

ETHICAL TRADE IN THE SOUTH AFRICAN WINE INDUSTRY QUESTIONS & ANSWERS



A collaboration between:



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***Note: This document is compiled and supported by the South African Wine Industry and its partners, Vinpro, WoSA, SALBA, SAWIS and WIETA. The information contained herein will require regular updates. Please highlight any information that is out of date by emailing info@wosa.co.za.*

1 LABOUR PRACTICES

1.1 Are workers allowed to join a union?

- Yes, all farm workers are entitled to join a union of their choice.
- The right to join a union is governed by law (e.g. Labour Relations Act; the Constitution).
- If producers do not allow freedom of association then they are acting illegally.
- Producers can be prosecuted for contraventions and are routinely inspected by the government.

1.2 Do you recognise unions?

- Yes. Union recognition is negotiated between the employer and employees through their union.
- A registered union must prove substantive membership (usually 25%+) before the union can be recognized and enjoy certain organisational rights, e.g. deduction of membership fees and must have 50+ 1% members to negotiate wages.

1.3 Why are some workers afraid to join a union?

- The correct question to ask is: “Why do some employees opt not to join a trade union?” We believe that our audits systems are robust enough to discern if employees are afraid to join a union or being victimised for doing so.
- The freedom of association guaranteed in our constitution and our labour legislation means that employees can choose to join a union and also choose not to join a union.
- There are a myriad of reasons why employees would opt not to join a union, including, but not limited to the reasons listed below:
 - Workers often feel that they have not seen the benefit of belonging to certain trade unions despite paying monthly union membership dues.
 - They believe that their interests as workers aren’t always served with certain unions.
 - Some employees prefer to be apolitical or not to be associated with a political party. Many trade unions have political affiliations in South Africa, which the employees may not want to be associated with.
 - ⊖ Labour disputes in South Africa are often characterised by intimidation and in some cases violence and damage to property, which employees may not want to be associated with.
 - Some employees prefer organising their own internal worker structures, democratically elected, to engage with management, as they are of the opinion that this communication channel serves their interests better.

1.4 Do workers get paid for overtime work?

- Workers are entitled to overtime pay.
- Not paying workers overtime is an offence and is routinely inspected by the relevant government functionaries.

1.5 If you were to be made aware of instances where farmers prevent workers from joining a union, what action have you taken against those farmers?

- Ethical audits are conducted on farms to ensure workers' rights are protected. These include that workers are not prevented from joining a union.
- Audits are conducted by independent bodies.
- The Department of Employment and Labour oversees that labour requirements are complied with, which includes the right of affiliation with a union.
- Depending on the contravention, either corrective action is taken or severe transgressions are prosecuted.
- Ethical bodies have hotline contact numbers, labour desks and 'Incidents Reporting Protocols', which facilitate the reporting of violations and complaints. Once alerted to such claims, further investigation is carried out to ensure that such matters are resolved.
- Wine suppliers may be excluded from local and international markets for severe offences.

1.6 Which audits verify that farm workers can freely join a union?

- Ethical audits that investigate worker conditions and include inspecting the effectiveness of the right to freedom of association include Fairtrade and the Wine and Agricultural Ethical Trade Association (WIETA)
- Countries that wines are exported to also have their own ethical audits. These may include Amfori BSCI in the EU and SMETA in the UK.
- Some international and local retailers also audit labour conditions before buying South African wine.
- The wine industry supports all the ethical audits as we are committed to protecting workers' rights.

1.7 What mechanisms exist for workers, trade unions and civil society to report adverse human rights and labour impacts?

- The international trade union, IUF, has signed a memorandum of understanding (MOU) with Finnish and Swedish alcohol monopolies, Alko and Systembolaget as well as Finnish and Swedish trade unions PAM and Unionen, to give effect to a process for reporting any complaints or incidences that may occur on farms through to the monopolies for investigation and remedial action. The MOU is aimed at sharing concerns around working conditions in alcohol supply chains. The agreement also involves a number of local South African unions.
- A complaint is typically raised through a local union representative to the regional or national level of the union, which ensures that available restorative actions can also be used to resolve the issue.
- A report of the potential breach is sent by the local union to the IUF contact person.
- This is followed by information gathering and further investigation.
- The incident report is then sent to the IUF, based in Geneva, where it is distributed through to the respective country unions, PAM and Unionen.
- Audit schemes such as Fairtrade and WIETA have similar mechanisms in place and are working closely with the IUF and the monopolies to engage around the current MOU framework for reporting incidences.

2 WAGES

2.1 What is the minimum wage?

- The current National Minimum wage for South Africa with effect from 1 March 2023 until 28 February 2024, is R25,42 per hour.

2.2 How many farmers comply with the minimum wage?

- All farmers are expected to comply with the national minimum wage and we are not aware of any that do not comply.
- Non-compliance is a criminal offence.

2.3 Do farmers pay above the minimum wage?

- There are many farmers who pay above the national minimum wage.
- The national minimum wage only acts as a minimum basic wage set mostly for entry-level employees. Wages are often supplemented with benefits such as transportation, housing, electricity and production bonuses. Other benefits may include medical aid and provident fund.
- A study conducted during the 2016 harvest season by the Cape Agri Employers Organisation indicated that of the 2,956 workers that were contracted on the minimum wage, on average, they were paid 15% more than the minimum wage due to incentives.
- In terms of calculating the living wage for the Western Cape region, the Anker methodology has determined that R7,916 per family of 4,5 with 1,6 people working, constitutes (in 2022) a living wage. With the current increases of the national minimum wage as at 1 March 2023, 1,6 people in a family earning this minimum would exceed the living wage benchmark. Where workers are receiving free housing and other benefits such as electricity or transportation, these amounts are rarely calculated into the cost to company and could amount to, depending on the region and rental prices for housing, R1,200 to R1,500 per month additional income equivalent to the basic wages earned.

2.4 Why do farmers make deductions from salaries?

- All employers are entitled to make salary deductions that are agreed with workers.
- These may include cost of housing (legally capped on 10% of the head of house's salary) and electricity costs.
- Some deductions are compulsory, e.g., unemployment insurance.
- Employers may also provide additional benefits such as free housing and transportation, schools fees for children and medical benefits, which are not calculated in the wage package, but do contribute to increased household income and expenditure.

2.5 How do you regulate farmers who don't comply?

- Non-compliance is usually picked up in independent ethical audits.
- Some civil society organisations working in the wine sector sometimes bring this to our attention.
- Unions also report offences.
- Ultimately, the Department of Employment and Labour has an overview of labour conditions on farms.
- The wine industry supports all ethical audits.
- Some wine suppliers are excluded from local and international markets for severe offences.

2.6 Many workers say you are ineffective in reprimanding farmers. Is this true?

- We have set up mechanisms to monitor and reprimand offenders.
- Industry organisations cannot fulfil the role of law enforcement.
- For minor findings, organisations like the Wine and Agricultural Ethical Trade Association (WIETA) adopt a corrective action approach where improvements are carefully monitored and evidence of improved changes needs to be undertaken before audits are signed off.
- Where findings are critical, organisations such as WIETA do not issue certificates, but require immediate remedy. The governmental Departments of Labour and Agriculture are also alerted as these findings are illegal and the law must take its course.

2.7 How do you pay workers who are seasonal?

- Some seasonal workers are paid in cash, but mostly by electronic transfers (EFT's).
- They are paid weekly.
- Time sheets have to be recorded for each worker.

2.8 The wine industry employs about 270,000 workers. Does this include seasonal workers?

- Yes, this figure is made up of permanent, seasonal and part-time workers.

2.9 South Africa has the highest levels of inequalities in the world. How do you justify the massive inequality between workers and owners?

- The national minimum wage is determined by all stakeholders including government.
- The national minimum wage is the minimum level of wages acting as a safety net to ensure that workers at the lowest and entry levels of work do not get exploited. All other levels are being paid higher, i.e. supervisors, drivers, etc.
- Wage inequality can be due to many factors such as the profitability of the company, productivity, competition for workers, education levels, levels of technological innovation at the company and the engagement of trade unions to negotiate annual wage increases.
- Ultimately the market determines what wages can be tolerated.

3 FETAL ALCOHOL SPECTRUM DISORDERS (FASD)*

3.1 How prevalent is it?

- FASD is unacceptably high in South Africa.
- SA figures are amongst the highest reported in the world.

3.2 What are you doing to stop it?

- The industry invests in support programmes to educate vulnerable persons.
- There are also sponsors from the private sector and government departments who are funding FASD awareness, prevention and research projects.
- Aware.org.za is registered as a non-profit organisation (NPO) with the Department of Social Development and is focused on the prevention of the negative consequences of alcohol abuse. There are rehabilitation programmes in place.
- The WIETA standards requires that producers have a responsibility to ensure that alcohol awareness is raised with workers.
- Brands have also partnered with global buyers to fund support and rehabilitation programmes such as Choices, offered by Procure, an NGO providing social work, counselling and therapy to workers within the agricultural sector.
- Alcohol abuse is common in many communities, and not confined to the wine sector.

3.3 Does the dop-system contribute to FASD?

- The dop-system is unlawful.
- It was outlawed in 1960.
- It might have contributed to the creation of a drinking legacy in some communities, but it is certainly not one of the main causes of FASD in South Africa. If it was, there should have been a remarkable decrease in the FASD rate since the dop-system was stopped. In the research done by the Foundation for Alcohol Related Research (FARR) since 1997 in Gauteng, Free State and the Western, Eastern and Northern Cape provinces, only 3% of the participants indicated that they or their parents have ever been involved in the dop-system and all of these cases were before 2000.

3.4 How do you manage pregnant women working on farms?

- Working conditions of pregnant women is governed by the Basic Conditions of Employment Act and other relevant laws.
- Ethical standards and audit scopes inspect the working conditions of women and pregnant workers.
- There are a number of research, awareness and prevention projects offered by mainly FARR and FASfacts which are funded by a number of sponsors.

3.5 FASD incidents are the highest reported in the world. How did you get here?

- Regrettably, alcohol abuse is prevalent in many communities.
- Apartheid caused significant harm to family structures and matters of self-worth amongst rural families.
- We have made some progress in addressing many of the social problems, including FASD, but a lot of work in terms of education is still to be done.
- Based on research findings from FARR, the main reason for alcohol use and abuse during pregnancy in rural (including farming) and other urban communities are:
 - Unaware of pregnancy (78% of pregnancies in SA are unplanned. Women therefore continue to use alcohol as before, not realizing that they are pregnant.)
 - Lack of knowledge regarding FASD, as well as the harmful effects of alcohol

abuse.

- Peer group pressure, especially from partners, immediate family and close friends.
- Drink to 'forget' or 'dull the pain'.
- Depression.
- Drink 'because that's the way we do it'.

** Information supplied by the Foundation for Alcohol Related Research (FARR)*

4 DOP-SYSTEM

4.1 Do farmers pay workers with wine?

- No. The dop-system is unlawful.
- It was outlawed in 1960.
- We are not aware of workers being paid with wine. Such incidents are illegal and will be severely dealt with.

4.2 What mechanisms do you have in place to report farmers who pay workers with wine?

- This can be picked up through independent ethical audits. (eg. Fairtrade and WIETA).
- Some civil society organisations working in the wine sector can bring this to our attention.
- Unions may also report offences.
- Ultimately, the Department of Employment and Labour has an overview of labour conditions on farms.
- The wine industry supports all ethical audits.
- Wine suppliers will be excluded from local and international markets if they supply workers with wine.
- The South African Police Service (SAPS) in the Western Cape province were requested to report any incidents directly to the Premier of the Western Cape.

4.3 What action do you take against farmers?

- We have a zero tolerance approach if any farmer were to be found paying workers with wine.
- If evidence was to be found at an audit site, a zero tolerance/critical is issued and the site cannot pass the audit.
- The full extent of the law will prevail in such cases.
- Industry bodies, however, do not have the mandate to enforce the law and will report such offences to law enforcement authorities.

4.4 How do you protect whistle blowers who report farmers?

- A complaints process is in place with the ethical standards authority (WIETA) which protects the complainant and keeps them anonymous. The site will also be guilty should any worker be victimised or intimidated.
- Any workers or stakeholders can use this anonymous process to report complaints.
- The wine industry will also address any reports through its various multi-stakeholder structures, with representation from the wine industry, unions and labour, as well as government.

4.5 Are farmers allowed to sell wine to workers?

- Several farms do sell wine from their tasting rooms or restaurants as part of their tourism offering. It is not illegal to sell wine to a farm worker.
- Workers are not prohibited from buying wine on farms. However, the purchase of wine cannot be deducted from wages.

5 HOUSING

5.1 Whose responsibility is it to provide housing?

- That of government and that of employees. Where farmers provide housing on farms as part of a contractual benefit to their employees, there is a co-responsibility governed through the labour which includes a housing agreement or housing clauses and housing policy framework, stipulating the rights and responsibilities of employer and employee.
- Where the farmer enters into an agreement with a tenant who has no working relationship with the farm, that agreement will set out the rights and responsibilities of owner and tenant, as governed under the Extension of Security of Tenure Act.
- Where the farmer has no contractual working relationship and no agreement is in place that the person is entitled to stay in the house and stay on farm, and the person is younger than 60 years and has stayed on farm for less than 10 years, the person has no rights as a recognised occupier under the law. However, the only avenue to remove a person with no rights under the law is through a lawful eviction notice from the courts.

5.2 Do farmers provide electricity and water?

- Farmers are expected to provide clean water and access to electricity (if available on the farm) for workers if they are housed on the farm. If the electricity is metered, the farmer is entitled by law to have occupiers pay for their own electricity usage.
- Some farmers provide electricity at no cost or a subsidised costs as a benefit.

5.3 Can farmers deduct cost of electricity and water from wages?

- Yes, farmers can deduct costs from wages if the electricity is metered and proof of actual cost of usage can be demonstrated.
- Water is normally supplied free of charge and electricity may be deducted if measured by an approved meter reader.
- Workers must be informed of the deductions and what they are for.

5.4 Must sanitation be provided for farm and agricultural workers in the vineyards?

- Access to sanitation is a basic human right and governed by the South African constitution. All workers must have access to dignified sanitation. Where physical sanitation structures are not accessible to workers, sufficient portable sanitation facilities which provide for the dignity, safety and privacy of users and their health and hygiene care must be made available for men and women.

5.5 Must potable drinking water be provided to farm workers?

- Access to clean potable drinking water is a human right and governed by the South African constitution.
- Furthermore, the quality of dam, river, rain and borehole water used for human consumption must be tested annually by an accredited laboratory to indicate acceptable levels of biological and chemical content within the legal requirements.
- Non-drinking water must be clearly marked.
- Water storage units must be clean, hygienic and designed for purposes of storing drinking water.

5.6 Do you have minimum standards for housing?

- Yes, the ethical codes outline the minimum conditions for housing, both from an occupational health and safety requirement as well as from a security of tenure and land rights requirement.

5.7 Why do most farm workers live in informal structures and informal settlements?

- Seasonal workers sometimes live in informal settlements off the farm and may relocate from region to region following seasonal work. In South Africa, providing accommodation is not the responsibility of the employer.
- Informal settlements are often a symptom of the migration patterns from one region to another, where new land and housing provisions by government have not been able to meet the need of the incoming flux of migrant workers into the provinces from rural provinces or cross border migration.

5.8 What facilities do farmers have for children?

- Many farms have crèches and schools.
- In many cases farmers pay for the schooling of children as well as provide transport to local schools.
- Playgrounds and other recreational and educational facilities are common.

5.9 How do you monitor to check that housing is adequate?

- The quality of housing can be picked up in independent ethical audits. There are strict requirements based on legislation and national building standards that must be met.
- Some civil society organisations working in the wine sector bring this to our attention.
- Unions also report offences.
- The Department of Human Settlements, along with provincial and local government, have an overview of housing.
- The national Department of Agriculture, Land Reform and Rural Development also provide oversight to housing and land disputes and offer legal support to communities facing potential displacement and evictions through a provincial panel of advocates.
- The wine industry supports all ethical audits.
- Some wine suppliers are excluded from local and international markets for severe offences.

6 CERTIFICATION / AUDITS

6.1 What ethical audits do you have?

- There are numerous ethical audits in the wine industry.
- These include, but are not limited to:
 - Wine and Agricultural Ethical Trade Association (WIETA)
 - Amfori Business Social Compliance Initiative
 - The Sustainability Initiative of South Africa (SIZA)
 - Fairtrade
 - Fair for Life

6.2 What do they audit?

- The audits check compliance against an internationally accepted set of codes and standards.
- Some of the things they consider include:
 - Human rights due diligence.
 - Housing and tenure security.
 - Employment conditions (child labour, forced labour, fair disciplinary processes, working hours and fair wages).
 - Health and safety.
 - Freedom of association and other relevant human rights.
 - Unfair discrimination and fair treatment.

6.3 Are audits announced?

- Scheduled audits are announced as this is a detailed interview and site inspection. Unannounced and semi-announced audits are undertaken at request from the buyers.
- Unannounced audits are carried out when a complaint is laid in an area.

6.4 Do you have your own ethical protocols?

- Some of our own ethical audits include:
 - Wine Industry Ethical Trade Association (WIETA)
 - The Sustainability Initiative of South Africa (SIZA)
 - Fairtrade Africa
 - Amfori Business Social Compliance Initiative (BSCI)

6.5 There are 400-odd audits. How can I be sure they are authentic?

- Yes, there are many audits, which can get confusing.
- They are regulated by retail and government sanctioned codes and laws.
- They are independent and are audited by globally recognised third party audit bodies whose auditors have to be registered and comply with the requirements of the Association for Professional Social Compliance Auditors (APSCA).
- Standards have to be benchmarked continuously through a number of international reference equivalence schemes such as the Consumer Goods Forum's Sustainable Social Compliance Initiative and the ITC Standards Mapping.

6.6 Are temporary employment services also audited?

- Where a farmer makes use of temporary employment services who provide contract workers, these services, along with the workers, need to either undertake their own ethical audit or they must form part of the audit on the farm on the day of the audit.
- Should the labour contractor not comply with the standards requirements, this will result in a severe finding within the audit report.
- Where a farmer does not declare the use of a temporary employment service or the

appointment of a labour contractor and this fraud comes to light, this will result in a zero tolerance finding on the report. Zero tolerance findings result in the site having to be re-audited annually until there is evidence that the violation has been addressed and contract workers are protected.

- No certification can be issued for a zero tolerance and the report will show a 'D-rating', which is high risk.

6.7 Ethical labels are confusing. How can I be sure that I'm making the responsible choice?

- Ethical labels are one way in which consumers can satisfy themselves that they are making responsible choices.
- They audit both social and environmental issues.
- They are independent third party audited Standard Scheme owners.

7 GOVERNMENT

7.1 Is government doing anything to make the social problems better?

- The industry works very closely with government to raise concerns, co-fund development and capacity building programmes and support emerging farmers with access to land, infrastructure, capital and markets.
- Many argue that government has to review the housing policy for farm workers.
- Social grants have helped some destitute communities.

7.2 What else can government be doing?

- They can improve by assisting with skills development and additional funding opportunities for empowerment and upliftment.
- Support for enterprise development in the wine industry.

7.3 Hasn't the lack of land reform contributed to the problem?

- Effective land reform will contribute to broaden ownership of land in the wine industry.
- Where land reform projects have been established, the provincial Department of Agriculture works closely with various industry organisations such as Vinpro, the South African Wine Transformation Unit (WITU) and WIETA to secure funding and capacitate black farmers and black brands to achieve sustainability and ethical standards and to trade on equal footing with established wine brands to access markets.

7.4 What is the WIVCRT?

- The Wine Industry Value Chain Round Table initiative is a partnership between government, the wine industry as well as labour and civil society groups. The aim of the WIVCRT is to foster collaborative industry-government actions that help to secure an enduring competitive advantage of the wine industry. The WIVCRT is envisaged to involve all critical role players within the entire wine value chain.

8. EQUALITY, DIVERSITY AND INCLUSION

8.1 What training programmes do you have?

- Various training and development programmes are available, eg:
 - Black leadership development.
 - Masterclasses aligned with small business development.
 - Social work support to vulnerable families.
 - Bursaries.
 - Technical production training. Worker rights-based training. Ethical codes training.
 - Health and safety training.
 - Life skills training.

8.2 How many workers have moved up to management and other positions? Is it common?

- Yes, it is common.
- Management and leadership development programmes have been successful.
- Several hundred personnel have moved into middle and farm management positions as a result of training and development programmes.

8.3 Is share ownership by workers common in your industry?

- Yes, employee share ownership comprises the majority of black ownership in the industry. There are however various ownership models under transformation in the industry.

8.4 What can be done to improve ownership or access to the industry?

- Credit lending models for enterprises.
- Improved government land reform policies. Current land reform policies are not effective in intensive farming models and more effective in extensive farming models.
- Pre-assessment and valuation of farms and properties before purchase
- Post-development programmes where land or infrastructure is funded and provided.

8.5 How many wine farms have black equity partners? Is it effective?

- Approximately 50 farms have black equity partners.
- Various other forms of empowerment are common, since the national government agenda of post-apartheid South Africa is nearly exclusively, demographic and economic transformation, the definition of which aligns closely to the UN SDG's.
- Legislated Black Economic Empowerment codes of good practice serve as a standard guide for good governance in worker equity schemes. Monitored through third party assurance, these codes are subscribed to by most enterprises that do business with the government or supply major retailers.

8.6 Do you support enterprise development? How?

- Yes, enterprise development is supported.
- We facilitate access to grants and loan funding and provide free technical advice and training.
- We share best practice in methods of enterprise development through a dedicated consulting service.
- We run programs actively linking new entrants to crucial players in the value chain or in the financing sector.
- Pre- and post-programmes are provided under the enterprise and farm support.

8.7 How many brands are black owned?

- About 81 wine brands are black owned.

8.8 Is black ownership the answer to the socio-economic problems?

- In itself, it is not the solution to socio-economic problems.
- Socio-economic factors have several causal factors and solutions are multi-faceted involving several stakeholders.
- There is a prevailing opinion that, by including black people in the management of enterprises, decision-making is more likely to accommodate the needs of previously marginalised communities. The Black Economic Codes deal directly with inclusive recruitment of black decision-makers in historically white-owned enterprises. In developing black ownership, economic wellbeing is looked after for a demographic group that did not gain that many benefits in the past. This directly will have a socio-economic improvement on those households and communities.

8.9 Has this industry been slow to transform?

- Yes, given inherent barriers to entry in terms of market competitiveness and costs of capital.
- All new entrants struggle to sustain wine enterprises.
- A government study conducted several years ago found that only 38% of land reform farms across the agricultural sector are legally compliant with labour laws. Adherence to labour laws is related, in many cases, to the financial wherewithal of employers.

8.10 What is Stronger Together?

- Stronger Together is a multi-stakeholder business-led initiative aiming to reduce modern slavery, particularly forced labour, labour trafficking and other hidden third party exploitation of workers.
- Stronger Together offers a range of in-depth, specialist training opportunities on tackling modern slavery including open workshops, e-learning modules and bespoke in-house training.
- For more information, visit www.stronger2gether.org.

8.11 What is the SA Wine Industry Transformation Unit?

- The SA Wine and Brandy Industry Transformation Unit (WITU) is a non-profit company which was constituted in 2016.
- It is a multi-stakeholder entity, duly mandated by the SA Minister of Agriculture to conceive, fund and oversee programmes that relate to enterprise and supplier development, skills development and socio-economic development in the context of Black Economic Empowerment.
- It reports progress on achievements and planned activities to the National Agricultural Marketing Council (NAMC), whom in turn, provide guidelines to all subsectors in agriculture, on the nature of programmes which may be funded through statutory measures as determined under the auspices of the MAP Act of 1996 with subsequent amendments considered.
- WITU is comprised of 5 director seats, namely NAMC, Vinpro, SALBA, Labour and Black Owned Brands. An independent chairperson is appointed in line with the company's statutes.

8.12 What is the WITU's mandate?

- To generate and promote equitable access and participation within the wine value chain and for the wine industry.

- To strengthen and accelerate the development of the operational and financial capacity of wine farms and businesses owned by black people throughout the value chain in and for the wine industry.
- To increase representation of black people, with a specific focus on black women, at management level in wine cellars, wine businesses and industry organisations through industry programmes for human development in and for the wine industry.
- To promote ethical practices within its community of stakeholders (including workers) through the implementation of well-integrated ethical trade programmes throughout the wine industry.
- To become proactively involved in the upliftment and empowerment of workers and communities comprising of people of colour within the wine industry;
- To promote socially responsible consumption of the produce of the vine.
- To assist in the facilitation of an all-inclusive social compact for the wine industry.
- To implement and receive levies as principal and/or agent, payable by different interest groups in the wine industry for purposes of the above-mentioned objects.
- To carry out general administrative tasks and functions in the furtherance of its objectives.
- For enquiries, contact Wendy Petersen – Executive Manager at wendy@witu.co.za, +27 21 276 3210.

9. TOXIC CHEMICALS

9.1 Are farm workers exposed to harmful chemicals?

- Workers can be exposed to harmful chemicals if health and safety regulations are not enforced.
- Strict laws and protocols govern chemical use (e.g. Occupational Health and Safety Act).
- Farm management is required to adhere to strict control measures to protect neighbouring communities from possible spray drift and to ensure that communities are informed before during and after spraying occurs.

9.2 What training is provided?

- Training is compulsory for workers administering chemicals.
- Workers are taught how to store, administer and dispose of chemicals safely.
- Workers are taught about safety equipment such as gloves, masks, gumboots.
- No spraying is done when the wind blows to prevent chemical drift.
- No workers are allowed in vineyards when chemicals are applied, except those who are applying the chemicals.

9.3 How do you ensure farmers comply with protocols?

- This can be picked up through independent environmental and health and safety audits, e.g. Integrated Production of Wine (IPW) audits, Fairtrade and WIETA.
- The wine industry supports all environmental and health and safety audits.
- Civil society organisations working in the wine sector can bring this to our attention.
- Unions also report offences.
- Wine suppliers are excluded from local and international markets for severe offenses.
- Retailers also enforce their own environmental and health standards.
- Health and safety compliance is managed by the Department of Employment and Labour.

9.4 How do you police the correct use of agro-chemicals?

- Environmental and social audits help to ensure the correct use of chemicals.
- The Integrated Production of Wine (IPW) audit specifically entails agro-chemicals in terms of environmental sustainability.
- Retailers also enforce their own environmental and health standards.

9.5 What mechanisms are in place to ensure farmers comply with the Occupation Health and Safety Act?

- This can be picked up through independent environmental and health and safety audits, e.g. IPW, Fairtrade and WIETA.
- The wine industry supports all environmental and health and safety audits.
- Some civil society organisations working in the wine sector can bring this to our attention.
- Unions also report offences.
- Wine suppliers are excluded from local and international markets for severe offenses.
- Retailers also enforce their own environmental and health standards.
- Health and safety compliance is managed by the Department of Employment and Labour.

10. CONTACTS

For all matters relating to any of the above points, please refer them to the following bodies:

Wine and Agricultural Industry Ethical Training Association members (WIETA)

Call the office: +27 (0)21 880 0580

Email: linda@wieta.org.za or labourdesk@wieta.org.za

Website : www.wieta.org.za

South African Wine and Brandy Transformation Unit (WITU)

Email Wendy Petersen – Executive Manager at wendy@witu.co.za

Or call +27 (0)21 276 3210

Department of Employment and Labour – David Esau – David.Esau@labour.gov.za and copy the following persons in:

john.jacobs@labour.gov.za

mark.samuels@labour.gov.za

fezeka.ngalo@labour.gov.za

Department of Employment and Labour contact number given to employees depends on the area in which they live or have access to:

Somerset West – 021 852 6535

Paarl – 021 872 2020/74

CCMA - 021 469 0111

Department of Agriculture – Getrude Jacobs – GertrudeJ@elsenburg.com and copy Gertrude's assistant - meganc@elsenburg.com.

For any legal assistance needed, we refer employees to the:

Legal Aid Clinic, University Stellenbosch (021 808 3600) or to any Legal Aid Board (Justice Centre) in their area.