



## Overview of WIETA

### **Introduction**

The South African agricultural industry is a rapidly growing industry that is making significant progress in acquiring greater market share in a very competitive global environment. Industry has since adopted ethical parameters by which it has come to measure its impact in tackling many of the widespread development challenges affecting those employed in the sector.

### **Background to the establishment of WIETA**

WIETA was formally established in November 2002 as the Wine Industry Ethical Trade Association. The association arose out of an Ethical Trade Initiative pilot project in the wine industry. The pilot not only assisted the ETI and South African partners in learning about, developing and refining inspection methodologies in monitoring their base code, but was instrumental in bringing together stakeholders in the wine industry of the Western Cape to discuss and debate issues around ethical trade. The name change was adopted in 2008.

### **What is WIETA ?**

WIETA is a not for profit, voluntary association of many different stakeholders in the South African wine, fruit and flowers industry, who are committed to the promotion of ethical trade in this sector. WIETA has a strategic partnership with farm worker organisations and labour unions working in the sector.

### **Mission statement**

WIETA's mission is to promote ethical in the agricultural sector by:



- Formulating and adopting a code of good practice governing employment standards for those involved in the growing, production, packaging and bottling of agricultural products;
- Promoting the adoption of and adherence to the code of good ethical practice amongst all producers and growers;
- Educating producers and workers on the provisions of the WIETA code.
- Managing independent social audits to ensure that members of the association observe and implement the code of good practice;
- Supporting and implementing development initiatives towards integrated ethical trade planning and management in the sector;
- Determining ways of encouraging implementation of ethical practice and compliance with the code and determining measures to be taken in the case of non-compliance with the code.

### **Who may join WIETA?**

Any individual or body that is committed to the objectives of the organisation, including growers; producers; agents, trade unions; non-governmental organisations; retailers, and government.

### **How is this body managed?**

A Board, comprising labour, business, non-governmental organisation and government representatives, manages the body. Representatives from these constituencies are elected onto the Board at the Annual General Meeting. A Chief Executive Officer, who reports to the Board, is responsible for the day-to-day management of the association.

### **What is required of members?**

Members of the association have different responsibilities and make different contributions in meeting the aims and objectives of the association. All members who join the association agree to abide by the constitution and to support the objectives of the organisation. In addition to this:

- Board members are requested to contribute their expertise and time in the development of the code and in taking important decisions about how the association will best meet its objectives.
- Producer members are required to implement the base code at their workplaces, and to allow the association to monitor compliance.



- Trade union members play an important role in creating awareness of the provisions of the code amongst their members.
- Non-governmental organisations provide a valuable resource to the association in terms of their expertise, training capacity and research capabilities.
- Government is an important service provider in the sector, and their participation in the association provides an important opportunity for WIETA to identify ways of working together in ensuring more effective service delivery affecting ethical trade performance management and compliance with the code in under resourced rural areas.

#### **How does WIETA support ethical trade partnerships?**

As an ethical partner, members are encouraged to participate in self assessment exercises which are reviewed by WIETA in discussion with workers and employers. WIETA encourages its members to become ethical partners through the development of and commitment to the implementation of collaborative ethical trade plans. WIETA endeavours to support producers, growers and their workers through technical assistance in managing the plans and facilitating its integration into broader industry or regionally based developmental partnerships which, WIETA believes will serve to strengthen and sustain these ethical initiatives over the long term.

#### **How does WIETA monitor members' compliance with the code?**

Recognition of members as ethical trade champions involves further commitment to undertake an independent participative and multi disciplinary assessment of their ethical trade and labour practices.

Independent social, labour and health and safety auditors, who have a good understanding of the sector and are familiar with relevant labour and tenure security legislation, as well as health and safety protocols and good practices have been selected and trained by WIETA to monitor compliance with the code.

Members who comply with the base code will become fully accredited members of the association. Those that do not comply will be required to develop an improvement plan, setting out the steps that will be taken towards compliance within reasonable time frames agreed with the association. Follow



up assessments and audits will be conducted to ascertain the extent to which these measures have been implemented.

### **What services does WIETA provide?**

- Facilitating greater awareness of ethical trade issues.
- Supporting producers and growers to assess ethical trade risks and providing technical expertise, thereby promoting the development of improved ethical trade planning; management and performance
- Ensuring that worker's ethical needs are recognised as part of an integrated ethical trade plan for the sector.
- Educating WIETA members and workers on the WIETA ethical code and the ethical accreditation process;
- Sharing up to date information on ethical trade best practice
- Advice on the practical implementation of the requirements of SA legislation
- Assistance with Occupational Health and Safety implementation tools
- Monitoring producer and grower members' compliance with the code
- Assisting worker representatives to monitor the Code
- Assisting retailers to monitor their suppliers' ethical performance through ethical reporting requirements

Members will be required to pay WIETA for any audit conducted, but we will endeavour to subsidise the costs of audits undertaken in the wine industry through assistance from the Common Customs Tariff. We do however ensure that our fees are as cost effective manner as possible.

### **How is WIETA funded?**

Apart from membership fees and donations, much of WIETA's funding will come from Wine Industry levies administered through Wines of South Africa (WOSA)

### **Membership fees**

Retailers, their agents, exporters, producers and growers will be required to pay a membership fee of R500 per annum. The membership fee for all other members (NGO's, government, trade unions, individuals etc) is R150 per annum.



## **The WIETA Code**

This document outlines the employment standards that members of the association commit themselves to.

The standards set out comply with the provisions of prevailing labour legislation. However, where labour legislation is amended from time to time, and the conditions of the legislation provide more favourable terms and conditions of employment in the sector, or, where the members of the association agree to more favourable terms and conditions of employment than those stipulated in labour legislation, this code will be amended accordingly.

### **1. PROHIBITION ON CHILD LABOUR**

- 1.1. Members shall not employ children under the age of 15.
- 1.2. Should young persons between the ages of 15 and 18 seek employment, members shall ensure that this does not interfere with their school going activities.
- 1.3. Members shall ensure that the work provided to young workers is appropriate to the age of the young person concerned, and shall take care to ensure that the work performed does not risk the young person's well being, education, physical or mental health, or spiritual, moral or social development.

### **2. PROHIBITION ON FORCED LABOUR**

- 2.1. Members shall not engage in or support the use of forced labour, nor shall employees be required to lodge 'deposits' or original identity documents with their employer upon commencing employment.
- 2.2. Spouses or cohabiting partners, parents or children of employees living on the premises of and working for any member to the association shall not be required to work in return for the right to live on the farm. Family members residing with employees on the farm shall have the right to take up employment off-farm.



- 2.3. Where persons are employed, this employment shall not be linked to or conditional upon the employment of a spouse or any other family member of that person, and all men and women employed shall have their own individual contracts of employment.

### **3. A SAFE AND HEALTHY WORK ENVIRONMENT**

- 3.1. Members shall provide a safe and healthy working environment for employees, and shall take adequate steps 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.
- 3.2. Members shall appoint a senior management representative responsible for the health and safety of all personnel, and accountable for the implementation of a healthy and safe working environment. As required by the Occupational Health and Safety Act, members shall ensure the election of employee health and safety representatives.
- 3.3. Members shall strive towards the implementation of a practical integrated health and safety framework that allows for the analysis of risks, the implementation of measures to reduce or eliminate those risks, mechanisms for decision making on and monitoring of the implementation of health and safety measures, and record keeping in this regard.
- 3.4. Notwithstanding the above, members shall ensure:
  - 3.4.1. the safe storage, application and disposal of pesticides and agrochemicals;
  - 3.4.2. that workers are provided with necessary safety equipment and clothing, and that steps are taken to prevent injury of persons by farm equipment and heavy machinery;
  - 3.4.3. that workers receive adequate health and safety training, including in the handling of chemicals and other hazardous substances, and in the handling of heavy machinery;
  - 3.4.4. that measures are in place to provide first aid and other emergency treatment in the event of accidents occurring at the workplace, and that workers compensation documentation and other accident and illness documentation required by law are available and utilised in the event of work related accidents and illnesses;
  - 3.4.5. that readily visible safety signs are supplied in all relevant languages;



- 3.4.6. that adequate fire prevention, fire fighting and fire safety measures are in place;
  - 3.4.7. that measures are in place to prevent exposure to fumes in wineries and cellars;
  - 3.4.8. that measures are in place to ensure that employees working or their families residing in close proximity to the site where spraying occurs, are not placed at risk through exposure to the chemicals and pesticides being applied.
  - 3.4.9. access to clean toilet facilities for all employees;
  - 3.4.10. access to clean drinking water is provided to all employees;
  - 3.4.11. that on-farm accommodation provided is structurally sound and weatherproof, is provided with adequate floor covering; ceilings; toilet facilities and waste disposal, as well as electricity or other appropriate energy resources for heating, cooking and lighting; is adequate to the number of residents and that there is no overcrowding and that measures are taken to ensure the maintenance and upkeep of the accommodation provided.
  - 3.4.12. Appropriate working conditions for pregnant women, in line with the code of good practice on the protection of employees during pregnancy and after the birth of their child.
- 3.5. Members will not promote or implement any practices that perpetuate a culture of alcohol dependence. Where alcohol dependence or abuse is identified as a problem, members shall take reasonable steps to address this at the work place.

#### **4. FREEDOM OF ASSOCIATION & THE RIGHT TO BARGAIN COLLECTIVELY**

- 4.1. Employees without distinction shall have the right to join or form trade unions or organisations of their own choosing and to bargain collectively.
- 4.2. Members shall ensure that wage increases and benefits of employment are determined through a process of fair negotiation in which workers get a genuine opportunity to represent their interests.
- 4.3. Members shall adopt an open attitude towards the activities of trade unions and their organisational activities, and shall not discriminate against any person because of his or her trade union membership or political affiliation.
- 4.4. Representative trade unions organising workers shall be accorded organisational rights in terms of the provisions of the Labour Relations Act 66 of 1995.



## **5. WORKERS SHALL NOT BE UNFAIRLY DISCRIMINATED AGAINST**

- 5.1. No member shall engage in or support unfair discrimination on arbitrary grounds, including (but not limited to) race, sex, marital status, sexual orientation, or gender, in respect of their employment practices and policies. Employment practices and policies include, but are not limited to recruitment, remuneration, access to training, promotion, benefits of employment (including housing) and discipline.
- 5.2. Members shall not tolerate incidences of sexual or racial harassment at the workplace; including gestures or language and physical contact that is racially or sexually coercive, threatening, abusive or exploitative.
- 5.3. Members shall implement measures to promote and advance those disadvantaged by historical discriminatory practices, in line with the provisions of the Employment Equity Act 55 of 1998 and the Skills Development Act

## **6. FAIR DISCIPLINARY MEASURES SHALL BE ADOPTED**

- 6.1. Physical abuse or discipline, the threat of physical abuse, or other forms of intimidation shall be prohibited.
- 6.2. Members shall adopt disciplinary rules and procedures that comply with the provisions of the Labour Relations Act 66 of 1995, in particular, schedule 8 to this act, and shall keep records of all disciplinary proceedings in the personal file of the employee involved.

## **7. WORKING HOURS SHALL NOT BE EXCESSIVE**

- 7.1. Members shall ensure that they comply with national law in respect of working hours, and shall in particular ensure that:
  - 7.1.1. normal working hours do not exceed 45 hours per week;
  - 7.1.2. overtime work and work on public holidays is voluntary,
  - 7.1.3. work on Sundays and Public Holidays is remunerated at double the employee's hourly wage;
  - 7.1.4. overtime hours do not exceed 10 hours a week, and overtime work is remunerated at a premium of one and a half times the person's hourly rate,
  - 7.1.5. workers do not work for more than a week without a break of at least 36 hours;
  - 7.1.6. workers receive at least three week's paid leave per year



- 7.1.7. workers are paid in respect of their sick leave, in accordance with the provisions of the Basic Conditions of Employment Act
- 7.1.8. workers are provided with maternity/family responsibility leave in terms of the Basic Conditions of Employment Act
- 7.2. Management shall keep written records of all hours worked and leave taken by employees, in terms of the Basic Conditions of Employment Act.
- 7.3. Prior to commencement of employment, all employees shall be provided with a contract of employment, which will set out their terms and conditions of employment in relation to working hours and leave.

#### **8. WORKERS SHALL RECEIVE A LIVING WAGE**

- 8.1. Members shall ensure that employees are paid a living wage – enough to allow employees and their households to secure an adequate livelihood. This should be sufficient to meet basic needs such as food, clothing, shelter and education, and to have money left over for discretionary spending.
- 8.2. Members shall remunerate employees in accordance with the principle of equal pay for equal work and work of equal value.
- 8.3. Piece rates, where paid, are on top of an agreed upon minimum daily rate.
- 8.4. Employees shall be provided with written and understandable pay slips, which include clear documentation of gross wages, all deductions made and net wages.
- 8.5. Provision shall be made for the payment of UIF and other statutory deductions.
- 8.6. Deductions shall not be made in respect of protective clothing, farm equipment, or other items essential to the performance of workers' tasks.
- 8.7. Deductions for payment in kind shall not exceed 20% of the employee's gross wage and shall be made with the written consent of the employee concerned.
- 8.8. Where farm shops exist, members shall ensure that they are run in an open and transparent fashion and shall ensure that employees are not excessively indebted to and therefore reliant upon this shop or any other system whereby deductions are made for groceries or household provisions acquired on behalf of the worker.



- 8.9. Members shall not provide alcohol as payment or part payment, or as a voluntary consideration that can be taken in lieu of an equivalent portion of the wages.

#### **9. REGULAR EMPLOYMENT SHALL BE PROVIDED**

- 9.1. To every extent possible work performed must be on the basis of a recognised employment relationship, established through national law and practice.
- 9.2. Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of sub-contracting arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.
- 9.3. Should members make use of labour contractors, they shall take measures to ascertain the conditions of employment of workers provided by the contractor, and shall endeavour to ensure that the contractor is complying with the standards set out in this code of conduct in respect of those employees working on their premises.

#### **10. HOUSING AND TENURE SECURITY**

- 10.1. Members shall comply with the provisions of the Extension of Security of Tenure Act in respect of those living on their land. In particular, members shall respect the occupational rights of farm dwellers, and shall comply with the provisions of the legislation insofar as these regulate the eviction of those living on the farm.