

Promoting Women Workers' Rights in African Horticulture
The Case of Uganda

Executive Summary
2011

Introduction

The study on '*Developing Strategies for Change for Women Workers in African Horticulture*' was commissioned by Uganda Workers' Education Association (UWEA) in collaboration with Women Working Worldwide (WWW) under the financial assistance from Comic Relief. This research was undertaken as part of a three year project for improving women workers' lives in the horticulture farms through developing strategies that would enable them to claim their rights. This project was simultaneously implemented by three organisations that include; Tanzania Plantation and Agriculture Workers' Union (TPAWU) from Tanzania; the National Federation of Farm, Plantation, Fish and Agro-Industry Trade Union (NAFFPFATU) and the Uganda Workers' Education Association (UWEA).

This report gives a brief summary of the research conducted into the lives of the women workers in horticulture farms in the Wakiso, Mpigi and Mukono districts in Uganda between May 2008 and December 2010. For more information about the project and to download our full research overview from our website www.women-ww.org.

Project Background

The horticulture sector in Uganda consists of the growing of fruits, vegetables and flowers. The floriculture sub-sector is the most organised under the umbrella of the Uganda Flower Exporters' Association (UFEA), with twenty members including two farms that also produce fruits and vegetables. The floriculture sub-sector is a growing export sector with values increasing from approximately US\$14.61million in 2000, to US\$34.15million by 2008. Key issues raised by workers within the sector relate to their freedom of association, low salary levels, the prevalence of casual contracts, sexual harassment and insufficient reproductive rights and sanitary provisions on the farms.

UWEA was established in 2001 to promote education of the vulnerable and disadvantaged workers such as women, young people etc. It is an internationally recognised organisation responsible for; research, development, capacity building and policy advocacy, which in combination can create a better environment for industrial growth and expansion of the flower sector in Uganda.

Aims and Objectives

The project aimed to support initiatives and strategies designed to tackle the causes of labour rights problems on the farms and strengthen the capacity of the local organisations to support horticultural women workers. The aim was to carry out action research on four specific areas in horticultural farms so as

to develop strategies that would improve labour conditions for women workers.

The project implementation strategies included workers' empowerment through training, unionisation of workers, workers' rights advocacy and action research, the outcomes of which could be reflected and monitored by the following indicators.

The four specific areas of study include;

- Baseline assessment of conditions on farms;
- Application of social codes of practices;
- Purchasing Practices; and
- Cultural, behavioural and management influences.

The research was conducted with a view of collating gender sensitive information in order to highlight the particular problems that relate to women workers on flower farms. The findings from this action research would shape an advocacy campaign, capacity building and training to address the concerns raised.

Methodology and Study Limitations

A combination of qualitative and quantitative methodologies were applied when carrying out this study. The information was collected using questionnaires, focus group discussions, observations and key informants interviews. **12** purposefully selected flower farms were identified and studied in which a total number of **401 respondents** were interviewed. The respondents were selected using simple random sampling (SRS) and interviewed.

Study participants (primary targets) included female and male workers and managers in the flower farms were interviewed during the study. Other key informants (secondary) included; officials of UFEA and FUE, Trade Union officials, officials in the ministries of labour and agriculture, together with people in the surrounding communities. **Out of the 401 respondents interviewed 275 (68.6%) were female and 126 (31.2%) were male..**

During the execution of the study, the team encountered the following challenges:

- Suspicion by some respondents as regards to the purpose of the research
- Scattered data on the flower farms hampering easy and coordinated access to respondents
- Most farm managers were unwilling to give detailed information related to purchasing practices
- There were difficulties in getting some managers to attend the focus group discussions and mobilisation of the communities surrounding flower farms which prolonged the evaluation exercise with attendance costs.

Research Findings

1. Baseline assessment of conditions on farms

This section presents the socio-economic demographic characteristics and employment situation of the respondents, in addition to findings of the baseline research and farm records maintained during the project period.

Male/Female ratio

- Female respondents were the majority accounting for **68.58% of the total** number of respondents interviewed. (275 out of a total of 401)

Salary

- The survey indicated that the majority of workers (**44.63%**) were paid between Ug.Shs 60,000-100,000 a month, an amount which is approximately equal to one US Dollar a day.
- In comparison supervisors and managers are earning around Ug.Shs 181,500-4,800,000 per month which is equivalent to US\$77.40-\$2,046.91).
- Generally workers salaries remain too low where the cost of living (renting houses, meals, clothing, education, medical etc) was increasingly higher yet most households have no alternative sources of income.
- Women workers are compelled to seek supplementary sources of income in some instances to support their families.

Recommendations

The wage gap between the lowest paid workers and the managers was too wide and needed to be critically looked into. Every farm should formulate realistic salary structures which give room for workers to climb from the lowest to the highest level upon fulfilment of certain requirement through an appraisal system.

Contracts

- An increase of **40% of** workers with written contracts was realised during the course of the project bringing the total workforce with written contract to 61.60% up from 21.60% at the commencement of the project, Many farms had issued written contracts to workers, although the implementation of the contract contents was not well realised.
- 38.4% of workers have not yet been issued with written employment contracts.
- Of the 61.6% that have received contracts claimed that they did not know the contents because they were written in a language they did not understand (English) and the issuing authority had not taken time to explain the said contents to the workers.
- Out of the **275 women workers on the 12 farm, 51.4% were permanent** workers and 48.6% were casual workers.

- It was observed that workers in casual, seasonal, contract terms and even some in permanent categories were largely subjected to similar working conditions, however certain benefits such as maternity leave were not adequately granted to the casual employees

Recommendations

- Efforts should be made by all stakeholders to eliminate casualisation of labour in the horticulture industry by appointing all casual workers to permanent terms upon having completed the necessary probationary periods.
- Employers should endeavour to confirm all workers in employment after such workers have completed their probationary period.
- Sensitisation of workers on the contents of an employment contract should be made a priority to reduce workers' ignorance on their rights and responsibilities.

Overtime

- **54.86%** respondents stated that they were not paid overtime allowance for the extra hours worked, which practice contravenes the Employment Act.
- 25.44% stated that they received overtime allowance for the extra hours of work.
- The rate of overtime payment was found to be too low which in some incidences was lower than the legally set minimum requirement for the payment of overtime. This also meant that no matter how much overtime a worker worked, he or she would still not be able to meet their basic needs.

Recommendations

- Payments on overtime work should be substantially improved to motivate workers and to eliminate forced overtime work.

Occupational Health & Safety

- The study established that there was legal minimum compliance with workers' rights of being healthy and safe in regard to medical services, lunch, leave and protection amenities. However **34.91%** of workers are not medically checked and first aid kits only existed in 35.4% of farms.
- **38%** of respondents reported that workers were provided with Personal Protective Equipments (PPE) and only **21.9%** confirmed that they were replaced on a yearly basis compared to **49.4%** of the not at-all respondents.
- This poses a danger to worker's health and safety as they continue to wear worn out PPEs

Recommendations

- To avoid chemical exposure to workers, PPEs should be provided and their replacement be done periodically.

- All workers on the farm should have periodical medical checks since they are all exposed to chemicals.
- There is a need for all farms to have all their workers medically insured, and provided with medical treatment without having workers to pay for such treatment

Unionisation

At the project's inception the majority of workers had insufficient information on the importance of joining labour unions, with most farm owners being averse to allowing their workers to join, This situation has progressively changed with 56.1% of the workers in the 12 project farms having now joined a union. Despite this improvement it was recorded that 29.93% of the workers still felt intimidated by management on account of the worker's association with the union.

Women committees have now been formed on all of the farms and women constitute 62.87% of the total union membership.

Recommendations

- Intimidation of workers because they are union members is an abuse of their right to freedom of association. Continuous dialogue meetings with employers need to be intensified if they are to understand the usefulness of the union to their businesses.
- Government should ensure and as a matter of urgency functionalise the industrial Court as provided for in Section 7 of the Labour Disputes (Arbitration and Settlement Act No.8 of 2006 Laws of Uganda, to facilitate quick settlement of labour cases.

Maternity leave

- The maternity leave days are set at sixty working days and provided for in the law.
- Most employers (**64.08%**) complied with the lawful 60 working days' maternity leave for female workers although some employers (19.45%) granted maternity leave of 1-2 months, contrary to the employment act.
- It was also established that child care facilities were only available in work to 15.96% of the workers.
- There are no restrooms provided for pregnant mothers and only 7 out of the 12 farms grant pregnant mothers rest time while at work.
- 4 farms still do not provide breastfeeding breaks to nursing mothers.

Recommendations

- 60 working days maternity leave given to employees should be fully implemented with the payment of salaries to the workers that go on such leave. In addition workers should either be able to return to their previous jobs or to have the opportunity to return to an even better position when they return from maternity leave, as is provided for by the Employment Act 2006 and agreements in place.

- Pregnant women should be given time to rest and assigned lighter duties as the situation may demand.
- Government should improve on the Maternity Protection by way of amending Section 56 of the Employment Act No.6 of 2006 Laws of Uganda, to provide for breastfeeding breaks for nursing mothers, rests during work process and all the other items under maternity protection.

2. Application of Social Codes of Practices

A number of flower farms in Uganda are using a multiplicity of codes. This includes a social code of practice established by Ugandan Flower Export Association (UFEA). These codes have played a role in some farms in improving labour and environmental rights and promoting harmonious industrial relations that are positive to the production of quality and hygienic flower produced under socially and environmentally sustainable conditions. The research found the following:

- All 12 farms stated that they were MPS-GAP certified, 4 of which were also MPS/SQ/ETI certified.
- Although there was need for further improvement, it was found that 3 of the 4 farms had registered improved conditions as a result of auditing e.g. all workers (not just sprayers) were adequately supplied with PPEs.
- Recognition agreements have been signed between the union and all the farms with NUPAWU.
- Other stakeholders like Trade Unions, and NGOs, which in a way act as watchdogs for workers, have not been involved in the audits (at least on observer status) thus rendering it difficult for such organisations to exercise remedial checks.

Recommendations

- Effective implementation of codes can lead to better working conditions and environmental conditions, therefore it is recommended that all farms should commit to implement not only MPS-GAP (which mainly focuses on the quality of the products) but also MPS/SQ and ETI codes which will help improve conditions for both the workers and the environment.
- It is fundamentally important that trade unions and NGOs especially those with a focus on labour be consulted and involved prior and during the audit.

3. Significance of Purchasing Practices

Europe forms the major import market for Ugandan horticulture products. This is done through a direct link of export to Dutch markets (Dutch auction houses) and supermarkets in UK. Approximately **80% of the Uganda flower exports go to the auctions and 20% to direct sales** within Holland such as Fides Holland and to supermarkets in other countries in the UK, Germany etc.

Specifically the key players in the market chain include agents, supermarkets and auctions (VBA, BVH). In most cases the producers sign sales

agreements with the buyers of their produce which offer guaranteed stability of relationships between the producers and buyers. The stability of relationship has a direct impact on producers' planning and management decisions which in a way affects workers' conditions on farms. For the farms with stable relationships with the buyers, there were observed to have better working conditions and environmental conditions as compared to other farms (rose flower farms) that periodically sourced markets for their produce.

It should be noted that majority buyers did not appear to have direct knowledge of the working conditions of the workers from which the produce is sourced, as the producers were reluctant to make known any poor working conditions to their customers for fear of negatively affecting their market on grounds of unethical production of flowers.

4. Gender, cultural, behavioural and management influences

The constitution of Uganda includes anti-discriminatory provisions and condemns any custom that contradicts human rights. But discrimination against women is rife and the situation of Ugandan women is further aggravated by deeply rooted patriarchal traditions and past years of armed conflict. The government had enacted new laws to improve the situation of women, but their implementation had been obstructed by some reticent communities.

Women were generally subordinated to men who are influenced by their cultural upbringing, beliefs and norms.

- Women constituted 61% of the total workforce in the 12 farms however only 31.58% of them held leadership positions. Of these women only 8.16% of hold senior management positions in the farms and it was noted that they were not empowered enough to make independent decisions.
- Respondents from FGDs explained that women on the farms were considered an inferior sex. They also explained the general perception that cowardice and lack of self-esteem were other factors that demeaned women's equal treatment on farms.
- As a result, although they were in the majority, most of the women on the flower farms worked under men's supervision and earned less than men. Women are mostly concentrated in low paid jobs like harvesting, sorting, grading, tending flowers, propagation, cleaning flower beds etc, while men are engaged in top managerial and supervisory jobs.

Although sexual harassment is still common in all the farms, employers and the union recently signed a sector CBA which contains provisions that the employer and the union shall put in place a sector sexual harassment policy and to institute other measures aimed at eliminating and preventing sexual harassment occurrence at the workplace.

- 49.37% of the total respondents confirmed that sexual harassment occurred on farms, mainly by male workers, especially managers and supervisors against female junior workers on promises that they would maintain their victims in employment.
- The majority of sexual harassment cases were not reported for fear of loss of employment by the affected vulnerable and disadvantaged female workers.

The long hours of work and the multiple roles of women were also found to be harmful to their health, social family demands and reproductive responsibilities. The kind of remunerations that female workers got were not adequate enough to meet their dietary nutritional requirements for appropriate healthy living and neither were they enough to cater for private medical expenses, which put their lives in danger.

Recommendations

- Sexual harassment policies should be established on each farm to enhance discipline and to protect the female workers that are the major sufferers of this practice. All workers should be made aware of what amounts to sexual harassment and the related consequences that may follow those involved in the practice.
- Gender training must be implemented on all farms with both female and male workers participating in order to appreciate the need for women's empowerment. Gender training removes the cultural bias the men have about the women.