farmer for whom she or he works. Even if a particular farmer provides some sort of pension scheme or health plan to his workers, these arrangements are often annulled when the farm changes hands.

They recommended that it would obviously be desirable to have some form of legislation governing the social security of farm workers, but any moves in this direction are likely to be met by strong resistance from farmers, who stand to have their profit margins cut by the provision of social security's such as pension schemes and higher salaries. Accordingly farm workers unions need to consolidate themselves and use their collective power to champion the cause of the 1,7 million disinherited workers that they represent.

2.7 Farm workers' unions

On achieving black majority rule in 1980, the government, led by the Prime Minister Robert Mugabe, embarked on a programme of socialist-inspired reforms to uplift the lives of millions of dispossessed and poverty-stricken Zimbabweans. In relation to farm workers, various forms of protection were offered as a means to improve their conditions, including legal reforms and support to new unions (Amanor-Wilks, 1995). The General Agriculture and Plantation Workers Union of Zimbabwe was established in 1983 as the national representative of farm workers in Zimbabwe.

In similar research done in Namibia Karamata (2006) found out that most farm owners (86.2%) indicated that trade unions had free access to the workers on their farms. Most farmers across all categories indicated that unions could play a positive role in resolving labour disputes. Many of them referred to the need for unions to inform workers about their rights and obligations as a way of enhancing working relations and avoiding labour disputes. He went further to explain that, however, about 21% of mainly white farmers expressed reservations about the role of unions on farms. Some challenged that unions were either

unwilling or unable to resolve labour disputes. Yet others claimed that unions misinformed and misled workers.

Amanor-Wilks (1995) supported the above findings. She stated that employers and labour representatives both cite lack of education and training as a main stumbling block to more harmonious relations on commercial farms. She further explained that from the employer's point of view, unskilled and ill-treated workers are a threat to profits. From the perspective of the labour unions, both employers and workers need to be educated on labour laws to ensure procedures laid down in collective bargaining agreements are adhered to. Union officials complain that many employers do not take the labour laws seriously and often refuse to attend meetings aimed at creating a better working relationship.

2.8 Social security

The ILO (1994) defines social security as the protection which society provides for its members through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, invalidity and death; the provision of medical care; and the provision of subsidies for families with children.

There are a number of human rights instruments that provide for the right to social security for example article 22 of the UDHR, article 9 of the ICESCR and article 11(1)(e) of CEDAW. Section 30 of the Constitution provides that the State must take all practical measures, within the limits of the resources available to it, to provide social security and social care to those who are in need.

Kasente (2000) wrote that conceptualisation of social security in current literature in Africa acknowledges that formal social security is no longer adequate for the African context. This conception is based on the observation that wage employment is for a very small percentage of people, as the majority of people depend on subsistence agriculture. The small percentage of people able to benefit from formal social security includes an even smaller number of women, thus making formal social security almost irrelevant to the majority of African women. And as Kaseke argues, even when wage employment is available, the wages paid are not adequate for the workers to meet their immediate needs, let alone save for the future. It is

also acknowledged that Africa has some very specific contingencies like drought, underemployment and low productivity, which make protection needs both immediate and futuristic.

Kasente (2000) goes on to state that it is fair to conclude that women's and men's relationship with formal social security has historically been gendered. Most prominently, eligibility is established in ways which restrict women's participation. With few exceptions, formal social security schemes in the region apply only to wage earners and sometimes even exclude certain types of work. Professions and livelihoods related to handicrafts, small enterprises, agriculture and domestic service are excluded. This is a serious issue: the majority of vulnerable people who would need social security are to be found in the types of work that have been excluded, particularly in agriculture.

She goes on to explain that even among the small proportion of the population not represented in the agricultural sphere, continuous employment and full-time work are taken as norms for establishing eligibility for pensions, unemployment insurance and maternity leave. Again, gender implications surface quickly. Already it has been pointed out that women represent a smaller proportion of the formal labour force in Africa, and are thus excluded outright from schemes.

2.9 Child care and family responsibilities

Workers with family responsibilities Convention 156/1981 (article 1) and article 1 of its Recommendation 165/1981 provides that the convention and the recommendation applies to both men and women workers with responsibilities in relation to their dependent children where such responsibilities restrict their possibilities in advancing in economic activities. SADC Charter on Fundamental and Social rights (article 6) provides that state is obliged to create and enable men and women to reconcile their occupational and family obligation. Article 11(2)(c) provides that state parties should take appropriate measures to encourage the provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities. Workers with family responsibilities Recommendation 165/1981 also provides that competent authorities should encourage and facilitate the provision of adequate and appropriate child

care and family services and facilities, free of charge or at a reasonable charge in accordance with the workers ability to pay and meeting the needs of children of different ages.

Section 24(2)(b) of the Constitution obliges the state to secure or remove restrictions that unnecessarily inhibit, prevent from working and otherwise engaging in gainful economic activities. Section 25(a) obliges the state to endeavour within limits of its resources to provide care and assistance to mothers, fathers and family members in charge of children. This provision requires the state to ensure that women are freed from burden of child care so that they can pursue employment. There is no direct provision on family and childcare rights of working women but it can be inferred from the above sections. Section 18(8) of the Labour Act provides for the right of nursing women to one hour breastfeeding time per day or any longer periods as are necessary. There is no provision of child care centres at the workplaces.

2.10 Situation of women farm workers in other countries

Zimbabwe is not the only country which has a situation where farm workers are seen as the forgotten people. South Africa and Kenya has the similar situation as that of Zimbabwe on the issue of farm workers especially women. Their conditions of service in both countries mirror that of Zimbabwe. Below is a brief overview of the situation of farm workers in South Africa and Kenya.

2.10.1 South Africa

According to Quarterly Labour Force Survey, South Africa (2011) as quoted by Human Rights Watch (2012), agriculture is a diminishing but still significant sector of the South African economy, employing 603,000 people and constituting the country's most labour-intensive export sector. The government has identified the agricultural value chain as one of the six key 'job drivers' that are expected to lead to the creation of five million new jobs by 2020.

Human Rights Watch (2012) went on to say farm workers in the Western Cape province of South Africa provide labour that is critical to the success of South Africa's wine and fruit industries. There are 121,000 agricultural workers in the Western Cape, more than in any other province. Nearly half of all farm workers in the Western Cape work throughout the year. These permanent workers sometimes live full-time on the farms where they work; some

of their families have lived on farms in the region for generations. Permanent farm workers are more often men; on some farms workers interviewed by Human Rights Watch explained that women who worked year round were not considered ‘permanent’.

Mercia Andrews (2009) also wrote that the backbone of the fruit and wine agriculture industry in the Western Cape is provided by 121,000 farm workers; this is more than in any other region of South Africa. Nearly half of all farm workers in the Western Cape are ‘permanent’, meaning that most of the permanent workers and their families live on the commercial farms and work throughout the year. Some of these permanent workers and their families have lived on farms in the region for generations. Permanent farm workers are more often men; many women farm workers who work all year are sometimes still seen as ‘not permanent workers’.

Mercia Andrews (2009) went on to say that the precarious situation of farm workers is exacerbated by the low wages that they earn. The minimum wage for farm workers, which is set by the Minister of Labour through a sectoral determination, is one of the lowest in South Africa’s formal employment sector. This wage is lower than the minimum wages for domestic workers—the other lowest wage earners in most municipalities in the Western Cape. The difference in wages for farm workers versus other workers is drastic: in 2010 the median pay for farm workers was SAR1,213 per month, compared to SAR3,683 per month for workers in the formal sector. Generally, female farm workers are paid even less than male farm workers. Their incomes are between SAR1,192 per month versus SAR1,300 per month. However it is not only the question of wages that farm workers are unhappy about. It’s the living conditions, and it’s the general working conditions.

Sectoral Determination 13, No. 75 of 1997, as quoted by Human Rights Watch (2012) stated that pregnant women face additional discrimination: farmers sometimes deny them work or dismiss them when they are pregnant, thus avoiding the provision of maternity leave required by law. Betty explained, ‘If you are pregnant for three months, they send you away because [they are] afraid something could happen.’ On her farm, however, the farmer does not pay pregnant workers when they are sent away. Pregnant seasonal farm workers are in the most precarious position: once they are denied work, they cannot expect to return later to their seasonal jobs, and they will likely have to hide their pregnancy in order to find a new job: ‘If you are pregnant, then you can’t work. If you come to work when you’re pregnant, then they

will chase you off the farm. We know people who have been pregnant who are not allowed to work. [The farmers] only want healthy people.’ A labour broker who hires many foreign seasonal workers told Human Rights Watch that seasonal workers are never paid maternity leave.

FAO (2005) until recently, women farm workers had little protection under South African legislation. The Basic Conditions of Employment Act of 1983 was extended to agricultural workers in 1993. The Labour Relations Act of 1995 (amended in 1996, 1998 and 2002), the Basic Conditions of Employment Act of 1997 (amended in 2002) and the Employment Equity Act of 1998 have substantially improved the position of women farm workers.

2.10.2 Kenya

Kerstin Leitner (1976) stated that the most numerous and most degraded workers in Kenya are the agricultural workers. Their wages are below subsistence. The position of women workers is especially bad. An examination of the Kenya Plantation and Agricultural Workers’ Union reveals its failure to improve its members’ conditions in any way. In the absence of support for workers in the higher echelons of government, the only hope is for strengthened organisation among the workers themselves.

FAO (2005) stated that maternity protection was originally established with a 1975 Presidential Directive, envisaging a two-month paid maternity leave. The Employment Act of 1976 provides for a two-month fully paid maternity leave at the expense of the employer (section 7(2)). The leave period is considerably shorter than that envisaged by international labour conventions. Moreover, women taking the maternity leave lose their one-month annual leave for the relevant year (section 7(2)). Furthermore, obliging employers to pay for maternity benefits raises the cost of women’s labour and therefore discriminates against them (House-Midamba, 1993). The Act does not explicitly prohibit the dismissal of pregnant women.

FAO (2007) mentioned that waged agricultural workers face a wide range of hazards at work including, for example, dangerous machinery, unsafe electrical wiring and appliances, livestock-transmitted diseases, falls from heights, and exposure to toxic pesticides.

Loewenson (2001) as quoted by FAO (2007) went on to mention that many of those killed, injured or made ill are women workers. They are especially at risk because they are often employed on a part-time or casual basis and receive less training and instruction, often do repetitive work which can result in musculoskeletal problems, and face reproductive hazards as a result of exposure to pesticides.

2.11 Compliance with international standards

There is a general compliance with international standards on labour as provided for under the ILO Conventions. The Zimbabwe Constitution has no right to social security per se but right to social welfare and social care is provided under the National objectives (section 30). This implies that the right is not justiciable as it is outside the bill of rights. However the provision can be used as a starting point in seeking enforcement from government. However Zimbabwe has a public social security system, provided under the National Social Security Act. This social security was modelled along the lines of the Social Security (Minimum Standards) Convention 102/1952.

Zimbabwe has general compliance to international standards on child care and family responsibilities. Convention 156 and Recommendation 165 of 1981 on workers with family responsibilities has direct provisions for rights of workers with family responsibilities which are not directly provided for in Zimbabwe Constitution and Labour Act. Though no direct provision in sections 24(2)(b) and 25(a) can be used to enforce the rights and assistance with child care responsibilities. Article 5(b) of CEDAW provides for upbringing and development of children as common responsibility between men and women. Article 19(4) of SADC Protocol on Gender and Development provides for the right to protection and benefits for women during maternity and paternity leave. There is no paternity provision in Constitution and Labour Act as such it is not in compliance with the international standards.

2.12 Reasons for non-fulfilment

Generally not all ILO Conventions were ratified by Zimbabwe therefore there is no obligation on the State to fulfil the provisions. The ILO conventions that Zimbabwe has ratified were not domesticated in the national legislation. Section 34 of the Constitution provides for domestication of International law instruments it provides that state must ensure that all conventions, treaties and agreements to which Zimbabwe is a party to be incorporated

into domestic law. Therefore international treaties are not automatically binding they need to be domesticated first. Section 46(1)(c) of the Constitution provides for the obligation by courts, tribunals, bodies to use international treaties and law in interpreting the law. This means that even where there is no domestication courts can use international treaties in interpreting the law.

Resource constraints may be the other reason why Zimbabwe has no public social insurance/assistance providing cash benefits to pregnant women as provide in the SADC Charter on Gender and the Maternity Protection Convention (1952). Mainly those in the formal sector have access to medical benefits on maternity, through medical aid schemes, subsidized by employers. The Labour Act has no express provision on medical benefits to women on maternity but it can be inferred on the right to non-discrimination in payment of remuneration. Some employers like in the agricultural sector are not paying for maternity leave which is contrary to international provisions. Employers feel that this is an expense that should be borne by the state. As capitalists, employers want to maximize their profit by cutting down on an ancillary expenses.

Lack of political will is another reason why Zimbabwe is not fulfilling some of the international law instruments. State may feel that women issues are not real issues and therefore not crucial. For instance there has been purposeful ratification of some Conventions that are gender neutral and some that are specific to women have not been ratified. Women are underrepresented in decision making; moreover there are no women who hold decision making positions within the Agriculture Ministry. The problem will be that women farm workers will not be the most important workforce to the law makers, farm owners are usually the most important people to the parliamentarians.

Legal awareness and resources may be another reason why Zimbabwe is not fulfilling the international standards. Lack of awareness is a major obstacle to the implementation of women farm workers rights. Many women farm workers do not know their rights. In the case of those who know they cannot afford to bring their cases to court where lawyers are needed. Farm workers unions and NGO's can improve the access to legal information, legal assistance, training, presentation and awareness.

2.13 Conclusion

The law review shows that even if Zimbabwe has incorporated some of the human rights conventions and instruments in the Constitution as the Labour Act there is still a problem. The problem is that of implementation of the law and domestication of some of the international conventions that are specific to women. On the ground women farm workers are not enjoying their rights such as paid maternity leave and right to social security. In the next chapter I will outline the methods that were used to carry out the research as well as the struggles I faced during the research and how I managed to circumvent them.

CHAPTER THREE

3.0 METHODS, STRUGGLES AND CIRCUMVENTION



Figure 3: Photograph of women farm workers working on one of the commercial farms

3.1 Introduction

Have you ever prepared to do something and you have all the confidence that you are going to do it without any problems suddenly when you start to do the thing it emerges that you were all wrong and it is not as easy as you think. This is exactly what happened to me when I went to conduct this study. I was confident that since I was a lawyer and an ex-magistrate in that province I had some influence and my study was going to be so smooth and I was going to get all the information without any difficulties. To my surprise everything was not going the way I had planned it would and for a moment I just thought let me leave it and look for another topic. This chapter is going to reveal the methods and methodological approaches that I used to investigate the employment conditions of farm women workers, their lived realities, what was on the ground and how the actors and structures were involved in all the issue of employment conditions of farm women workers. The methods and methodological approaches were also used to establish how the farm women workers were being affected by the situation and analyse the situation on a human rights perspective. The chapter will also reveal the struggles that I faced during the study and how I circumvented some of the struggles.

Besides using the relevant literature and law on the topic I conducted one on one interviews with the women farm workers and a few farm owners. I also conducted in-depth interviews with the key informants from NSSA, farm workers union and relevant government ministries. In addition I visited eight schools I wanted to gather information on whether they were any farm owners who were paying school fees on behalf of their workers. The issue of school fees came as an emerging issue when I was conducting my study. I visited four farm and the interviews were based on my assumptions. On each farm I interviewed five or more workers. The field interviews were conducted in order to gather data on the employment conditions such as paid maternity leave, pension schemes, minimum wage, and family responsibilities among other things. Due to some limitations during the study such as my topic being associated with politics, walking long distances, resistance from farm owners and difficulties accessing the farms my sample was affected.

3.2 Farm owners

The way I had planned to start my research was to randomly select a commercial farm and introduce myself to the farm owner and seek for his permission to interview the owner as

well as the farm workers. The first farm I visited belonged to a farm owner whom I knew personally. At the farm I managed to interview the farm owner and his foreman (who was actually a woman) using the one on one interview method. The method helped to obtain information from the farm owner and the foreman separately as well as in private places as we had used their offices to conduct the interviews. Interviewing the farm owner whom I knew personally helped so much in that from my own observation he was giving information freely without fear and he was giving me the correct situation at the farm. The responses that were given by the farm owner that women farm workers were employed as unskilled workers, were being paid below the minimum wage, were not being granted medical, pension scheme and paid maternity leave was confirmed by the foreman when I interviewed her.

At the same farm I could not interview the women farm workers on the same day so I had to come back the next day. I was told to arrive at around 12pm the next day, when I observed that there was a woman who was working in a potato field with her child strapped on her back. The women were then called by the farm owner and I had a focus group discussion with ten women including the foreman. The focus group discussion took us about two hours, the women were pouring out the challenges that they were facing at their work place. I observed that because I had explained to the women that I was a student but the way they were sharing with me their challenges showed me that they believe I was going to help them somehow. The focus group discussion brought out the issue that the women farm workers were not aware of some of their rights and entitlements. It was clear that their human, legal and labour rights and entitlements were being infringed by their employer. The women mentioned that they were being called permanent workers but it was not on paper this was because their employer only registered a few people with NSSA and he said it was because they were permanent workers. So to them they believed they were casual workers but they work throughout the year and have been on the farm for more than five years. The situation was really confusing and from that discussion I decided that I had to visit the NSSA offices and the Ministry of Public Service, Labour and Social Services for more information.

Everything had gone down so well on the first farm so I decided to randomly select another commercial farm. The second farm that I visited was owned by a black farmer and he was politically involved. I had introduced myself and the purpose of my study and I expected the farm owner to understand and give me a go ahead with my study on his farm. This was not the case the farm owner actually thought that I was from the opposition party and I wanted to

expose farmers. He actually threatened me and I had to think of strategy to access some of the farms who had similar owners. I knew that the farm compounds were far from the farm houses so I decided to sneak into the farm compounds without the knowledge or authority of the farm owner.

Since I had not made it on a black owned farm I decided to visit a white owned farm. The response and reaction were the same in that the farm owner refused to be interviewed and suggested that I send a questionnaire to his email so that they can answer the questions and get the information I needed from them. Indeed I prepared a questionnaire (see Appendix 1) which had scale questions; open ended and closed questions. 5 months have passed since I wrote that email and it has not been responded to. I had also intended to use the questionnaire to get information but it was never used because I had difficulties in accessing the farm owners.

3.3 Access to the farms

I managed to interview another farmer this was because I also knew him personally. I had a one on one interview with him not at his farm but we met in town. What I managed to gather from the interview was that as new farm owners they had no money to pay their workers, he was having difficulties in accessing loans as such they were not utilizing the whole piece of land. He mentioned that only permanent workers were granted paid maternity leave, no medical aid or pension scheme was being granted to the workers. After the interview we then agreed that I would visit their farm the following week and interview the farm workers. Some days after when I called him reminding him that I was coming to interview the women farm workers at their farm he advised me that it was no longer possible because his mother was also involved in politics if they allow me to do the study at their farm it would look like they had sold out the party they are affiliated to. This made me believe that access to the farms and interview farm workers was going to be difficult.

My new strategy as I have mentioned earlier was to sneak into the farm compounds since I knew they were a bit far away from the farm houses. I used public transport to the farms and would drop off at the main road then walk to the farms. I didn't want to use my car even though the distances were long. At one time I had to walk 10 km to and from one of the farms. The reason why I did not use my vehicle was because it would raise suspicion and I

did want that to happen. I would wear long dresses and long skirts and a hat when visiting the compounds so that I would fit in and would not face resistance from the women farm workers that I was targeting.

At the first farm that I managed to visit without authority I managed to have one on one interviews with eight women. When I arrived I was directed to one of the first houses where the compound starts by a school-girl whom I had walked with from the bus stop. There I met a man who said that he was a contract worker at the farm. I had a one on one interview with him and he then led me to five other respondents whom I interviewed using one on one interview method. The next compound that I sneaked into I managed to randomly select compound houses where there was someone at home since I had arrived there whilst some of the farm workers had left for work. At this farm I managed to individually interview six respondents, i.e., two men and four women. As I conducted the interviews I observed that there were few men who were in the compounds. I asked why the situation was like that from my respondents they mentioned that the major problem which was affecting both men and women was non-payment of wages as such many men were opting for other surviving means like illegal gold panning. They mentioned that illegal gold panning was the immediate option for men in order to survive as such they leave the farms and their families in search for greener pastures there. As for women some of them mentioned that it was much better to stay at the farms even though their employment conditions were bad because of the children. If they leave for greener pastures elsewhere who will look after the children. Some mentioned that their employers were paying school fees for their children as such they could not leave the farm even if they were being paid below the minimum wage. For them their children's education was more important than anything else as such for them it was better to stay because it is very difficult to find a farmer who pays school fees on behalf of your children.

The last compound that I sneaked into I had to use a different strategy. In the area where I had randomly selected a white farm to conduct my research and was refused authority from the farm owner I knew a pastor from our church. After the white farmer refused to be interviewed I knew that I had to do something in order to interview his employees without him knowing. I then asked my pastor if there were any members from our church who worked at the farm unfortunately there were no members. He then introduced me to another pastor from a different church that had members from the farm I had targeted. We then agreed that

whenever he was going to conduct a Bible study there as he used to I was going to accompany him and try to interview the farm workers.

On the day we managed to go to the farm I had focus group discussion with two men and three women farm workers. The Pastor introduced me and explained to his church members that they were not going to have a Bible study but a discussion with me talking about their employment conditions. The focus group discussion was very fruitful and just observing the demeanour from both the men and the women they were ready to give information and they were even asking me questions about what were their rights. They even mentioned that they were members of farm workers union but they did not know about their rights. Some of them were of foreign origin and mentioned that they were going to stay on the farm until they die because they had nowhere to go and they considered the as their only home.

3.4 What was the next step?

I had collected all the information I needed from the farm owners and women farm workers and their information led me to the actors and structures that were relevant to my study. I had individual interviews with official from the NSSA, Ministry of Public Services, Labour and Social Welfare, GAPWUZ, Registrar Generals office, Immigrations office and schools. The actors and structures approach showed me that the law to protect and fulfil rights and entitlements of the women farm workers is there but implementation is the problem. The labour officer whom I interviewed mentioned that as a Ministry they are mandated to protect, provide and promote fair labour practices but he does not have the power to force the farm owners and do the right thing because of the political environment in the farming areas.

The official from NSSA mentioned that it was mandatory for every farm owner to register her/his workers with NSSA and contribute to it whether the worker is casual or seasonal worker. He went on to mention that the problem is that most of the farm owners are big fish in politics and people fear that if they want to try and force the farm owners to contribute to NSSA they will be intimidated and most of the time they just leave it like that. The representative from a farm workers union even confirmed that at the white owned farms they are trying to provide fair labour practices and as a union in those farms that is where they have many members as compared to the black owned farms. He stated that the reason why

they did not have many members at the black owned farms was because of the political environment and they fear intimidation by the farm owners.

3.5 Conclusion

During the study I encountered methodological challenges but I managed to circumvent them. My sample size was affected but I managed to gather all the information I needed from farm owners, women farm workers and the actors I interviewed. I really wanted to use the questionnaire to gather information from farm owners but unfortunately I never got the chance to use it as a method of collecting information on women farm workers. The questionnaire which was not responded to did not affect the information I wanted to get because I managed to interview the women farm workers themselves who narrated to me how they were being treated by their employers. It is my contention that the sample size did not affect my findings in any way.

CHAPTER FOUR

4.0 PRESENTATION AND DISCUSSION OF FINDINGS



Figure 4: Photograph of farm workers at home during the weekend

4.1 Introduction

‘Workers at a private company, Dorking Dairies have gone for close to five months without pay and outstanding back payments from July 2012 forcing their children to drop out of school. The company is arguing that it is not making profit. The workers union at the company...approached the courts and Dorking was ordered to pay all outstanding back payments in September but until now, the company has not paid a cent to the workers although its products are still on the market.’

(Nehanda Guardian, 21-27 October 2013)

The above is an example of the stories that are published in the local news papers. The stories are mainly about wages of farm workers. In this chapter I am going to focus on the experiences that women farm workers experience whilst working. I will focus on the employment conditions and how non-fulfilment of their rights and entitlements is affecting them. The chapter will also highlight the reasons why there is no implementation of the law on the issue of women farm workers employment conditions.

4.2 The respondents

Table 1: Showing the categories of respondent farm workers

Sex	No. of years at the farm	Permanent workers	Casual workers	Seasonal workers	Retired workers	Total
Female	5-34 years	4	17	2	2	-----
Male	5-34 years	3	0	1	1	-----
Total	-----	7	17	3	3	30

All the farm workers have been employed in their current jobs for more than 5 years. Out of 27 workers 20 are employed as casual and seasonal workers. This shows a high level of non permanence of employment, which is not in line with the Labour Act. Section 12(3) of the Labour Act provides that a casual worker shall be deemed to have become an employee on a contract of employment without limit of time on the day that his period of engagement with a particular employee exceeds six weeks in any four consecutive months.

'Ndakatanga kushanda pano pafarm muna 2007 ende ndinouya kubasa mazuva ose ndiri mucasual worker.'

(Meaning, 'I started working at this farm in 2007 and I came to work every day, I am a casual worker.')

The above statement was made by one of the women farm workers. The study showed that women farm workers do not know that they should be employed as a permanent worker if one works for more than six weeks in four consecutive months. The women farm workers believed that it was at the farm owners' discretion to say who is a permanent worker and who is not. One farm owner had this to say on the issue of permanent and casual workers:

'I have told my workers that only permanent workers are entitled to a pension scheme as such I have few permanent workers the rest I tell them that you are casual workers.'

The farm owner had the knowledge that he is supposed to contribute to NSSA and he keeps his workers ignorant of their rights. This shows that NSSA representatives are not doing their job properly they are supposed to protect the women farm workers and let them be granted their pension schemes. The farm workers unions are also to blame as it is clear that the women farm workers do not know their rights and entitlements yet it is the duty of a farm workers union to educate and protect the farm workers.

During the post-independence years Amanor-Wilks (1995) said stringent labour regulations were introduced in an attempt to force some improvement in the relations between farm owners and farm workers. Under the new Labour laws employers were barred from dismissing any worker without first sending a written submission to the government through the Ministry of Labour. She went on to say that farmers then responded by shedding labour, increasingly seasonal workers were taken on from the communal areas to do the jobs formerly done by permanent workers without the protection of the labour laws. From my study the seasonal workers are not from communal areas they actually stay at the farm and many of them have been at the farm for nearly 10 years. The casual and seasonal workers explained that they do similar work that is done by permanent workers but they are told they are casual and seasonal workers as such they cannot enjoy the same rights like pension schemes as the permanent workers do which is contrary with the Labour Act and National Social Security Act.

4.3 Minimum wage, wages and rations

Below is an extract from the wage settlement in various NEC sectors in 2013.

Table 2: Showing an extract from the wage settlement in various NEC sectors in 2003

NEC/SECTOR	SUB SECTORS	BASIC PAY	ALLOWANCE		TOTAL
			HOUSING	TRANSPORT	
AGRICULTURE	GENERAL	59.00	35.00	-----	94.00
	HORTICULTURE	70.00	35.00	-----	105.00

According to the minimum wage settlement in 2013 the minimum wage for a general worker in the agricultural sector was US\$94.00 per month which included basic pay and housing allowance. In my study I found that farm workers knew that there was something called the minimum wage but they did not know the exact cash amount. The women farm workers had no idea of the details of the minimum wage settlement. As the civil servants advocate for a minimum wage linked to the poverty datum line which currently stands at about US\$570, farm workers are unlikely to be heard. One newspaper article commented as follows:

‘In some sectors such as agriculture, the General Agricultural and Plantation Workers Union Zimbabwe (Gapwuz) have taken wage negotiations to arbitration. However most employers have applied for exemption citing failure to pay, something which is becoming “more of a habit”, according to Gapwuz secretary general Gift Motsi. “Some groups of employers in some of the sectors have developed a tendency of challenging arbitration awards”, Motsi said, “although there are some who recognise that it does not help to continue fighting on agreed issues.” Motsi said collective bargaining in 2014 was likely to be a struggle for the agricultural sector’ (Zimbabwe Independent, 10 January 2014).

Table 3: Showing details of wages and rations of farm workers of 4 farms

Categories of workers	Wages			Rations
	General workers	Foreman	Skilled workers, e.g., drivers	
Farm No.1	US\$25 per month	US\$ 40	US\$ 50 (contract worker)	none
Farm No.2	US\$40 (casual worker) US\$44 (permanent) US\$2 per day (seasonal worker)	US\$ 40+	US\$ 40+	20 kg maize meal Fresh produce
Farm No.3	US\$42 (permanent) US\$27 (casual worker)	US\$42+	US\$42+	none
Farm No.4	US\$87 (permanent) US\$72 (casual worker)	US\$87+	US\$87+	Basin of Mealie meal 100grams pork or 1 or half fish (per day)

All the respondents earn below the minimum wage despite the publication of the minimum wage settlement in 2013. There are also wage disparities among the four farms. The lowest wage was US\$25 per month and the highest was US\$87 per month. These disparities confirm what was mentioned by the farm workers union representative that at the white owned farms that is where the minimum wage is being implemented. At a white owned farm general workers are being paid US\$87 per month plus ration. If we are to add up the two it sums up to US\$94.00 or more per month. Workers who earn between US\$25-US\$44 per month work on black owned farms.

The black farm owners I interviewed pointed out that they were unable to pay the minimum wage due to high farming costs, low income from farming business and under utilization of the pieces of land. What is disheartening is that women farm workers are mainly employed as casual workers and the men as permanent workers. The men and the women are employed as general workers doing similar work but when it comes to payment they are given a wage which is below the men because they are casual workers. Furthermore if a worker misses a day they will be deductions from the month's wage. My study shows that this affects women

more than men due to child care and family responsibilities. One women farm worker had this to say:

‘Dambudziko riripo nderekuti mwana akarwara kana kuti murume akarwara ndinotofanirwa kuvapepa vanhu ivavo. Nyangwe ndikagara mazuva nemwana kuchipatatra murungu wangu haanei nazvo anongobvisa mari, zvekuti kupera kwemwedzi unogona kuzotambira kana 15 dollars chete kunze kwe25 yacho yepa mwedzi.’

(Meaning, ‘The problem is if my child or husband gets sick I have to take care of them. Even if I spent some days at the hospital with a sick child my employer does not care he still deducts money, of which at the end of the month you end up earning US\$15 instead of US\$25 for that month.’)

Section 12A(6)(a) and (c) of the Labour Act stipulates that no deduction or set-off any description shall be made from any remuneration except where an employee is absent from work on days other than industrial holidays or days of leave to which he is entitled, the proportionate amount of his remuneration only for the period of such absence and where an employee has received an advance of remuneration due, the amount of such advance, up to an amount not exceeding twenty-five per centum of the gross remuneration owed.

Farm owners are alert to such provision that puts them at an advantage but chose to ignore provisions that provide for example the right to a minimum wage. A women farm labourer who is earning US\$25 per month if she is absent due to child care or family responsibility other than on leave deduction of money are made from her wage. This is a good example of exploitation of women farm labourers.



Figure 5: Photograph of a daily ration of rough porridge given to farm workers

The most common ration which was being received by farm workers was the mealie meal. Figure 5 (above) shows the rough mealie meal which was being received on one of the farms. The rough mealie meal is also used to feed pigs. The women farm workers that I interviewed mentioned that they are supposed to eat the mealie meal and the meat they are given per day at work. The women had gone for five months without pay as such they do not cook the food at work instead they take it home to feed their families since they do not have money to buy the food because of non-payment.

4.4 Pension scheme and citizenship

Below is a table which shows how many respondents were registered and those that were not registered with NSSA.

Table 4: Showing workers who are registered or unregistered with NSSA

Categories of workers	Number of workers	Are you registered with NSSA YES/NO
Permanent workers	7	Yes
Casual workers	17	No
Seasonal workers	3	No
Retired workers	3	Yes

According to the NSSA Act early retirement age is 55year, normal retirement age is 60 years and late retirement age is 65years. A person is qualified for pension when she/he retires and has reached the retirement age. That person should contribute to NSSA at least 120 months (10 years) so that they are able to get pension funds. A Death Refund is paid to a person who has reached the retirement age and has contributed for less than 12 months. A funeral grant is given to one who has contributed for 12 months and above but less 120 months. NSSA scheme is based on 50/50 contribution by both the employer and the employee. NSSA set an Insurable Earnings Ceiling of seven hundred (US\$700) per month as such both the employer and employee are supposed to contribute 3.5% of basic wage. The total of 7% is supposed to be paid to NSSA.

According to the wage settlement in various NEC sectors in 2013 the basic pay for general workers in the agricultural sector was US\$59.00 per month. If a general farm worker is to contribute 3.5% of US\$59.00 per month it will be US\$2.065 plus 3.5% contributed by the employer of that same basic pay of US\$59.00 which is US\$2.065 it will add up to US\$4.13

per month. If a person wants to get a pension fund s/he should contribute for at least 120 months (10 years). If we are to calculate 120 months by US\$4.13 per month the pension money will be US\$495.60. General women farm workers are earning even less than the gazetted basic pay of US\$59.00 per month. On one farm general farm workers are earning US\$25.00 per month this shows that if they are to contribute to NSSA the money will be even less than US\$495.60 after retirement.

Table 4 (above) shows that seasonal and casual workers were not registered with NSSA the reason was that they were not employed as permanent workers. According to NSSA casual and seasonal workers also qualify to be a pensioner that is if they were registered by their employer. Article 6 of the Part Time Work Convention 175 of 1994 provides that statutory security schemes which are based on occupational activity shall be adapted so that part time workers enjoy conditions equivalent to those of comparable full time workers; these conditions may be determined in proportion to hours of work, contributions or earnings or through other methods consistent with national law and practice.

Below is Table 5 showing the number of respondents who had ID's as well as those who are originally from Zimbabwe.

Table 5: Showing details of the citizenship and origin of farm workers

	Do you have an I.D?	Are you originally from Zimbabwe?
Yes	23	13
No	7	17

Seven farm workers had no IDs and twelve of them were originally from Malawi, Zambia and Mozambique this shows that although many have I.Ds they were either in born Zimbabwe with parents who are non-Zimbabweans or entered Zimbabwe during the colonial era. There is a possibility that the seven who have no I.Ds are going to have problems if they retire and need to claim their social benefits from NSSA. Acting Administrator from NSSA stated that their objective is to ensure that employees are protected from injuries whilst on duty and cushion employees when they retire. According to the NSSA Act the early retirement age is 55 year, the normal retirement age is 60 years and the late retirement age is 65 years. A person is qualified for pension when she/he retires and has reached the retirement age. That person should contribute to NSSA at least 120 months (10 years) so that they are

able to get pension funds. The Death Refund is paid to a person who has reached the retirement age and has contributed for less than 12 months. A funeral grant is given to one who has contributed for 12 months and above but less 120 months.

Farm employees are entitled to pay slips but if not available the farm owner should have wage books. Employees sign the wage books to acknowledge their salary. Employers deduct three and half percent from the employee's salary and the farm owner contributes his own three and half percent and the money is then deposited into NSSA bank account or they bring the money to NSSA offices. To claim for NSSA funds one should present the last pay slip or if the farm owner was using wage books the employer should write a confirmation letter.

The employer can contribute but the employee cannot claim if she/he doesn't have an ID. NSSA is in liaison with Farm workers union to educate employees on the importance of IDs. NSSA also is in an arrangement with RGs office to have mobile centres so that employees can obtain ID's. Nationality doesn't matter as long one has an ID. The Labour Act allows anyone to work as such NSSA cannot refuse to award pension to foreigners. Three and half percent is calculated from one's basic salary even if one is not being paid the minimum wage. Seasonal also qualify to be pensioners their months of contribution are added up until they reach 120 months. Seasonal workers also qualify if their employer registered them and has been contributing. If a farmer is not contributing they can take the matter to court and a garnishee order is enforced.

The official from the Registrar Generals office stated that according to the Old Constitution an alien was a child below the age of 18 years born outside Zimbabwe but with parent's born in Zimbabwe or a child born in Zimbabwe but with either one or both parents born outside Zimbabwe. What used to be done was that they would check if the child was born in Zimbabwe and if the parents were born outside Zimbabwe give that child alien status. Under the new Constitution every person born in Zimbabwe with parents outside Zimbabwe is now deemed a citizen by birth. A person who is born outside Zimbabwe with parents born in Zimbabwe is now deemed a citizen by descent. A long birth certificate is needed to obtain an ID. This is because a long birth certificate identifies the parents or guardian of the child from names up to ID's whereas short birth certificates provides only for the child information.

The other groups of people who are deemed to be aliens are the people who came into Zimbabwe 1995 but it was later extended to 2001 or those who entered during the colonial era and these are called 'Total Alien'. These people were given ID's without birth certificates because many of them had no parents in Zimbabwe. The procedure for the people who entered into Zimbabwe before 1995 was that one would come and complete a form and the form was taken to the Immigration offices. At the Immigration Offices the person was then interviewed and then a response was sent to the Registrar's General office confirming that the person entered into Zimbabwe before 1995. The confirmation would allow the person to get an ID written 'alien'. That person to become a citizen of Zimbabwe was supposed to pay US\$5000 which beyond the means of farm workers. This situation hasn't changed up to now. Section 38(2) of the Constitution provides that any person who has been continuously and lawfully resident in Zimbabwe for at least ten years and who satisfies the conditions prescribed by an Act of Parliament is entitled on application to be registered as a Zimbabwean citizen. The Constitution is clear but the fee of US\$5000 is exorbitant and prohibitive. Some farm workers have been residing in Zimbabwe for nearly thirty years but they are not registered as Zimbabwean citizens because of the prohibitive fee.

Out of seven farm workers who had no they were four women farm workers who were aged between 51 and 68 years old and were not registered with NSSA. The workers are about to reach retirement age and the one who is 68 has since passed the late retirement age. My findings show that only 10 out of 30 respondents were registered with NSSA and the reasons were that they were not employed as permanent workers and they didn't know that they were supposed to be registered with the compulsory scheme.

Article 21(1) of the Convention Concerning Safety and Health in Agriculture 184 of 2001 provides that in accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non fatal occupational injuries and diseases, as well as against invalidity and other work related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors. The convention is clear that anyone who is employed in the agricultural sector should be covered by a social security scheme in case of injuries or other work related risks. It does not matter whether a worker is a casual or seasonal worker or permanent that is why NSSA has made it a compulsory scheme because any one can get injured whether a casual or permanent worker should be covered.

4.5 Medical aid and maternity leave

Below is a table showing number of farms were paid maternity leave is granted.

Table 6: Showing farms that grant medical aid and maternity leave to their workers

	Are you granted medical aid	Are you granted paid maternity leave
Yes		Farm 4
No	Farm 1, 2, 3, 4	Farm 1, 2, 3

None of the farm owners grant medical aid to their workers. On farm No. 1 the farm owner explained that if a worker has a head ache or is cut during work, she/he is given pain killers, a bandage and warm water with salt as a treatment. If a worker has other diseases that need more than a painkiller or more attention, the employee looks for his own money to go to the clinic. If the employer assists the worker with money it is later deducted from her/his salary at the end of the month.

Article 7(a) of the Part-time Work Convention 175/1994 provides that measures should be taken to ensure that part time workers receive conditions equivalent to those of comparable full time workers in the field of maternity protection. This means that paid maternity leave should be available to casual as well as seasonal women farm workers. Farm number 4 was a white owned farm and only permanent workers are granted paid maternity leave. Farm number one to three were black owned farms and there is no paid maternity leave. Women on these farms are allowed to go on maternity leave as long as one wants. One woman had this to say:

‘Pandakaita pamuviri ndakarega basa ndisisazwe zvakana pasina mazuva maviri ndakabva ndasununguka mwana wangu kuchipatara. Kwopera masvondo maviri ndakadzoka kubasa nekuti ndaida mari yekuriritira mwana wacho.’

(Meaning, ‘When I was pregnant I left my job because I was not feeling well. After two days I gave birth to my child at the hospital. After two weeks I went back to work because I needed money to take care of the child.’)

Women on farms are allowed to go for maternity leave with their employers but without pay. One farm owner mentioned that the women can go anytime and come back whenever it suits

them because the women will need the money; as such they prefer to work until they give birth and return to work as soon as possible.

Amnesty International Australia (2008) stated that the denial of paid maternity leave enables inequality and discrimination to proliferate. Paid maternity leave is vital to achieving equality and eliminating discrimination in economic, employment and social spheres. Paid maternity leave is not a luxury that should be subject to questions of productivity, it is a basic human right.

4.6 Retirement and retirement packages

Below is a table showing the country of origin of the respondents.

Table 7: Showing the origin of the respondents

Country of origin	No. of respondents
Zimbabwe	13
Other (Mozambique , Malawi, Zambia)	17

Farm workers stated that they prefer staying on the farm after retirement. The reasons were that they have been staying on the farm for too long some even for more than 30 years and they have families and relatives at the farm. The other reason was that many of them are of foreign origin as such they do not have anywhere to go after retirement. The farm has become their home. One women farm worker said:

‘Inini ndakabva Mozambique kana ndakasiya basa ndinogara pano pafarm kunze kwekuti vana vangu vamwe vanoshanda pano nevamwe vanoshanda pafarm riripadhuze nepano vafunga zvekunditengera musha ndinoenda kunogara pamusha pacho. Dambudziko riripo nderekuti musha iri pedyo nesu yacho inoita 600 dollars ende handifunge kuti vana vangu vangazvikwanise saka ndichango gara pano.’

(Meaning, ‘I came from Mozambique when I retire I will stay on the farm but if my children who are also employed at this farm and other neighbouring farms decides to buy me a piece of land at the communal lands I will go and stay there. The problem is the nearby communal pieces of land are going for US\$600 and I don’t think my children can afford that, so I will have to stay here.’)

No one on any of the farms in the study is given a retirement package after retiring. The retiree is given that month’s salary and leaves with her/his luggage. If the retiree has relatives

or children at the farm she/he can stay at the farm with them. If she/he has relatives on other farms she/he can go and stay there. At farm number one if a retiree does not have a relative anywhere s/he is allowed to stay but has to pay US\$35 per month because the farm owner says that he needs to provide accommodation for another employee.

4.7 Occupational mobility

All the respondents have been working at the farms for more than five years. The workers are facing many problems at the farm which include low income among other problems but they cannot afford to leave the farms. At one farm the women farm workers stated that they cannot afford to leave the farm because their employer was paying school fees for their children on behalf of them. One headmistress confirmed that there were farm owners who were paying school fees on behalf of their workers. To her this was a positive action towards education. She went on to state that whilst the farm owner was sending his children workers to school they have a food scheme at the school whereby they provide *Maheu* for the children to drink as such it encourages them to come to school and the school has actually improved on their results because of that. One women farm worker had this to say:

'Inini nyangwe ndakapihwa mari shoma handibve pano nekuti zvinonetsa kuwana murungu anobhadharira mwana schoolfees ende ndozvakakosha izvozvo.'

(Meaning, 'Even if I am getting low wages I won't leave this farm because it is very difficult to find a farm owner who pays school fees for workers children and that is very important to us.')

The young women who had no national IDs stated that if one wants to work as a domestic worker were one is paid at least US\$80 per month, the employer will ask for an ID for security reasons as such cannot look for a job elsewhere. As such they prefer staying at farms where an ID is not an issue. The women went on to state that if one looks for alternative employment it is very difficult because you will need to pay for accommodation and even money for transport so for them it is better for them to stay at the farm where you are given accommodation and you do not need to travel to work.

4.8 Women, work and child care

ILO (2006-2010) stated that as the industry developed, work went beyond the households becoming more specialized and families became smaller too. Today when the able bodied

family members are at work often there is no one to look after the children and the old. Family responsibilities are more difficult to combine with work: the balance has tilted. Women are more clearly specialized in household tasks, taking care of children and the old while men become the main breadwinners. ILO (2006–2010) went on to state that such imbalance between work and family responsibilities, first of all affects women because they bear children. Pregnancy, delivery, breastfeeding and child care are hard to combine with a full-time job and a high workload. Given their tensions, women often sacrifice their professional careers to family responsibilities.

Only one farm has a pre-school and a child minder who goes to the field with women to the field and looks after children whilst they work. On the other farms women take their children with them to the fields. One farmer mentioned that women are supposed to teach their children to play near the fields. For the little babies the woman has to strap the baby on her back in order to work in the field. This increases stress and pressure for women whilst at work.

ILO (2006-2010) pointed out that Norway has a system of parental and paternity leaves. Parents are granted parental leave by turn until the child turn 3 years old providing that neither of them spends more than of 2 years at home. It is done to keep the parents on the labour market after having a child so that they could resume work. The state either pays 100% of their wages during the first 44 weeks after the child was born or 80% of the wages during the first 54 weeks. Experience shows that it is mothers who usually take such leave. However, the state is pursuing a policy that engages men in sharing family responsibilities. Norway was the first country to pass a law on a so called father's quota, which is a 5 week, paid paternity leave. At present, more than 80% of fathers take such leave.



Figure 6: Photograph of one of the women farm workers working in the field with her child strapped to her back

4.9 Farm workers' unions

Farm workers unions are there to represent, educate and train farm workers on their labour, legal and human rights. During the study I found out that there are numerous reasons why the farm workers union seem to be of none importance to some of the farm workers. The Organising Secretary and a Peer Educator of one of the farm workers union said the organisation represents farm employees who are members of the organisation, who are employed on Commercial farms and A2 farms that is if the employer has 5+ employees. They market by visiting farms and advertising their organisation. Whoever accepts signs a stop order form. They charge a subscription fee of 2% of one's salary. People are not forced to join the organisation. Members are represented on their rights and interests.

They conduct educational workshops and educate workers on what is enshrined in the Labour Act. They represent them from conciliation stage. If the agreement is not favourable they

refer the matter for arbitration. If the award is not favourable they appeal to the Labour Court on the question of law. If the amount in dispute is less than US\$10000 they register with the Magistrate court if it is more than they register the matter with High Court. If a person is not a member there is a consultation fee of US\$2. If the matter succeeds the union gets a third of the amount. Many women are employed as seasonal or casual workers but due to presentation it is now changing. Women are usually forced to sign seasonal contracts of employment. A number of farm owners now employ women as permanent employees and they are now enjoying their right to maternity leave.

He stated that minimum wage for general agriculture is US\$65, horticulture US\$78 and agro industry US\$90. Many women are not aware of their rights. Members of farm workers unions are some of the people who know about their rights. Women feel that they are inferior as such they are not in workers committees. Their organisation represents employees from 10 farms out of 27 farms. Zimbabwe lawyers for Human Rights, Legal Resources Foundation and Labour, Economic and Development Research Institute organizes some workshops with their union and educates them on gender equality, non-compliance, minimum wages, unfair dismissal and non-provision of vocational leave.

He mentioned that as the Organising Secretary and a Peer Educator whenever he visits member farms he educates members on their fundamental rights, HIV/AIDS, code of conduct and discrimination. He recommended that work councils should be established at every member farm so that employers and employees update each other now and again on the working conditions.

From my study half of the farm workers knew about the farm workers union and half of them had no knowledge. On the black owned farms the workers confirmed that the union had visited the farm but they did not know the name of the union and they were not members.

The workers who confirmed that they were members of a union mentioned that the union was not providing any service. They workers had gone for 5 months without pay but the union never negotiated with the farm owner on their behalf. They mentioned that the representative of the union whenever he comes to collect subscriptions he never address the workers on any issue happening at the farm. They stated that the only saw him when he came to register them with the union after that they never saw him again. They said whenever the representative

comes he is given some fresh produce by the farm owner and then leaves without even calling for a meeting with the members.

One farm owner indicated that he did not see the purpose of the union because it is there to mislead and misinform workers about their rights. This shows that some farm workers do not want their workers to know about their rights as such because of the lack of knowledge farm workers rights are being infringed and they do not have anyone to represent them.

Although the farm workers union has some vision on how to protect farm workers they are obstacles that make the whole purpose impossible to fulfil. The Organising Secretary mentioned that they are not funded and they have few farm workers who are members as such they do not have money to have enough resources to fulfil all their obligations. If we are to calculate 2% of let us say the minimum wage of a general worker the contributions per month will be less than US\$1. The subscriptions per month are too low for an organisation to really function well.

4.10 Coping strategies

Below is a table showing some of the coping strategies that the farm workers have resorted to.

Table 8: Showing some of the coping strategies of farm workers

Sex	Coping strategies
Female	Gardening, selling
Male	Illegal gold panning
Both sexes	<i>Mugwazo</i> , stealing

The major problem with farm workers is low wages and non-payment of wages and they have therefore resorted to some coping strategies in order to survive. Women who have access to a small piece of land at farms have resorted to gardening and selling vegetables. Casual and seasonal workers have resorted to *mugwazo* that is piece jobs at neighbouring farms. Their men are now engaged in illegal gold panning activities. Both men and women at one of the farms have resorted to stealing from their employer.

In another piece of research, Mabvurira (2012) reported that about 40 of the 44 respondents who rely on piece jobs on the farms indicated that usually there are no jobs during the dry season which usually stretches from May to October. This is because unlike the white commercial farmers, most new black farmers rely on natural rains and there is no irrigation. This means that the respondents will be short of income during a significant part of the year.

Casual and seasonal workers highlighted that at the farms where they are employed and staying the farm owners are underutilizing the land as such many of them end up not being called for work because the piece of land will be requiring less labour force.

4.11 Emerging issues

4.11.1 Education

Education of children was one of the issues that arose from my study. The women farm labourers on one of the farms stated that they were willing to stay on the farm even if they were receiving low wages because their children were being sent to school by their employer. Amanor-Wilks (1995) wrote that because many farm workers are illiterate, they do not understand the kinds of rights that exist and usually feel they cannot fight for any rights at all. Complex labour laws introduced after independence are still not comprehended by many farm workers who cannot read or write and union activities are limited by poor resources.

From my own observation the women were confident that if their children get educated their lives may be changed in a positive way and one of their goals is that they do not want their children to stay and work on the farms, they want them to go outside the farming environment and live a different life from theirs. With all the effort being put in by parents, farm owners, schools and the government there are still barriers that are not permitting the children of the farm workers to complete or achieve their goals.

One of the headmasters that I interviewed said:

‘The first problem is distance since there is only one secondary school within 14km radius and which is their school. He said children foot to school, the nearest farm where children come from is 3,5km and the furthest is 14km. He stated that there is one farm owner who pays school fees on behalf of his employees. He mentioned that the other problem is that the children after writing their ordinary level they do not go further with their education they

look for employment in the farms. He also recommended that another secondary school should be built so that children do not walk long distance to school. He mentioned that there was a donor who donated 9 bicycles and the school has decided to give them to 9 girls who travel from long distances.’

In another piece of research, Scholarlink Research Institute Journals (2012) also found out that even if farm workers want their children to continue to secondary education, the schools are not available within their reach. Children have to commute to school which is beyond the reach of many

4.12 Conclusion

A lot needs to be done by farm owners to improve the employment conditions. There are good examples of farm owners who are granting paid maternity leave, who are paying school fees, which are have pre schools and child minders at their farms but they are a minority. The government has a role to also play, before independence women farm workers had the worst conditions of employment and even now 34 years down the line the government has done little to change the situation. It is high time that the interests and rights of women farm workers should not be ignored. Land should give life and work to people not to exploit workers. There is land audit being under taken by the government. The government should not leave the women farm workers if they decide to redistribute some of the land which is not being utilized. The women farm workers also need a piece of land to live on, their families and children have been forgotten for a long time. Women farm workers have the right to live with dignity in their country government should remember them in the fulfilment of their rights in the workplace.

CHAPTER FIVE

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Permanence of employment

Most women farm workers were employed as casual and seasonal workers and have been in their current jobs for more than five years. The women were employed as general workers and only one woman was employed as a foreman.

Recommendations

- Government through the Ministry of Public Service, Labour and Social Services should make sure that all the workers who are being treated as casual and seasonal workers who are supposed to be regarded as permanent should be deemed as such.
- The farm workers union should educate women farm workers about their rights and entitlements and should represent its members in order to bargain for better working conditions.

5.2 Minimum wage

The farm workers knew about the minimum wage but they did not know the exact cash amount. The white owned farm is the only farm that has tried to reach the minimum wage and on the black farms the wages are too low. The reason for the low wages was that they cannot afford to pay the minimum wage due to low income from farming business.

Recommendations

- There is a need for farm workers unions to conduct information campaign on commercial farms on the minimum wage settlement among farm owners as well as the farm workers.
- Farm workers should earn which are not below the poverty datum line such that they are able to fend for their families as well as contribute to NSSA and medical aid.

5.3 Farm workers unions

Half of the farm workers had no knowledge of farm workers unions. Farm workers on white owned commercial farm indicated that they were members of a farm workers union. The organising secretary of a farm workers union indicated that he was afraid of approaching black owned farms because he will be intimidated. Those who indicated that they were members of a farm workers union mentioned that the union was not protecting the members in any way.

Recommendations

- Farm workers union should be granted access to commercial farms in order to recruit new members.
- Government through the Ministry of Public Services, Labour and Social Services should provide money to registered farm workers unions to strengthen their organisation in order for them to protect workers' rights.

5.4 Paid maternity leave

Only one farm implemented paid maternity leave. Women farm workers do not know that they are entitled to paid maternity leave. Farm owners are discriminating against women on the basis of pregnancy. In an indirect way farm owners are saying if woman gets pregnant should leave employment because they are not granting paid maternity leave.

Recommendations

- The State should implement strict measures to enforce paid maternity leave as per the Labour Act and impose stiff penalties in the event that an employer contravenes. The Constitution as well as the Labour Act should be amended and provide for a section which mandates every employer to grant paid maternity and any employer who contravenes shall be prosecuted and there should be a compensation of their salary as a sentence.
- There should be state or public funded maternity benefits systems covering all women.

5.5 Social security

Casual and seasonal workers were not registered with NSSA. Farm workers were aware that they should be granted a pension scheme but they believed it was an entitlement to permanent workers only. Retired farm workers did not know how, when and where to claim their benefits.

Recommendations

- Representatives from NSSA should travel around commercial farms in order to register and educate women farm workers on their right to pension.
- The representative should also educate farm workers on how, when and where to claim the benefits.

5.6 Medical aid

There is no farm owner who is granting medical aid to his workers. Farm owners are deducting money from their workers salary if they assist them to go to clinics.

Recommendation

- Farm owners should not deduct money from the farm workers salaries they should pay them the minimum wage and register them with medical aid or the women can engage in informal social security schemes like merry go rounds so that they use the money in cases of emergence.

5.7 Child care

Only one farm had a pre- school and a child minder who takes care of children whilst their mothers work. On the other farms women work with their children strapped at their backs.

Recommendations

- Farmers should build pre schools or child care centres at farms and employ child minders in order to enable women to combine family obligations with work responsibilities.
- Farmers should pay an extra allowance for payment of child care services if there are no child care centres at workplaces.

- The State should include mandatory paternity leave of the same period as maternity leave so as to ensure the removal of classes. It will no longer be the duty of the woman to rear the new born baby. It will be a joint effort.

5.8 Citizenship

There were women farm workers who did not have national identity cards and some school children who had no birth certificates. Total are required to pay US\$5000 to become citizens.

Recommendations

- Farm workers should be taught about the importance of registration documents and the process followed in registration.
- US\$5000 should be scrapped as it is a prohibitive figure for and exorbitant figure for foreign farm workers who need to register as citizens.

5.9 Education

Women farm workers children are walking long distances to school. There are very few secondary schools in the farming areas.

Recommendation

- Government should build more secondary schools in the farming areas.

5.10 General recommendation

Government should domesticate all the human rights instruments that provide rights for women farm workers.

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Appendix 1: Questionnaire

QUESTIONNAIRE

SECTION A

Please tick where appropriate.

1. How many employees are on the farm?

.....

2. How many are women?

.....

3. How many are men?

.....

4. How many women are skilled workers?

.....

5. How many women are semi-skilled workers?

.....

6. How many women are unskilled workers?

.....

7. How many are permanent women workers?

.....

8. How many are seasonal women workers?

.....

9. How many are casual women workers?

.....

SECTION B

Is the pay grade of men and women the same?

YES

NO

How wide is the difference in pay between skilled and unskilled workers?

NEGLIGIBLE

WIDE

VERY WIDE

Do women labourers have pension schemes?

YES NO

How accessible is the pension schemes to the women after retirement?

NOT VERY EASY EASY VERY EASY

If they do not have pension scheme how do they survive after retirement?

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

Where do they go after retirement?

STAY AT FARM LEAVE THE FARM

SECTION C

Do women farm labourers have medical schemes?

YES NO

How accessible is it?

NOT VERY EASY EASY VERY EASY

Are female labourers granted maternity leave?

YES NO

If yes how long is the leave?

.....

Is it a paid maternity leave?

YES NO

If no how do they survive during that period?

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

After maternity leave are women granted time off to breastfeed?

YES NO

If yes how long?

.....

Do women with toddlers come to work with their children?

YES NO

If yes do they work with the children?

.....
.....I

If No where do they leave them?

.....
.....

Does the farm have nursery school facilities?

YES NO

If No where do children of this age group spend their time?

.....
.....

SECTION D

Does the farm keep National Registration Records of its employees?

YES NO

If yes how often are they updated?

.....
.....

If No how does the farm identify its employees?

.....
.....

Are the farm labourers of foreign origin?

YES NO

If Yes what is the ratio to locals?

.....
.....

What is the average time that farm workers remain in employment at the farm?

1-5yrs 5-8yrs 8-12yrs yrs

Are the farm labourers affiliated to any Labour Unions?

YES NO

Is there any information related to any of the above questions that you wish to share?

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