

LABOUR REGULATIONS, LAND REFORM AND OWNERSHIP OF LAND-

A DIFFERENT PERSPECTIVE!

Presented by;

**M
V
J**

ATTORNEYS



1. Bill Cosby ; "I'm 83 and Tired"

I've worked hard since I was 17. Except for when I was doing my National Service, I put in 50-hour weeks, and didn't call in sick in nearly 40 years. I made a reasonable salary, but I didn't inherit my job or my income, and I worked to get where I am. Given the economy, it looks as though retirement was a bad idea, and I'm tired. Very tired.

I'm tired of being told that I have to "spread the wealth" to people who don't have my work ethic. I'm tired of being told the government will take the money I earned, by force if necessary, and give it to people too lazy to earn it.

I'm tired of being told I must lower my living standard to fight global warming, which no one is allowed to debate.

I'm tired of being told that drug addicts have a disease, and I must help support and treat them, and pay for the damage they do. Did a giant germ rush out of a dark alley, grab them, and stuff white powder up their noses or stick a needle in their arm while they tried to fight it off?

I'm tired of hearing wealthy athletes, entertainers and politicians of all parties talking about innocent mistakes, stupid mistakes or youthful mistakes, when we all know they think their only mistake was getting caught. I'm tired of people with a sense of entitlement, rich or poor.

I'm really tired of people who don't take responsibility for their lives and actions. I'm tired of hearing them blame the government, or discrimination or big-whatever for their problems.

I'm also tired and fed up with seeing young men and women in their teens and early 20's be-deck themselves in tattoos and face studs, thereby making themselves unemployable and claiming money from the Government.

Yes, I'm damn tired. But I'm also glad to be 83.. Because, mostly, I'm not going to have to see the world these people are making. I'm just sorry for my granddaughter and their children. Thank God I'm on the way out and not on the way in. There is no way this will be widely publicized, unless each of us sends it on! This is your chance to make a difference.

"I'm 83 and I'm tired. If you don't agree you are part of the problem!"



IS AGRICULTURE AND FARMING IN SOUTH-AFRICA CAUSING YOU TO BE GETTING THE SHORT END OF THE STICK?

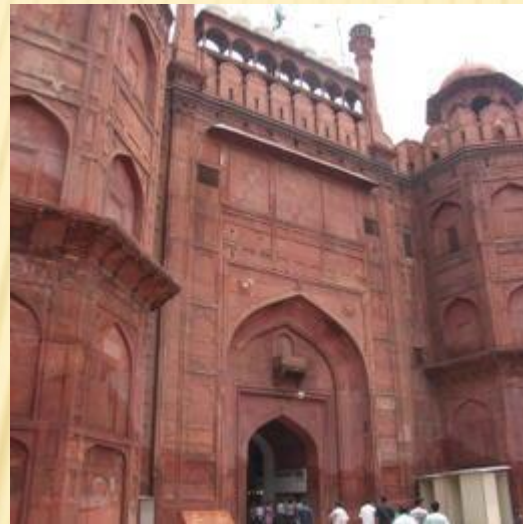


1. HISTORIC LOOK

* “Even a mistake may turn out to be the one thing necessary to a worthwhile achievement. “ ~ Henry Ford



The Red Fort is a **17th century** fort complex constructed by the Mughal emperor, Shah Jahan in the walled city of Old Delhi that served as the residence of the Mughal Emperors



The Red sandstone walls of the massive Red Fort rise 33-m as a reminder of the magnificent power of the Mughal emperors. The walls, built in 1638, were designed to keep out invaders. The Mughal and his people were living inside.



The fort includes the most famous Diwan-i-Am, which is the hall for public, where the emperor used to listen to the complaints of the people and find solutions to their problems.

The size of the Red Fort of Delhi is very substantial. It has a perimeter of around 2.4 km with a height of 33 meters on its city size and 18 meters around the river AND WAS BUILT BY HAND...

at one time holding a population of 3,000 people.

WHY DO I REFER TO THIS?

- **AT THAT TIME THIS WAS NOTHING OTHER THAN A CONTRACT BETWEEN AN EMPLOYER AND HIS WORKERS.**
- **THE EMPEROR PROVIDED SHELTER AND SAFETY AND THE WORKERS LABOUR**
- **THE WORKERS FELT SAFE WITHIN THE RED FORT COMPLEX.**
- **THE EMPEROR BUILT A SECTION WHERE HE WAS ABLE TO SIT AND LISTEN TO THE PEOPLE AND FIND SOLUTIONS TO THEIR PROBLEMS.**
- **AT SOME POINT HE HAD AS MUCH AS 3000 PEOPLE LIVING IN THE FORT.**

WHAT HAPPENED IN FRANCE?

The French Revolution was a time of great turmoil in French history. It began in 1789 and ended in 1799. During the French Revolution, the previous absolute monarchy and the entire social three estate system was overthrown. People in the third estate were especially tired of being treated like this, and wanted radical changes right away,



They wanted more respect and an actual say in the government. They were given a tithe for their crops, which caused them starvation and malnutrition. They had the most trouble paying for bread, while others feasted away. Finally, they began violent revolts.

In the United Kingdom were first decriminalised under the recommendation of a Royal Commission in **1867**, which agreed that the **establishment of the organisations** was to the advantage of both employers and employees. Legalised in **1871**, the Trade Union Movement sought to reform **socio-economic** conditions for working men in British industries, and the Unions' search for this led to the creation of a Labour Representation Committee



Margaret Thatcher's governments weakened the powers of the unions in the **1980s**, in particular by making it more difficult to strike legally, and some within the British trades union movement criticised Tony Blair's Labour government for not reversing some of Thatcher's changes.

NEWS

Facilitate optimal functioning of TUs: Yoshiteru Uramoto, International Labour Organisation

April 29, 2013 | Vikas Dhoot , ET Bureau

India needs to bring in a new era of industrial relations to ensure its demographic dividend doesn't turn into a nightmare with greater labour unrest.

INDIA

NEWS

Strike at GM's plant completes one month; loss at 1,500 units

April 15, 2011 | PTI

NEW DELHI: The labour unrest at General Motors India's Halol plant in completed one month today with no sign of respite, while the car maker is estimated to have suffered a production loss of about 1,500 units so far. Talks between the management and workers on strike have so far failed to yield any result and even the threat to terminate jobs have not made the nearly 200 agitating employees return to duty...

In the agriculture sector, for example, there have long been complaints about sub-standard working conditions, exploitative wages, and unsavoury practices like paying employees with liquor, while mineworkers complain about safety and housing issues that have long been neglected. However, the strikes in South Africa can also be seen as part of a broader global trend that has intensified since the financial crisis of 2007/8.

SOUTH-AFRICA

REST OF THE WORLD

Workers in Spain, Portugal, Greece, Italy, France, and Belgium downed tools in a coordinated effort to protest austerity measures, unemployment, stagnant wages, and the generally gloomy economic state of the continent 2012

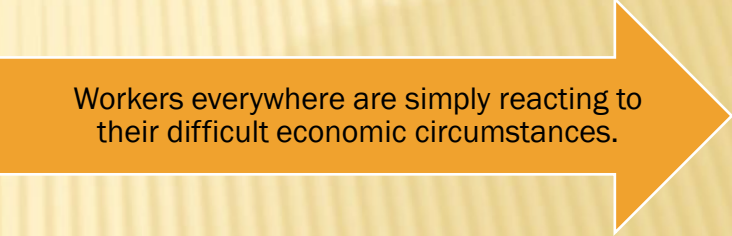
The **industrial revolution** represented a watershed in American history.

The transition from agriculture to manufacturing was neither an even nor an easy process. The factory floor became a **contested and negotiated place**, in which the very shape of the workplace depended upon the outcome of struggles **between** management and labour and **between** the demands of the factory system and traditional values observed by families. Change occurred at a **different pace** in various industries as production moved from the household to the workshop and then to the factory. It was the factory system, however, that had **the most dramatic** impact on the production process and helped to change the economic and social direction of the new nation.
-BARBARA M TUCKER-

UNITED STATES OF AMERICA

South African workers have

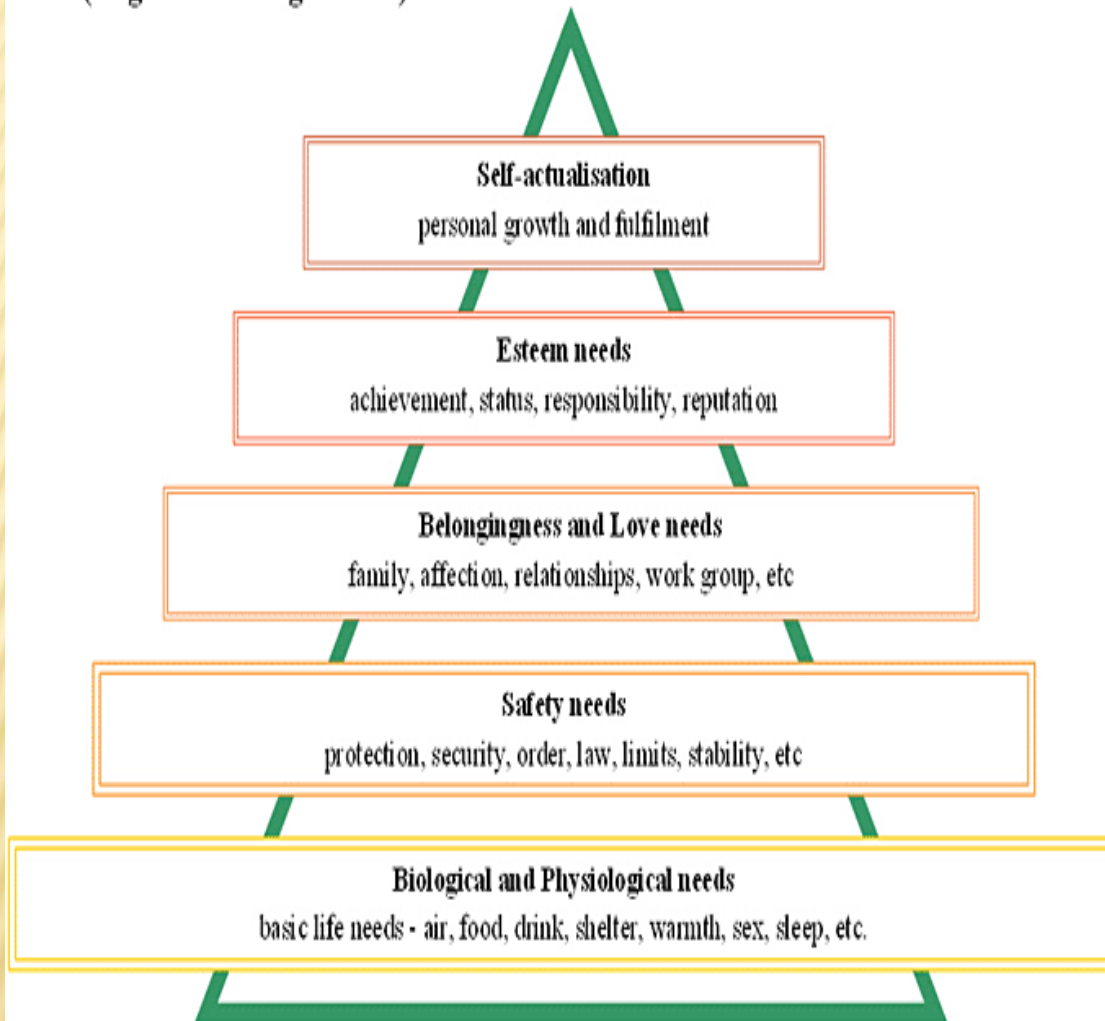
eagerly embraced credit as a way to sustain their lifestyles, but now find themselves over-indebted and struggling to pay their bills, and the threat of higher inflation lurks on the horizon, especially given impending increases in electricity prices and travel costs (e-tolling).



Workers everywhere are simply reacting to their difficult economic circumstances.

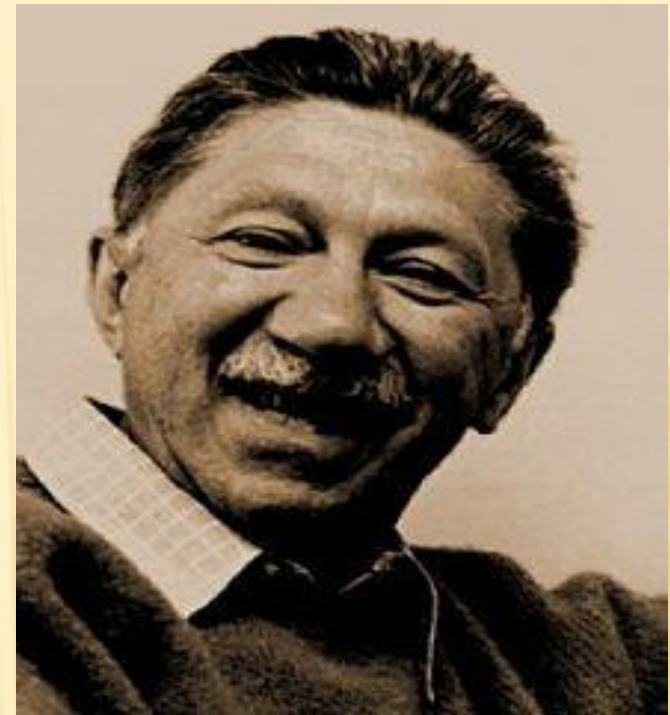
South Africa : is in one of the most damaging periods of labour unrest since the end of apartheid in 1994. About 70,000 of South Africa's miners are on strike as of Oct. 3, 2012, about 23% of the country's total, according to the Chamber of Mines, a industry group. Workers in other industries are also striking in search of better pay, including nearly 30,000 truck drivers.

Maslow's Hierarchy of Needs (original five-stage model)



© alan chapman 2001-4, based on [Maslow's Hierarchy of Needs](#)

Not to be sold or published. More free online training resources are at www.businesstalls.com. Alan Chapman accepts no liability.



DIFFERENT VIEWS ON THE PROBLEM

The **major complaints** listed were not only about **pay**, but about abuses of the existing labour laws and of rights enshrined in the constitution.

Because, as has now become clear as the current strike wave erupted, pay demands are merely the **symptom** of a much **deeper-seated PROBLEM** and one that has gone **untreated** despite the desperate pleas of the working poor, on farms, in forests and mines.

At fault are not just mining companies ,farm OWNERS and plantation owners who adopt a cavalier attitude to labour and human rights. **Equally guilty are government agencies** that do not enforce existing laws and, in the case of farm workers, a department and ministers that establish poverty level minimum wages.

“However, agricultural unions and human rights groups tend to agree that, while conditions on many farms in the Western Cape are bad, they are perhaps marginally better on average than the conditions endured by many farm workers in regions of Limpopo, the North West and Mpumalanga. And in the agricultural sector, forestry workers receive the lowest pay and endure the worst conditions.”-

SOUTH AFRICA

- This creates an environment readily exploited by unscrupulous labour brokers and employers. With a surplus of workers desperate for jobs, they are able to drive down already low rates of pay.
- In the De Doorns area this led to outbreaks of xenophobic violence in 2008 as South African workers turned against migrants from Lesotho and Zimbabwe who they accused of “working cheaper”.
- Anger has again burst into the open, although not, this time, aimed at other workers.
- **Farm owners** are the target because, the workers complain, many simply flout the labour laws.

This has led to a demand repeated over the years: ***“Where are the labour inspectors?”***

BUSINESS REPORT 16 NOV 2012

PIERRE EDOUARD LEMONTEY appears to be an intellectual figure!

LET'S CONSIDER WHAT HE SAID:

LEMONTEY was not an Economist. He was most concerned about the Social consequences of the Industrial change.

It appears that he was the first to argue that unemployment resulting from the “new industrial order” would remain a constant reality for years to come...

This however he regarded as a manifestation of a **more serious problem**. He hold the view that the division of labour lay behind both Industrial growth and social dislocation.

Lemontey also noted the fragmentation of work which increasingly characterized production;- “ The more the division of labour is perfected and the application of Machines extended the more the workers’ intelligence will shrink...”

Lemontey suggested that the worker will become “..all hands and no head...”

He suggested the development of:

1. “worker - machine”-carry an entire industry in his hands. He was complete master of a series of complicated crafts. His competence would give him a sense of independence
2. “ machine worker”- he derived a different attitude. He is only an accessory to his Machine and his work is so simple that he can easily be replaced. The worker recognized that he was utterly dependant on the machine and without it he had a feeling of being dependant. It left him with a sense of “weakness” and it became a dominant personality Trait.

PIERRE EDOUARD LEMONTEY (1762-1826) at the time appears to be an intellectual figure of some consequence and an Office holder under Napoleon.

He was regarded as one of the most irritating critics of the “new economic order”.

This was published by him in **1801** !!!

DIFFERENT MODELS

1. Family working

2. On Farm work

3. off-farm work

4. Hired farm work

1. FAMILY WORKING

“We find that farm labour of operators and of spouses are substitutes. Hired farm labour increases with the farmer’s qualifications, perhaps substituting for the couple’s labour inputs. Other adults in the household substitute for the farm labour input of the farm couple and hired workers.

*We find that the organisation of work by French farm households has **changed** over time, in the direction of a **more equal sharing** of tasks and responsibilities between members of the farm family.”* -**Catherine Benjamin**

Unite´ d’Economie et Sociologie Rurales, INRA, Rennes, France

1. Introduction

This is playing a key role in farm household income in most industrialised countries.

A diversification of **earned income** sources seems to be one response to downward pressures on incomes from farming. Farm households undertake a wide variety of **other** gainful activities. These include both on-farm non-agricultural **activities and off-farm work**.

It can only be explained satisfactorily with considering the interaction between the preferences of farmers and their families and the overall economic environment in which they operate.

Hence, there has been a growing recognition among policy makers and academics that decision making within the farm should be set within a farm.

However, most studies have tended to ignore the interdependent roles of men and women in on-farm labour and the relationships between the use of hired labour and women's on-farm labour.

-Catherine Benjamin

“Furthermore, studying a **complete system** that takes into account all the links between the different labour decisions should be **important** in the current context of **French agriculture**. Indeed, the recent French general agricultural census, conducted in year [2000](#), revealed a marked structural evolution among French farms:

the number of farms managed in partnership had almost doubled since [1988](#), while average farm size increased. At the same time, the share of part-time farm households had also increased. These developments should affect the organisation of work on farms and the interrelationships between different types of workers.”

These models, generally speaking, assume a unitary model of household utility maximisation over consumption and leisure of all family members, subject to time and budget constraints

The original approach considered hired labour and family labour as perfect substitutes, and assumed that the wage of hired workers is equal to the off-farm wage of the farm family.

After excluding parents and siblings of the farm couple, other adult family members are primarily adult children of the farm couple and their spouses. More than half the farm couples did not have any other family member older than 18 years.

- Family members may work on the farm
- May work on small farms
- Farms adapted to less labour
- What about the big operations?

2 AND 3 ON FARM WORKERS vs OFF-FARM WORKERS

* Michel Blanc, Demand for on-farm permanent hired labour on family holdings 2006

- In many developed countries, the share of permanent hired labour in the total agricultural labour force has been increasing in recent years.
- Using data from the 1988 and 2000 agricultural censuses in France, we analyse the factors that influence households' decisions regarding the use of hired labour.

We show that the increase in permanent wage employment observed over that period results from two opposite trends: an important increase in the proportion of family farms using permanent wage labour and a slight decrease in the average volume of permanent hired labour per employer.

WHAT DOES THIS MEAN IN SOUTH-AFRICA?

- * SOME FARMERS ARE AFRAID OF LAND CLAIMS, VISIT'S TO GRAVES ETC.
- * SOME FARMERS ARE “FORCED” TO ASK WORKERS NOT TO STAY ANY LONGER ON THE FARMS –PREVIOUS BENEFIT'S ARE NOT TAKEN INTO ACCOUNT A PART OF THE SALARY.
- * SOME FARMERS ARE AFRAID OF UNREST- **DE DOORNS**
- * “IT IS “SAFER” TO USE CONTRACT WORKERS”
- * IT IS BETTER TO KEEP THEM OFF THE FARM...

4. HIRED WORKERS

Today, informal

work arrangements are becoming the norm in many export sectors, as the share of secure, permanent, full-time jobs declines throughout the world

Contract work, is one type of informal work. It involves more than increasing flexibility through the casualization of work, where labour is employed on a part-time or temporary basis directly by the employer. It is part of an 'externalization' of employment.

CONTRACT WORK IN SHORT

- In order to **REDUCE** labour costs and remain competitive, many producers are downsizing their permanent labour force, and increasing their use of contract labour. But there are limits to this process because of the need to retain **QUALITY**, both to meet changing employment regulation and supermarket requirements for high production and employment standards.

* From the standpoint of contract workers, this interplay is reflected in different pressures operating simultaneously in relation to incomes and security of employment.

- Some contract workers receive **VERY LOW INCOMES** and insecure employment, whereas others are able to earn relatively good incomes, and work for most of the year.
- None, however, has any **FORMAL SECURITY** of employment, and they receive no legal or social protection despite working in global export production.

- Contract work maybe a solution but only if:
- This can be done through labour-only contractors that are only **responsible** for hiring workers, or a contractor who is brought in to complete a specific task.
- It is Traditionally divided between **FORMAL AND INFORMAL** forms of working.
- to take account of the significant numbers working in the 'formal' and export sectors without formal legal protection.
- third party contractor in the latter case is **responsible** for both the hiring and payment of workers, and the producer no longer has any direct 'employment' commitment.
- Contract workers **rarely benefit** from labour regulation, or receive employment benefits, and their employment **is highly insecure**.
- The **advantage** for producers using contract labour in global value chains is that they are able to meet flexible but tight production schedules set by global buyers, whilst minimizing the costs and contractual commitments of employment.
- Do not fall in the trap of employing illegal immigrant's "because they work hard and work for less.."

Problems can arise though given the producer is less able **to control skill**, incentives, **commitment** or employment conditions of contract workers to meet the quality standards set by global buyers.

FACT'S TO BE TAKEN INTO ACCOUNT

- * South-Africa has been able to meet changes in **global consumer demand**, and the increased demands of supermarkets in the retail of fruit that have transformed export markets, particularly in the UK and Europe, which are the main destination of its fruit.
- * The combined effects of these changes is that South Africa is now **integrated** into a much more strident, competitive and technologically advanced global horticulture market.
- * On the other hand the policy of enhanced social equity since 1994, has led to an increase in unrest.

The HARD FACT'S

- **We do not have a working system.**
- **It is a global problem.**
- **It is not a racial problem.**
- **We do not want to become a Zimbabwe.**
- **Current pressure from Government does not help.**
- **Government does not provide any solutions.**
- **Our current labour laws does not provide the answers**
- **Look at the History to find solutions.**
- **Be part of the problem or part of the solution..**

- CO-OWNERSHIP
 - ADVANTAGES
 - DIS-ADVANTAGES

OR

- PARTNERSHIP/JOINT VENTURE
 - ADVANTAGES
 - DIS-ADVANTAGES

CO- OWNERSHIP

1. A DIFFERENT MODEL

1.1 WHAT DOES CO-OWNERSHIP MEANS?

1.2 CO-OWNERSHIP OF THE FARM OR THE OPERATIONS?

1.3 CO-OWNERSHIP OF THE FARM- MANY LARGE OPERATORS THESE DAYS PREFER THE OPTION OF NOT OWNING LAND- NEGATIVE SENTIMENT .

1.4 CO-OWNERSHIP ON LAND BELONGING TO GOVERNMENT.

1.5 FORM A LEGAL ENTITY AND OWN LAND AND/OR OPERATE THE BUSINESS- MASLOW

1.6 IT IS NO QUICK SOLUTION. 5 YEAR PLAN. EDUCATION. WORKERS NOW WORK FOR OWN POCKET. STRIKES PREJUDICE THEM. HELP CARRY LOSSES SUFFERED.

1.7 WHAT IF IT DOES NOT WORK OUT?

PARTNERSHIP/ JOINT VENTURE

- 1. DIFFERENT OPTION TO OWNERSHIP-
“MORE DISTANCE” {MARRIAGE VS CONSORTIUM}**
- 2. FARMER- OWNER OF LAND FORM JOINT VENTURE OR
PARTNERSHIP WITH WORKERS**
- 3. BOTH LAND AND OPERATIONS IN PARTNERSHIP?**
- 4. WORKERS UNDERSTANDS THE BENEFITS OF RELATIONSHIP**
- 5. PROFIT SHARE VS SHARE IN LOSSES**
- 6. JOINT RESPONSIBILITY**
- 7. LONG TERM VISION {EXAMPLES}**

A good speech should be like a woman's skirt. Long enough to cover the subject and short enough to create interest.

-Winston Churchill

THANK YOU!