



News



IN THIS ISSUE

Pg

SIZA Moving Towards
Environmental
Sustainability

1

New Members to the
SIZA team

2

A Legacy for Nieuwe
Sion Farm workers

3

CCMA Labour
Brokering Ruling

3

Modern Slavery (Forced
Labour)

4

SIZA MOVING TOWARDS ENVIRONMENTAL SUSTAINABILITY

SIZA is well known for its comprehensive social standard which ensures fair and ethical trade from all South African member farms.

Most recently, as part of its long-term vision, SIZA developed its own environmental standard, focussing on assisting the South African fruit industry with an approach to measuring and reporting against sustainability criteria, specifically those that are relevant for on farm activities within the South African context.

SIZA is now moving forward and introducing a process to verify farms against its environmental standard. Verification is being offered in two different, but complementary ways:

- A 2nd party verification where a statistically significant sample of farms will be visited to have their Environmental Self-Assessment Questionnaires (SAQ's) verified by SIZA's in-house environmental specialist.
- A 3rd party verification where selected farms will be visited to have their environmental SAQ verified by an independent 3rd party auditor.

Second-party verification will be based on a 25% random sample size which will be generated from the annual approved Environmental SAQ's. This will ensure that each site will be visited at least once during a 3-4-year cycle.

SIZA's in-house specialist(s), will visit each farm to undertake an on-site review of SAQ data and evidence. They will also assist the farm with technical environmental support and advice to improve on their environmental practices and to drive continuous improvement.

The output for the second-party verification is a long-term environmental improvement plan and a SAQ confirmation letter. This process will be of no direct cost to the producer, as it is built into the annual membership fees.

Third-party verification can be conducted by a SIZA recognised audit company, on either member or market demand. This assessment will be a combined audit, where the Environmental audit will take place concurrently with another standard being audited, for example Global G.A.P food safety. It will then avoid duplication and save time and money.

The outputs of this combined audit then generate two separate audit reports, each with its own Corrective Actions Plan Report that will outline the necessary actions required in a specific timeframe.

For SIZA Environmental, corrective actions will be submitted online and once approved, a SIZA Environmental Audit completion letter will be issued. The frequency of this third-party audit will be based on the risk rating and level achieved (e.g. Bronze audited every year, Silver audited every 2nd year, Gold & Platinum audited every 3-4 years respectively).

SIZA is grateful to the many experts who have freely given up their time and expertise to help put together the environmental programme. We now look forward to seeing the first farms being verified and their completion letters being published on our platform in March 2019.

WWF South Africa's, Shelly Fuller recently stated: "We are in full support of the SIZA programme and very excited to be part of the development of this complimentary verification model which is focused on providing advisory support alongside on-site verification. This means that it's not just about checking that the data is correct, but offering guidance on areas for improvement and recognition of positive performance. The kind of process will deliver meaningful long-term benefits to the entire food supply chain. Well done SIZA!"

SIZA is very proud that it can now offer stakeholders a full supply chain sustainability standard, equivalent to the best in the world.

If you have any further questions or would like to know more, please contact any of the following SIZA personnel: Henko Vlok henko@siza.co.za (Environmental Specialist); Retha Louw retha@siza.co.za (CEO); Tom McLaughlin tom@siza.co.za (UK liaison).

NEW MEMBERS TO THE SIZA TEAM

It is a privilege to announce the appointment of the following two staff members as part of the SIZA team:

Werner Van Dyk

Ethical auditing forms the baseline of ethical trade. It is therefore important to understand how the audit process works and that assistance in this process is provided at all levels.

As Ethical Specialist, Werner will be responsible for audit oversight and will ensure continuous improvement within the auditing process. Through interaction with all relevant stakeholders, he will ensure longevity for social and ethical compliance across the industry.

Werner is a young, dynamic and driven individual with a passion for agriculture and ethical practices. His legal and psychology background has formally assessed his education in ethical skills, while his upbringing on a farm in the Northern Cape shaped his passion for the industry. He enjoys horseback riding on farms in the area and spending time with his loved ones.



Surina Spangenberg

Surina Spangenberg was recently appointed as Operational Manager at the SIZA office. With a strong background in office administration and personnel management, she will focus on the day-to-day office operational activities to ensure smooth and efficient service delivery. Surina is a loyal, well-organized and effective individual who strives to measure progress in prioritizing and doing the "right things." Her accuracy, diligence and hard work is commendable.

Surina is married and has a 14 year old daughter. Apart from spending quality time with her family, she enjoys creative hobbies like mosaic and flower arranging.



SIZA welcomes Werner and Surina as part of the team and we believe that they will contribute to the success of the company going forward.

GOOD PRACTICE: A LEGACY FOR NIEUWE SION FARM WORKERS

One of SIZA's members and owners of the table grape and soft citrus farm, Nieuwe Sion, is focused on giving their workers access to the mainstream economy through property ownership.

When David and Elaine Potter bought the farm Nieuwe Sion near Simondium in the Western Cape, the couple, who lives in England, resolved to create an environment that would leave their workers better off than when they started working on the farm. Ethical trade, as for many other farmers in the country, however is more than a legal responsibility for the couple.

Their vision of empowering their workers moves beyond the payment of living wages and the creation of a safe and worker friendly production environment.

The Potter's ultimate goal is to help workers and their families, especially their children, become less dependent on the farm for their financial wellbeing.



The Potters bought 3,5 ha of land bordering their farm and recently completed a R30 million housing project which will supply housing to 140 souls, in the form of 22, two to three bedroomed houses, varying between 60 and 70 square metres, as well as 8 annexed buildings with single quarters for retired workers.

The estate will be as self-sustaining and environmentally friendly as possible.

There will also be a crèche, aftercare facilities for the workers' children, a community centre and a sports field.



CCMA'S LABOUR BROKERING RULING CONFIRMED BY THE CONSTITUTIONAL COURT

(SIZA would like to thank Johan Hopkins from THE Cape Agri Employers Organization for this contribution.)

At the end of last month a communique was distributed by the Commission for Conciliation, Mediation and Arbitration confirming that its labour brokering ruling has been confirmed by the Constitutional Court. Below is an excerpt from this declaration.

“The Commission for Conciliation, Mediation and Arbitration (CCMA) is proud to announce that on 26 July 2018, at 10h00, history was made in that the Constitutional Court confirmed the CCMA's ruling on the sole employer interpretation.

The case concerned the interpretation of Section 198A(3)(b) of the Labour Relations Act 66 of 1995 (LRA) and whether this deeming provision resulted in a “sole employment” relationship between a placed worker and a client or a “dual employment” relationship between a Temporary Employment Service (TES), a placed worker and a client.

The Labour Appeals Court (LAC) set aside the order of the Labour Court (LC) and held that a placed worker who has worked for a period in excess of three months is no longer performing a temporary service and the client, as opposed to the TES, becomes the sole employer of the worker by virtue of section 198A(3)(b) of the LRA.



In 2015, Assign Services, a TES, placed 22 workers with Krost Shelving and Racking (Pty) Limited (Krost), a number of whom were Members of the National Union of Metalworkers of South Africa (NUMSA). The placed workers provided services to Krost for a period exceeding three (3) months and on a full time basis. Assign Services' view was that Section 198A(3)(b) created a dual employer relationship, while NUMSA contended that a sole employer relationship resulted from the section. The CCMA supported NUMSA's sole employer interpretation and ruled in its favour.

In the LC, it was held that a proper reading of the Section could not support the sole employer interpretation. It instead held that Section 198A(3)(b) created a dual employment relationship, in which both the TES and the client have rights and obligations in respect of the workers. In an appeal, by NUMSA, to the LAC it was found that the sole employer interpretation best protected the rights of placed workers and promoted the purpose of the LRA.

The Constitutional Court, in its majority judgement held that the purpose of Section 198A must be contextualised within the right to fair labour practices in section 23 of the Constitution and the purpose of the LRA as a whole. The majority found that, on an interpretation of Sections 198(2) and 198A(3)(b), for the first three (3) months the TES is the employer and then subsequent to that time lapse the client becomes the sole employer. The majority found that the language used by the legislature in section 198A(3)(b) of the LRA is plain and that when the language is interpreted in the context, it supports the sole employer interpretation. In the result, the Constitutional Court granted leave to appeal but dismissed the appeal with costs.”

There are still a number of uncertainties that need to be addressed. SIZA will keep members updated on any developments as new information becomes available. (For more information please send an email to caeo@maxitec.co.za).

MODERN SLAVERY (FORCED LABOUR)

Did you know that around the world an estimated 24.9 million people find themselves in situations of forced labour? Forced labour is defined as *“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”*

Forced labour is carried out by exploitative individuals and groups who prey on vulnerable people and use a variety of methods to control them. The most vulnerable groups to modern slavery include seasonal or temporary workers, migrant workers, workers recruited through third-parties and young workers.

Agriculture is considered a high risk sector for modern slavery. This is largely due to its seasonal nature, which means producers rely on labour vulnerable to exploitation (i.e. seasonal and migrant workers) as well as labour employed by temporary employment services (TES). It is vital to be informed and equipped to prevent forced labour and minimise the risk to your business and supply chain.



Image source: Modern Slavery Police Transformation Unit, UK.

Want to know more? SIZA is part of Stronger Together South Africa, a partnership programme designed to assist South African fruit and wine producers to understand and tackle forced labour through:

- Free 1-day interactive training workshops
- A variety of focused and practical resources.

To find out more or to book a training course, please visit: <https://www.stronger2gether.org/za/> or send an email to Infoza@stronger2gether.org

