National Labour Legislation in an Informal Context: Women Workers in Export Horticulture in South Africa

Stephanie Barrientos, Andrienetta Kritzinger
and Hester Rossouw

1 Executive Summary

South Africa has undergone an important process of transformation and integration into global markets since the end of apartheid in 1994. This has involved social, economic and political change internally, as well as the expansion of its export industries. Deciduous and citrus fruits are now a prominent agricultural export from South Africa, taking a significant share of the global fruit market for the first few months of each year.

South African exports go mainly to Europe (especially the UK) where supermarkets increasingly dominate food retailing. The larger supermarkets do not use traditional wholesale markets to purchase fruit; instead they use tightly integrated networks of producers and agents who are linked into their global value chains. These value chains are governed by supermarket buyers, who directly affect all aspects of production and distribution. This not only includes strict technical and quality specifications, but also, increasingly, the introduction of social codes determining minimum employment standards that suppliers must adhere to. The better codes cover core International Labour Organization (ILO) conventions on freedom of association, discrimination, forced and child labour, as well as other issues such as wages and health and safety.[1]

As part of its social transformation policies, the South African government has introduced a raft of legislation since the end of apartheid. This includes labour legislation aimed at enhancing the rights of agricultural

Opposite: *Women grape-pickers in the Cape, South Africa.*

workers, as well as addressing inequity based on gender and race. As part of its reintegration into the global community, the South African government has also ratified a number of important ILO Conventions. The combination of government regulation and supermarket codes of conduct represents a potential advance for women working in South Africa's horticultural export sector. They are now formally able to enjoy better conditions of employment and labour rights. These advances are an important part of South Africa's reintegration into the global community.

Women have long been employed on South African fruit farms. Traditionally, Coloured women workers lived on-farm and worked seasonally as required by the grower as a condition of their husbands' employment. Agricultural workers were not covered by government employment legislation. A system of paternalist employment relations prevailed in which the conditions of workers were at the behest of the grower. However, since the end of apartheid, employment relations in South African agriculture have undergone a process of transformation. The industry has been subject to a number of changes, including the rapid introduction of employment legislation and, more recently, social codes of conduct. Some of these changes have had negative and others positive effects on workers, creating both challenges and opportunities for women workers.

However, positive advances have been tempered by a restructuring of farm employment that has led to many workers (male and female) becoming unemployed or moved off-farm. Government legislation has contributed to increasing costs of labour and housing of farmworkers. In a competitive global economy, South African growers have faced volatile or falling real prices and have had to raise labour efficiency to survive. All these factors have contributed to the retrenchment of labour and an increasing use of off-farm labour. Those women workers remaining on-farm with their partners often experience an improvement in their security and conditions of employment. But many women are now employed as casual or contract seasonal workers living off-farm. These workers experience significant problems of low pay, insecure work and, depending on their family circumstances, can endure poverty. However, government legislation and supermarket codes of conduct have the potential to address the problems of casual and seasonal off-farm workers, if they are more effectively implemented.

This chapter examines the implications of the combined legislative and private sector codes that have been introduced for women working in South African export horticulture. The key question it will address is: in the context of labour market restructuring in the fruit export sector, what are the implications of different forms of labour protection through legislation and private sector social codes of conduct for women workers? The paper is divided into four sections. Section 2 examines female employment in fruit export production, exploring the effect of market, supermarket and government changes on employment. Section 3 looks at the changing policy environment which is facilitating improved protection for women workers, both through state legislation and through private sector codes. We will then consider their implications for women workers in the context of the gender hierarchy of work which still prevails in the South African fruit sector. An important issue is whether different forms of enforcement can reach more insecure seasonal and temporary employment, where women are often concentrated, and whether the combination of legislation and codes is able to ensure good employment practice for *all* workers, including women in insecure employment. The final section examines the implications and future prospects of these changes for the sector and beyond.

2 Creating a Favourable Policy Environment

The commodity context

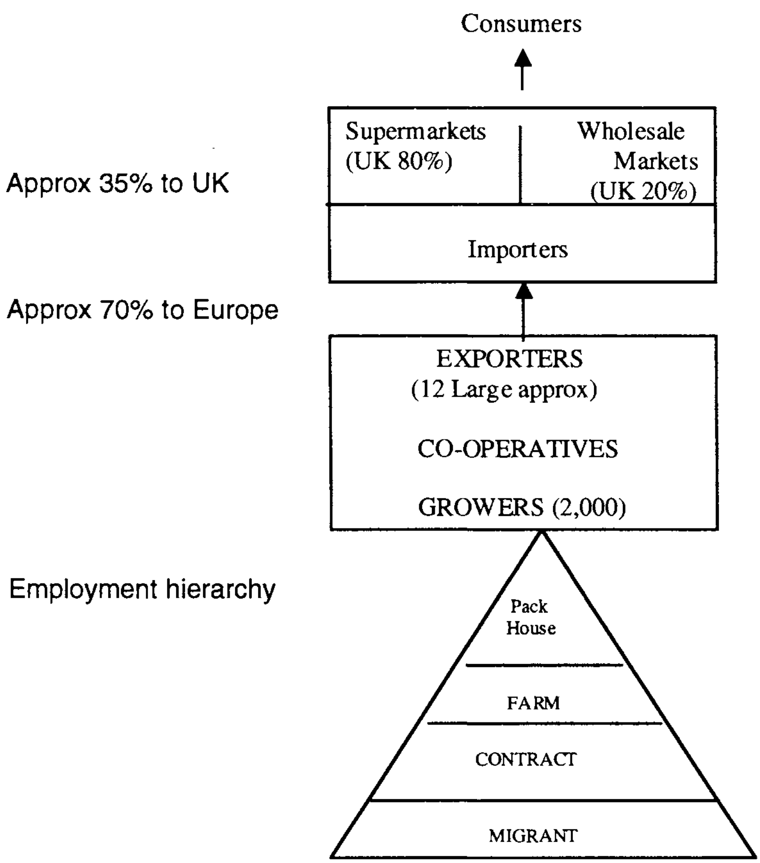
South African exports of deciduous fruit come mainly from the Western and Northern Cape. They make up 20 per cent of the Western Cape's agricultural output and most of the country's deciduous fruit exports which are valued at close to R1 billion (US$1,612,903 million) a year (Greenberg, 2003). It is estimated that there are currently over 2,000 farms in the deciduous fruit sector. South Africa produces its fruit in a particular season from December to April each year; its main competitors in that period are Chile and New Zealand (with China beginning to enter the market as a major future exporter). With globalization, exports from all three countries have been increasing, especially from Chile, and there is increasing global competition. The repositioning of South Africa as an important fruit exporter post-apartheid came about partly as a result of the liberalization of the fruit industry in 1997, when the government-regulated single marketing channel for fruit exports was disbanded. This opened South African fruit producers up to the direct forces of global competition and international quality standards. The latter include employment standards for fruit workers; these, together with the effect of national labour regulation, are the focus of this chapter.

Europe is South Africa's main market, and especially the UK. Between 1998–2003 Europe took an annual average of 67 per cent of South Africa's total fruit exports, with 34 per cent of the total going to the UK (PPECB, 2004). Within the European Union, producers are protected from international competition through tariffs, even though imports contribute only a small proportion of total consumption in the EU. Bilateral trade agreements, such as the South African-European Union Trade Development and Cooperation Agreement (TDCA) do not really assist producers in market access and many products, including much deciduous fruit, have been excluded from the agreement (Greenberg, 2003 quoting Lee, 2002). All these pressures are leading South African producers to cut labour costs, and to raise productivity with a smaller, more efficient and more professional labour force.

An important external influence on employment is the changing nature of exports, which are increasingly channelled through global value chains dominated by large retailers rather than wholesale markets. This is particularly the case with South African fruit because of its exports to the UK. There, supermarkets are the main buyer, representing over 80 per cent of the retail market (with the big four accounting for 50 per cent). Supermarkets formally operate through the open market, but in reality have tightly integrated global value chains through which they source fruit. A global value chain 'describes the full range of activities that are required to bring a product from its conception, through its design, ... its marketing, its distribution and its support to the final consumer' (Kaplinsky, 1998:13). An overview of the value chain of South African fruit through to the UK is shown in Figure 1. Supermarkets have designated importers, exporters and growers with whom they preprogramme their orders on a week-by-week basis six months in advance. In coordination with these agents, supermarkets control detailed aspects of production (fruit variety and appearance), as well as its distribution through a highly sophisticated 'cool chain' into their final distribution centres (Barrientos and Kritzinger, 2003). Some supermarkets are increasingly outsourcing the management of their value chains to specific agents called 'category managers' who control all aspects of the chain for any particular category of products globally throughout the year.

Although supermarkets demand stringent quality and production conditions, payments are made on a consignment basis and prices are only agreed once fruit reaches the distribution centre. This allows supermarkets to take advantage of competitive global fruit prices, while controlling the flow of fruit through the value chain. Global competition has led to over-supply on the fruit markets, contributing to volatility, falling real prices and declining revenues for fruit growers. For example, the real net export realization in Rands per ton of apples fell from R2,130 (US$343.5) in 1993–94 to R935 (US$150.8) in 1998–99 and only climbed back to R1,352 (US$218) by 2001–2002, equivalent to 63 per cent of its value eight years previously (DFPT, 2003). This has allowed supermarkets to keep the prices they pay down. However, accessing supermarkets provides on average better prices for the best quality fruit, and gives growers a more stable market environment than the more volatile free market. Supermarket pressure for quality in production puts pressure on growers to develop a more productive and skilled workforce, but their payment of low market prices also puts growers under pressure to reduce labour costs by using more off-farm seasonal and contract workers (Barrientos and Kritzinger, 2004).

Figure 1: Overview of Global Value Chain and Employment – South African Deciduous Fruit



Employment conditions have increasingly come under the scrutiny of large supermarket buyers, especially in the UK. Many supermarkets have introduced codes of conduct that cover labour conditions within their value chains and require all suppliers to abide by relevant employment legislation, which in South Africa is now quite stringent. This has reinforced the need for producers supplying supermarkets which have labour codes to comply with legislation. The introduction of codes provides an international rationale for raising labour standards, which South Africa is well positioned to meet through its post-apartheid employment legislation. In the next section we will examine the changing forms of employment in the South African fruit sector, and following that we will examine the combination of changing state legislation and supermarket codes of conduct that now apply to fruit workers.

Traditional and changing patterns of employment

Traditionally, employment arrangements on South African fruit farms followed the historical pattern of Western Cape fruit and wine farming. This involved the employment by producers of relatively large numbers of workers who lived on the farm. Since the inception of the industry in the eighteenth and nineteenth centuries and due to historical developments, the farm labour force has been structured along race and gender lines. Women have been concentrated in seasonal and temporary jobs with men enjoying permanent employment status. Women not only earned less than men, but were excluded from employment benefits enjoyed by male permanent workers. Given that the worker family was the unit of employment, women had virtually no independent claim to either employment or on-farm housing. Women were employed as a condition of the employment of a male partner or relative, worked seasonally as and when required by the farmer and few had written contracts of employment. While this reinforced the subservient position of women in the farm hierarchy, women did have indirect access to some benefits through their male partner. Paternalist employment relations did provide a form of security for families living on farms (Kritzinger and Vorster, 1996).

Traditional paternalist relations have been disrupted and eroded by the extension of employment legislation to farmworkers (Hamman, 1996). This has led to the downsizing of the permanent labour force living on-farm, and to changing employment relations following the industry's reintegration into global markets in the 1990s. An important trigger for labour downsizing was the introduction of the Extension of Security of Tenure Act, which provided greater security for workers living on-farm to remain in their farm houses. As a consequence, many producers scaled down their on-farm labour force, resulting in the shedding of on-farm labour (Barrientos and Kritzinger, 2003). This has resulted in women and men workers who used to live on-farm losing many of the benefits and services that were provided by producers under more traditional paternalist arrangements.

An important influence on employment conditions and the strategies of producers has been the wide range of legislation affecting employment introduced by the government since 1993. South Africa has now ratified a number of ILO Conventions addressing workers' rights and has enacted these princi-

Women packing fruit.

ples in a comprehensive programme of employment legislation (see below). Growers have had to accept external regulation that previously did not exist. This is undermining traditional paternalist relations and establishing the independent rights of women and men farmworkers. Employment legislation has contributed to the increasing 'professionalisation' of the labour force and the improvement of working conditions, particularly for those remaining in permanent employment. But it has also contributed to the retrenchment of labour (especially a reduction in the number of permanent on-farm workers) and to the casualization of labour through increased use of seasonal and contract labour. The extent to which producers restructure and lay off workers depends in part on their own level of efficiency and on the competitive pressures they face. The market context provides an important influence on changing the employment trends within which South African fruit exporters operate (Barrientos and Kritzinger, 2003).

Involvement of national government

The extension of labour regulation has been reinforced by the introduction of codes of conduct covering employment by supermarkets. We will briefly examine the rationale for each of these separately and will then consider their content in more detail, and how they combine to provide new forms of labour protection for women workers in the deciduous fruit sector.

A wide raft of national legislation has been introduced in South Africa over the past decade. The main reason for this has been the transition to democracy, and the need to address many of the injustices, especially for black and Coloured workers, that existed during the apartheid era. An additional reason has been the need to improve South Africa's standing in the global community as a country with equitable laws and regulation. Much of the labour legislation that has been introduced is radical and comprehensive. The trend to regulate labour markets is very different to many other developing countries, where pressure under structural adjustment has often led to moves to deregulate labour markets. Regulation now applies to all sectors of the labour market, but it has had a large impact on agriculture which was previously exempted from most labour regulation that existed under apartheid. This has now changed. As we have seen, the expansion and extension of labour regulation to agriculture is one reason why farmers have moved labour off their farms, and developed more modern and professional labour practices.

Involvement of the private sector

Supermarket codes of conduct covering labour practices have come about for quite different reasons. The trend towards deregulation of labour markets and the mobility of global sourcing to countries with cheap labour have allowed poor employment practices in many developing countries. NGO and trade union campaigns have helped to highlight labour abuses by suppliers to some of the leading brand name and retail companies in the North. This has prompted them to introduce codes of conduct within their value chains in order to limit abuses and the damage to their reputation that these campaigns may cause. The codes set down minimum employment standards that a supplier should meet in order to maintain business with the global buyer or retailer. Company codes of conduct were initially drawn up by the companies alone, and varied in their content and forms of implementation. Some companies were accused of 'window dressing'. Continued pressures, and the recognition by some companies that improving employment conditions in their value chains can make good business sense, have led some companies to work with NGOs and trade unions in order to develop more comprehensive codes that are more widely accepted. One example of this is the UK Ethical Trade Initiative (ETI), a coalition of UK companies, trade unions and NGOs. It has a base code that incorporates core ILO conventions that must be applied by all member companies (ETI, 1998). All the main UK supermarkets are members of ETI, and apply its code to their fresh produce sectors. Given that UK supermarkets are a significant buyer of South African fruit, this has exposed farmworkers to the employment conditions set out in the ETI base code.[3]

ILO Conventions and national-international linkages

Although they formally arose through different means, there are important linkages between South African legislation and company codes of conduct. A factor which partly links national legislation and company codes are ILO Conventions covering employment. As a tripartite body, ILO Conventions are established through agreement by governments, employers and trade unions. The core ILO conventions set international labour standards that are now binding on all ILO member countries, whether or not they have ratified them.[2] But the ILO has also agreed Conventions covering a wide range of employment issues. South Africa has long been a member of the ILO, but has only signed up to the core ILO Conventions since the end of apartheid (see Table 1). The ILO itself has no formal powers of enforcement and it is up to member countries to implement Conventions they have ratified through national legislation. These conventions set important standards covering labour.

Table 1: Fundamental ILO Conventions

Number	Convention Title	Date Ratified by South Africa
C.87	Freedom of Association and Protection of the Right to Organize Convention	1996
C.98	Right to Organize and Collective Bargaining Convention	1996
C.29	Forced Labour Convention	1997
C.105	Abolition of Forced Labour Convention	1997
C.111	Discrimination (Employment and Occupation) Convention	1997
C.100	Equal Remuneration Convention	2000
C.138	Minimum Age Convention	2000
C182	Worst Forms of Child Labour Convention	2000

Private sector companies do not formally have any obligation to implement ILO Conventions through their codes of conduct covering suppliers. However, some companies do include core ILO Conventions in their codes, and they form a core part of multi-stakeholder initiatives on codes of conduct such as the ETI base code and the Social Accountability International Code, SA 8000. More companies are signing up to these codes, and ILO Conventions thus form one link between some company codes and national legislation. In addition, the ETI base code and SA 8000 (as well as some individual company codes) stipulate that legislation must be adhered to as part of the code, helping to reinforce national legislation.

Protection for workers: state and private

National legislation and company codes of conduct address a wide range of common employment issues. These are compared in Table 2 below, taking the ETI base code as the basis for a comprehensive company code of conduct (ETI, 1998) and comparing it with relevant South African legislation. Jointly these cover all core ILO Conventions, as well as a number of other employment issues as detailed in the table.

Table 2: Summary of Private and Public Provision for the Protection of Workers in South Africa

Private Sector Codes of Conduct (ETI Base Code)	State Regulation
Employment is Freely Chosen	
There is no forced, bonded or involuntary prison labour. Workers are not required to lodge 'deposits' or their identity papers with their employer and are free to leave their employer after reasonable notice.	Relevant Legislation: The Basic Conditions of Employment Act The Sectoral Determination The Extension of Tenure Security Act Constitution of the Republic of South Africa: all forced labour is prohibited.
Freedom of Association and Collective Bargaining	
Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively. The employer adopts an open attitude towards the activities of trade unions and their organizational activities. Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace. Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.	Relevant Legislation: Labour Relations Act (No. 66 of 1995) The primary objectives of the Act are: • to give effect to and regulate the fundamental rights conferred by section 27 of the Constitution;[4] • to give effect to obligations incurred by the Republic as a member state of the International Labour Organization; • to provide a framework within which employees and their trade unions, employers and employers' organizations can collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest; and formulate industrial policy; and • to promote orderly collective bargaining; collective bargaining at sectoral level; employee participation in decision-making in the workplace; and the effective resolution of labour disputes.

Table 2 (continued)

Private Sector Codes of Conduct (ETI Base Code)	State Regulation
Working Conditions are Safe and Hygienic	
A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimizing, so far as is reasonably practicable, the causes of hazards inherent in the working environment. Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers. Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided. Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers. The company observing the code shall assign responsibility for health and safety to a senior management representative.	Relevant Legislation: Occupational Health and Safety Act The Compensation for Occupational Injuries and Diseases Act The purpose of the Compensation for Occupational Injuries and Diseases Act (No. 130 of 1993), as amended by the Compensation for Occupational Diseases Act 61 of 1997, is to provide for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases; and to provide for matters connected therewith.
Child Labour Shall Not Be Used	
There shall be no new recruitment of child labour. Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; 'child' and 'child labour' being defined in the appendices. Children and young persons under 18 shall not be employed at night or in hazardous conditions. These policies and procedures shall conform to the provisions of the relevant ILO standards.	Relevant Legislation: The South African Schools Act The Basic Conditions of Employment Act The Sectoral Determination for Farm Workers Children under 15 or any child who is under the minimum school leaving age in terms of any law, if this is 15 or older, may not be employed in agricultural activities. No person may employ a child in an employment that is inappropriate for a child of that age and/or places the child's well-being, education, physical or mental health or spiritual, moral or social development at risk.

Table 2 (continued)

Private Sector Codes of Conduct (ETI Base Code)	**State Regulation**
Living Wages are Paid	
Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income. All workers shall be provided with written and understandable Information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid. Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded	Relevant Legislation: The Basic Conditions of Employment Act The Sectoral Determination for Farm Workers The Unemployment Insurance Legislation The Labour Relations Act In December 2002 the Minister of Labour introduced a Sectoral Determination establishing conditions of employment and minimum wages for employers and employees in the farm worker sector.
Working Hours are Not Excessive	
Working hours comply with national laws and benchmark industry standards, whichever affords greater protection. In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7 day period on average. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate.	Relevant Legislation: The Basic Conditions of Employment Act The Sectoral Determination for Farm Workers *Normal hours (excluding overtime)* A farm worker may not be made to work more than 45 hours a week; work more than nine hours per day for a five day work week; work more than eight hours a day for a six day work week. *Overtime* An employer may not require or permit a farm worker to work overtime except in accordance with an agreement concluded by the employer and the farm worker; to work more than 15 hours' overtime a week; or to work more than 12 hours, including overtime, on any day.

Table 2 (continued)

Private Sector Codes of Conduct (ETI Base Code)	State Regulation
	Extension of ordinary hours of work A worker and an employer may conclude a written agreement in terms of which the farm worker's ordinary hours of work are extended by not more than five hours per week for a period of not more than four months in any continuous period of 12 months; and are reduced by the same number of hours during a period of the same duration in the same twelve month period.[5] Such an agreement may not extend the farm worker's ordinary hours of work to more than ten hours on any day.
No Discrimination is Practiced There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation	Relevant Legislation: The Employment Equity Act The Skills Development Act The purpose of the Employment Equity Act 55 of 1998 is to promote equal opportunity and fair treatment in employment through the elimination of unfair discrimination; and to implement affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure their equitable representation in all occupational categories and levels in the workforce. It therefore aims to: • promote the constitutional right of equality and the exercise of true democracy; • eliminate unfair discrimination in employment; • ensure the implementation of employment equity to redress the effects of discrimination; • achieve a diverse workforce broadly representative of our people; • promote economic development and efficiency in the workforce; and • give effect to the obligations of the Republic as a member of the IIO.

3 The Fruit Export Commodity Chain

Changing employment patterns – who does and gets what?

The combination of state regulation and company codes of conduct represents a positive advance in the level of protection covering all workers, including women. They have arisen for different reasons, but they are also interrelated. Ultimately, the two reinforce each other, particularly in South Africa where there is progressive employment legislation which codes help to enforce. They comprise two tenets of labour protection[6] (public and private) that now cover fruit workers. But a key challenge from a gender perspective is whether they reach women in insecure forms of employment (where many are located), or whether they only really extend to the tip of the employment hierarchy. At a simple level, the employment hierarchy is composed of those workers at the top end who have good conditions of employment and labour protection, and those at the other end who do not. This is depicted in the form of the pyramid in Figure 1 where packhouse and some farmworkers are at the top of the hierarchy, while seasonal, contract and migrant farmworkers are at the bottom.

The downsizing of the on-farm labour force and its professionalization has led to a new form of labour hierarchy that has affected women. The employment of women who remain on farm is still implicitly linked to their male partner or relative, but they are more likely to be employed in their own right with an independent contract of employment and access to those benefits prescribed under legislation. Some growers have also moved to employing women working on-farm on a permanent basis (providing a house for two permanent workers is more economical than one), giving them improved access to employment benefits and security. Permanent women workers can be found in more skilled and supervisory roles, and more progressive growers are moving to multi-skilled teams of women and men as a means of raising labour productivity, breaking down traditional gender divisions.

Traditionally, women have always been concentrated in packing, which has become increasingly important with greater emphasis on quality and presentation under globalization. Women employed in packhouses – although usually only employed seasonally – are well-off relative to women farmworkers in other categories. They are more likely to be unionized and enjoy relatively good pay and employment conditions, and in this respect are among the better off at the top of the employment hierarchy (Barrientos and Kritzinger, 2003). In the middle of the hierarchy, permanent farm employment is primarily male, and these employees receive relatively good pay and conditions at farm level. More women are being given permanent employment on farm, but research suggests they are still a minority of the workforce

at this level. At the other end of the hierarchy, employment conditions are not as good. The majority of workers who have been shifted to employment living off-farm are now employed as off-farm seasonal and, especially, contract labour. Official data are not available for these categories of employment, but case study evidence suggests that women workers are concentrated in this group. Recent studies into the restructuring of employment on fruit farms found that at least 50 per cent of producers are now employing off-farm contract labour (Du Toit and Ally, 2001; Barrientos and Kritzinger, 2003; Theron, 2000 and 2001). This use of contract labour enables producers to meet flexible but tight production schedules set by large supermarkets while minimizing costs and contractual commitments of employment. Migrant labour, which has historically been used, is at the bottom end of the employment hierarchy in terms of pay and conditions.

Off-farm contract workers experience a range of employment, health and other risks. These include insecurity of employment, low wages and variability of earnings, absence of labour organization, poor knowledge of employment rights and usually no contract with their employer. While both men and women experience risk and insecurity, there is a gender dimension to this type of employment. There is an increase in the availability of day care facilities in the case of on-farm women which facilitates the management of paid employment and reproductive responsibilities, but many contract workers do not have access to such facilities and have to manage their domestic work in alternative ways. Gender relations also structure the wage levels and working days of contract workers. Women's weekly wages are lower than those of men and they work for shorter periods during the year. This relates to traditional practices whereby the allocation of tasks often excludes women, for example, from pruning during winter months. Given that women take responsibility for childcare, they lose a day's wage when they accompany their children to a day hospital or doctor.

While recent employment restructuring has tended to erode paternalist relations on fruit farms, paternalism has not entirely disappeared. It has reinvented itself within the contracting sector. Recent research (Barrientos and Kritzinger, 2003) has confirmed the development of a relationship of dependence between many women contract workers and their contractor which resembles the paternalist relationship existing between producers and their on-farm workforce in the past. The relationship is often very personalized and women are highly dependent on their contractor. Contractors not only provide assistance when workers experience financial and personal difficulties; they also assist women in generating income and accessing credit and transport.

Gender dimension of labour protection

The enactment of legislation and introduction of company codes of conduct mean that over the past decade labour rights and employment conditions have come to be addressed in the agricultural sector. These are potentially important for the large number of women workers employed in the sector, and represent a progressive move in relation to protecting their employment conditions. However, a key challenge from the standpoint of women is that much of their employment is temporary, seasonal or on a contract basis. Further, the fact that they are employed on this basis is a result of embedded gender discrimination within the labour market, which assigns women to insecure work on the grounds of their domestic and childcare responsibilities, and where provision for those responsibilities is not deemed to be the responsibility of the employer. To be effective for women workers, legislation and company codes need to extend beyond permanent employment and address the needs and rights of workers in insecure forms of work. To be gender sensitive, they also need to address specific gender issues, such as childcare and the safety of women. Here we examine selected issues covered by the code of conduct and national legislation through a gender lens.

Formally, the most relevant issue for women is covered by the principle on discrimination in the ETI base code and by the Employment Equity Act (EEA) in South Africa. The former provides basic coverage of all aspects of discrimination based on gender, ethnicity and religion. In its Purposes and Principles, the ETI (1998) cites ILO Conventions 100 and 111 and Recommendations 90 and 111 on equal remuneration for male and female workers for work of equal value, and discrimination in employment and occupation as the relevant international standards that apply. South Africa's Employment Equity Act is even more comprehensive, and is an important tool in addressing current discriminatory practices.

The purpose of the EEA is to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in employment experienced by designated groups,[7] and to ensure their equitable representation in all occupational categories and levels in the workforce (Taylor, 2003). The Act stipulates that all farmers must review discriminatory practices on their farms, no matter how many workers they employ or what their annual turnover is. Farmers have to submit employment equity plans if they employ 50 workers or more. Many farmers employ more than 50 workers in any given year if workers hired to do seasonal work are included (Taylor, 1999). For this reason, the Act is likely to have a significant impact within the sector, although some farmers have indicated that they will not submit plans, even if they are penalized.

A number of other provisions are laid down in legislation and the code of conduct which formally apply to all workers. However, a more gendered analysis can highlight constraints on the extent of their provision for insecure women workers. One of the most relevant of these is the provision that all employment is freely chosen. This is important for women farmworkers in the South African context because of the tradition of employing women as a condition of their husband's or male partner's contract. The ETI base code as a generic code does not formally address this, but it could be interpreted to include such forms of employment where women have no choice but to work for a farmer on a seasonal basis or risk her partner losing his job. The legislation is aimed at ensuring that persons residing on a farm have the freedom not to work or to choose to work off farm if they wish. Those that choose to work on the farm should have their own contracts of employment (Taylor, 2003). Given that the base code also insists on the implementation of legislation, it therefore indirectly covers this issue via legislation. However, traditions of gender discrimination die hard, and the employment of many women is still implicitly linked to that of their partners. One means by which this happens is that when housing is allocated to a permanent male employee, his female partner has to pay rent if she works elsewhere, effectively penalizing the farmworker if his female partner does not work on the farm.

Living wages are covered by both the ETI base code and more recently through the Sectoral Determination added to the Basic Conditions of Employment Act in 2002. What constitutes a living wages is often hard to determine and is defined by the ETI as a wage that is enough to meet basic needs and provide some discretionary income. The Sectoral Determination for Agriculture was based on an extensive survey of wages and living standards in different regions of South Africa, and a minimum wage was set for different categories in each district. The ETI code refers to the ILO convention on equal remuneration, which sets out the right to equal pay for work of equal value. The Employment Equity Act cites remuneration as one area where unfair discrimination is prohibited, but does not expressly prohibit payment of unequal remuneration for work of equal value (Du Toit *et al.*, 2003). The gender division of labour in agriculture means that men and women often do different tasks. Women's tasks are often classified as having lower remuneration than men, reflecting in part women's lack of access to more skilled jobs and the embedded undervaluation of the types of task performed by women. One exception is women who work in packing, who are able to earn more than male general farmworkers. Neither national legislation nor the base code have been able to easily redress unequal pay, although the move to multi-skilled teams of men and women on some farms might begin to erode this gender inequality.

Another pertinent issue covers the provision of regular employment. This is particularly important to women workers who are temporary and seasonal, but who may often work for the same farm for years. The ETI base code states that this must be based on a recognized employment relationship established through national law and practice. The Labour Relations Act covers all workers, be they seasonal, temporary, casual or permanent, and these workers may not be subjected to unfair labour practices or unfair dismissal (Taylor, 2003). The ETI base code also stipulates that obligations to employees under labour or social security laws should not be avoided through the use of labour-only contracting or the repeated use of fixed term contracts. Formally, the Basic Conditions of Employment Act (BCEA) and the Unemployment Insurance Act, which makes provision for unemployment and maternity leave,[8] are extended to non-permanent workers who work more than 24 hours per month.[9] However, research has found that many female temporary and seasonal farmworkers do not receive Unemployment Insurance Fund (UIF) coverage, even though they are likely to become unemployed or have children (Barrientos and Kritzinger, 2003).

Under the Basic Conditions of Employment Act, even where an employee is employed by a labour contractor or broker, the labour contractor and the client are jointly and severally liable if the labour broker does not comply with the BCEA (Taylor, 2003). Formally, therefore, growers should not be able to circumvent their legal obligations in relation to employment conditions and standards through the use of outside contractors. However, contract workers can only be covered by the UIF if the contractor is registered at the Department of Labour. Again, research has indicated that very few contractors are registered, which means that their workers are excluded from access to the UIF (Barrientos and Kritzinger, 2003). Women contract workers often work for shorter periods than men, and again gender inequity in employment means that women contract workers, who are the most vulnerable, often have no cover. This indicates an important area where there is a failure of enforcement.

Freedom of association and collective bargaining also establish important labour rights for workers, and are laid down in both the base code and in legislation. Here, the two complement each other well, with the relevant core ILO Conventions 87 and 98 being a common element. There are currently 12 independent trade unions operating in the deciduous fruit sector. These tend to be weak and fragmented. There is also one union which is affiliated to the Congress of South African Trade Unions (COSATU). However, the level of unionization is relatively weak in South African agriculture, and informed estimates of unionization in the agricultural labour force vary between 2 and 8 per cent (Murphy, 1995). This is partly because of historical problems of organizing on remote farms. Unions do not have the capacity or resources to recruit among poor farmworkers. Farmworkers steeped in a long tradition of paternalism often do not understand the reasons for joining unions, which organize around workers rights and relate to a more formalized type of labour relations. But there are also gender constraints which prevent women from joining trade unions, which often ignore seasonal and casual workers in their recruitment and do not have the capacity to organize workers who move between different employers, undermining the ability of women to join unions. Further, women workers are sometimes discouraged from joining rural unions which are often dominated by a male bureaucracy that takes little account of women's problems in terms of childcare, domestic responsibilities and gender issues such as reproductive rights.

4 Lessons Learned

Enforcement of legislation and codes

However well formulated a code or piece of legislation, a key factor in whether it reaches down the gender hierarchy to women in more insecure forms of employment is the level of its enforcement. Without proper enforcement, legislation and codes will remain paper exercises, except among the most enlightened employers. Despite good legislation, legal enforcement remains an issue in South Africa. Growers continue to treat their workers in a paternalist way, and workers with low literacy levels are often unaware of their rights. The labour inspectorate is poorly resourced and lacks the capacity to ensure that legislation is adhered to across a wide area that is often comprised of isolated farms. Where an employee is employed on a fixed term or temporary contract, and that contract is not renewed, the employee may pursue this legally as an unfair dismissal dispute. However, she will have to


Women checking grapes.

prove that she had a reasonable expectation that the contract would be renewed. Many insecure workers lack the capability to pursue their case.

In relation to private sector codes, enforcement is meant to take place through monitoring and verification procedures. These can take the form of desk-based assessment as a minimum through to third party social auditing, where an independent auditor is appointed to audit the farm against a buyer's or the ETI base code. In reality monitoring and verification are still at a very early stage in South African agriculture. The main buyers applying codes are UK supermarkets who have suppliers across the world and they can only inspect a certain number at any one time. They tend to concentrate on countries where they think the 'risks' of non-compliance with their code are highest. These are, for example, countries with a high incidence of child labour or unsafe working conditions, which could damage the buyer's reputation if they came to light. South Africa does not rank as a high-risk country, partly because of its employment legislation. Hence, auditing is still fairly limited within South African agriculture.

Given that the ETI base code states that employers have to apply legislation or the code, whichever standard is higher, legislation will normally take precedence in the South African situation. Therefore, the base code's primary role becomes one of contributing to the enforcement of legislation, rather than setting the standard. Even without proper monitoring and verification of the code, it is likely that employers will increasingly abide by legislation if they want to supply large supermarkets. They know that failure to do so could lose them an important market, and that if they do not comply, a competitor will.

Overall, therefore, legislation tends to be more detailed than the ETI base code in addressing gender issues in employment. Essential to the base code is that labour legislation applies, and in that respect the two reinforce each other as a means of addressing and improving the position of women working in South African fruit export sector. This represents a significant advance for women workers, but as we have seen it is tempered by women's traditional subordination in a paternalist employment environment, by the poor conditions and insecurity faced by women at the bottom of the employment hierarchy and by women's double burden combining childcare and domestic responsibilities with paid work. While there have been rapid strides over the past decade at the formal level of enhancing labour protection for women, there is still a long way to go in embedding more equitable employment practice.

Formally, most legislation is meant to apply pro rata to all workers and to extend employment rights to them whether they are permanent or not. Codes are also meant to apply to all workers, including those in insecure employment, where the risks of non-compliance are more likely to be higher. But the reality is that non-permanent workers are often less aware of their rights, are more difficult to reach because of their mobility and insecurity, and are less likely to be organized in trade unions, which could be a means of accessing their rights. Women have the additional burden of reproductive responsibilities, which restricts their ability to voice concerns or access their rights.

It is unlikely in a competitive global environment, especially given the seasonal nature of fruit, that non-permanent work will decline. The key, therefore, is to ensure that the benefits of the progressive employment legislation and codes that have been introduced in South Africa extend to *all* workers, especially women. This requires a concerted effort by all relevant actors. Global buyers can help by ensuring that codes apply to and are monitored in relation to seasonal, contract and migrant workers, male and female. Trade unions can help by ensuring that they actively try to recruit such workers, not just those in permanent employment. Government can contribute by extending information and training on labour law to more vulnerable and insecure women workers, as well as by giving more resources to the labour inspectorate. NGOs can contribute by keeping up the pressure on global buyers, government and other relevant bodies to raise labour standards for women workers.[10]

The future

In some respects, the expansion of employment legislation in South Africa singles it out from other countries. Few other developing countries have the breadth of labour regulation and protection that now formally exists in South Africa. The pressures of global competition and economic liberalization have also led many countries to relax labour market regulation, for example through the expansion of export processing zones. Compared to other African horticultural exporters, such as Kenya and Zambia, South Africa therefore has good legislation. However the issues facing women workers are similar in other countries, independent of their legislative environment. Research in Zambia and Kenya found that many women workers in the vegetable and flower sectors were also concentrated in insecure forms of work and were lower down the employment hierarchy than male workers in terms of pay and conditions (Barrientos, Dolan and Tallontire, 2003; Smith *et al.*, 2003).

Codes of conduct operated by global buyers relate to all their suppliers in that sector, independent of the country from which they are sourcing supplies. In counties such as Kenya and Zambia, where legislation is weaker than South Africa, codes are beginning to address the position of some workers. For example, in the Kenyan flower sector there has been a move to give more workers who are currently on rolling insecure contracts permanent employment status. This is important in extending labour protection to these workers by recognizing that their work is permanent. Thus, while the main role of codes in South Africa is to enforce legislation, in other countries it can help to reinforce labour standards where legislation is weak.

At the same time, there is increasing recognition that voluntary sector codes cannot be a substitute for good employment legislation and legal enforcement. The weakness of voluntary codes is that they only apply to producers supplying specific global buyers and they do not apply outside the export sector, even within a given industry. Codes also vary between different global buyers and many individual company codes (apart from multi-stakeholder initiatives such as the ETI and Social Accountability International) fail to incorporate core ILO conventions. Codes are applied in a top-down fashion through global value chains and often lack sustainability (particularly where buyers move between different suppliers). Legislation, on the other hand, normally results from a democratic process, is comprehensive in that it covers all producers in all sectors within a given country, relates to both export and domestic sectors and is legally enforceable. Codes can thus complement legislation, but they can never provide a comprehensive substitute.

As codes have been introduced in a wide number of global value chains across different sectors and different countries, the complexity of the task of using a voluntary approach to improve labour standards is becoming more apparent. Individual global buyers can put resources into ethical trade, and large numbers of suppliers can be monitored by external auditors, but this can only touch the tip of the iceberg. The number of producers and subcontractors, across different sectors and countries globally, makes it impossible for an individual global buyer to be satisfied that compliance exists across the whole of their complex value chain. Emphasis is beginning to shift within ethical trade towards the need for a more locally based approach that involves all stakeholders including trade unions, NGOs and government. This could take the form of local multi-stakeholder initiatives that also include government.[11] But a local approach again raises the question of why this needs to be done through voluntary means and whether government is not best placed to undertake this function. However, in a global context, government needs to work in collaboration with other stakeholders and be sure that any action it takes does not preclude its country from being used as a source by global buyers. In this respect local multi-stakeholder initiatives involving government could form a link between public and private approaches to raising labour standards.[12]

Codes have arisen in a global environment in which buyers are under pressure from civil society organizations to address poor labour conditions in their value chains. The implementation of codes has indicated the ability of different civil society groups to lever change by global buyers within their value chains. However, those same global buyers themselves have leverage, both over the countries from which they source supplies, as well as their home governments and multilateral organizations. A greater coming together of global civil society organizations, global buyers, national governments and multilateral organizations (especially the ILO) would help to bring the issues of labour standards full circle. Potentially it could provide the impetus for improvement in labour standards as a competitive advantage of countries, in which governments could play a fuller part.

In this situation, it is crucial that the rights of women workers at the bottom of the employment pile are addressed. Labour protection will only be comprehensive if it includes the weakest. Insecure employment is a feature of global labour markets, and the rights of those workers, many of whom are women, must be included. South Africa has made a move in the right direction. For political reasons it has gone against the trend and introduced comprehensive employment legislation. This still needs much better enforcement, and codes are one means through which this can be encouraged. There is clearly a long way to go in ensuring that the employment rights and conditions of *all* workers, especially women in the most vulnerable and insecure positions, are addressed. The important thing is that progress is being made in the right direction.

Conclusion

This chapter set out to examine the combination of national legislation and private sector codes that now cover workers in South African export horticulture. It compared the different forms of labour protection introduced under legislation and private sector social codes of conduct, and considered their implications for women workers. Although the factors behind the introduction of each are different, ultimately they both relate to the positioning of South Africa in the post-apartheid era as a transformed and professional country operating within global markets. Traditionally, women workers lacked rights or independent employment in the context of paternalist employment relations. The advance of labour protection represents an important gain in terms of addressing the rights of women workers, and provides the basis for improving their conditions of employment.

However, these gains have taken place in the context of labour market restructuring in the fruit export sector. The combination of government legislation and increased global competition have spurred many growers to shed labour, and have contributed to changing employment relations. There is now a smaller permanent on-farm 'professional' labour force, and many women who are part of this have gained from the enhanced employment rights and benefits enshrined in legislation and reinforced by codes. But there is an increasing off-farm temporary and seasonal workforce, and many of these workers are women. Formally, legislation and codes offer protection to all workers, but in reality they often fail to reach those more insecure and vulnerable workers in temporary, seasonal and contract work.

We have seen that legislation introduced in South Africa is relatively progressive, including on gender issues, and is more advanced in its detail than the generic ETI base code. Given that women form an important part of the fruit workforce, this provides the potential for significant gains for women workers. Although there is formally an enhancement of gender equity, the biggest challenge is to ensure that this is translated into more gender equitable employment practices that benefit insecure seasonal and temporary workers as well as those in permanent employment. If this can be ensured, then the potential for women workers to gain could be greatly enhanced. In the case of South Africa, legislation sets a higher standard than codes, therefore the latter are another form of enforcement rather than a standard setter. However, insofar as both legislation and codes are failing to reach the more insecure workers, there is an important issue of enforcement. How to enhance labour inspection and social auditing in order to ensure that both legislation and codes of conduct reach all workers remains an important challenge.

There remains a risk that the benefits will disproportionately accrue to permanent workers, rather than to temporary and seasonal workers, and to men rather than women. This is partly because, despite recent refining of the legal recognition of temporary, seasonal and contract workers, legislation and codes are more easily applied to permanent workers. The mobility of temporary, seasonal and contract work makes enforcement much more arduous for these categories of worker. Gender inequality is deeply embedded in South African employment practice and change is bound to be slow. However, advances in labour protection represent a progressive move for women workers. They raise the potential for future changes to benefit women, and shift the gender environment from one in which the subordination of on-farm women workers was the norm to one which establishes the principles of greater equality in their rights. Labour protection has undergone a fundamental shift in a more equitable direction, but that progress still has a long way to go if it is to be consolidated for all women workers, including the most vulnerable.

Notes

1 A number of codes operate in the South African deciduous fruit sector that cover purely or primarily technical or environmental aspects of production, such as the EUREPGAP (European Retailers Representatives Good Agricultural Practice) code. This paper only covers social codes relating to labour standards and does not refer to other codes.

2 The 1998 ILO Declaration on Fundamental Principles and Rights at Work stipulates that all member states have an obligation to respect and promote the core ILO Conventions and Recommendations, whether or not they have been ratified.

3 Given that most UK supermarkets are members of the Ethical Trading Initiative, and that the UK is an important market for South African fruit, many producers are likely to have to implement the base code if they supply UK supermarkets.

4 Section 27, which is in the Chapter on Fundamental Rights in the Constitution, entrenches the following rights: (1) Every person shall have the right to fair labour practices; (2) Workers shall have the right to form and join trade unions and employers shall have the right to form and join employers' organizations; (3) Workers and employers shall have the right to organize and bargain collectively; (4) Workers shall have the right to strike for the purpose of collective bargaining; (5) Employers' recourse to the lock-out for the purpose of collective bargaining shall not be impaired, subject to section 33(1).

5 In Greenberg (2003) it is indicated that 'flexibility provisions' allow the arrangement of working time to be varied by agreement. This allows for intense work during peak periods in exchange for lighter work in slack periods.

6 We use the words 'labour protection' to include both legislation and private sector social codes of conduct. Labour protection is one aspect of social protection for insecure workers in a global economy (Barrientos and Ware Barrientos, 2002).

7 The designated group refers to women (of all races) and black people (a generic term used to describe all persons who are not white, including Coloured people and Indian people).

8 Under the UIF, employers and employees each pay 1 per cent of their pay towards the fund, which allows workers to make claims during unemployment and maternity leave.

9 The Basic Conditions of Employment Act provides that temporary workers have the right to written particulars of employment; pro rata annual leave (one day for every 17 days worked); pro rata sick leave (one day for every 26 days worked); payment for overtime work, etc.

10 This has recently been the focus of the 'Labour Wedge' campaign by Oxfam International, which included South African deciduous fruit and wine as one of its studies (Oxfam, 2004).

11 An example is the Wine Industry Ethical Trade Association in South Africa. This is a voluntary initiative involving wine producers, trade unions, NGOs and

government, set up in 2003 following the ETI wine pilot in South Africa (Smith *et al.*, 2004). See *www.wosa.co.za* for more information.

12 The issue of the relationship between voluntary initiatives and government has been raised in a World Bank report on corporate social responsibility (see World Bank, 2003); it plans to examine this further in a future report on the topic.

References

Barrientos, S. and Kritzinger, A. (2004). 'Squaring the Circle – Global Production and the Informalisation of Work in South African Fruit Exports', *Journal of International Development* 16, pp. 81–92.

Barrientos, S., Dolan, C. and Tallontire, A. (2003). 'A Gendered Value Chain Approach to Codes of Conduct in African Horticulture', *World Development* 31(9): 1511–26.

Barrientos, S. and Kritzinger, A. (2003). 'The poverty of work and social cohesion in global exports: The case of South African fruit', in Chidester, D., Dexter, P. and W. James (eds), *What holds us together. Social cohesion in South Africa*, HSRC Press, Cape Town.

Barrientos, A and Barrientos, S. Ware (2002). 'Extending Social Protection to Informal Workers in the Horticulture Global Value Chain', SP Discussion Paper, No. 0216, World Bank, Washington DC, June.

Barrientos, S., Dolan, C. and Tallontire, A. (2003). 'A Gendered Value Chain Approach to Codes of Conduct in African Horticulture', *World Development* 31(9): 1511–26.

DFPT (2003). *Key Deciduous Fruit Statistics*, Deciduous Fruit Producers Trust, Paarl.

Du Toit, A. and Ally, F. (2001). *The Externalisation and Casualisation of Farm Labour in Western Cape Horticulture*, Report compiled by the Programme for Land and Agrarian Studies, School of Government, University of the Western Cape for the Centre for Rural Legal Studies, Stellenbosch.

Du Toit, D., Bosch, D., Woolfrey, D., Godfrey, S., Rossouw, J., Christie, S., Cooper, C., Giles, G. and C. Bosch (2003). *Labour Relations Law: A Comprehensive Guide*, 4th edition, Lexis Nexis Butterworths, Johannesburg.

ETI (1998). *Purpose, Principles, Programme, Membership, Information, Ethical Trading Initiative*, London.

Greenberg, S. (2003). *Women Workers in Wine and Deciduous Fruit Global Value Chains*, Report for Women on Farms Project, mimeo, Stellenbosch.

Hamman, J. (1996). 'The Impact of Labour Policy on Rural Livelihoods in the Western Cape' in Lipton, M., de Klerk, M. and Lipton, M. (eds.), *Land Labour and Livelihoods: Understanding the Linkages*, IDS Working Paper 159, Institute of Development Studies, Brighton, UK.

Kaplinsky, R. (1998). 'Globalisation, industrialisation and sustainable growth: the pursuit of the Nth rent', IDS Working Paper No. 110, May.

Kritzinger, A. and Vorster, J. (1996). 'Women Farm workers on South African deciduous fruit farms: gender relations and the structuring of work', *Journal of Rural Studies* 12(4): 339–51.

Kritzinger, A and Vorster, J. (1999). *The Labour situation in the South African deciduous fruit export industry: The Producer: A follow-up study*, Department of Sociology, University of Stellenbosch, Stellenbosch.

Kritzinger, A. and Vorster, J. (2001). 'Food industry responses to global integration: fruit producers, state legislators and women farm workers in South Africa' in Tovy, H. and Blanc, M. (eds), *Nature and Society. Rural Life in Late Modernity*, Ashgate, Aldershot.

Murphy, M. (1995). 'South African farm workers: is trade organization possible?', *South African Labour Bulletin* 19 (3): 393–62.

Oxfam International (2004). *Trading Away Our Rights, Women Working in Global Supply Chains*. Oxfam, Oxford.

PPEBC (2004). *Exporters Handbook*, PPEBC, Cape Town.

Ray, M. (1997) Flexible production. Shaping up to globalisation. South African Labour Bulletin, 21 (5) pp. 24–29.

Rees, R. (1997). Flexible labour. Meeting the challenge. South African Labour Bulletin, 21 (5) pp. 30–36.

Samson, M. (1997). Globalisation. Women pay the price. South African Labour Bulletin, 21 (1) pp. 8–13.

Simbi, T. and Alibar, M. (2000.) The Agricultural Employment Crisis in South Africa. Paper presented for the TIPS conferences 2000 Annual Forum, Muldersdrift, 18–20 September.

Smith, S., Auret, D., Barrientos, S., Dolan, C., Kleinbooi, K., Njobvu, C., Opondo, M. and Tallontire, A. (2004). *Ethical Trade in African Horticulture, Gender Rights and Participation*, UK Workshop Report and IDS Working Paper, Institute of Development Studies, Brighton, UK (forthcoming).

Sunde, J. and Kleinbooi, K. (1999). *Promoting Equitable and Sustainable Development for women Farmworkers in the Western Cape*, Centre for Rural Legal Studies, Stellenbosch, Stellenbosch.

Taylor, N. (1999). Briefing Paper on the Employment Equity Act No. 55 of 1998 and its implications for agriculture, Centre for Rural Legal Studies, Stellenbosch.

Taylor, N. (2003). 'Briefing on Wine Industry Ethical Trading Initiative', mimeo, Cape Town.

Taylor, V. (2001). 'Globalisation, the disappearing state and poor women: a view from the South', *Agenda* 48: 51–60.

Theron, J. (2000). 'Responding to externalization: Part 1', *South African Labour Bulletin* 24 (6): 59–65.

Theron, J. (2001). 'Responding to externalization: Part 2', *South African Labour Bulletin* 25 (1): 63–68.

World Bank (2003). *Strengthening Implementation of Corporate Social Responsibility in Global Supply Chains*, World Bank, Washington DC, October.